

**Section I**

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

**DEPARTMENT OF INSURANCE**

RULE TITLES:	RULE NOS.:
Scope and Applicability	4-149.002
Definitions	4-149.0025
Rate Filing Procedures	4-149.003
Experience Records	4-149.004
Reasonableness of Benefits in Relation to Premiums	4-149.005
Actuarial Memorandum	4-149.006
Annual Rate Certification Filing Procedures	4-149.007
Form Filing Procedures	4-149.021
Calculation of Premium Rates	4-149.037

**PURPOSE AND EFFECT:** The rules are being amended to update the filing standards for life and health filings and to update the standards applicable to health rate schedules.

**SUBJECT AREA TO BE ADDRESSED:** Filing standards for life and health filings and standards applicable to health rate schedules.

**SPECIFIC AUTHORITY:** 624.308, 624.308(1), 627.410(6)(b),(e), 627.6699(16) FS.

**LAW IMPLEMENTED:** 119.07(1)(b), 624.307, 624.307(1), 625.121, 626.9541(1), 627.402, 627.410, 627.410(1),(2), (6),(d),(e),(7), 627.411(1)(a),(e),(2), 627.476, 627.6515(2)(a), 627.6699, 627.6699(6),(12)(e),(13),(13)(i), 627.807, 627.9175 FS.

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

**TIME AND DATE:** 2:00 p.m., July 16, 2003

**PLACE:** Room 116, 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, Dinof@dfs.state.fl.us.

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

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

**DEPARTMENT OF TRANSPORTATION**

**Commercial Motor Vehicle Review Board**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Commercial Motor Vehicle Review Board	14A-1
RULE TITLES:	RULE NOS.:
Powers	14A-1.001
Organization	14A-1.002
Officers and Staff	14A-1.003
Meetings of the Commercial Motor Vehicle Review Board	14A-1.004
Public Notice of Meetings	14A-1.005
Agendas	14A-1.006
Timely Written Request for Meeting	14A-1.007
Appearances	14A-1.008
Records	14A-1.009
Continuances	14A-1.010
Decisions	14A-1.011
Rehearings	14A-1.012
Administrative Hearings	14A-1.013

**PURPOSE AND EFFECT:** Rule Chapter 14A-1, F.A.C., is significantly amended to repeal 12 existing rules and amend one rule. The bulk of the rules are being repealed because they duplicate the Uniform Rules of Procedure. Because of the repeal of the procedural rules, the chapter title is changed to "Commercial Motor Vehicle Review Board." Also, redundant provisions for administrative hearing rights beyond appearance before the Commercial Motor Vehicle Review Board are being eliminated.

**SUBJECT AREA TO BE ADDRESSED:** Rule Chapter 14A-1, F.A.C., is amended to repeal 12 rules and to amend one rule. Because of the repeal of the procedural rules, the chapter title is changed to "Commercial Motor Vehicle Review Board."

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

**LAW IMPLEMENTED:** 120.569, 120.57(1), 316.545 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, Clerk of Agency Proceedings, 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:

COMMERCIAL MOTOR VEHICLE REVIEW BOARD POWERS, ORGANIZATION, OFFICERS, DUTIES, STAFF, AGENDA, ADMINISTRATIVE STAFF, AND RULES OF PROCEDURE

14A-1.001 Powers.

Specific Authority 334.044(2) FS. Law Implemented 316.3025, 316.540, 316.545 FS. History--New 1-1-75, Formerly 14A-1.01, Amended 4-26-89, 8-5-96, Repealed \_\_\_\_\_.

14A-1.002 Organization.

Specific Authority 316.3025, 334.044(2) FS. Law Implemented 316.545(7) FS. History--New 4-26-89, Repealed \_\_\_\_\_.

14A-1.003 Officers and Staff.

Specific Authority 316.3025, 334.044(2) FS. Law Implemented 316.545(7) FS. History--New 4-26-89, Repealed \_\_\_\_\_.

14A-1.004 Meetings of the Commercial Motor Vehicle Review Board.

(1) The Commercial Motor Review Board (Review Board) meetings shall be scheduled as often as necessary, based upon a sufficient number of requests for review to justify the expense of holding a meeting, but in no case shall there be less than six meetings a year.

(a) The Review Board shall sit as an administrative body in equity to consider testimony or other evidence which supports written documents in mitigation, extenuation, modification, cancellation, or revocation, or maintenance of any penalty or penalties imposed pursuant to Section 316.540, 316.545; or 316.3025, Florida Statutes. Only penalties which have been paid or for which a Section 316.545, bond has been posted, will be considered by the Review Board. However, this provision shall not prevent the owner of a motor vehicle that has been impounded for nonpayment from receiving a Review Board hearing. Provision for Further, as provided in Rule 14-108.004, a motor carrier may obtain a Review Board hearing on penalties assessed as a result of a compliance review terminal audit prior to payment is found in Rule Chapter 14-108, F.A.C or posting of a bond.

(b)(1) Review Board meetings may be scheduled as often as determined necessary, based on a sufficient number of penalties being available for review to justify the expense of holding a meeting. The Review Board shall meet not less than six times per year. The location of each meetings shall be determined by the Review Board. Any person may request that the review of his or her case be held at a specific city at which the Review Board regularly meets. For their convenience, any Upon timely written request, cases involving Florida based persons may request to be heard will be scheduled at the next meeting held in their geographic area of the state in which their principal place of business is located. Any person may also request to be heard at the next meeting of the Review Board,

regardless of geographic area. However, cases involving requests for Review Board consideration of unpaid penalties imposed for violations found during a terminal audit will be scheduled for the next meeting, regardless of location. Upon timely written request, cases involving non-Florida based persons will be scheduled at the next meeting of the Review Board. Persons may request the scheduling of their case at a specific city at which the Review Board meets. These Such requests must be made in writing and be received by to the Commercial Motor Vehicle Review Board no less than 14 days prior to the scheduled meeting, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

(2) All meetings and records shall be open to the public and shall be in compliance with Section 286.011, Florida Statutes.

(c) Notwithstanding Section (b) above, cases involving requests for Review Board consideration of unpaid penalties imposed for violations found during a compliance revies will be heard at the next meeting, regardless of location.

(2) Agendas. The Chair of the Review Board shall be responsible for the preparation and distribution of agenda items to be considered at the meeting, and the time and place of such meeting, to Review Board members at least 14 days prior to the meeting.

(a) Changes may be made to the order or content of the agenda by the Chair of the Review Board after it has been made available for distribution, for good cause and as stated in the record.

(b) Copies of the agenda may be obtained from the Review Board, upon verbal or written request received at least seven days prior to the scheduled meeting.

(3) Timely Written Request for Hearing. Any person who wishes to have a penalty which was issued pursuant to Section 316.3025 or 316.545, Florida Statutes, considered by the Review Board shall file a written request for an appearance before the Review Board. The request must be received by the Review Board no later than 60 days after the date on the Notice of Violation.

(4) Appearances. Persons, firms, or corporations assessed a penalty for violations of Section 316.3025 or 316.545, Florida Statutes, that have complied with all applicable requirements of this rule shall appear in person, through an authorized representative, or through legal counsel.

(a) Persons requesting a review, who will not be present or represented at the meeting, shall submit evidence or arguments which the person wishes to have considered no less than 14 days prior to the scheduled meeting.

(b) The Review Board shall sustain all penalties imposed where no testimony, written evidence, other evidence, or arguments are presented by the person requesting an appearance before the Review Board.

(5) Records. Meetings of the Review Board shall be stenographically or mechanically recorded and shall be preserved for the period required by the Division of Library and Information Services, Department of State.

(6) Continuances. Requests for continuances by any person shall be in writing and received by the Review Board, at least seven days prior to the scheduled meeting. The Review Board, at its discretion shall grant continuances for good cause shown.

(7) Decisions. The Review Board shall render its decision within 30 days after the hearing and shall notify the person of its decision in writing. The written notice of the Review Board's decision shall contain a statement that the decision is final. A rehearing may be requested if additional evidence is presented pursuant to a request by the Review Board.

Specific Authority 334.044(2) FS. Law Implemented 120.525, 286.011, 316.3025, 316.545 FS. History--New 4-26-89, Amended 8-5-96, \_\_\_\_\_.

14A-1.005 Public Notice of Meetings.

Specific Authority 334.044(2) FS. Law Implemented 286.0105, 316.545(7) FS. History--New 4-26-89, Repealed \_\_\_\_\_.

14A-1.006 Agendas.

Specific Authority 120.53(1)(d), 334.044(2) FS. Law Implemented 316.545(7) FS. History--New 4-26-89, Repealed \_\_\_\_\_.

14A-1.007 Timely Written Request for Meeting.

Specific Authority 120.53(1)(b), 334.044(2) FS. Law Implemented 316.3025, 316.545(7) FS. History--New 4-26-89, Amended 8-5-96, Repealed \_\_\_\_\_.

14A-1.008 Appearances.

Specific Authority 120.53(1)(b), 334.044(2) FS. Law Implemented 316.3025, 316.540, 316.545(4)(c),(7),(8) FS. History--New 4-26-89, Amended 8-5-96, Repealed \_\_\_\_\_.

14A-1.009 Records.

Specific Authority 120.53(1)(a), 334.044(2) FS. Law Implemented 286.011, 316.545(7) FS. History--New 4-26-89, Repealed \_\_\_\_\_.

14A-1.010 Continuances.

Specific Authority 120.53(1)(b), 316.3025, 344.044(2) FS. Law Implemented 316.545(7) FS. History--New 4-26-89, Repealed \_\_\_\_\_.

14A-1.011 Decisions.

Specific Authority 334.044(2) FS. Law Implemented 316.3025, 316.545(8) FS. History--New 4-26-89, Amended 8-5-96, Repealed \_\_\_\_\_.

14A-1.012 Rehearings.

Specific Authority 316.3025, 334.044(2) FS. Law Implemented 316.3025, 316.545(8) FS. History--New 4-26-89, Repealed \_\_\_\_\_.

14A-1.013 Administrative Hearings.

Specific Authority 334.044(2) FS. Law Implemented 120.569, 120.57(1), 316.545 FS. History--New 4-26-89, Amended 8-5-96, 1-17-99, Repealed \_\_\_\_\_.

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

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Use of Tobacco Products  
 RULE NO.: 33-401.401

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the Department's smoking and tobacco use policies in accordance with recent amendments to the Florida Clean Indoor Air Act.

SUBJECT AREA TO BE ADDRESSED: Smoking and use of tobacco products.

SPECIFIC AUTHORITY: 944.09, 944.115 FS.

LAW IMPLEMENTED: 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 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:

33-401.401 Use of Tobacco Products.

(1) This rule establishes the tobacco products use policy for the Department of Corrections. For the purposes of this rule, "tobacco products" means items such as cigars, cigarettes, snuff, loose tobacco, or similar goods made with any part of the tobacco plant, which are prepared or used for smoking, chewing, dipping, sniffing, or other personal use.

(2)(a) Pursuant to section 944.115, F.S., ~~u~~Use of any tobacco products shall be prohibited in all indoor areas of any building or office within a state correctional facility owned, leased or wholly occupied by the Department of Corrections except for employee housing on department grounds and inmate maximum security (death row) housing areas. Only unlighted tobacco product use shall be permitted in death row housing.

(b) Pursuant to Section 386.204, F.S., smoking is prohibited in all enclosed indoor workplaces as defined in Section 386.203, F.S.

(3) Should Department of Corrections' offices be located in buildings not totally in the control of the department, ~~smoking use of tobacco products shall be prohibited in all enclosed indoor workplaces indoor areas~~ occupied or controlled by the department. ~~Employees may use tobacco products in those indoor areas which have been legally designated as smoking areas by other occupants of the building.~~ Employees may not smoke in areas which do not fully meet the requirements of the Florida Indoor Clean Air Act, Sections 386.201-209, F.S.

(4) through (7) No change.

Specific Authority 944.09, 944.115 FS. Law Implemented 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 FS. History—New 12-31-80, Formerly 33-20.01, Amended 3-12-86, 2-24-92, 1-4-94, Formerly 33-20.001, Amended 2-3-00,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Interstate Corrections Compact  
RULE NO.: 33-601.401  
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to remove unnecessary language from the rule.  
SUBJECT AREA TO BE ADDRESSED: Interstate corrections compact.

SPECIFIC AUTHORITY: 941.57, 944.09 FS.  
LAW IMPLEMENTED: 941.55, 941.56, 941.57 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:

- 33-601.401 Interstate Corrections Compact.
- (1) No change.
- ~~(2) A current list of states that are parties to the Interstate Corrections Compact and copies of contracts with individual party states may be obtained by writing the Interstate Corrections Compact Administrator, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. A list of party states is also published in Florida Statutes Annotated (West Publishing Co.) at Section 941.55.~~

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

Specific Authority 941.57, 944.09 FS. Law Implemented 941.55, 941.56, 941.57 FS. History—New 7-7-81, Formerly 33-21.01, Amended 12-30-96, Formerly 33-21.001, 33-301.101, Amended 3-9-03,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Visiting Operations  
RULE NO.: 33-601.721  
PURPOSE AND EFFECT: The purpose of the proposed rule is to delete obsolete language from the rule. The effect is to remove reference to the Inmate Welfare Trust Fund and replace it with the General Revenue Fund which pursuant to Senate Bill 954 (2003).

SUBJECT AREA TO BE ADDRESSED: Funding of purchases for visiting areas.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 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:

- 33-601.721 Visiting Operations.
- (1) No change.
- (2) Wardens shall ensure that games, small toys and other suitable activities are available for small children to assist visitors with keeping their children occupied during visitation. Purchases to replenish toys and items for other activities is authorized from the General Revenue ~~Inmate Welfare Trust~~ Fund. Visitors shall not be charged for damaged or broken games or toys.
- (3) through (11) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.708, Amended 5-27-02,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLES: Definitions 40C-1.002  
Interagency Agreements 40C-1.106  
Delegations of Authority 40C-1.135  
Licenses or Permits Required 40C-1.602  
Fees 40C-1.603  
Protest of Action 40C-1.708  
Protest of Action 40C-1.721  
Protest of Action 40C-1.801  
Forms and Instructions 40C-1.900

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) delete certain definitions that are unnecessary because the terms are defined by statute,

(2) delete certain references to obsolete rules and statutes, (3) correct certain erroneous citations to rules or statutes, (4) correct certain rule deficiencies to make the rule consistent with other rule provisions, (5) clarify rule provisions on permit fees by adding the form concerning request for reduction in permit fees to the rule, in accordance with Section 120.74, F.S. SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the definition of the terms “agency head”, “DOAH”, and “Presiding Officer” in Rule 40C-1.002, F.A.C., delete the reference to Rule 40C-1.125 in 40C-1.106, F.A.C., replace the reference to Section 403.812, F.S., with Section 403.805(1), F.S., in Rule 40C-1.135, F.A.C., add provisions making clear that a mitigation bank permit must be obtained in order to establish a mitigation bank and that such application for a mitigation bank permit constitutes an application for any permit required under Chapters 40C-4, 40C-40, 40C-41, 40C-42, or 40C-400, F.A.C., add the form concerning requests for reduction in permit fees to the permit fee rule in Rule 40C-1.603, F.A.C., and replace references to the old Rule 40C-1.801, F.A.C., with Chapter 28-110, F.A.C., in Rules 40C-1.708, 40C-1.721 and 40C-1.801, F.A.C.

SPECIFIC AUTHORITY: 120.53(1), 373.044, 373.046, 373.109, 373.113, 373.171, 373.421(2) FS.

LAW IMPLEMENTED: 120.52, 120.53, 373.016, 373.019, 373.046, 373.085, 373.103, 373.106, 373.109, 373.118, 373.171, 373.203, 373.219, 373.303, 373.308, 373.323, 373.403, 373.413, 373.416, 373.421(2)-(7), 373.426, 373.463, 403.031, 403.803, 403.812, 403.911 FS., Ch. 94-278, Fla Laws.

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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.002 Definitions.

Definitions in Chapters 120, 373, and 403, F.S. and all other District rules promulgated to implement the Florida Statutes shall apply in this chapter. The following words and phrases shall have the meanings set forth below unless a different meaning is plainly required by the context:

~~(1) The “agency head” of the District as defined by subsection 120.52(3), F.S. means the Governing Board.~~

~~(1)(2)~~ “Department” means the Department of Environmental Protection.

~~(2)(3)~~ “District” or “Water Management District” means the St. Johns River Water Management District or its successor agency

~~(4) “D.O.A.H.” means the Division of Administrative Hearings.~~

~~(3)(5)~~ “Executive Director” means the Executive Director of the District.

~~(4)(6)~~ “Governing Board” or “Board” means the Governing Board of the District.

~~(7) “Presiding Officer” means the Board, or member thereof, who conducts a hearing on behalf of the Board; a hearing officer assigned by the D.O.A.H., or any other person authorized to conduct administrative hearings.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 120.52, 373.019, 373.203, 373.303, 373.403, 403.031, 403.803, 403.911 FS. History–New 1-22-76, Amended 3-1-77, Formerly 16I-1.03, 40C-1.03, 40C-1.031, Amended 8-1-89, 10-3-95, \_\_\_\_\_.

40C-1.106 Interagency Agreements.

(1) No change.

(2) Interagency agreements may be inspected in the office of the District Clerk pursuant to section 40C-1.125.

(3) No change.

Specific Authority 373.044, 373.046, 373.113 FS. Law Implemented 120.53, 373.016, 373.046, 373.103 FS. History–New 8-1-89, Amended 11-12-92, 10-3-95, 12-3-98, \_\_\_\_\_.

40C-1.135 Delegations of Authority.

(1) The District is delegated authority by the Department to assume certain responsibilities of chapters 373 and 403, F.S. This delegation is pursuant to authority contained in sections 373.016, 373.103 and ~~403.805(1) 403.812~~, F.S., and is described in section 62-113.200, F.A.C.

(2) No change.

Specific Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53, 373.016, 373.103, 373.113 FS. History–New 8-1-89, Amended 1-4-96, \_\_\_\_\_.

40C-1.602 Licenses or Permits Required.

Unless expressly exempted by law or District rule, permits or licenses must be obtained from the District prior to commencement of the following activities:

(1) through (9) No change.

(10) A mitigation bank permit must be obtained in order to establish a mitigation bank. An application for a mitigation bank permit shall also constitute an application for any permit required under chapters 40C-4, 40C-40, 40C-41, 40-42, or 40C-400, F.A.C., to construct, alter, operate, maintain, abandon, or remove any surface water management system proposed as part of the bank.

(11) A mitigation bank conceptual approval permit may be obtained in order to estimate the legal and financial requirements for establishment of a mitigation bank, the information needed for the mitigation bank application, and the

potential mitigation credits for the bank. A mitigation bank conceptual approval permit does not authorize construction or establishment of a bank.

Specific Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 373.085, 373.103, 373.106, 373.118, 373.171, 373.219, 373.308, 373.323, 373.413, 373.416, 373.426, 403.812 FS. History–New 1-22-76, Amended 1-15-80, Formerly 161-1.04, 40C-1.04, 40C-1.041, Amended 8-1-89, 8-11-91, 9-25-91, 10-3-95, \_\_\_\_\_.

40C-1.603 Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsection (13)(12). This fee recovers some of the District’s costs of processing applications. The fee schedule is:

(1) through (12) No change.

(13) Pursuant to Section 218.075 F.S. Chapter 94-278, Laws of Florida, the District shall, for each fiscal year beginning October 1st and ending September 30th, reduce all permit application fees to \$100, or, if a permit application fee is less than \$100, by 50 percent, for any county, municipality, or third party under contract with a county or municipality, to apply for a permit on the county or municipality’s behalf, which qualifies under this subsection. A county, municipality, or third party as described above, may apply to reduce the permit application fees by submitting form 40C-1.603(13) 40C-1.900(1) entitled “Request to the St. Johns River Water Management District to Reduce Permit Application fees,” which is hereby incorporated by reference, for each fiscal year certifying:

(a) That the county had has a population of 50,000 or less on April 1, 1994, and that the county’s population has not yet exceeded 75,000, that the municipality has a population of 25,000 or less, or that the county or municipality is not included within a metropolitan statistical area; and

(b) through (c) No change.

Specific Authority 373.044, 373.109, 373.113, 373.171, 373.421(2) FS. Law Implemented 218.075, 373.109, 373.421(2)-(7) FS, ~~Ch. 94-278, Fla. Laws. History–New 10-1-87, Amended 6-1-88, 10-17-88, Formerly 40C-1.202, Amended 8-1-89, 10-19-89, 8-19-90, 7-21-91, 7- 23-91, 8-11-91, 9-25-91, 11-12-91, 10-20-92, 11-30-92, 1-6-93, 12-6-93, 1-23-94, 4-12-95, 1-4-96, 4-25-96, 10-2-96, 10-11-01, 4-10-02,~~ \_\_\_\_\_.

40C-1.708 Protest of Action.

Protest under this sub-part shall be subject to Chapter 28-110 section 40C-1.801, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.53 FS. History–New 9-25-90, Amended \_\_\_\_\_.

40C-1.721 Protest of Action.

Protest under this subpart shall be subject to Chapter 28-110 section 40C-1.801, F.A.C.

Specific Authority 373.044, 373.113 373.411 FS. Law Implemented 120.53 FS. History–New 9-25-90, Amended \_\_\_\_\_.

40C-1.801 Protest of Action.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.53 FS. History–New 9-25-90, Amended 6-17-91, Repealed \_\_\_\_\_.

40C-1.900 Forms and Instructions.

Specific Authority 373.044 , 373.113 FS. Law Implemented Ch. 94-278, Fla. Laws. History–New 4-12-95, Repealed \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLES:	RULE NOS.:
Permits Required	40C-2.041
Exemptions	40C-2.051
Duration of Permit	40C-2.321

PURPOSE AND EFFECT The purpose and effect of this proposed rule amendment is to (1) delete references to obsolete rules, and (2) delete rule provisions that are unnecessary or obsolete, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the reference to Chapter 40C-1, F.A.C., delete the reference to the Florida Electrical Power Plant Siting Act and Florida Industrial Siting Act, and delete the rule that extends the duration of certain consumptive use permits in Rule 40C-2.321, F.A.C.

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

LAW IMPLEMENTED: 373.103, 373.171, 373.216, 373.219, 373.226, 373.243, 373.244 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-2.041 Permits Required.

(1) through (4) No change.

(5)(a) The Governing Board may designate specific geographic areas in which permits shall be required for amounts less than those specified in subsection (1) above.

(b) Such designation shall be adopted by rule pursuant to Chapters 120 and 373, Florida Statutes, ~~and Chapter 40C-1, Florida Administrative Code~~ regarding the anticipated impacts of such designation.

Specific Authority 373.113, 373.216 FS. Law Implemented 373.219, 373.226 FS. History–New 1-2-77, Amended 1-1-83, 6-1-84, Formerly 40C-2.04, Amended 5-31-84, Formerly 40C-2.041, 40C-2.0041, Amended 7-23-91, 1-20-93, 12-6-93, 2-15-95, 4-25-96, 1-7-99, \_\_\_\_\_.

40C-2.051 Exemptions.

No permit shall be required under the provisions of this rule or Chapters 40C-20 or 40C-22, F.A.C., for the following water uses:

- (1) No change.
- ~~(2) Those uses for which certification has been obtained pursuant to the provisions of the Florida Electrical Power Plant Siting Act or the Florida Industrial Siting Act.~~
- (3) through (10) renumbered (2) through (9) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.216, 373.219, ~~288.501 et seq. 403.501 et seq.~~, FS. History—New 1-1-83, Formerly 40C-2.051, 40C-2.0051, Amended 8-18-87, 11-19-87, 9-12-89, 12-6-93, 8-18-94, 4-25-96, 10-2-96, \_\_\_\_\_.

40C-2.321 Duration of Permit.

- (1) through (2) No change.
- ~~(3) The Governing Board extends the duration of the following consumptive use permits according to the following schedule:~~

~~(a) All consumptive use permits issued for fern irrigation for land in Putnam, Volusia or Lake Counties which will expire after January 1, 1992, but before December 31, 1992, are extended until 1993. These permits shall expire on the same month and day in 1993 as they would have expired in 1992 but for this extension.~~

~~(b) All consumptive use permits issued for citrus irrigation for land in Lake, Marion or Indian River Counties which will expire after January 1, 1992, but before December 31, 1993, are extended until 1994, except for permits for citrus irrigation in Indian River County that are also subject to an Industrial Waste (Agricultural Discharge) permit or consent order authorizing operation issued by the Department of Environmental Regulation pursuant to the provisions of former chapter 17-6, F.A.C., renumbered as chapters 62-660 and 62-670, F.A.C., or issued by the District pursuant to the provisions of former chapter 17-6, F.A.C., renumbered as chapters 62-660 and 62-670, F.A.C., and pursuant to subparagraph 62-101.040(12)(a)3., F.A.C., and the Operating Agreement concerning Stormwater Discharge Regulation and Dredge and Fill Regulation between the St. Johns River Water Management District and Department of Environmental Regulation dated January 4, 1988. These permits shall expire on the same month and day in 1994 as they would have expired in 1992 or 1993 but for this extension.~~

~~(c) All consumptive use permits issued for cabbage or potato irrigation for land in Putnam, Flagler or St. Johns Counties which will expire after January 1, 1992, but before December 31, 1994, are extended until 1995. These permits shall expire on the same month and day in 1995 as they would have expired in 1992, 1993, or 1994 but for this extension.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.236, 373.243 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.321, 40C-2.0321, Amended 7-23-91, 11-12-91, 1-20-93, 4-25-96, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLES:	RULE NOS.:
Variances	40C-3.455
Violations of Permits	40C-3.492
Explosives	40C-3.525
Abandoned Well Plugging	40C-3.531
Violations of Well Construction Standards	40C-3.532

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) delete rules that are redundant with other existing rules, (2) delete obsolete rule provisions, (3) correct obsolete or erroneous rule citations, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the rule on variances in Rule 40C-3.455, F.A.C., because it is redundant to Rule 40C-1.1003, F.A.C., delete the references to Chapter 40C-1 and Rule 40C-3.492, F.A.C., replace the reference to the old Rule 17-21.040, F.A.C., with the current Rule 62-532.400, F.A.C., replace the reference to the old subsection 40C-1.181(8), F.A.C., with the current reference to form number 41.01-410(1), and replace the reference to the incorrect Chapter 62-212, F.A.C., with the correct Chapter 62-532, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.309 FS.

LAW IMPLEMENTED: 373.113, 373.303, 373.306, 373.308, 373.309, 373.313, 373.316, 373.319, 373.326, 373.342 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-3.455 Variances.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History—New 10-14-84, Amended 12-5-85, Formerly 40C-3.501, 40C-3.0501, Amended 9-17-89, Transferred from 40C-3.501, Amended 1-22-90, Repealed \_\_\_\_\_.

40C-3.492 Violations of Permits.

- (1) No change.
- ~~(2) Actions which may be taken by District staff once a violation is determined to have occurred, are set forth in chapter 40C-1, F.A.C. Violations may be reported by any person, including District staff.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.342 FS. History—New 10-14-84, Amended 12-5-85, Formerly 40C-3.492, 40C-3.0492, Amended 8-1-89, 9-17-89, \_\_\_\_\_.

40C-3.525 Explosives.

The use of explosives in well construction or development is prohibited unless specifically approved by the District with the concurrence of the Department pursuant to section 62-532.400, F.A.C., in effect on July 1, 1989.

Specific Authority 373.044, 373.309 FS. Law Implemented 373.306, 373.308, 373.309, 373.113 FS. History—New 10-14-84, Formerly 40C-3.525, 40C-3.0525, Amended 8-1-89, \_\_\_\_\_.

40C-3.531 Abandoned Well Plugging.

(1) through (2) No change.

(3) Request to abandon a well shall be submitted on the application form ~~41.10-410(1)~~ 40C-1.181(8), provided by the District unless the well is exempt from permitting under Rule 40C-3.051, F.A.C.

Specific Authority 373.044, 373.309 FS. Law Implemented 373.306, 373.308, 373.309, 373.113 FS. History—New 10-14-84, Formerly 40C-3.531, 40C-3.0531, Amended 9-17-89, \_\_\_\_\_.

40C-3.532 Violations of Well Construction Standards.

(1) Actions, omissions, or conduct which may be considered as violations for the purposes of this part shall include, but are not limited to, the following:

(a) Failure to comply with any of the construction standards outlined in this part, or chapters ~~62-532~~ 62-212 and 62-555, F.A.C., in effect on July 1, 1989.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.306, 373.308, 373.309, 373.319 FS. History—New 10-14-84, Formerly 40C-3.532, 40C-3.0532, Amended 8-1-89, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLES:	RULE NOS.:
Implementation	40C-4.031
Publications Incorporated by Reference	40C-4.091
Exemptions	40C-4.051
Permit Processing Fee	40C-4.201
Limiting Conditions	40C-4.381
Inspection	40C-4.461
Abatement and Abandonment	40C-4.471
Remedial and Emergency Measures	40C-4.481
Enforcement	40C-4.751

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) delete certain unnecessary rule provisions, (2) clarify certain rules by removing unnecessary language and by providing other clarifying information and deleting unnecessary language, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete certain unnecessary rule provisions and would clarify that the exemptions in paragraph 40C-4.051(12)(f), F.A.C., include the installation and repair of

piers and recreational docking facilities. The rule would also clarify that the permit fee referred to in Rule 40C-4.201, F.A.C., is specified by Rule 40C-1.603, F.A.C. In Rule 40C-4.381, F.A.C., the rule would refer to Rule 40C-1.1006 which sets forth the provisions for formal determination. The proposed rule amendment would clarify section 12.2.2.1(d), A.H., to make clear that the value of the wetland to fish and wildlife is based on the factors listed in subsection 12.2.2.3, Applicant's Handbook. The rule would also make clear that the provision in 12.2.2.5(c) shall not apply to certain activities specified in the rule. In addition, the rule would amend section 12.3.1.8, Applicant's Handbook, to make clear that applicants may propose innovative mitigation proposals, however, to receive District approval, such proposals must offset the adverse impacts to the functions identified in sections 12.2 through 12.3.8.2 caused by regulated activities. The proposed rule amendment would also clarify section 12.3.7.4(a), Applicant's Handbook, to make clear the form and content of all financial responsibility mechanisms shall be approved by the District only if they satisfy the requirements specified in subsections 12.3.7 through 12.3.7.9, A.H.

SPECIFIC AUTHORITY: 373.044, 373.046(4), 373.109, 373.113, 373.119, 373.171, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421(2), 373.461(3) FS.

LAW IMPLEMENTED: 373.016(2), 373.046, 373.109, 373.113, 373.119, 373.136, 373.406, 373.409, 373.413, 373.4135, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.419, 373.421(2)-(6), 373.422, 373.423, 373.426, 373.429, 373.433, 373.436, 373.439, 373.461(3), 373.603, 373.613, 403.813(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.031 Implementation.

(1) through (2) No change.

(3) ~~If the validity of any provision of Chapter 40C 4, F.A.C., as amended on December 7, 1983 or the application thereof to any person or circumstance is challenged pursuant to Chapter 120, Florida Statutes, or pursuant to any other basis in law, it is the intent of the Governing Board of the St. Johns River Water Management District that neither a challenge to the validity of a provision or application thereof nor the invalidation of a provision or application thereof shall affect~~



~~the validity or application of other provisions of the rule which can be given effect without the challenged or invalidated provision or application and to this end the provisions of Chapter 40C-4, F.A.C., as amended on December 7, 1983 are declared severable.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416, 373.426 FS. History—New 1-31-77, Formerly 16I-4.03 and 40C-4.03, Amended 2-3-81, 12-7-83, Formerly 40C-4.031, 40C-4.0031, Amended 8-11-91, 10-3-95, \_\_\_\_\_.

40C-4.051 Exemptions.

(1) through (11) No change.

(12) No permit shall be required under Chapters 40C-4, 40C-40, 40C-42, 40C-44, or 40C-400, F.A.C., for the following activities:

(a) through (c) No change.

(d) ~~The restoration of less than 100 feet in length of existing insect control impoundment dikes and the connection of such impoundments to tidally influenced waters. Such impoundments shall be connected to tidally influenced waters for at least 6 months each year, beginning September 1 and ending February 28 if feasible, or operated in accordance with an impoundment management plan approved by the District.~~ The connection shall be of sufficient cross-sectional area to allow beneficial tidal influence. Restoration shall involve no more dredging than needed to restore the dike to original design specifications, and the final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations. For the purposes of this paragraph, restoration shall not include maintenance of impoundment dikes of insect control impoundments.

(e) The installation, replacement or repair of mooring pilings and dolphins associated with private docking facilities or piers.

(f) The installation and repair of private docks, piers, and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, which structures have ~~of~~ 1000 square feet or less of surface area over wetlands or other surface waters or 500 square feet or less of surface area over wetlands or other surface waters for docks which are located in Outstanding Florida Waters. This exemption shall include the construction and repair of structures above the dock area, such as gazebos and boat shelters, provided such structures are not enclosed with walls and doors, are not used for living, commercial purposes, or storage of materials other than those associated with recreational use, and provided the structures do not exceed, together with the docking facility, the total area limitations above. To qualify for this exemption, any such dock and associated structure:

1. through 3. No change.

4. Shall be the sole dock constructed pursuant to this exemption as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. For the purposes of this paragraph, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a ~~private~~ dock under this exemption does not require the District to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a ~~private~~ dock shall include the construction of structures attached to the dock pier which are only suitable for the mooring or storage of boats (i.e., boatlifts). Nothing in this paragraph shall prohibit the Department from taking appropriate enforcement action pursuant to chapter 403, F.S., to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph, if the Department can demonstrate that the exempted activity has caused water pollution in violation of chapter 403, F.S.

(g) through (s) No change.

(t) The construction or maintenance of culverted driveway or roadway crossings and bridges of artificial waterways, provided:

1. through 14. No change.

15. This exemption shall not apply to activities involving relocation or other alteration of all or part of the artificial waterway, or construction for other than the proposed culvert crossing, ~~except as exempted by chapter 373, F.S., or section 40C-4.051, F.A.C.~~

(u) No change.

(13) through (15) No change.

Specific Authority 373.044, 373.113, 373.414, 373.415, 373.418 FS. Law Implemented 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 403.813(2) FS. History—New 1-31-77, Formerly 16I-4.05 and 40C-4.06, Amended 2-3-81, 12-7-83, Formerly 40C-4.051, 40C-4.0051, Amended 4-3-91, 8-11-91, 9-25-91, 5-17-94, 10-3-95, 11-25-98, 7-8-01, 10-11-01, \_\_\_\_\_.

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Drainage Basin," and Appendix M

“Regional Watersheds for Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective 9-26-02.

- (b) through (c) No change.
- (2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421(2), 373.461(3) FS. Law Implemented 373.016(2), 373.046, 373.413, 373.4135, 373.4136, 373.414, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3), 403.813(2) FS. History--New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 8-11-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, \_\_\_\_\_.

40C-4.201 Permit Processing Fee.

There shall be a non-refundable permit processing fee as specified by Rule 40C-1.603 ~~chapter 40C-1~~, payable to the District at the time that an application for a general or individual permit or for a conceptual approval permit is submitted.

Specific Authority 373.044, 373.109, 373.113, 373.171 FS. Law Implemented 373.109, 373.413, 373.416, 373.426 FS. History--New 1-31-77, Formerly 16I-4.10, 40C-4.20, Amended 2-3-81, 12-7-83, Formerly 40C-4.201, 40C-4.0201, Amended 10-1-87, 8-1-89, \_\_\_\_\_.

40C-4.381 Limiting Conditions.

(1) The following general conditions shall be a part of all permits issued pursuant to this chapter and chapter 40C-40, F.A.C., unless ~~waived or modified by the Governing Board upon a determination that~~ the conditions are inapplicable to the activity authorized by the permit.

- (a) through (n) No change.
- (o) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under Rule 40C-1.1006, F.A.C., section 373.421(2), F.S., provides otherwise.

- (p) through (s) No change.
- (2) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.409, 373.413, 373.416, 373.419, 373.422, 373.423, 373.426 FS. History--New 12-7-83, Formerly 40C-4.381, 40C-4.0381, Amended 8-1-89, 10-19-89, 3-14-90, 2-27-94, 10-3-95, 1-4-96, 1-11-99, \_\_\_\_\_.

40C-4.461 Inspection.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.423, 373.429 FS. History--New 2-3-81, Amended 12-7-83, Formerly 40C-4.461, 40C-4.0461, Repealed \_\_\_\_\_.

40C-4.471 Abatement and Abandonment.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.433, 373.426 FS. History--New 1-31-77, Formerly 16I-4.47 and 40C-4.47, Amended 2-3-81, 12-7-83, Formerly 40C-4.471, 40C-4.0471, Repealed \_\_\_\_\_.

40C-4.481 Remedial and Emergency Measures.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.436, 373.439 FS. History--New 2-3-81, Amended 12-7-83, Formerly 40C-4.481, 40C-4.0481, Repealed \_\_\_\_\_.

40C-4.751 Enforcement.

~~(1) Enforcement actions shall be taken in accordance with the provisions of Chapter 373, Florida Statutes and Chapter 40C-1, F.A.C.~~

(2) A system which is constructed or altered without a permit and which requires a permit and the permit, when applied for after the initiation of construction, is denied, must be restored to its pre-construction condition.

Specific Authority 373.119, 373.113 FS. Law Implemented 373.119, 373.113, 373.136, 373.603, 373.613 FS. History--New 2-3-81, Amended 12-7-83, Formerly 40C-4.751, 40C-4.0751, Amended \_\_\_\_\_.

APPLICANT’S HANDBOOK SECTION:

12.2.2.1 Compliance with subsections 12.2.2 – 12.2.3.7, 12.2.5 – 12.3.8 will not be required for regulated activities in isolated wetlands less than one half acre in size, unless:

- (a) through (c) No change.
- (d) The District establishes that the wetland to be impacted is, or several such isolated wetlands to be impacted are cumulatively, of more than minimal value to fish and wildlife based on the factors in subsection 12.2.2.3.

12.2.5 The special value and importance of shellfish harvesting waters to Florida’s economy as existing or potential sites of commercial and recreational shellfish harvesting and as a nursery area for fish and shellfish is recognized by the District. In accordance with paragraph 12.1.1(d), the District shall:

- (a) through (b) No change.

(c) Deny a permit for a regulated activity that is located directly in Class II or Class III waters which are classified ~~by the Department~~ as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting. This provision shall not apply to ~~However, the District may issue permits or certifications for~~ maintenance dredging of navigational channels, the construction of shoreline protection structures, the installation of transmission and distribution lines for carrying potable water, electricity or communication cables in rights-of-way previously used for such lines, for clam and oyster culture, and for private, single family boat docks that meet the following criteria for installation in such waters:

12.3.1.8 Innovative mitigation proposals which deviate from the standard practices described in sections 12.3-12.3.6 may be proposed by an applicant; however to receive District approval they must offset the adverse impacts to the functions identified in section 12.2-12.3.8.2 caused by regulated activities shall be considered on a

~~case-by-case basis.~~ The donation of money is not considered to be an acceptable method of mitigation, unless cash payments are specified for use in a District or Department of Environmental Protection endorsed environmental preservation, enhancement or restoration project and the payments initiate a project or supplement an ongoing project. The project or portion of the project funded by the donation of money must offset the impacts of the proposed system.

12.3.7.4 General Terms for Financial Responsibility Mechanisms.

In addition to the specific provisions regarding financial responsibility mechanisms set forth in subsection 12.3.7.6 below, the following, as they relate to the specific mechanism proposed, shall be complied with:

(a) The form and content of all financial responsibility mechanisms shall be approved by the District if they satisfy the requirements specified in subsections 12.3.7 – 12.3.7.9.

12.5.4 Duration.

The formal determination shall be binding for five years provided physical conditions on the property do not change so as to alter the wetlands and other surface waters during that period. Changes in surface water or wetland boundaries resulting from work authorized by a permit pursuant to part IV, chapter 373, F.S., will not be considered as altering the boundary for the purposes of this subsection. ~~The Governing Board may revoke a formal determination upon a finding that the petitioner has submitted inaccurate information to the District.~~

12.5.5 Formal Determinations for Properties with an Existing Formal Determination.

Within sixty days prior to the expiration of a formal determination, the property owner, an entity that has the power of eminent domain, or any other person who has a legal or equitable interest in the property may petition for a new formal determination for the same parcel of property and such determination shall be issued, approving the same extent of surface waters and wetlands in the previous formal determination, as long as physical conditions on the property have not changed, other than changes which have been authorized by a permit pursuant to this part, so as to alter the boundaries of surface waters or wetlands and the methodology for determining the extent of surface waters and wetlands authorized by section 373.421(1), F.S., has not been amended since the previous formal determination. ~~The application fee for such a subsequent petition shall be less than the application fee for the original determination.~~

12.5.6 Nonbinding Determinations.

The District may issue informal nonbinding pre-application determinations or otherwise initiate nonbinding determinations on its own initiative ~~as provided by law.~~

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLES: RULE NOS.:  
 Declaring a Water Shortage Emergency 40C-21.331  
 Implementing a Water Shortage

Emergency Declaration 40C-21.391

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete citations to certain rules which are obsolete because the referenced rules have been repealed, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the reference to Rule 40C-2.0531, F.A.C., in Rule 40C-21.331, F.A.C., and would delete the reference to Rule 40C-2.0541, F.A.C., in Rule 40C-21.391, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.119, 373.175, 373.246 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-21.331 Declaring a Water Shortage Emergency.

(1) through (3) No change.

~~(4) Declaration of a water shortage emergency will be conducted in accordance with Section 40C 2.0531, Florida Administrative Code.~~

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

Specific Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.175, 373.246 FS. History–New 1-1-84, Amended \_\_\_\_\_.

40C-21.391 Implementing a Water Shortage Emergency Declaration.

~~(1) Declaration of a water shortage emergency shall be conducted in accordance with Section 40C 2.0541, Florida Administrative Code.~~

(2) through (5) renumbered (1) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New 1-1-84, Amended \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLE: RULE NO.:  
 Incentive Program – Qualifying 40C-24.020

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete an obsolete rule citation and replace it with a correct citation, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the obsolete reference to section 12.4.5.1, of the Applicant's Handbook: Consumptive Uses of Water, with the correct citation of 12.2.5.1, Applicant's Handbook: Consumptive Uses of Water, in Rule 40C-24.020, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.185 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-24.020 Incentive Program – Qualifying.

(1) No change.

(2) The District's Xeriscape Landscaping Incentive Program consists of the following:

(a) through (c) No change.

(d) For those local governments which own or operate water supply utilities, or otherwise are required to obtain a consumptive use permit, the District will allow these local governments to include adoption of a xeriscape landscape ordinance as part of their Water Conservation Plan which is required pursuant to Rule 40C-2.301, F.A.C., and section 12.2.5.1 ~~12.4.5.1~~ of the Applicant's Handbook: Consumptive Uses of Water adopted by reference in Rule 40C-2.101, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.185 FS. History–New 11-30-92, Amended \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLES:	RULE NOS.:
Implementation	40C-40.031
Revocation of Permits	40C-40.351
Limiting Conditions	40C-40.381

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete certain rule provisions which are unnecessary or redundant of statutes cited, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete unnecessary language in Rules 40C-40.031, 40C-40.351, and 40C-40.381, F.A.C. The proposed rule amendment would also make clear that the limiting conditions for general permits in Rule 40C-40.381, F.A.C., shall be subject to other reasonable conditions as are necessary to assure that the permitted work will meet the conditions for issuance in Rules 40C-4.301 and 40C-4.302, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.60, 373.413, 373.416, 373.419, 373.423, 373.426, 373.429 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-40.031 Implementation.

(+) This rule specifies the effective dates for standard environmental resource permits granted in this chapter. If the surface water management system meets the conditions of this chapter, the effective date is December 7, 1983.

~~(2) If the validity of any provision of chapter 40C 40, F.A.C., or the application thereof to any person or circumstance is challenged pursuant to chapter 120, F.S., or pursuant to any other basis in law, it is the intent of the Governing Board of the St. Johns River Water Management District that neither a challenge to the validity of a provision or application thereof nor the invalidation of a provision or application thereof shall affect the validity or application of other provisions of the chapter which can be given effect without the challenged or invalidated provision or application and to this end the provisions of chapter 40C 40, F.A.C., are declared severable.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History–New 12-7-83, Amended 2-27-94, 10-3-95, 10-11-01, \_\_\_\_\_

40C-40.351 Revocation of Permits.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.60, 373.429 FS. History–New 12-7-83, Amended 10-11-01, Repealed \_\_\_\_\_.

40C-40.381 Limiting Conditions.

(1) No change.

(2) The permit shall be subject to other reasonable conditions as are necessary to assure that the permitted works will meet the conditions for issuance in 40C-4.301 and 40C-4.302, F.A.C. not be inconsistent with the overall objectives of the District and will not be harmful to the water resources of the District.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.419, 373.423, 373.426 FS. History--New 12-7-83, Amended 2-27-94, 10-11-01,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLE: Implementation  
RULE NO.: 40C-41.033

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete unnecessary rule language, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the unnecessary language currently contained in subsection 40C-41.033(2), F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.415 FS.

LAW IMPLEMENTED: 373.413, 373.415, 373.416, 373.426 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-41.033 Implementation.

(+) The effective date of this chapter is December 7, 1983, for the criteria of subsections 40C-41.063(1) and (2), F.A.C.; May 17, 1987, for the standards of paragraphs 40C-41.063(3)(a) and (b), F.A.C.; August 30, 1988, for the standards and criteria of paragraphs 40C-41.063(3)(c), (d) and (e), F.A.C.; April 3, 1991, for the standards and criteria in subsection 40C-41.063(5), F.A.C.; and September 25, 1991 for the criteria of subsections 40C-41.063(7), F.A.C., 11-25-98 for the criteria of subsection 40C-41.063(6), F.A.C., and March 7, 2003, for the standards and criteria in subsection 40C-41.063(8), F.A.C.

(2) If the validity of any provision of chapter 40C-41, F.A.C., as amended on December 7, 1983, May 17, 1987, August 30, 1988, April 3, 1991, September 25, 1991, and November 25, 1998 or the application thereof to any person or circumstance is challenged pursuant to chapter 120, F.S., or pursuant to any other basis in law, it is the intent of the Governing Board of the St. Johns River Water Management District that neither a challenge to the validity of a provision or application thereof nor the invalidation of a provision or application thereof shall affect the validity or application of other provisions of the rule which can be given effect without the challenged or invalidated provision or application and to this end the provisions of chapter 40C-41, F.A.C., as amended on December 7, 1983, May 17, 1987, August 30, 1988, April 3, 1991, September 25, 1991, and November 25, 1998 are declared severable.

Specific Authority 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 373.413, 373.415, 373.416, 373.426 FS. History--New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98, 3-7-03,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLES: Permits Required Implementation  
RULE NOS.: 40C-42.022 40C-42.033

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) delete rule provisions that are obsolete, and (2) delete certain unnecessary rule provisions, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the obsolete rule provision in subsection 40C-42.022(5), F.A.C., and would delete the unnecessary rule provision in subsection 40C-42.033(3), F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.404, 373.406, 373.418, 373.429 FS.

LAW IMPLEMENTED: 373.118, 373.406, 373.413, 373.414, 373.416, 373.418, 373.426 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-42.022 Permits Required.

(1) through (4) No change.

~~(5) Applications received by the District for which a permit has not been issued prior to the rule revisions effective April 11, 1994, and which do not require a permit pursuant to sections (1) or (2), above, may be withdrawn by the applicant.~~

~~(5)(6) No change.~~

Specific Authority 373.044, 373.113, ~~373.171~~, 373.404, 373.406, 373.414, 373.418, ~~373.417~~ FS. Law Implemented 373.118, 373.406, 373.413, 373.414, 373.416, 373.418, 373.426 FS. History--New 9-25-91, Amended 4-11-94, 11-22-94, 10-11-01, \_\_\_\_\_.

40C-42.033 Implementation.

(1) through (2) No change.

~~(3) If the validity of any provisions of chapter 40C 42, F.A.C., or the application thereof to any person or circumstance is challenged pursuant to Chapter 120 or 373, F.S., or pursuant to any other basis in law, it is the intent of the Governing Board of the St. Johns River Water Management District that neither a challenge to the validity of a provision or application thereof nor the invalidation of a provision or application thereof shall affect the validity or application of other provisions of the rule which can be given effect without the challenged or invalidated provision or application and to this end the provisions of chapter 40C 42, F.A.C., are declared severable.~~

Specific Authority 373.044, 373.113, 373.171, 373.429 FS. Law Implemented 373.416 FS. History--New 9-25-91, Amended \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLES: Implementation RULE NOS.: 40C-44.031

Relationship to Other Permitting Requirements 40C-44.071

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) delete certain unnecessary rule provisions, and (2) to replace an obsolete rule citation with a correct citation, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete unnecessary language in subsection 40C-44.031(2), F.A.C., and would replace the obsolete citation to section 10.7.2, A.H., in subsection 40C-44.071(2), F.A.C., with the correct citation of section 12.2.2, A.H.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.416, 373.418, 373.429 FS.

LAW IMPLEMENTED: 373.416 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-44.031 Implementation.

(1) This chapter shall become effective on 8-11-91.

~~(2)(a)~~ Permits and consent orders which authorize operation of agricultural operations, issued by the Department of Environmental Regulation, or pending on June 1, 1991, pursuant to the provisions of former chapter 17-6, F.A.C., renumbered as chapters 62-660 and 62-670, F.A.C., shall remain valid after 8-11-91, subject to all limiting conditions contained therein, until final District action on a timely filed permit application made pursuant to this chapter. Ninety days prior to the expiration date of the permit or consent order, an application for the modification of a permit issued pursuant to chapter 40C-4, F.A.C., and prior to June 1, 1988, or for a general or individual permit, as appropriate, pursuant to this chapter, must be submitted to the District.

~~(3)(b)~~ Permits and consent orders which authorize operation of agricultural operations, issued by the District or executed by all parties to the consent order by 8-11-91, pursuant to the provisions of former chapter 17-6, F.A.C., renumbered as chapters 62-660 and 62-670, F.A.C., and pursuant to subparagraph 62-101.040(12)(a)3., F.A.C., and the Operating Agreement Concerning Stormwater Discharge Regulation and Dredge and Fill Regulation between the St. Johns River Water Management District and Department of Environmental Regulation dated January 4, 1988, shall remain valid after 8-11-91, subject to all limiting conditions therein, until final District action on a timely filed permit application made pursuant to this chapter. Ninety days prior to the expiration date of the permit or consent order, an application for the modification of a permit issued pursuant to chapter 40C-4, F.A.C., and prior to June 1, 1988, for a general or individual permit, as appropriate, pursuant to this chapter must be submitted to the District.

~~(4)(e)~~ Any permit application received prior to 8-11-91, will be processed and evaluated pursuant to the provisions of the chapters and Operating Agreement referenced in paragraph ~~(2)(b)~~ above.

~~(2) If the validity of any provisions of chapter 40C 44, F.A.C., or the application thereof to any person or circumstance is challenged pursuant to Chapter 120 or 373, F.S., or pursuant to any other basis in law, it is the intent of the Governing Board of the St. Johns River Water Management District that neither a challenge to the validity of a provision or application thereof nor the invalidation of a provision or application thereof shall affect the validity or application of~~

other provisions of the rule which can be given effect without the challenged or invalidated provision or application and to this end the provisions of chapter 40C-44, F.A.C., are declared severable.

Specific Authority 373.044, 373.113, 373.171, 373.429 FS. Law Implemented 373.416 FS. History—New 8-11-91, Amended 10-20-92, \_\_\_\_\_.

40C-44.071 Relationship to Other Permitting Requirements.

(1) No change.

(2) Alterations of existing agricultural surface water management systems, which would otherwise require permits pursuant to Rule 40C-4.041, F.A.C., will be considered minor alterations and will qualify for a standard general or individual environmental resource agricultural system permit, as appropriate, pursuant to this chapter, provided they do not increase the peak discharge rate and total discharge volume, when applicable (Applicant’s Handbook: Management and Storage of Surface Waters, section 10.3 and 10.4), or alter off-site storage and conveyance capabilities of the water resource (Applicant’s Handbook: Management and Storage of Surface Waters, section 10.5), or adversely affect wetland functions, (Applicant’s Handbook: Management and Storage of Surface Waters, section 12.2.2) or increase the off-site pollutant loading Applicant’s Handbook: Management and Storage of Surface Waters, section 10.7.2.

(3) through (6) No change.

Specific Authority 373.044, 373.113, 373.171, 373.416, 373.418 FS. Law Implemented 373.416 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Supervisor

RULE NO.: 64B3-5.002

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

SUBJECT AREA TO BE ADDRESSED: Supervisor.

SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.815, 483.823 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall have one hour of Board approved HIV/AIDS continuing education and one of the following:

(a) No change.

(b) A masters degree in medical technology or clinical laboratory science, one of the licensure categories, or one of the chemical or biological sciences, and three years of pertinent clinical laboratory experience in the categories for which licensure is sought, ~~one year of which shall be post masters.~~

(c) A baccalaureate degree, with eight semester hours each of academic biological and chemical science included in a total of 24 semester hours of academic science and/or medical laboratory technology, and five years of pertinent clinical laboratory experience in the categories for which licensure is sought, two years of which must be at the technologist level ~~shall be post baccalaureate~~, including a minimum of one year in each category ~~for which licensure is sought.~~

(d) through (f) No change.

(g) In lieu of one year of experience required by paragraphs 64B3-5.002(1)(b) and (c), F.A.C., an applicant may use substitute Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of the American Society of Clinical Pathologists, National Certification Agency of Medical Laboratory Personnel, National Registry of Clinical Chemistry, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysis, American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, American Board of Medical Laboratory Immunology, or American Board of Histocompatibility and Immunogenetics. This certification shall not substitute for the one year of pertinent clinical laboratory experience in an individual category for which licensure is sought.

(h) through (i) No change.

(2) No change.

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History--New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02, 10-14-02,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Personnel Licensure – Prerequisite  
 RULE NO.: 64B3-6.003  
 PURPOSE AND EFFECT: The Board proposes to delete duplicative language in the existing rule text.  
 SUBJECT AREA TO BE ADDRESSED: Personnel Licensure – Prerequisite.  
 SPECIFIC AUTHORITY: 483.805(4) FS.  
 LAW IMPLEMENTED: 456.013, 483.813, 483.815, 483.823 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 TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-6.003 Personnel Licensure – Prerequisite.

(1) through (3) No change.

~~(4) All applicants for licensure shall submit evidence of completion of a four contact hour educational course on HIV/AIDS approved pursuant to Rule 64B3-11.005, F.A.C.~~

Specific Authority 483.805(4) FS. Law Implemented 456.013, 483.813, 483.815, 483.823 FS. History--New 6-6-85, Formerly 10D-41.71, Amended 7-4-89, Formerly 10D-41.071, 61F3-6.003, Amended 8-1-95, Formerly 590-6.003, Amended 8-27-97,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Requirements for Continuing Education Programs  
 RULE NO.: 64B3-11.003  
 PURPOSE AND EFFECT: The Board proposes to update the existing rule text.  
 SUBJECT AREA TO BE ADDRESSED: Requirements for Continuing Education Programs.  
 SPECIFIC AUTHORITY: 456.013(7), 483.805(4), 483.821 FS.  
 LAW IMPLEMENTED: 456.013(7), 483.821 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 TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-11.003 Requirements for Continuing Education Programs.

Programs seeking Board approval shall meet the following requirements:

(1) through (2) No change.

(3) Providers shall initially designate and subsequently update as appropriate a person to assume responsibility for continuing education courses for clinical laboratory personnel.

(4) through (5) No change.

(6) Each participant shall be provided with an authenticated certificate or letter of attendance which shall include the participant’s name, license number, course title, number of contact hours earned by specialty area, dates of attendance, program provider’s name, approval number, specialty area, and the signature of the provider.

Specific Authority 456.013(7), 483.805(4), 483.821 FS. Law Implemented 456.013(7), 483.821 FS. History--New 2-22-94, Amended 7-13-94, Formerly 61F3-11.003, 590-11.003, Amended 12-13-99, 4-16-01,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Mandatory HIV/AIDS Education for Initial Licensure  
 RULE NO.: 64B3-11.005  
 PURPOSE AND EFFECT: The Board proposes to update the existing rule text.  
 SUBJECT AREA TO BE ADDRESSED: Mandatory HIV/AIDS Education for Initial Licensure.  
 SPECIFIC AUTHORITY: 456.013(7), 483.805(4), 483.821 FS.  
 LAW IMPLEMENTED: 456.013(7), 483.821 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 TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board



Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-11.005 Mandatory HIV/AIDS Education for Initial Licensure.

Applicants for initial licensure shall complete a one ~~four~~ (4) hour HIV/AIDS continuing education course pursuant to Section 381.0034, F.S., which shall:

- (1) through (3) No change.

Specific Authority 483.823 FS. Law Implemented 456.033(6), 483.823 FS. History—New 12-6-94, Amended 12-4-95, 7-1-97, Formerly 590-11.005, Amended \_\_\_\_\_

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Application, Certification, Registration, and Licensure Fees

RULE NOS.: 64B8-3.002 64B8-3.003

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address area of critical need licensure and the deletion of language in the rule which is no longer needed.

SUBJECT AREA TO BE ADDRESSED: Area of critical need licensure.

SPECIFIC AUTHORITY: 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-3.002 Application, Certification, Registration, and Licensure Fees.

The following fees are prescribed by the Board:

- (1) An application fee in the amount of \$210.00 for a person desiring to obtain the following: (a) through (c) No change.

(d) An area of critical need license and a ~~A~~ limited license, as provided in Sections 458.315 and 458.317, F.S. However, if the person applying for an area of critical need license or a limited license submits a notarized statement from the employing agency or institution stating that the applicant will not receive monetary compensation for any service involving the practice of medicine, the application fee shall be waived.

(e) As provided in Section 458.317, F.S., if the person converting a full, unrestricted license to a limited license, submits a written statement from the employing agency or institution that the applicant will not receive compensation for any service involving the practice of medicine, the application fee, all licensure fees, and neurological injury compensation assessments shall be waived.

- (2) through (8) No change.

Specific Authority 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. Law Implemented 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. History—New 12-5-79, Amended 11-10-82, 8-11-85, 10-24-85, Formerly 21M-19.02, Amended 12-4-86, 11-3-87, 7-4-88, 10-23-89, 11-12-89, 11-11-90, 1-16-91, 1-9-92, 2-10-92, 9-7-92, Formerly 21M-19.002, Amended 9-21-93, Formerly 61F6-19.002, Amended 2-13-95, 2-20-96, 6-24-96, Formerly 59R-3.002, Amended 6-7-98, 8-11-98, 11-22-98, 12-14-99, 1-31-01, 11-20-01, \_\_\_\_\_

64B8-3.003 Renewal Fees.

- (1) No change. (2) The following renewal fees are prescribed by the Board:

(a) Biennial renewal fee for physicians licensed pursuant to Sections 458.311, 458.3115, 458.3124, and 458.313, F.S., for physicians holding a limited license; and for physicians holding a medical faculty certificate as a distinguished medical scholar, a temporary certificate for practice in areas of critical need, a public psychiatry certificate, or a public health certificate shall be \$385.00. However the following exceptions shall apply:

- 1. If a physician holding an area of critical need license or a limited license submits a notarized statement from the employing agency or institution stating that the physician will not receive monetary compensation for any service involving the practice of medicine, said fee shall be waived. 2. through 4. No change. (b) No change.

Specific Authority 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS. Law Implemented 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS. History—New 12-5-79, Amended 10-24-85, Formerly 21M-19.03, Amended 12-4-86, 11-3-87, 5-24-88, 11-15-88, 11-12-89, 1-9-92, Formerly 21M-19.003, Amended 9-21-93, 4-14-94, Formerly 61F6-19.003, Amended 10-10-95, 6-24-96, 1-26-97, Formerly 59R-3.003, Amended 6-7-98, 8-11-98, 12-14-99, 10-30-01, 3-25-02, \_\_\_\_\_

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: RULE NO.:

Approved Residency or Fellowship; Definitions 64B8-4.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address including the accrediting organizations in Canada to meet the definition of approved training.

SUBJECT AREA TO BE ADDRESSED: Including the accrediting organizations in Canada to meet the definition of approved training.

SPECIFIC AUTHORITY: 458.309, 458.311(1)(f) FS.

LAW IMPLEMENTED: 458.311(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-4.004 Approved Residency or Fellowship; Definitions.

(1) An approved residency of at least one year constitutes a course of study and training in a single program for a period of not less than twelve calendar months by a person holding a degree as a medical doctor. The hospital and the program in which the medical doctor is participating must be accredited for the training and teaching of physicians by the Accreditation Council for Graduate Medical Education (ACGME), College of Family Physicians of Canada (CFPC) or Royal College of Physicians and Surgeons of Canada (RCPSC) and the medical doctor must be assigned to one of the allocated positions or slots approved by the ACGME, CFPC or RCPSC. Fellowship training or residency training in a non-slotted position shall be considered approved residency training only in the instance when the fellowship or residency training has been recognized and accepted for that applicant toward completion of requirements for specialty board certification by a specialty board listed by the American Board of Medical Specialties.

(2) An approved residency or approved fellowship of at least two years in one specialty area constitutes two progressive years in a course of study and training as long as each year is accepted by the American Board of Medical Specialties in that specialty for a period of not less than twenty-four months by a person holding a degree as a medical doctor. The hospital and the program in which the medical doctor is participating must be accredited for the training and teaching of physicians by the Accreditation Council for

Graduate Medical Education (ACGME), College of Family Physicians of Canada (CFPC) or Royal College of Physicians and Surgeons of Canada (RCPSC) and the medical doctor must be assigned to one of the allocated positions or slots approved by the ACGME, CFPC or RCPSC. Fellowship training or residence training in a non-slotted position shall be considered approved residency training only in the instance when the fellowship or residency training has been recognized and accepted for that applicant toward completion of requirements for specialty board certification by a specialty board listed by the American Board of Medical Specialties.

Specific Authority 458.309, 458.311(1)(f) FS. Law Implemented 458.311(1) FS. History—New 3-31-80, Amended 11-10-82, Formerly 21M-22.04, Amended 9-7-88, 11-30-92, Formerly 21M-22.004, 61F6-22.004, Amended 11-15-94, Formerly 59R-4.004, Amended 6-15-98, 10-1-98, 7-10-01,

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: RULE NO.:

Continuing Education for Biennial Renewal 64B8-13.005

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address continuing education for performing pro bono medical services.

SUBJECT AREA TO BE ADDRESSED: Continuing education credit for performing pro bono medical services.

SPECIFIC AUTHORITY: 456.013(6),(7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) through (9) No change.

(10) In addition to the continuing medical education credits authorized above, up to 5 hours, per biennium, of continuing education credit may be fulfilled by performing pro bono medical services. For an entity serving the indigent, underserved populations or in areas of critical need within the state where the licensee practices. The standard for determining indigency shall be low-income (no greater than 150% of the federal poverty level) or uninsured persons. Credit shall be given on an hour per hour basis.

(a) The Board approves for credit under this rule, the following entities:

1. The Department of Health;
2. Community and Migrant Health Centers funded under section 330 of the United States Public Health Service Act; and
3. Volunteer Health Care provider programs contracted to provide uncompensated care under the provisions of Section 766.1115, Florida Statutes, with the Department of Health.

(b) For services provided to an entity not specified under this rule, a licensee must apply for prior approval in order to receive credit. In the application for approval, licensees shall disclose the type, nature and extent of services to be rendered, the facility where the services will be rendered, the number of patients expected to be served, and a statement indicating that the patients to be served are indigent. If the licensee intends to provide services in underserved or critical need areas, the application shall provide a brief explanation as to those facts.

(c) Unless otherwise provided through Board order, no licensee who is subject to a disciplinary action that requires additional continuing education as a penalty, shall be permitted to use pro-bono medical services as a method of meeting the additional continuing education requirements.

~~(11)(10)~~ No change.

Specific Authority 456.013(6)(~~7~~), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) FS. History—New 9-8-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 6-4-02, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Advertising  
 RULE NO.: 64B8-30.011  
 PURPOSE AND EFFECT: The Board proposes the development of a rule to address appropriate advertising by physician assistants.  
 SUBJECT AREA TO BE ADDRESSED: Physician Assistant advertising.  
 SPECIFIC AUTHORITY: 458.347(13) FS.  
 LAW IMPLEMENTED: 458.331(1)(d) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.011 Advertising.

(1) Advertising by physician assistants is permitted so long as such information is in no way false, deceptive, or misleading.

(2) Physician assistant advertisements shall disclose the name of the primary supervising physician of the physician assistant advertising his or her services.

(3) Physician assistants may not claim any type of specialty board certification.

(4) Only physician assistants certified by the National Commission on Certification of Physician Assistants (NCCPA) may claim certification and employ the abbreviation “PA-C” next to his or her name.

(5) Failure to abide by the provisions of this rule shall constitute a violation of Section 458.331(1)(d) and (nn) and Section 456.072(1)(cc), Florida Statutes.

Specific Authority 458.347(13) FS. Law Implemented 458.331(1)(d) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Physician Assistant Licensure  
 RULE NO.: 64B15-6.003  
 PURPOSE AND EFFECT: The Board proposes the amendments to update the rule to conform with Board of Medicine’s corresponding physician assistant Rule 64B8-30.003, F.A.C.  
 SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address letters of recommendation from supervising physicians, documentation for certain required course work, and procedure for applying as a prescribing physician assistant.  
 SPECIFIC AUTHORITY: 459.005, 459.022, 458.347(7) FS.  
 LAW IMPLEMENTED: 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD’S NEXT MEETING TO BE HELD ON SEPTEMBER 13, 2003, IN TAMPA, FLORIDA.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.003 Physician Assistant Licensure.

(1) Requirements for Licensure. All applicants for licensure ~~certification~~ as physician assistants shall submit an ~~must make~~ application to the Department on forms approved by the Council and Boards and provided by the Department Council on form PA/APP001, entitled "Application for Licensure as a Physician Assistant," effective 6-7-98, (rev. 10-15-97) which is incorporated herein by reference and available from the Council office. The applicant must meet all of the requirements of Section 458.347(7), Florida Statutes, or Section 459.022(7), Florida Statutes, and the applicant must submit two personalized and individualized letters of recommendation from physicians. Letters of recommendation must be composed and signed by the applicant's supervising physician, or, for recent graduates, the preceptor physician, and give details of the applicant's clinical skills and ability. Each letter must be addressed to and directed to the Council on Physician Assistants and must have been written no more than six months prior to the filing of the application.

(2) through (3) No change.

(4) The applicant must submit notarized statements ~~containing attesting to~~ the following information:

(a) completion of three hours of all Category I, American Osteopathic Association or American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(b) completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patient to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Osteopathic Association

or American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(c) completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Osteopathic Association or American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S. for its employees may be used to partially meet this requirement.

(5) Licensure as a Prescribing Physician Assistant

(a) An applicant ~~All persons applying~~ for licensure as a prescribing physician assistant shall, together with the supervising physician, jointly file the application for licensure ~~submit an application~~ to the Department ~~Council~~ on a form approved by the Council and Boards and provided by the Department. The same application may be utilized by any alternate supervising physicians, provided that all supervising physicians practice in the same specialty area and in the same practice setting. ~~The application shall be.~~ A separate application form shall be required for each distinct specialty area of practice, as well as for each distinct practice setting. Satellite offices within the same practice do not constitute distinct practices.

(b) The applicant shall have completed a 3 hour course approved by the Board Council in prescriptive practice, which shall cover the limitations, responsibilities, and privileges involved in prescribing medicinal drugs.

(c) through (d) No change.

Specific Authority 459.005, 459.022, 458.347(7) FS. Law Implemented 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 FS. History—New 10-18-77, Formerly 21R-6.03, Amended 10-28-87, 4-21-88, 4-18-89, 9-26-90, 5-20-91, 10-28-91, 3-16-92, Formerly 21R-6.003, Amended 11-4-93, 3-29-94, Formerly 61F9-6.003, Amended 2-1-95, Formerly 59W-6.003, Amended 6-7-98, 3-10-02, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: RULE NO.:

Executive Director 64B16-25.130

PURPOSE AND EFFECT: The Board proposes the rule amendment to follow Emergency Rule 64BER03-1, F.A.C., to broaden the qualifications for executive director.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment follows the effectiveness of Emergency Rule 64BER03-1, F.A.C., to delete the requirement the executive director be an actively licensed pharmacist in the State of Florida.

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 456.004, 456.009, 48.111(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON AUGUST 11, 2003 IN ORLANDO, FLORIDA.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-25.130 Executive Director.

The Executive Director is hereby designated as the agent of the Board for the service of legal process upon the Board. ~~The Executive Director shall be a pharmacist actively licensed in the State of Florida.~~

Specific Authority 465.005 FS. Law Implemented 456.004, 456.009, 48.111(2) FS. History—New 10-17-79, Formerly 21S-8.04, 21S-8.004, Amended 7-30-91, Formerly 21S-25.130, 61F10-25.130, 59X-25.130, Amended 10-29-97, \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Dairy Industry

RULE TITLES:

RULE NOS.:

Documents Incorporated by	
Reference and Definitions	5D-1.001
Permits, Licenses and Inspections	5D-1.003
Dating; Standards for Milk, Milk Products and Frozen Desserts	5D-1.007
Future Dairy Farms, Milk Plants and Frozen Dessert Plants	5D-1.012

PURPOSE, EFFECT AND SUMMARY: The purpose and effect is to amend Chapter 5D-1, F.A.C., to address changes to the Statute; update definitions and document references; and to clarify certain test procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been prepared.

Any person wishing to provide information regarding the SERC, or to provide a proposal for a lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 502.014, 503.013 FS.

LAW IMPLEMENTED: 502.012, 502.014, 502.032, 503.031 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:

TIME AND DATE: 10:00 a.m., July 25, 2003

PLACE: Dairy Conference Room, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Hines Boyd, Director, Division of Dairy Industry, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Room B-29, Tallahassee, Florida 32399-1650, (850)487-1450

THE FULL TEXT OF THE PROPOSED RULES IS:

5D-1.001 Documents Incorporated by Reference and Definitions.

(1) The following documents are incorporated by reference and shall apply in the interpretation and enforcement of Chapters 502 and 503, Florida Statutes:

(a) ~~1993~~ 2001 Revision Grade A Pasteurized Milk Ordinance (“PMO”), Administration Publication No. 229, its Appendices and notes.

(b) ~~21 Code of Federal Regulations, Parts 101, 130.17, 131 and Revised April 1, 2003 133.128, 133.129, 133.131, 135, 163.130-163.155, 169.175-169.182, and 170.2-170.38, April 1, 1993 Revision.~~

(c) ~~7 Code of Federal Regulations, Part 58, Subpart A—58.1 and Subpart B – 58.125-58.131 and 58.142-58.154 58.100-58.159, and 58.605-58.645 and 58.647-58.654, Revised January 1, 2003 April 1, 1993 Revision.~~

Copies of the foregoing may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(d) ~~Frozen Desserts Processing Guidelines, 1st edition, October 1989. Available from Milk Safety Branch, HFS-626, Division of Cooperative Programs, Food and Drug Administration, 5100 Paint Branch Parkway, College Park, MD 20740-3835. Standards for the Fabrication of Single Service Containers and Closures for Milk and Milk Products, 1993 Revision, published by The Center for Food Safety and Applied Nutrition. Copies may be obtained from the Director of the Office of Constituent Operations, Industry Activity Staff, HFS-565, 200 C Street Southwest, Washington, DC 20204.~~

(e) ~~United States Standards for Grades of Nonfat Dry Milk (Spray Process), February 2, 2001. Available from United States Department of Agriculture, Agriculture Marketing Service, Dairy Programs, Standardization Branch, 1400 Independence Ave., S.W., MS0230, Washington, D.C. 20250-0230. Standard Methods for the Examination of Dairy Products, 15th Edition, published by the American Public~~

Health Association. Copies may be obtained from the American Public Health Association, 1015 Fifteenth Street, N.W., Washington, D.C. 20005.

(f) United States Standards for Grades of Whole Dry Milk, April 13, 2001. Available from United States Department of Agriculture, Agriculture Marketing Service, Dairy Programs, Standardization Branch, 1400 Independence Ave., S.W., MS0230, Washington, D.C. 20250-0230. Official Methods of Analysis of the Association of Official Analytical Chemists, pp. 300-302, 351-355, 375-379, 435, 470-471, 476-480, 496-497, 803-833, 851-852, 1149, 1151, 1068-1069, 1091-1094, 1200-1205, 1296-1298, Volumes ONE and TWO, 15th Edition, 1990, published by the Association of Official Analytical Chemists. Copies may be obtained from the Association of Official Analytical Chemists, Suite 400, 2200 Wilson Boulevard, Arlington, Va. 22201.

(g) United States Standards for Dry Whey, December 14, 2000. Available from United States Department of Agriculture, Agriculture Marketing Service, Dairy Programs, Standardization Branch, 1400 Independence Ave., S.W., MS0230, Washington, D.C. 20250-0230.

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

(d) "Degraded milk" is milk that fails to meet the minimum requirements of subsection 5D-1.007(3)(2), F.A.C.

(e) through (f) No change.

(g) "Frozen lowfat yogurt" (also called "Lowfat frozen yogurt") is frozen yogurt, except that the milkfat content of the finished food is not less than 0.5 percent, but not more than 2.0 percent.

(h) "Frozen nonfat yogurt" (also called "Nonfat frozen yogurt") complies with the provisions of frozen yogurt, except that the milkfat content of the finished food is less than 0.5 percent milkfat.

(i) "Reject milk" is milk that fails to meet the minimum requirements of Rule 5D-1.007(2) or 5D-1.007(3), F.A.C.

(j) "Regulatory agency" is the Department of Agriculture and Consumer Services.

(k) "Single service container manufacturer" is included in the definition of "Milk Plant" for purposes of permitting, enforcement and inspection.

(l) "Washing Station" is included in the definition of "Transfer Station" for purposes of permitting, enforcement and inspection.

(m) "Sold" means a transfer of milk or milk products that involves any direct or indirect form of compensation in exchange for the right to acquire such milk or milk products.

Specific Authority 502.014, 503.031 FS. Law Implemented 502.012, 502.014, 503.031 FS. History—New 7-24-70, Amended 1-26-81, 8-31-82, 10-9-86, Formerly 5D-1.01, Amended 12-29-88, 6-27-90, 8-29-93, 12-4-94, 7-2-95, 11-29-95, \_\_\_\_\_.

5D-1.003 Permits, Licenses and Inspections.

(1) General Permits.

(a) All Milk Plants, Distributors, Washing Stations, Out-of-State Processors of Milk and Milk Products, Receiving Stations, Transfer Stations, Single Service Container Manufacturers and Operators of Milk Plants shall submit an application on Form DACS-05019 Application for Permit (Rev. 05/01 8/93), hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Dairy Industry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. To secure and maintain a permit, the applicant must conform to and comply with the provisions of the PMO and Chapter 502, F.S.

(b) All Milk Haulers shall submit an application on Form DACS-05012 Application for Permit as a Farm Bulk Milk Hauler or Hauling Service (Rev. 05/01 8/93), hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Dairy Industry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. To secure and maintain a permit, the applicant must conform to and comply with the provisions of the PMO and Chapter 502, F.S.

(2) Milkfat Tester Permit. To secure and maintain a Milkfat Tester's Permit, a person must:

(a) Submit, with the \$125.00 application fee, a properly completed Form DACS-05029 Application for Milkfat Tester's License (Rev. 05/01 8/93), hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Dairy Industry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650.

(b) Successfully complete on-site evaluation based on the criteria set forth in Section 502.032, F.S., and Section 6 of the PMO, Rule 5D-1.001(1)(e), F.A.C. conducted by the regulatory agency.

(c) through (e) No change.

(3)(a) No change.

(b) Frozen dessert plants shall meet the following requirements in order to secure and maintain said license:

1. Submit, with the appropriate fee, a properly completed application on Form DACS-05016 Application for Annual Florida State License as a Wholesale Manufacturer of Frozen Desserts and/or Frozen Desserts Mix (Rev. 05/01 8/93), hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Dairy Industry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650.

2. Submit labels for approval.

a. In-State Plant must submit, for approval, a label for each product produced.

b. Out-of-State Plant must submit, for approval, a label for each product distributed in Florida.

## 3. Appropriate Facility Inspection.

a. In-State Plant must pass a sanitation inspection. Inspection criteria is that of the PMO.

b. Out-of-State Plant must submit its most recent inspection report from its local regulatory agency and provide a list of its distribution points in Florida.

(4) Milk Producer's Permit. All Milk Producers shall submit an application on Form DACS-05026, Application for Permit as Milk Producer (Rev. 05/01 2/94), hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Dairy Industry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. To secure and maintain a permit, the applicant must conform to and comply with the provisions of the PMO and Sec. 502.053, F.S.

(5) Temporary Marketing Permit ("TMP") – All milk plants wishing to obtain a TMP shall submit an application of Form DACS 05059, Application for a Temporary Marketing Permit (Rev. 05/01), hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Dairy Industry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. The criteria for obtaining a state TMP shall be the same as that for obtaining a federal TMP under 21 CFR Part 130.17. The fee for a state TMP shall be \$50.00.

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

~~(d) Milk Producer's Permit. The Grade A permit of a producer responsible for shipping milk found to be contaminated according to the provisions of the PMO shall be suspended.~~

~~1. All bulk milk pickup tankers and milk transport tanks delivering raw milk for processing shall be analyzed for drug residues before being processed.~~

~~2. After a negative sample is obtained, the producer's Grade A permit shall be placed on temporary status for a period of 30 days. Within that time period, the regulatory agency must verify that the penalty provided in the PMO was assessed and the producer has completed the protocol mentioned in the PMO.~~

~~3. In addition to the enforcement provisions in the PMO, any milk producer whose permit has been suspended due to positive drug residues shall have the permit reinstated to permanent status after the following provisions have been satisfied:~~

~~a. First violation—The total value of the dumped contaminated load charged back to the offending producer and collected and verified by the producer's marketing agency.~~

~~b. Second and subsequent violations—The total value of the dumped load plus an additional penalty equal to the value difference between the Federal Marketing Order blend price as announced by the Market Administrator for the order to which the producer is assigned and the announced M-W series for~~

~~manufactured milk for all contaminated milk charged back to the offending producer and collected and verified by the producer's cooperative.~~

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

(d) Frozen Dessert Plants within the state shall be subject to inspections based upon the criteria and frequency established for milk plant inspections in the PMO. Sampling and testing shall be quarterly, unless test results indicate a more frequent sampling and testing is necessary.

(e) No change.

Specific Authority 502.014, 503.031 FS. Law Implemented 502.053, 502.014, 502.165, 502.032, 502.231, 503.031, 503.041, 503.051 FS. History—Revised 9-21-67, Amended 1-26-81, 8-31-82, 8-16-84, Formerly 5D-1.03, Amended 10-9-86, 12-29-88, 6-27-90, 8-29-93, 7-2-95, \_\_\_\_\_.

5D-1.007 Dating; Standards for Milk, Milk Products and Frozen Desserts.

(1) Shelf-Life Dating and Expiration Dating.

(a) through (e) No change.

~~(f) Milk product samples shall be held at 43° F (plus or minus 2° F) for the shelf life period plus four (4) days and analyzed to determine that shelf life expiration dates stated on the containers assure the consumer of acceptable quality milk and milk products when kept under normal storage conditions. The temperature at the time of collection shall be officially recorded by the collector. Nothing herein contained shall be construed to prohibit the regulatory agency from taking special samples for analysis and making special tests in order to assure all milk and milk products comply with the minimum standards of freshness, quality and palatability. In the event the regulatory agency determines a processor's or a manufacturer's shelf life for a given product is improper, the regulatory agency shall immediately take such samples as are necessary for full and complete recheck of the shelf life of the product. If the full and complete recheck confirms that the shelf life of the product is improper, the regulatory agency shall serve written notice on the processor or manufacturer and the processor or manufacturer immediately upon receipt of such notice shall alter the shelf life expiration date of the product to comply with the regulatory agency tests. Compliance shall be with the next processing of the product after receipt of such regulatory agency notice.~~

~~(f)(g) This rule does not apply to containers of milk or milk products which are not to be sold in the State of Florida.~~

(g) Each processor shall certify to the regulatory agency the maximum shelf-life of each product in the hands of the consumer under normal storage conditions. Provided, however, the maximum shelf-life of fluid uncultured milk pasteurized at less than 270° F shall not exceed ten days from date of packaging unless technical supporting justification has been supplied to the regulatory agency, the agency has confirmed such shelf-life claims, and specific authority to use a longer shelf-life has been granted by the agency.

(2) Shelf – Life Testing and Testing Procedures.

(a) Milk product samples shall be held at 43° F (plus or minus 2° F) for the shelf life period plus four (4) days and analyzed to determine that shelf-life expiration dates stated on the containers assure the consumer of acceptable quality milk and milk products when kept under normal storage conditions. The temperature at the time of collection shall be officially recorded by the collector. Nothing herein contained shall be construed to prohibit the regulatory agency from taking special samples for analysis and making special tests in order to assure all milk and milk products comply with the minimum standards of freshness, quality and palatability. In the event the regulatory agency determines a processor’s or a manufacturer’s shelf-life for a given product is improper, the regulatory agency shall immediately take such samples as are necessary for full and complete recheck of the shelf-life of the product. If the full and complete recheck confirms that the shelf-life of the product is improper, the regulatory agency shall serve written notice on the processor or manufacturer and the processor or manufacturer immediately upon receipt of such notice shall alter the shelf-life expiration date of the product to comply with the regulatory agency tests. Compliance shall be with the next processing of the product after receipt of such regulatory agency notice.

(b) To extend the shelf-life expiration date of a qualifying product, the processor shall submit a written request to the Division of Dairy Industry specifying the product to be tested and supplying test results which indicate that the product is acceptable for at least ten (10) days or for an additional two (2) days over the current code period. This information must be compiled from current records that cover a period of at least thirty (30) days. The department will collect in Florida two series of duplicate samples of the product during a four week period. The first duplicate sample will be used for routine analysis, the second will be stored at 43°F plus or minus 2°F until six (6) days past the expiration date and then evaluated as acceptable or unacceptable. Both series of samples must be acceptable for six (6) days past the expiration date for the extension request to be granted. If acceptable, the processor will be notified in writing and the product must remain at this new code level for at least six (6) months before any additional code is requested. If unacceptable, the processor will be notified in writing and at least six (6) months must pass before another request is initiated for the product.

(3)(2) Chemical, bacteriological and temperature standards for manufacture of grade A products:

Grade A raw milk for pasteurization, ultra pasteurization or aseptic processing

Temperature	<u>Cooled to 50° F (10° C) or less within four (4) hours or less, of the commencement of the first milking, and to 45° F (7° C) or less within two hours after the completion of milking. Provided, the blend temperature after the first and subsequent milkings does not exceed 50° F (10° C). Cooled to 45° F (7° C) or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 50° F (10° C).</u>
Bacterial limits	Individual producer milk not to exceed 100,000 CFU/ml. prior to commingling with other producer milk. Not to exceed 300,000 CFU/ml. as commingled milk prior to pasteurization.
Drugs	<u>No positive result with drug residue methods referenced in Section 6 of the PMO. Individual producer milk: No zone equal to or greater than 16mm with the Bacillus stearothermophilus disc assay method. Commingled milk: No zone equal to or greater than 16mm with the Bacillus stearothermophilus disc assay method.</u>
Somatic Cell Count	Individual producer milk: Not to exceed 750,000 per ml. Goat milk: Not to exceed 1,000,000 per ml.
Added Water	Freezing point not to exceed -0.526° H. Grade A pasteurized or ultra pasteurized milk and milk products and bulk shipment heat treated milk products
Temperature	Cooled to 45° F (7° C) or less and maintained there at.
Bacterial limits*	20,000 CFU/ml.
Coliform	Not to exceed 10 CFU/ml., provided that, in the case of bulk milk transport tank shipments, shall not exceed 100 CFU/ml.
Phosphatase	Less than 1 microgram per ml. by the Scharer Rapid Method (less than 350 500 milliunits/L by the Fluorometric Procedure) or equivalent B not applicable to bulk shipped heat treated milk products.
Drugs	<u>No positive result with drug residue methods referenced in Section 6 of the PMO. No zone equal to or greater than 16mm with the Bacillus stearothermophilus disc assay method.</u>
Added Water	Freezing point not to exceed -0.526° H.

\*Not applicable to cultured products.



Grade A aseptically processed milk and milk products

Temperature None  
 Bacterial Limits Less than 10 CFU/ml. of incubated products.  
 Drugs No positive result with drug residue methods referenced in Section 6 of the PMO. No zone equal to or greater than 16mm with the Bacillus stearothermophilus disc assay method.

Added Water Freezing point not to exceed -0.526° H.  
 (4)(3) Chemical, bacteriological and temperature standards for Frozen Desserts:

Raw Milk and Cream

Temperature Not to exceed ~~45~~50° F (~~74~~10° C).  
 Bacterial Limits Milk – not to exceed 500,000 CFU/ml. In no case shall raw milk have a standard plate or direct microscopic clump count in excess of 1,000,000 CFU/ml; Cream B not to exceed 800,000 CFU/ml. ~~In no case shall raw fluid cream have a standard plate or direct microscopic clump count in excess of 1,000,000/ml.~~

Drugs Milk and cream No positive result with drug residue methods referenced in Section 6 of the PMO. — No zone equal to or greater than 16mm with the Bacillus stearothermophilus disc assay method.

Somatic Cell Count Not to exceed 750,000 ~~1,000,000~~/ml;  
 Goat’s milk – Not to exceed 1,500,000.

Pasteurized and Ultra Pasteurized Milk and Milk Products

Temperature Cooled to 45° F (7° C) ~~50° F (10° C)~~ or less and maintained there at.

Bacterial Limits\* 50,000 CFU/ml.

Coliform Not to exceed 10 CFU/ml, provided that, in the case of bulk milk transport tank shipments, shall not exceed 100 CFU/ml.

Phosphatase Less than 1 microgram per ml. by the Scharer Rapid Method (less than 500 milliunits/L by the Fluorometric Procedure) or equivalent.

Drugs No positive result with drug residue methods referenced in Section 6 of the PMO. No zone equal to or greater than 16mm with the Bacillus stearothermophilus disc assay.

\*Not applicable to cultured products

Sterilized Milk and Milk Products

Temperature None.  
 Bacterial Limits Less than 10 CFU/ml of incubated products.

Drugs No positive result with drug residue methods referenced in Section 6 of the PMO. No zone equal to or greater than 16mm with the Bacillus stearothermophilus disc assay.

Frozen Desserts and Other Products

Defined in this Chapter

Temperature Pasteurized Mix (plain) 45° F (7° C).  
 Pasteurized Mix (flavored) 45° F (7° C).  
 Frozen Desserts 0° F (-17.8° C). Other 0° F (-17.8° C).

Bacterial Limits\* Pasteurized Mix (plain) 50,000 CFU/gram. Pasteurized Mix (flavored) 50,000 CFU/gram. Frozen Desserts – 50,000 CFU/gram. Other B 50,000 CFU/gram.

\*Not applicable to cultured products

Drugs No positive result with drug residue methods referenced in Section 6 of the PMO. No zone equal to or greater than 16mm with the Bacillus stearothermophilus disc assay

Coliform Pasteurized Mix (plain) 10 CFU/gram.  
 Pasteurized Mix (flavored) 20 CFU/gram.  
 Frozen Desserts (plain) 10 CFU/gram.  
 Frozen Desserts (bulky flavored) 20 CFU/gram. Other (plain) 10 CFU/gram.  
 Other (bulky flavored) 20 CFU/gram.

Phosphatase Less than 1 microgram per ml. by the Scharer Rapid Method (less than 500 milliunits/L by the Fluorometric Procedure) or equivalent.

Dry Dairy Products

Dry dairy products used as ingredients shall meet the requirements for “Extra Grade” or better as defined by the U.S. Standards for Grades for the particular product.

Specific Authority 502.014, 503.031 FS. Law Implemented 502.014, 502.042, 503.031 FS. History—Revised 9-21-67, Amended 9-26-69, 12-24-71, 1-26-81, 8-31-82, 8-16-84, Formerly 5D-1.07, Amended 10-9-86, 5-19-87, 12-29-88, 6-27-90, 8-29-93, 12-4-94, 7-2-95, \_\_\_\_\_.

5D-1.012 Future Dairy Farms, Milk Plants and Frozen Dessert Plants.

(1) Milk barn, stable or parlor and milkhouse or room construction.

(a) Walls, ventilation and light. ~~Walls shall be of smooth finish impervious to water.~~ Cement plaster over concrete block walls painted light in color with enamel dairy paint or any new type epoxy finish approved by the Department is suggested. Tile blocks are satisfactory. A light color plaster finish on

cement will not require painting. Ten percent of wall area shall be windowed of the ventilating type, unless adequate mechanical ventilation is ~~and light are~~ furnished. Pipes penetrating walls shall be ~~shielded and~~ sufficiently tight as to prevent any open space between the pipe and the wall penetration.

(b) Ceiling. Ceilings shall ~~have a be of smooth finish impervious to water with same finish as walls with minimum~~ height of 9 feet for milkhouse or room and stanchion type barn and 10 feet 6 inches for parlor type barn. A stanchion or parlor type barn used for the milking of goats shall have a minimum ceiling height of 8 feet. If there is a feed storage area above, the ceiling should be tongue and groove double floor with a layer of felt between the floors. There should be no open beams beneath the ceiling.

(c) No change.

(d) Door and window frames. Door and window frames shall be constructed of material and finish that is resistant to resist decay or corrosion.

(e) No change.

(f) Storage of supplies. ~~Cabinets shall be provided for storage of supplies and racks shall be provided for brushes in the milk room.~~

(g) Herring parlors. ~~In herringbone parlors, feeders if installed shall be designed and installed to insure easy and practical cleaning. Drawings are available in the Dairy Division of the Department of Agriculture and Consumer Services.~~

(~~f~~)(h) Milkers pit. The milkers pit shall be a minimum of 5 feet wide.

(i) Automatic feeders. Automatic feeders shall be installed in a manner to prevent feed leaks at the joints and otherwise be feed dust tight.

(j) Feed storage rooms. ~~Floors, walls and ceilings of feed storage rooms adjacent to milk barn, stable or parlor shall be sufficiently tight to prevent feed leaks into the milking area of the barn, stable or parlor. Doors between the feed storage room and the milking area of barn, stable or parlor shall be self closing, tight and kept closed.~~

(g)(~~k~~) Space between milk storage tanks and walls and ceilings. There shall be a distance of 18 inches between milk storage tank and walls; and 4 feet between the top of the milk storage tank and ceiling; and a distance of 3 feet between milk storage tanks within the same room to secure adequate ventilation and sufficient space for cleaning. Milk storage tanks may be bulkheaded through the wall into the milkroom. If the tanks protrude through the wall to accommodate a top opening manhole and/or agitator the distance between tanks, sidewalls and ceiling still apply.

(h)(~~l~~) Milk Storage Tank Design. A sampling cock shall be provided on all milk storage silo and horizontally mounted tanks designed with the manhole lid in the vertical end or wall of the tank. The sampling cock shall be installed on the lid to

allow for easy removal for cleaning and sanitizing and shall be considered part of the milk tank. The sampling cock shall be used for the purpose of regulatory and hauler sampling only. Hot water heaters. Hot water heaters shall be of not less than 40 gallons capacity and in excess of volume necessary to completely fill the entire C.I.P. system. A rule of thumb size of hot water heater is 2 times the volume of the C.I.P. line. If the hot water heater is electric it should contain a quick recovery type element. Where possible, the hot water heater should be in a separate room.

(i) Properly prepared plans for all milk barns, stable or parlor and milkhouse or room regulated under this chapter which are hereafter constructed, reconstructed or extensively altered shall be submitted to the regulatory agency for approval before work is begun.

(2) Milk plant, frozen dessert plant, receiving station or transfer station construction.

(a) Walls. ~~Walls shall be of smooth finish impervious to water. Cement plaster over concrete block walls painted light in color with enamel dairy paint or any new type epoxy finish approved by the Department is suggested. Tile block walls are satisfactory. Ten percent of wall area should be windowed.~~

(b) Ceiling. Ceiling shall ~~have be~~ a minimum height of 12 feet except for refrigerator or cold storage rooms ~~and of smooth finish impervious to water. Ceilings painted in light color with enamel dairy paint or any new type epoxy finish approved by the Department is suggested.~~

(c) through (e) No change.

(f) Storage of supplies. Sanitary storage shall be provided for supplies.

(g) Ventilation. ~~Ventilation sufficient to prevent excess condensation and contamination shall be provided. If fans are necessary to provide sufficient ventilation, they shall be equipped with automatic opening and closing louvers.~~

(h) Tank unloading room. ~~The walls, ceiling and floor finish of tank unloading room shall be the same as required for milk plants, receiving station or transfer station.~~

(~~f~~)(i) Stainless steel pipelines are properly identified. Identification shall be made with colored tape, plastic bands or a method which has been approved by the regulatory agency and which will remain in place and retain its coloring under normal conditions of use. The following colors shall be used:

RED – RAW MILK LINES

BLUE – PASTEURIZED PRODUCTS LINES

GREEN – CLEANING SOLUTION LINES (SUPPLY AND RETURN)

YELLOW – WATER LINES (APPLICABLE TO STAINLESS STEEL LINES ONLY)

The direction of flow in each line shall also be indicated by an arrow on the pipe, tape, or plastic band. The proper placement of colored bands and directional arrows on pipelines shall be determined by the regulatory agency to ensure easy identification of the product in the pipe and direction of flow.

~~(g)(+)~~ Properly prepared plans for all plants regulated under this chapter which are hereafter constructed, reconstructed or extensively altered shall be submitted to the regulatory agency for approval before work is begun.

Specific Authority 502.014, 503.031 FS. Law Implemented 502.014, 502.121, 503.031 FS. History—Revised 9-21-67, Amended 10-27-67, 3-19-69, 1-26-81, 8-16-84, Formerly 5D-1.12, Amended 6-27-90, 7-2-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
John L. Miller, Division of Dairy Industry, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hines Boyd, Director, Division of Dairy Industry, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: Sections 5D-1.001, 1.003, 1.007 and 1.012 approved on May 8, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Sections 5D-1.001, 1.003, 1.007 and 1.012 noticed November 22, 2002

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE: Inspection of DOT Cylinders

RULE NO.: 5F-11.029

PURPOSE AND EFFECT: The purpose of this new rule is to provide criteria for inspection and record keeping with regard to propane containers manufactured under United States Department of Transportation specifications and which are not in commerce.

SUMMARY: This rule outlines criteria for the inspection of propane containers manufactured under the United States Department of Transportation specifications and which are not in commerce. The criteria for this type inspection was outlined in adopted codes in the past, however, the codes have changed and this requirement was removed. For safety concerns and due to the large number of propane containers being used in Florida, this criteria is being proposed in order to continue this industry inspection program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared as costs are anticipated to be negligible, since the majority of propane dealers in Florida have this or a similar inspection program in place.

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: 527.06 FS.

LAW IMPLEMENTED: 527.06 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., July 21, 2003

PLACE: Division of Standards Conference Room, Suite E, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Vicki O’Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, (850)921-8001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-11.029 Inspection of DOT Cylinders.

(1) This section pertains to cylinders, which are manufactured to U.S. Department of Transportation (DOT) specifications. DOT cylinders in stationary service that are filled on site, which are not under the jurisdiction of DOT and not requalified according to DOT requirements, shall be inspected according to the following visual inspection criteria:

(a) The cylinder is checked for exposure to fire, dents, cuts, digs, gouges and corrosion according to requirements of Section C.3.2, Appendix C, of NFPA 58.

(b) The cylinder protective collar (where utilized) and the foot ring are intact and are firmly attached.

(c) The cylinder is painted or coated to retard corrosion.

(d) The cylinder pressure relief valve indicates no visible damage, corrosion of operating components, or obstructions.

(e) There is no leakage from the cylinder or its appurtenances that is detectable without the use of instruments.

(f) The cylinder is installed on a firm foundation and is not in contact with the soil.

(g) A cylinder that passes the visual examination shall be legibly marked with the date and year of the examination followed by the letter “E” (example:10-1E indicating requalification in October 2001 by the external visual inspection method.)

(h) The results of the visual inspection shall be documented and a record of the inspection shall be retained for a five-year period.

(2) Any cylinder that fails one or more of the criteria in this section shall not be refilled or continued in service until the condition is corrected. Stationary cylinders shall be visually inspected within 12 years of the date of manufacture and within five years after each subsequent visual inspection.

(3) All DOT cylinders in stationary service on the effective date of this rule, and which are not requalified according to U.S. Department of Transportation standards, shall be inspected according to the criteria of this section no later than January 1, 2008.

(4) Personnel trained and qualified to perform inspection procedures, with such training documented in accordance with Rule 5F-11.060, Florida Administrative Code, shall conduct the visual inspection.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Vicki O’Neil

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2003

**DEPARTMENT OF REVENUE**

RULE CHAPTER TITLE: Compensation for Tax Information RULE CHAPTER NO.: 12-18

RULE TITLE: Submission of Information and Claims for Compensation RULE NO.: 12-18.004

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-18.004, F.A.C. (Submission of Information and Claims for Compensation), is to adopt, by reference, changes to the form used by the Department in the administration of its authority to compensate persons who provide information to the Department pursuant to Section 213.30, F.S.

SUMMARY: The proposed amendments to Rule 12-18.004, F.A.C., adopt, by reference, changes to form DR-55 (Application for Compensation for Tax Information).

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

Any person who wishes to provide information regarding 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: 213.06(1), 213.30(1) FS.

LAW IMPLEMENTED: 213.30 FS.

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

TIME AND DATE: 9:00 a.m., July 23, 2003

PLACE: Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting Nancy Purvis at (850)488-0712. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

The Department’s proposed rules are available on the Department’s web site: www.myflorida.com/dor/rules.

THE FULL TEXT OF THE PROPOSED RULE IS:

12-18.004 Submission of Information and Claims for Compensation.

(1) through (2) No change.

(3)(a) The Department hereby designates Form DR-55, Application for Compensation for Tax Information, dated 10/98, which is hereby incorporated in this rule by reference, as the form to be used by claimants for this purpose. Form DR-55, Application for Compensation for Tax Information (R. 12/02), is hereby incorporated, by reference, in this rule.

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

Specific Authority 213.06(1), 213.30(1) FS. Law Implemented 213.30 FS. History—New 6-21-88, Amended 11-14-91, 10-11-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles B. Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed changes to Rule Chapter 12-18, F.A.C. (Compensation for Tax Information), were noticed for a rule development workshop in the Florida Administrative Weekly on May 2, 2003 (Vol. 29, No. 18, pp. 1850-1851). A rule development workshop was held on May 21, 2003. No one appeared to provide comment regarding these proposed rule changes. No changes have been made by the Department.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE CHAPTER TITLE: Sales and Use Tax  
 RULE CHAPTER NO.: 12A-1  
 RULE TITLE: Public Use Forms  
 RULE NO.: 12A-1.097

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, changes to form DR-1214 (Application for Temporary Tax Exemption Permit), used by the Department in the administration of the exemption for machinery and equipment used to increase productive output (Section 212.08(5)(b), F.S.).

SUMMARY: The proposed amendments to Rule 12A-1.097, F.A.C., adopt, by reference, changes to form DR-1214 (Application for Temporary Tax Exemption Permit).

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

Any person who wishes to provide information regarding 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: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4.,(7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2),(3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2),(7) FS.

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

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

TIME AND DATE: 9:00 a.m., July 23, 2003

PLACE: Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting Nancy Purvis, (850)488-0712. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ann Rix, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4841

The Department's proposed rules are available on the Department's web site: [www.myflorida.com/dor/rules](http://www.myflorida.com/dor/rules).

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.097 Public Use Forms.

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

(a) through (b) No change.

Form Number	Title	Effective Date
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(2) through (20) No change.

(21) DR-1214	Application for Temporary Tax Exemption Permit (R. <del>04/03 08/00</del> )	<u>    </u> <del>6/01</del>
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(22) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Ann Rix, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4841

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Melton H. McKown, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed changes to Rule 12A-1.097, F.A.C. (Public Use Forms), were noticed for a rule development workshop in the Florida Administrative Weekly on May 2, 2003 (Vol. 29, No. 18, pp. 1851-1852). A rule development workshop was held on May 21, 2003. No one appeared to provide comment regarding these proposed rule changes. Technical changes were made by the Department

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE CHAPTER TITLE: Communications Services Tax  
 RULE CHAPTER NO.: 12A-19  
 RULE TITLES: Tax Due at Time of Sale; Tax Returns and Regulations  
 PUBLIC USE FORMS: 12A-19.100

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.020, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), is to provide guidelines on which revision of form DR-700016, Florida Communications Services Tax Return, should be used to report communications services tax on services billed from March 1, 2003, through May 31, 2003, and to report tax on services billed on or after June 1, 2003.

The purpose of proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to adopt, by reference, revisions to form DR-700016, Florida Communications Services Tax Return, effective March 2003 and June 2003.

SUMMARY: The proposed amendments to Rule 12A-19.020, F.A.C., provide that: (1) form DR-700016, Florida Communications Services Tax Return (R. 03/03), is to be used to report communications services tax on services billed from March 1, 2003, through May 31, 2003; and (2) form DR-700016, Florida Communications Services Tax Return (R. 06/03), is to be used to report communications services tax on services billed on or after June 1, 2003.

The proposed amendments to Rule 12A-19.100, F.A.C., adopt, by reference, form DR-700016, Florida Communications Services Tax Return (R. 03/03), and form DR-700016, Florida Communications Services Tax Return (R. 06/03).

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

Any person who wishes to provide information regarding 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: 202.15, 202.151, 202.16(2), 202.26(3)(a),(c),(d) FS.

LAW IMPLEMENTED: 202.11(4),(11),(12), 202.12(1), 202.13(2), 202.15, 202.151, 202.16, 202.17(6), 202.19(1), 202.21, 202.22(6), 202.27, 202.28(1),(2), 202.30, 202.33(2), 202.34(3),(4)(c), 202.35(1) FS.

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

TIME AND DATE: 9:00 a.m., July 23, 2003

PLACE: Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Nancy Purvis, (850)488-0712. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Department's proposed rules are available on the Department's web site: [www.myflorida.com/dor/rules](http://www.myflorida.com/dor/rules).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-19.020 Tax Due at Time of Sale; Tax Returns and Regulations.

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

(c) Form DR-700016, Florida Communications Services Tax Return, contains current tax rates for each local taxing jurisdiction. These rates are also contained on the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor/taxes/local\\_tax\\_rates.html](http://www.myflorida.com/dor/taxes/local_tax_rates.html)). The Department's Internet site and form DR-700016 are revised when the tax rate in any local jurisdiction changes.

(d) The following versions of form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
06/03	June 2003 –	June 1, 2003 –
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

(4) through (8) No change.

Specific Authority 202.15, 202.151, 202.26(3)(a) FS. Law Implemented 202.12(1), 202.15, 202.151, 202.16, 202.19(1), 202.22(6), 202.27, 202.28(1),(2), 202.30(3), 202.33(2), 202.35(1) FS. History—New 1-31-02, Amended 4-17-03, \_\_\_\_\_.

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32399-0100; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department’s automated FAX on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading the form from the Department’s Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) No change.		
(3)(a) <u>DR-700016</u>	<u>Florida Communications Services Tax Return (R. 06/03)</u>	<u>_____</u>
(b) <u>DR-700016</u>	<u>Florida Communications Services Tax Return (R. 03/03)</u>	<u>_____</u>

(a) through (f) renumbered (c) through (h) No change.  
 (4) through (7) No change.

Specific Authority 202.16(2), 202.26(3)(c),(d) FS. Law Implemented 202.11(4),(11),(12), 202.13(2), 202.16(2),(4), 202.17(6), 202.34(3),(4)(c) FS. History—New 4-17-03, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary L. Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda L. Bridges, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-7157

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed changes to Rule Chapter 12A-19, F.A.C. (Communications Services Tax), were noticed for a rule development workshop in the Florida Administrative

Weekly on May 2, 2003 (Vol. 29, No. 18, pp. 1852-1853). A rule development workshop was held on May 21, 2003. No one appeared to provide comment regarding these proposed rule changes. No changes have been made by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Severance Taxes and Fees	12B-7
RULE TITLES:	RULE NOS.:
Public Use Forms	12B-7.008
Public Use Forms	12B-7.026
Miami-Dade County Lake Belt Mitigation Fee	12B-7.030
Public Use Forms	12B-7.031

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-7.008, F.A.C. (Public Use Forms) of Part I (Tax on Production of Oil, Gas, and Sulfur) of Chapter 12B-7, F.A.C., is to adopt, by reference, changes to forms used by the Department in its administration of the taxes imposed on the production of oil, gas, and sulfur.

The purpose of the proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms), of Part II (Severance Tax on Solid Minerals) of Chapter 12B-7, F.A.C., is to: (1) remove the adoption, by reference, of form DR-146, Miami-Dade County Lake Belt Mitigation Fee Monthly Return, which is not used by the Department in its administration of the severance taxes imposed on the severance of solid minerals, phosphate rock, or heavy minerals from the soils and waters of this state; and (2) adopt, by reference, changes to forms used by the Department in the administration of these severance taxes.

The purpose of the proposed creation of Part III (Mitigation Fees on Mining) of Rule Chapter 12B-7, F.A.C., is to provide for separate administration of the mitigation fee imposed on mining under Section 373.41492, F.S.

The purpose of the proposed creation of Rule 12B-7.030, F.A.C. (Miami-Dade County Lake Belt Mitigation Fee), is to provide guidelines regarding the mitigation fee imposed under Section 373.41492, F.S., on each ton of limerock and sand extracted by any person who engages in the business of extracting limerock or sand within the areas and sections specified.

The purpose of the proposed creation of Rule 12B-7.031, F.A.C. (Public Use Forms), is to adopt, by reference, the form used by the Department in its administration of the Miami-Dade County Lake Belt mitigation fee.

SUMMARY: The proposed amendments to Rule 12B-7.008, F.A.C. (Public Use Forms), of Part I (Tax on Production of Oil, Gas, and Sulfur) of Chapter 12B-7, F.A.C.: (1) provide that the Department uses form DR-144, Gas and Sulfur Production Quarterly Tax Return, form DR-144ES, Declaration of Estimated Gas and Sulfur Production, form DR-145, Oil Production Monthly Tax Return, and form DR-145X, Oil Production Monthly Amended Tax Return, in its

administration of the taxes imposed on the production of oil, gas, and sulfur; and (2) adopt, by reference, changes to these forms.

The proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms), of Part II (Severance Tax on Solid Minerals) of Chapter 12B-7, F.A.C.: (1) remove the adoption, by reference, of form DR-146, Miami-Dade County Lake Belt Mitigation Fee Monthly Return; (2) provide that form DR-142, Solid Mineral Severance Tax Return, and form DR-142ES, Declaration/Installment Payment of Estimated Solid Mineral Severance Tax, are used by the Department in its administration of the severance taxes imposed on the severance of solid minerals, phosphate rock, or heavy minerals from the soils and waters of this state; and (3) adopt, by reference, changes to these forms.

The proposed creation of Part III (Mitigation Fees on Mining) of Rule Chapter 12B-7, F.A.C., provides for separate administration of the mitigation fee imposed on mining under Section 373.41492, F.S.

The proposed creation of Rule 12B-7.030, F.A.C. (Miami-Dade County Lake Belt Mitigation Fee): (1) provides that Section 373.41492, F.S., imposes a mitigation fee on each ton of limerock and sand extracted by any person who engages in the business of extracting limerock or sand within the areas and sections provided in section 373.41492, F.S.; (2) provides that the fee is imposed at the rate per-ton, as provided in Sections 373.41492(2) and (5), F.S.; (3) provides that the Miami-Dade County Lake Belt Mitigation Fee Monthly Return (form DR-146) is to be used to report the fee to the Department; (4) provides when the return and the payment of the fee is due to the Department; and (5) provides when interest and penalties will be imposed on delinquent fees.

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

Any person who wishes to provide information regarding 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: 211.075(2), 211.125(1), 211.33(6), 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 92.525(1)(b),(2),(3),(4), 211.026, 211.075, 211.076, 211.125, 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS.

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

TIME AND DATE: 9:00 a.m., July 23, 2003

PLACE: Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

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

and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Nancy Purvis, (850)488-0712. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Department's proposed rules are available on the Department's web site: www.myflorida.com/dor/rules.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12B-7.008 Public Use Forms.

(1)(a) The following ~~public use~~ forms and instructions are used by the Department in its administration of the taxes imposed on the production of oil, gas, and sulfur dealings with the public. These forms are hereby incorporated ~~and made a part of this rule~~ by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-144	Gas and Sulfur Production Quarterly Tax Return (R. <del>04/03</del> <u>03/03</u> )	___ <del>05/03</del>
(3) DR-144ES	Declaration of Estimated Gas and Sulfur Production Tax (R. <del>04/03</del> <u>03/03</u> )	___ <del>05/03</del>
(4) DR-145	Oil Production Monthly Tax Return (R. <del>04/03</del> <u>03/03</u> )	___ <del>05/03</del>
(5) DR-145X	Oil Production Monthly Amended Tax Return (R. <del>04/03</del> <u>03/03</u> )	___ <del>05/03</del>

Specific Authority 211.075(2), 211.125(1), 213.06(1) FS. Law Implemented 92.525(1)(b),(2),(3),(4), 211.026, 211.075(2), 211.076, 211.125, 213.755(1) FS. History--New 12-28-78, Formerly 12B-7.08, Amended 12-18-94, 5-4-03,

12B-7.026 Public Use Forms.

(1)(a) The following ~~public use~~ forms and instructions are used by the Department in its administration of the taxes imposed on the severance of solid minerals, phosphate rock, or heavy minerals from the soils and waters of this state dealings with the public. These forms are hereby incorporated ~~and made a part of this rule~~ by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-142	Solid Mineral Severance Tax Return (R. <del>04/03</del> <u>03/03</u> )	___ <del>05/03</del>



- (3) DR-142ES Declaration/Installment  
Payment of Estimated  
Solid Mineral Severance  
Tax (R. 04/03 03/03) \_\_\_\_\_ 05/03
- (4) DR-146 ~~Miami-Dade County  
Lake Belt Mitigation  
Fee Monthly Return (n. 7/99)~~ \_\_\_\_\_ ~~10/01~~

Specific Authority 211.33(6), 213.06(1), ~~373.41492(4)(b)~~ FS. Law Implemented ~~92.525(2), 211.075(2), 211.30, 211.31, 211.3103, 211.3106, 211.33, 213.755(1), 373.41492~~ FS. History--New 12-18-94, Amended 10-4-01, 5-4-03, \_\_\_\_\_.

**PART III – MITIGATION FEE ON MINING**

**12B-7.030 Miami-Dade County Lake Belt Mitigation Fee.**

(1) The Miami-Dade County Lake Belt mitigation fee is imposed on each ton of limerock and sand extracted by any person who engages in the business of extracting limerock or sand within the areas and sections provided in section 373.41492, F.S. The per-ton mitigation fee is at the rate provided in sections 373.41492(2) and (5), F.S.

(2) The tax is to be reported to the Department on the Miami-Dade County Lake Belt Mitigation Fee Monthly Return (form DR-146, incorporated by reference in Rule 12B-7.031, F.A.C.).

(3)(a) Except as provided in Rule Chapter 12-24, F.A.C., the payment and the Miami-Dade County Lake Belt Mitigation Fee Monthly Return must be delivered to the Department or be postmarked on or before the 20th day of the month following the month of the taxable transaction to avoid penalty and interest for late filing. If the 20th day falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For this purpose, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday, as this term is defined in Chapter 682, F.S., and section 7503, Internal Revenue Code of 1986, as amended. A "legal holiday" pursuant to section 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) Electronic filing of payments and returns must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when:

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

(4) When any person fails to remit the mitigation fee, or any portion thereof, on or before the day the fee is required to be paid, interest will be added to the amount of unpaid fee at the rate of interest established pursuant to Section 213.235,

F.S., and Rule 12-3.0015, F.A.C. (prorated daily). Interest accrues on the amount of fee due from the date of delinquency until the date on which the tax is paid.

(5) Persons who are required to make a return or to pay the mitigation fee imposed under Section 373.41492, F.S., and administered under the provisions of Chapter 212, F.S., and fail to do so will be subject to penalties, as provided in Section 212.12(2), F.S.

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

**12B-7.031 Public Use Forms.**

(1)(a) The following form and instructions are used by the Department in its dealings with the public in the administration of the Miami-Dade County Lake Belt mitigation fee. This form and instructions are hereby incorporated by reference in this rule.

(b) Copies of this form and instructions are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 4) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

<u>Form Number</u>	<u>Title</u>	<u>Effective Date</u>
(2) DR-146	Miami-Dade County Lake Belt Mitigation Fee Monthly Return (R. 02/03)	_____

Specific Authority 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b),(2),(3),(4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles B. Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; (850)922-4726

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed changes to Rule Chapter 12B-7, F.A.C. (Severance Taxes and Fees), were noticed for a

rule development workshop in the Florida Administrative Weekly on May 2, 2003 (Vol. 29, No. 18, pp. 1853-1855). A rule development workshop was held on May 21, 2003. No one appeared to provide comment regarding these proposed rule changes. No changes have been made by the Department.

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

RULE TITLE:

RULE NO.:

Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with s. 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners 12D-10.0044

**PURPOSE AND EFFECT:** The purpose of the creation of Rule 12D-10.0044, F.A.C., is to implement the provisions of sections 2 and 4, Chapter 2002-18, L.O.F., providing requirements for acceptance of value adjustment board petition forms; providing for exchange of information for value adjustment board hearings; requiring the Department of Revenue to prescribe uniform procedures for value adjustment board hearings; and providing that petitioners may reschedule hearings.

**SUMMARY:** The proposed creation of Rule 12D-10.0044, F.A.C., provides the requirements for exchange of information between value adjustment board petitioners and the property appraiser and mailing/delivery methods and time frames for the information; provides that value adjustment boards are required to hold organizational hearings and make value adjustment board uniform proceedings available to petitioners prior to scheduled hearings.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, 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:** 194.011(5), 195.027(1), 213.06(1) FS.

**LAW IMPLEMENTED:** 194.011, 194.015, 194.032, 194.034, 194.035, 195.022, 200.069, 213.05 FS.

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

**TIME AND DATE:** 9:30 a.m., Friday, July 18, 2003

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

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any proceeding before the Property Tax

Technical Unit is asked to advise the Department at least 48 hours before such proceeding by contacting Sharon Gallops, (850)414-6108. A person who is hearing-impaired or speech-impaired should contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

The proposed rule was originally published in Vol. 28, No. 40, October 4, 2002, pp. 4216-4218, issue of the Florida Administrative Weekly. A rule development workshop was held on August 22, 2002 in Tallahassee, Florida. A public hearing was held on October 30, 2002 in Tallahassee, Florida. Based on comments received at the workshop and the hearing and written comments received prior to and subsequent to the workshop and subsequent to the hearing, changes have been made to the proposed rule as published in the October 4, 2002, Florida Administrative Weekly, in accordance with s. 120.54(3)(d)1., F.S. The Notice(s) of Change to the proposed rule were published in Vol. 28, No. 48, pp. 5351-5352, November 27, 2002; Vol. 29, No. 3, p. 191, January 17, 2003; Vol. 29, No. 9, p. 872, February 28, 2003; Vol. 29, No. 15, p. 1498, April 11, 2003 and Vol. 29, No. 21, p. 2115, May 23, 2003 issues of the Florida Administrative Weekly. The full text of the proposed rule presented below incorporates these changes as published in these issues of the Florida Administrative Weekly.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

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

12D-10.0044 Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with s. 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners.

(1) The value adjustment board must accept Forms DR-486 and DR-486T, regardless that the value adjustment board uses another such form, as permitted under Section 195.022, F.S.

(2) Subsequent to the mailing or sending of the hearing notice, and at least 10 days before the scheduled hearing, the petitioner shall provide the property appraiser with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing.

(3) No later than 5 days after the property appraiser receives the petitioner's documentation, the property appraiser shall provide the petitioner with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing. The evidence list must contain the property record card if provided by the clerk. In computing the

5 day period prescribed in this subsection, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. See Rule 1090(a), Florida Rules of Civil Procedure, entitled Time.

(4)(a) If the taxpayer does not provide the information to the property appraiser at least ten days prior to the hearing pursuant to subsection (2), the property appraiser need not provide the information to the taxpayer pursuant to subsection (3).

(b) If the property appraiser does not provide the information within the time required by subsection (3) and at least five calendar days before the hearing, the taxpayer shall be entitled to reschedule the hearing. If the property appraiser provides the information within the time set forth in subsection (5) but less than five calendar days before the hearing, the petitioner's submission of the information shall qualify as a written request for rescheduling as provided in subsection (9). In such circumstances, the clerk shall reschedule the hearing upon being so advised by the petitioner.

(5)(a) The exchange in subsections (2) and (3) shall be delivered by regular or certified U.S. mail, personal delivery, overnight mail, FAX or email. A party will have prima facie complied with the requirements of this section if the information was deposited in the U.S. mail five (5) calendar days prior to the day of such scheduled delivery, or if emailed or Faxed to an address provided by the other party. It shall be sufficient if at least three FAX or email attempts are made to such address. If more than one FAX number is provided, three (3) attempts must be made for each number to satisfy this requirement. The taxpayer and property appraiser may agree to a different timing and method of exchange. "Provided" means made available in the manner designated by the property appraiser or by the petitioner in his/her submission of information, as via email, facsimile, U.S. mail, or at the property appraiser's office for pick up. If the petitioner does not designate his/her desired manner for receiving the property appraiser's information, the information shall be provided by the property appraiser by depositing it in the U.S. mail.

(b) The information shall be sent to the address listed on the petition form; however, it may be submitted to an email or FAX address if given.

(c) In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. If the tenth day before a hearing is a Saturday, Sunday, or legal holiday, the information under subsection (2) shall be provided no later than the previous business day.

(6) Level of detail on evidence summary: The summary pursuant to subsections (2) and (3) shall be sufficiently detailed as to reasonably inform a party of the general subject matter of the witness' testimony, and the name and address of the witness.

(7) Hearing procedures: Neither the Board nor the special master shall take any general action regarding compliance with this section, but any action on each petition shall be considered on a case by case basis. Any action shall be based on a consideration of whether there has been a substantial noncompliance with this section, and shall be taken at a scheduled hearing and based on evidence presented at such hearing. "General action" means a prearranged course of conduct not based on evidence received in a specific case at a scheduled hearing on a petition. A property appraiser shall not appear at the hearing and use undisclosed evidence that was not supplied to the petitioner as required. The normal remedy for such noncompliance shall be a rescheduling of the hearing to allow the petitioner an opportunity to review the information of the property appraiser.

(8) The information shall be in writing and may be delivered by regular or certified U.S. mail or personal delivery so that the information shall be received timely.

(9) The petitioner may reschedule the hearing one time by submitting a written request to the clerk of the board no less than 5 calendar days before the scheduled appearance.

(10) This rule provides procedures for information and evidence exchange between the petitioner and property appraiser, consistent with s. 194.032, F.S., subject to the provisions of s. 194.034(1)(d), F.S., and subsection 12D-10.003(4), F.A.C., relating to a request by a property appraiser for information from the petitioner in connection with a filed petition, which information need not be provided earlier than ten days prior to a scheduled hearing pursuant to subsections (2) and (5).

(11) The value adjustment board shall hold an organizational meeting and must make the uniform procedures available to petitioners. Such procedures shall be available a reasonable time following the organizational meeting and shall be available a reasonable time before the commencement of hearings in conformance with this rule. The Board shall be deemed to have complied if it causes petitioners to be notified in writing, along with or as part of the notice of hearing, of the existence and availability of its procedures and include notice as to the exchange of information contained in this rule. The Board is authorized to use other additional or alternative means of notification directed to the general public or specific taxpayers, as it may determine.

(12) Such procedures shall be available in time to permit parties to comply with them, and such procedures, and the provisions of this rule, shall apply to petitions heard on and after January 1, 2003.



(1)(f) “State Agency Account” means a Prepaid Escrow Account issued to those agencies included in Section 20.03(2), Florida Statutes, the Office of the Governor, the Cabinet, and all Cabinet agencies.

(3) Initial Application. Application for a Prepaid Escrow Account with the Department will be made by submitting a Prepaid Escrow Account Application, Department of Transportation Form 350-060-10, R. 01/02, and the appropriate deposit as set forth in paragraph 14-114.004(4)(b), F.A.C., to the Florida Department of Transportation, Office of Comptroller, Cashier, 3717 Apalachee Parkway East, Tallahassee, Florida 32311-3400.

(4) Processing of the Application.

(a) Approval. The ~~Florida Department’s of Transportation Office of~~ Comptroller will review all applications for accuracy and completeness before processing. Upon completion of the review and approval, each approved application will be assigned a numeric account number by the Office of Comptroller for entry into the Department accounts receivable records, and for monthly billing purposes. An executed copy of the application will be returned to the applicant, who is then an Account Holder.

(b) Security Deposit. An Account will not be approved until the required security deposit has been received and approved by the Department. With the exception of State Agency Accounts and Shared Security Accounts, the required security deposit for each Account is \$300.00, or three times the estimated monthly usage, whichever is greater. Deposits for Commercial Accounts, Other Governmental Accounts, and Individual Accounts may be made in cash for the full amount of the required security deposit, or with \$300.00 cash and the remainder by account bond. Deposits for Florida Governmental Accounts may be made with a purchase order to the Department up to an amount of \$10,000.00, and the remainder by cash or account bond; or a cash deposit for the full amount of the required security deposit; or with a \$300.00 cash deposit and the remainder by account bond. All account bonds must be on the Account Bond, Department of Transportation Form 350-060-08, R. 01/02. State Agency Accounts will not require security deposits unless the agency fails to pay the Account in compliance with Section 215.422, Florida Statutes. If a State Agency Account Holder fails to pay as required, the Department will require the same security deposit for the State Agency Account as for an Other Governmental Account. The Department will approve associations for Shared Security Accounts using the following criteria: financial status, number of members, years of operation, and benefit to the Department. The security deposit will be held in one lump sum amount for all accounts and must be in the form of cash or account bond. It is the responsibility of the association to send the Department notices of member enrollment and inactivation. The Department requires the security to be equal or greater than the average of the last 12

months of invoices for all members. To calculate this figure, all members’ invoices for the past 12 months are added together and then divided by 12.

(c) Increase in Deposit. If, after establishment of an Account, actual monthly usage exceeds estimated monthly usage, the deposit must be increased to equal the sum of the three highest months’ usage in the last 12 month period. If the Account has been established for less than three full months, the usage will be based on the period the Account has been in use. The Department will notify the Account Holder in writing of the increase in the security deposit required. Failure to increase the security deposit to the proper level within 30 days of receipt of the notification will cause immediate loss of Account usage privileges until the required security deposit is received by the Department. If the required security deposit is not increased within an additional 15 days, the Account will be terminated. If additional security is required for Shared Security Accounts, the Department will notify the association in writing of the increase due. If the increased amount has not been deposited within 60 days, the Department will require security deposits directly from the Account Holders.

(d) Suspension of Account. If usage in any one month exceeds the amount of the security deposit, all Account privileges will immediately be suspended until the security deposit is increased in conformance with paragraph 14-114.0011(4)(c), F.A.C. Additionally, if at any time the total unpaid balance on the Account exceeds the amount of the security deposit, all Account privileges will immediately be suspended until the security deposit is increased in conformance with paragraph 14-114.0011(4)(c), F.A.C.

(5) Monthly Billing. A monthly billing is prepared and mailed to the Account Holder. If an Account is not paid in full within 30 days of the date of the billing, the Account becomes past due. If not paid within 15 days of becoming past due, a suspension notice will be issued and the Account Holder will be refused Account privileges. If the Account is not paid within 15 days of the date of the suspension notice, the Account will be terminated.

(6) Termination. The Department will terminate Accounts if the Prepaid Escrow Account program is no longer deemed necessary, and will terminate Individual Accounts if this or other accounts of the Account Holder with the Department are delinquent. The Account Holder may terminate its Account at any time. When an Account is terminated, outstanding purchases will be deducted from the balance of the Account Holder’s deposit. If there are not sufficient funds in the Account to cover outstanding purchases, the Account Holder will be notified of the funds due. The Account Holder must pay all sums due within 30 days of the termination notification. If payment is not received, the Department will pursue collection of any amounts owed. Any funds remaining in the Account Holder’s Account in excess of the outstanding purchases will be refunded to the Account Holder upon verification that all



SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.35 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.210 Use of Force.

(1) through (4) No change.

(5) The warden or duty warden will be consulted and give her or his permission prior to use of physical force. In spontaneous use of force incidents when circumstances do not permit prior approval, the warden or duty warden will be notified immediately following any use of force incident. Whenever force is authorized, the employee who was responsible for making the decision to use force pursuant to subsection (1) shall prepare, date and sign the Authorization For Use of Force Report, Form DC6-232 either during, or immediately after, the tour of duty when force was used. If the authorization for force is given after normal working hours, the person authorizing the force shall complete and sign Form DC6-232 within one working day (Monday through Friday) following the incident. Form DC6-232 is incorporated by reference in subsection ~~(20)(49)~~ of this rule.

(6) Whenever force is used, a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. Form DC6-230, Institutions Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior employee shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC6-230 ~~Section part~~ I shall prepare an Institutions Report of Force Used Staff Supplement, Form DC6-231. The report shall describe in detail the type and amount of force used by himself or herself. Each Employee shall individually write his or her own report, then submit the completed report to the clerical personnel designated by the warden to type all the reports onto one form to be signed by each employee. Any additional employee who does not agree with the facts and circumstances as reported in Form DC6-230 ~~Section part~~ I shall prepare a separate Form DC6-230,

Institutions Report of Force Used. Forms DC6-230 and DC6-231 are incorporated by reference in subsection ~~(20)(49)~~ of this rule.

(7) No change.

(8) The warden or acting warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation. If signs of excessive force or procedural deviation are noted by the warden or assigned inspector, she or he will notify the Office of the Inspector General directly, so that there is no undue delay in initiating an investigation. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information and required documentation. This information will include the reports of all involved staff and the statements of staff witnesses, inmate witnesses, the inmate subject, and the completed Use of Force File Checklist, Form DC1-813. All inmate statements (subject and witnesses) shall be made in writing using the Witness Statement, Form DC6-112C. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. All employees who witness but do not participate in the use of force shall complete an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in subsection ~~(20)(49)~~ of this rule. This process will be completed within 5 working days (Monday through Friday). The warden shall review the information and note any inappropriate actions. The warden shall review the Use of Force File Checklist, Form DC1-813, and shall forward the videotape(s) and associated reports on the use of force and the warden's review to the institutional inspector within five working days. Form DC1-813 is incorporated by reference in subsection ~~(20)(49)~~ of this rule. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days. The OIG, following its review, will either approve the use of force action or disapprove it. If necessary, it will be referred for investigation before final approval or disapproval. If disapproved, the OIG shall advise the warden in writing of the reason for the disapproval so that the warden can take any needed corrective action. If employee disciplinary action appears warranted, the warden shall forward the materials to the service center employee relations supervisor. Form DC6-296, Disapproved Use of Force/ Disposition Report, shall be used for this purpose. Form DC6-296 is incorporated by reference in subsection ~~(20)(49)~~ of this rule. The warden shall document all corrective action taken. Copies of the employee's report, the warden's summary and the inspector general's review and determination shall be kept in the inmate's file. A Use of Force Log, Form DC2-802, shall be placed in every employee's personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the employee. The warden or his or her designee shall be responsible for submitting accurate information to the personnel office in order to maintain the

DC2-802. Any use of force reports completed prior to April 15, 1998 shall also remain in the file. Form DC2-802, Use of Force Log, is incorporated by reference in subsection ~~(20)(19)~~ of this rule.

(9) Any employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign an Incident Report, Form DC6-210, pursuant to Section 944.35(5), F.S., specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located. Form DC6-210, Incident Report, is incorporated by reference in subsection ~~(20)(19)~~ of this rule.

(10) Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare a report documenting the reasons that force or restraint was authorized. Form DC6-232, Authorization For Use Of Force Report, shall be used for this purpose. The physician's or clinical associate's report shall be attached to the Institutions Report of Force Used when actual force is used, or the Incident Report, Form DC6-210, in cases when restraints are applied without the use of force as described above. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign a Refusal of Health Services Affidavit, Form DC4-711A, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection ~~(20)(19)~~ of this rule. When the use of psychiatric restraints (leather or vinyl waist belt, wrist cuffs and leg restraints; protective helmets; four point restraints) is authorized and the inmate does not offer resistance to the application of the restraints, the completion of an Institutions Report of Force Used, Form

DC6-230, or an Institutions Report of Force Used Staff Supplement, Form DC6-231, will not be required. In these situations, where there is no resistance to the application of psychiatric restraints, the application of the restraints will be videotaped and an Incident Report, Form DC6-210, will be completed. The videotape, the completed incident report, and the completed Authorization for Use of Force Report, Form DC6-232, will be forwarded to the warden or acting warden for review within one working day. The warden will forward the videotape and associated reports to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Office of the Inspector General, as outlined in subsection (8) above, for review. If at any time prior to or during the application of the psychiatric restraints the inmate offers resistance to the application, the steps outlined in subsection (6) above will be followed, to include the completion of the Authorization for Use of Force Report, Form DC6-232.

(11) No change.

(12) Batons, chemical agents, electronic immobilization devices, and specialty impact munitions shall not be used on inmates who are assigned to inpatient mental health care in an infirmary units (i.e., isolation management rooms, transitional care units, crisis stabilization units, and the corrections mental health institution, or other mental health treatment facility.) except when it appears reasonable necessary to:

(a) through (d) No change.

(13) Use of electronic immobilization devices.

(a) through (d) No change.

(e) When in a close management or confinement setting, prior to utilizing electronic immobilization devices, the officer shall review Form DC4-650B, Chemical Agents Risk Assessment for the Use of Chemical Agents and Electronic Immobilization Devices Form, to determine whether the inmate has a medical condition which may be exacerbated by use of electronic immobilization devices. If no form is available, and where time and circumstances permit, medical staff shall be consulted to determine if the inmate has any medical condition that would make the use of an electronic immobilization device dangerous to that inmate's health. Form DC4-650B is incorporated by reference in subsection (20) of this rule.

(f) No change.

(g) As soon as possible following each use of an electronic immobilization device the inmate shall be afforded medical examination and treatment. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. Form DC4-529 is incorporated by reference in



subsection (20) of this rule. Mental health staff shall evaluate the inmate not later than the next work-day to determine whether a higher level of mental health care (isolation management, transitional, or crisis stabilization) is indicated. For the purposes of this rule, the following definitions shall apply:

1. through 2. No change.

(h) through (k) No change.

(l) Electronic immobilization devices shall not be utilized after the application of any CN or CS chemical agents.

(14) Use of Chemical Agents.

(a) The following chemical agents are authorized for use by the department:

1. OC – Oleoresin Capsicum (pepper spray) – An inflammatory agent that causes tearing and involuntary closing of the eyes, nasal discharge, sneezing, disorientation, and the sensation of respiratory distress.

a. OC is the primary chemical agent to be used for cell extractions and other in-cell, individual, use, unless circumstances exist as outlined in subparagraph 2. below.

b. OC shall be used only in the manner prescribed in department rules and procedures, consistent with manufacturer directions.

c. OC shall not be used in conjunction with any electronic immobilization device.

2. CS – Orthochlorobenzal Malononitrile or Orthochlorobenzylidene Malononitrile – An irritant agent that causes eyes to burn and tear, nasal discharge, and skin and upper respiratory irritation.

a. CS shall be used for cell extractions and other in-cell, individual, use only when OC is ineffective and efforts to talk the inmate into cooperating have failed.

b. When documentation is available, e.g. previous Institutional Report of Force Used, Form DC6-230, to substantiate that the use of OC has in the past proven ineffective in controlling a specific inmate, the warden or duty warden has the option to authorize the use of CS as the initial/primary chemical agent.

c. CS is additionally authorized as the initial/primary chemical agent during in-cell applications in which the inmate has covered his person or fabricated a barrier in an effort to prevent direct contact with the chemical agent.

d. When CS is used as the initial/primary chemical agent the justification shall be listed in Section I of Form DC6-230, Institutions Report of Force Used.

~~e.~~ CS shall be used only in the manner prescribed in department rules and procedures, consistent with manufacturer directions.

~~f.~~ CS shall not be used in conjunction with any electronic immobilization device.

3. No change.

(b) Chemical agents, OC CN or CS ~~gas~~, shall be used only after all other reasonable efforts to control a disorderly inmate or group of inmates have been exhausted. All chemical agents shall be used with caution.

(c) through (j) No change.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until its use is authorized. Each stored chemical agent dispenser will be numbered. The Chemical Agent Accountability Log, Form DC6-216, will be kept in all areas in which chemical agents are stored and will be utilized to record the weight of each numbered chemical agent dispenser prior to issue and again when it is returned to the secure inventory storage area. The weighing process will be conducted and a verifying entry will be made in the log, including the signature of the shift supervisor authorizing the use of the chemical agent. The chief of security shall monitor the canister weights following each use of chemical agents to ensure the amounts used are consistent with that expected by reviewing and initialing the Chemical Agent Accountability Log, Form DC6-216. Form DC6-216 is incorporated by reference in subsection (20)(19) of this rule. Staff designated by the Secretary of the Department shall be issued one three or four ounce dispenser of ~~MK-4 Defense Technologies 10% non-flammable~~ OC pepper spray ~~or equivalent~~, with marking dye, after being properly trained in chemical agent utilization. The chemical agent dispenser shall be securely encased and attached to the officer's belt. Each MK-4 chemical agent dispenser will be secured within a pouch by a numbered, breakable seal. Form DC6-213, Individual Chemical Agent Dispenser, will be utilized to document the name of the officer to whom each dispenser is assigned as well as the seal number on the dispenser she or he received. Upon receiving the dispenser and pouch, the officer will examine the safety seal to ensure that it is intact. If the seal is broken, the Shift Supervisor will be notified immediately and an Incident Report, Form DC6-210, will be written. Forms DC6-210 and DC6-213 are incorporated by reference in subsection (20)(19) of this rule. The arsenal sergeant shall maintain a mastery inventory of all individual chemical agent dispensers complete with the weight of the dispenser at the time the original seal is attached. Whenever a dispenser is returned with a broken seal, the arsenal sergeant shall document the weight of the dispenser on the Form DC6-216 and attach a new seal.

(l) No change.

(m) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. No change.

2. If the confinement or close management lieutenant or shift supervisor's efforts to control the disorderly inmate have failed and the use of chemical agents is the least level of force

that can be expected to successfully gain control of the disruptive inmate while minimizing the risk of injuries to all involved, the shift supervisor shall:

a. When in a close management or confinement setting, review Form DC4-650B, Chemical Agent Risk Assessment for the Use of Chemical Agents and Electronic Immobilization Devices Form, to determine if the inmate has a medical condition that would be exacerbated by the use of chemical agents; if no form is available, where time and circumstances permit, contact medical staff to determine whether the inmate has any medical condition that would make the use of chemical agents dangerous to that inmate's health; and

b. through 3.f. No change.

(o) through (p) No change.

(n) Medical Requirements. All inmates shall be examined by medical staff as soon as possible after the chemical agent has been used but not more than one hour after the first exposure, except in cases of emergency where this may not be possible. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In those cases where an injury is claimed but not substantiated by medical examination, the statement shall indicate that, and the documentation shall be sufficient to support that no injury was found upon examination. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. Form DC4-529 is incorporated by reference in subsection (20) of this rule. Mental health staff shall evaluate the inmate not later than the next working day, to determine whether a higher level of mental health care (isolation management, transitional or crisis stabilization) is indicated.

(15) through (16) No change.

(17) Pepperball Launching System (PLS). The PLS shall be used primarily by restricted labor squad supervisors and exercise officers for designated confinement, close management and death row populations. The PLS is intended for the dispersal of chemical agents in situations where the use of aerosol type agents would not be effective due to weather conditions or when their use could subject the officer or uninvolved inmates to injury. The PLS shall only be employed by officers trained in their use and effects.

(a) The secretary shall designate those institutions authorized to utilize the PLS.

(b) In controlled situations when time constraints are not an issue, the PLS can only be used if authorized by the warden or duty warden. Additionally, certified correctional staff will be designated by the warden to utilize the PLS and will be pre-authorized to administer chemical agents in instances where chemical agents must be used immediately to quell assaults and fights among inmates assigned as outlined in paragraphs (c) and (d) below.

(c) PLS is authorized for use to quell assaults and fights among inmates assigned to restricted labor squads.

(d) PLS is authorized for use in designated confinement, close management and death row recreation areas to quell assaults and fights among inmates.

(e) PLS is classified as less-than-lethal at all distances, but, unless the incident necessitates otherwise, it shall be primarily utilized at a distance of five (5) feet or greater to prevent the inmate from attempting to take control of the launcher.

(f) Written authorization from the warden or acting warden shall be received prior to utilization of the PLS for situations other than those described in paragraphs (c) and (d) above. This written authorization shall detail the reasons it was necessary to utilize the PLS in addition to or in place of aerosol type chemical agents.

(g) All subsequent reports, medical requirements and reviews required for the use of chemical agents as outlined in subsection (14) above shall be completed after the use of the PLS.

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

~~(20)~~(19) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (b) No change.

(c) DC4-529, Staff Request/Referral, effective \_\_\_\_\_.

(c) through (h) renumbered (d) through (i) No change.

~~(j)~~(+) DC6-230, Institutions Report of Force Used, effective \_\_\_\_\_ July 25, 2002.

~~(k)~~(+) DC6-231, Institutions Report of Force Used Staff Supplement, effective \_\_\_\_\_ 2-7-00.

(k) through (l) renumbered (l) through (m) No change.

~~(n)~~(m) DC4-650B, Chemical Agents Risk Assessment for the Use of Chemical Agents and Electronic Immobilization Devices Form, effective \_\_\_\_\_ July 25, 2002.

Specific Authority 944.09, FS. Law Implemented 20.315, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dale Landress

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2003

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

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

PURPOSE AND EFFECT: Update the District’s water use compliance forms, water use permit application and supporting information forms to conform to new legislative direction, new policy development, and regional water supply plan implementation.

SUMMARY: Replace current Pumpage Report (Form Number 0188) with Quarterly and Monthly Pumpage Reports & Seasonal Crop Reporting; replace current Short-term Dewatering General Water Use Permit (Form Number 0445) with new Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G); replace current Water Use Permit Application (Form Number 0645) with new Water Use Permit Application (RC-1A, RC-1W, RC-1G) and revise related Tables; and add Major General Permit (Form Number 1109). The updated forms are posted on the SFWMD Website at www.sfwmd.gov.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 120.53, 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.53, 373.113 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A PUBLIC HEARING WILL BE NOTICED IN THE FAW. (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities

or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Bower, Sr. Supv. Hydrogeologist, Water Use Regulation, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6930 or (561)682-6930 (internet: rbower@sfwmd.gov). The updated forms are posted on the SFWMD Website at www.sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.659 Forms and Instructions.

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

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works and Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.
0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District
0123	12-01	Well Construction Permit Application
0124	11-90	Well Completion Report
0145	8-95	Environmental Resource Permit No.
0157	8-95	Environmental Resource Permit Modification No.
<u>0188-QMQ</u>	<u>08-03</u>	<u>Quarterly Report of Withdrawals</u>
<u>0188-MDQ</u>	<u>08-03</u>	<u>Monthly Report of Daily Withdrawals</u>

<u>0188-QASR</u>	<u>08-03</u>	<u>Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells</u>	<u>0645-G72</u>	<u>08-03</u>	<u>Table J Aquifer Storage and Recovery</u>
			<u>0645-G73</u>	<u>08-03</u>	<u>Table K Water Supply System Interconnections</u>
<u>0188-QMON</u>	<u>08-03</u>	<u>Quarterly Report of Monitoring Requirements</u>	<u>0645-0779</u>	<del><u>12-01</u></del> <u>5-92</u>	<del><u>Water Use Permit Application</u></del> Guidance for Preparing an Application for a “Works of the District” Permit in the Everglades/Application for a Works of the District Permit
<u>0188-QMOF</u>	<u>08-03</u>	<u>Quarterly Report of Withdrawals from Wells and Surface Water Pumps</u>			Special Use Application and License
<u>0188-QCROP</u>	<u>08-03</u>	<u>Report of Planting and Harvest of Seasonal Crops</u>	<u>0830</u>	<u>4-94</u>	Environmental Resource/Surface Water Management Permit
<u>0188-QBWDR</u>	<u>08-03</u>	<u>Quarterly Report of Bulk Water Delivered and Received</u>	<u>0881</u>	<u>8-95</u>	Construction Completion/Construction Certification
<u>0188</u>	<u>12-01</u>	<u>Pumpage Report</u>			Certification of Waiver of Permit Application Processing Fee
<u>0195</u>	<u>6-91</u>	<u>Public Water Supply Well Information and Classification</u>			Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity
<u>0196</u>	<u>10-89</u>	<u>Water Well Inspection Scheduling Card</u>			Mitigation Construction Commencement Notice
<u>0299</u>	<u>1-90</u>	<u>Water Use Permit No.</u>	<u>0889</u>	<u>8-95</u>	Environmental Resource Standards/Noticed General Permit No.
<u>0444</u>	<u>8-95</u>	<u>Application for a Standard General Permit for Incidental Site Activities</u>	<u>0920</u>	<u>8-95</u>	Surface Water Management General Permit No.
<u>0445</u>	<u>08-03</u> <del><u>12-01</u></del>	<u>Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G) Application for a Short term Dewatering General Water Use Permit</u>			Environmental Resource/Surface Water Management Permit Construction Commencement Notice
<u>0483</u>	<u>8-95</u>	<u>Request for Environmental Resource, Surface Water Management, Water Use, or Wetland Resource Permit Transfer</u>	<u>0938</u>	<u>8-95</u>	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
<u>0645-W01</u>	<u>08-03</u>	<u>Water Use Permit Application (RC-1A, RC-1W, RC-1G)</u>	<u>0941</u>	<u>8-95</u>	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
<u>0645-G60</u>	<u>08-03</u>	<u>Table A Descriptions of Wells</u>	<u>0942</u>	<u>8-95</u>	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
<u>0645-G61-1</u>	<u>08-03</u>	<u>Table B Description of Surface Water Pumps</u>	<u>0960</u>	<u>8-95</u>	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
<u>0645-G61-2</u>	<u>08-03</u>	<u>Table C Description of Culverts</u>			Environmental Resource/Surface Water Management Permit Construction Commencement Notice
<u>0645-G65</u>	<u>08-03</u>	<u>Table D Crop Information</u>			Environmental Resource/Surface Water Management Permit Construction Commencement Notice
<u>0645-G74</u>	<u>08-03</u>	<u>Table E Water Received From or Distributed to Other Entities</u>	<u>0961</u>	<u>8-95</u>	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
<u>0645-G69</u>	<u>08-03</u>	<u>Table F Past Water Use &amp; Table G Projected Water Use</u>			Environmental Resource/Surface Water Management Permit Construction Commencement Notice
<u>0645-G70</u>	<u>08-03</u>	<u>Table H Projected Water Use (For Per Capita Greater than 200 GPD)</u>			Environmental Resource/Surface Water Management Permit Construction Commencement Notice
<u>0645-G71</u>	<u>08-03</u>	<u>Table I Water Treatment Method and Losses</u>	<u>0970</u>	<u>8-95</u>	Applicant Transmittal Form for Requested Additional Information

0971	8-95	Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit
0972	8-95	Petition for a Formal Wetland and Surface Water Determination
0973	8-95	Above Ground Impoundment Inspection/Certification Report
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit
<u>1109</u>	<u>08/03</u>	<u>Water Use General Permit</u>

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Wm. Scott Burns, Director, Water Use Regulation Division  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 15, 2002

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Content of General Water Use Permit Applications  
 RULE NO.: 40E-20.101  
 PURPOSE AND EFFECT: Update reference to the District's Dewatering Water Use General Permit.  
 SUMMARY: The rule is amended to reference the District's newly revised Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G). The updated forms are posted on the SFWMD Website at www.sfwmd.gov.  
 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 within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.  
 LAW IMPLEMENTED: 373.103(1), 373.219, 373.223, 373.229 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A PUBLIC HEARING WILL BE NOTICED IN THE FAW. (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Bower, Sr. Supv. Hydrogeologist, Water Use Regulation, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6930, (561)682-6930 (internet: rbower@sfwmd.gov). The updated forms are posted on the SFWMD Website at www.sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-20.101 Content of General Water Use Permit Applications.

(1) through (2) No change.

(3) Applicants for a Dewatering Water Use General Permit under subsection 40E-20.302(2), F.A.C., shall file ~~Form 0645 - Water Use Permit Applications, Part RC-1A Administrative Information for Water Use Permit Applications, and Form 0445, Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G) Application for a Dewatering Water Use General Permit,~~ as incorporated by reference in Rule 40E-1.659, F.A.C.

(4) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.219, 373.223, 373.229 FS. History--New 8-14-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wm. Scott Burns, Director, Water Use Regulation Division  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 15, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Medicaid Providers Who Bill on the CMS-1500  
 RULE NO.: 59G-4.001  
 PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Provider Reimbursement Handbook, CMS-1500, October 2003, in Rule 59G-4.001, F.A.C. The effect will be to substantially rewrite Chapters six through eight of the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500, which was incorporated in Rule 59G-5.020, F.A.C., and rename this section as the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, October 2003.

In the Notice of Rule Development, we proposed incorporating the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, in Rule 59G-5.020, F.A.C., Provider Requirements, which is the same rule in which we are incorporating the Florida Medicaid Provider General Handbook. For administrative purposes, we decided to incorporate the handbooks in separate rules, because the Florida Medicaid Provider General Handbook applies to all Medicaid providers; and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, applies only to providers who bill on the CMS-1500 claim form. Providers who bill on the CMS-1500 claim form are included in Chapter 59G-4, F.A.C., Medicaid Services, so we are incorporating the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, in that rule chapter.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, October 2003. The Handbook revisions include a substantial rewrite to Chapters six through eight of the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500, which was incorporated in Rule 59G-5.0520, F.A.C., revisions to claim form processing and new claim form requirements for paper CMS-1500 claim forms effective October 16, 2003.

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: 409.902, 409.906, 409.907, 409.908, 409.912 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: 10:30 a.m., July 21, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Girard, Agency for Health Care Administration, Medicaid Contract Management, 2308 Killlearn Center Blvd., Suite 200, Tallahassee, FL 32309, (850)922-2725

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.001 Medicaid Providers Who Bill on the CMS-1500.

All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid program to bill the Florida Medicaid program on a paper CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, October 2003, which is incorporated by reference and available from the fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynne Metz

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Provider Requirements  
 RULE NO.: 59G-5.020

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the Florida Medicaid Provider General Handbook, October 2003. The effect will be to combine the general Medicaid policies that are in chapters 1 through 5 and the appendices of the claim-specific Florida Medicaid Reimbursement Handbooks into a general handbook that will pertain to all Medicaid providers.

In the Notice of Rule Development, we proposed incorporating the Florida Medicaid Provider General Handbook and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, in Rule 59G-5.020, F.A.C., Provider

Requirements. For administrative purposes, we decided to incorporate the handbooks in separate rules, because the Florida Medicaid Provider General Handbook applies to all Medicaid providers; whereas the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, applies only to providers who bill on the CMS-1500 claim form. The Florida Medicaid Provider Reimbursement Handbook, CMS-1500, is being incorporated by reference in Chapter 59G-4, F.A.C., Medicaid Services.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the Florida Medicaid Provider General Handbook, October 2003. The handbook contains the general Medicaid policies that are in chapters 1 through 5 and the appendices of the claim-specific Florida Medicaid Provider Reimbursement Handbooks.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912 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., July 21, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Girard, Medicaid Contract Management, 2308 Killlearn Center Blvd., Suite 200, Tallahassee, Florida 32309, (850)922-2725

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-5.020 Provider Requirements.

All Medicaid providers ~~advanced registered nurse practitioners; ambulatory surgery centers; audiologists; birthing centers; child health check up providers; chiropractors; community mental health services providers; county health departments; county health department certified match providers; dentists (when submitting claims on the HCFA 1500 claim form); durable medical equipment and medical supply providers; early intervention service providers; federally qualified health centers; freestanding dialysis centers; hearing aid specialists; home health agencies; independent laboratories; licensed midwives; Medicaid certified school match providers; medical foster care providers; opticians; optometrists; physicians; physician assistants; podiatrists;~~

~~portable x-ray providers; prescribed pediatric extended care centers; registered nurse first assistants; rural health clinics; therapists; and visual services providers~~ enrolled in the Medicaid program and their billing agents who submit claims to Medicaid on behalf of an enrolled Medicaid provider must comply with the provisions of the Florida Medicaid Provider General Reimbursement Handbook, October 2003 HCFA 1500 and Child Health Check-Up 221, updated May 2001, which is incorporated by reference and available from the fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912 FS. History—New 9-22-93, Formerly 10P-5.020, Amended 7-8-97, 1-9-00, 4-24-01, 8-6-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Girard

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE TITLE: Definitions RULE NO.: 61G7-6.001

PURPOSE AND EFFECT: The Board propose to amend this rule to add a definition for financial responsibility for payment of wages.

SUMMARY: This rule sets out the Department's and the Board's interpretation of definitions of terms as they are used in the administration of Part XI Chapter 468, F.S., as it relates to employee leasing companies.

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: 468.520, 468.522, 468.525 FS.

LAW IMPLEMENTED: 468.520, 468.522, 468.525(4), 468.529(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, FL 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-6.001 Definitions.

To enable the Board and the Department to administer Part XI of Chapter 468, F.S., the Board hereby interprets the following terms as used in the definition of employee leasing as follows:

(1) No change.

(2) "Assumes responsibility for the payment of wages" as used in s. 468.525(4)(b), F.S., means the obligation of the employee leasing company to comply with the terms of employment established by the employee leasing company with an employee relating to the payment of wages of the employee. The term does not include any obligation on the part of the employee leasing company to assume any contractual obligation which may exist between a client of an employee leasing company and any leased employee, unless the employee leasing company specifically adopts this contractual obligation by way of a written agreement entered into with the leased employee.

(2) through (10) renumbered (3) through (11) No change.

Specific Authority 468.520, 468.522, 468.525 FS. Law Implemented 468.520, 468.522, 468.525(4), 468.525(4)(b), 468.529(1) FS. History New 7-20-92, Formerly 21EE-6.001, Amended 9-14-93, 10-24-94, 7-18-95, 4-26-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 21, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:	RULE NOS.:
Definitions	64B5-14.001
Prohibitions	64B5-14.002
Training, Education, Certification, and Requirements for Issuance of Permit	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 Board proposes the rule amendments to conform with recent amendments to Rules 64B5-14.001 and 64B5-14.002, F.A.C., and to conform to the consensus at the national and state levels on the prevailing standards of practice for dentists using conscious sedation.

SUMMARY: The rule amendments delete the word "parenteral" which makes this form of conscious sedation inclusive along with enteral 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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 120.60(8), 466.017(3) 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 JULY 11, 2003 IN ORLANDO, FLORIDA.

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) through (3) No change.

(4) ~~Conscious Parenteral conscious~~ 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 verbal command. This modality includes administration of medications via all 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) through (11) No change.

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 3-9-03, \_\_\_\_\_.



## 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 (7) 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 3-9-03, \_\_\_\_\_.

## 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, \_\_\_\_\_.

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, \_\_\_\_\_.

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 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 16, 2003

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Examinations RULE NO.: 64B8-5.001

PURPOSE AND EFFECT: The proposed rule amendment substantially rewords the existing rule to address requirements for licensure by examination.

SUMMARY: The proposed rule amendment substantially rewords the existing rule with regard to the requirements for licensure by examination.

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

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

SPECIFIC AUTHORITY: 456.017(1), 458.309, 458.311(1)(h), 458.313(4) FS.

LAW IMPLEMENTED: 456.017(1),(2), 458.311, 458.313 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

(Substantial rewording of Rule 64B8-5.001 follows. See Florida Administrative Code for present text.)

**64B8-5.001 Examinations.**

(1) Pursuant to subsection 456.017(1)(c), F.S., the Board hereby approves and designates the use of the United States Medical Licensing Examination prepared by the Federation of State Medical Boards of the United States, Inc., and the National Board of Medical Examiners (USMLE).

(2) Any applicant who attempts to qualify for licensure by using his/her USMLE exam scores shall meet the following requirements:

(a) The applicant must achieve a weighted score of no less than 75 on each step of the USMLE;

(b) The applicant must have passed each step of the USMLE in no more than 5 attempts; and

(c) The applicant must have passed all steps of the USMLE within seven-years from the date the applicant passes the first applicable step of the USMLE to the date the applicant passes the last applicable step of the USMLE;

(3) Any applicant who attempts to qualify for licensure by using a combination of his/her National Board of Medical Examination (NBME), Federation of State Medical Boards Examination (FLEX), and the USMLE scores, shall meet the following requirements:

(a) The applicant must successfully pass one of the following combinations of exams prior to the year 2000:

1. NBME Part I, NBME Part II, and NBME Part III;
2. FLEX Component 1 and FLEX Component 2;
3. NBME Part I, NBME Part II, and USMLE Step 3;
4. NBME Part I, USMLE Step 2, and USMLE Step 3;
5. NBME Part I, USMLE Step 2, and NBME Part III;
6. USMLE Step 1, NBME Part I, and NBME Part III;
7. USMLE Step 1, USMLE Step 2, and NBME Part III;
8. USMLE Step 1, NBME Part II, and USMLE Step 3;
9. FLEX Component 1 and USMLE Step 3;
10. NBME Part I, NBME Part II, and FLEX Component 2;
11. NBME Part I, USMLE Step 2, and FLEX Component 2;
12. USMLE Step 1, USMLE Step 2, and FLEX Component 2; or
13. USMLE Step 1, NBME Part II, and FLEX Component 2.

(b) The applicant must have passed all parts/components/steps of the above examination combinations within seven-years from the date the applicant passes the first applicable part/component/step of the examination combination to the date the last applicable part/component/step in the combinations listed in subsection 3(a); and

(c) The applicant must have passed each part/component/step of the exam combinations listed in subsection 3(a) in no more than five attempts.

(4) The applicant may exceed the seven-year period requirement in subsection (2) under the following conditions:

1. The applicant has successfully passed all steps of the USMLE in no more than two attempts on each step; or
2. The applicant was enrolled in an M.D./Ph.D. program at the time the USMLE was taken; or
3. The applicant has retaken the initial USMLE step he/she passed and has passed this step in no more than 2 attempts.

(5) The applicant may exceed the five-attempt limit under subsection 2 and 3 if the applicant completes 12 months of a Board approved training program as listed in Rule 64B8-4.004,

F.A.C., between the fifth and sixth attempt at passing a part/component/step of the examinations and passes the part/component/step of the examination on the sixth attempt.

(6) Pursuant to subsections 458.311(1)(h) and 458.313(2), F.S., any applicant who is currently licensed in at least one other jurisdiction of the United States or Canada, the Board approves and designates the use of the Special Purpose Examination of the Federation of State Medical Boards of the United States (SPEX). An applicant must achieve a score of no less than 75 of the SPEX to be eligible for licensure in Florida. If such score is obtained outside of Florida the applicant will not be required to re-take the SPEX or pay the fee required for purchase of the SPEX. However, if the applicant is submitting a score on the SPEX for the purpose of complying with the clinical competency examination requirement of Section 458.313(10)(c), F.S., the score of 75 or more must be achieved within the year preceding the application for licensure.

Specific Authority 456.017(1), 458.309, 458.311(1)(h), 458.313(4) FS. Law Implemented 456.017(1),(2), 458.311, 458.313 FS. History—New 12-5-79, Amended 11-10-82, 11-28-84, 3-13-85, 8-11-85, 12-4-85, Formerly 21M-21.01, Amended 2-16-86, 12-16-86, 5-10-89, Formerly 21M-21.001, Amended 5-9-94, Formerly 61F6-21.001, Amended 10-18-94, 1-2-95, Formerly 59R-5.001, Amended 8-18-98, 2-3-00, 8-20-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2003

**DEPARTMENT OF HEALTH**

**Board of Medicine**

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

PURPOSE AND EFFECT: The proposed rule amendments are intended to address performing or attempting to perform health care services on the wrong patient and leaving a foreign body in a patient.

SUMMARY: The proposed rule amendments set forth penalties for performing or attempting to perform health care services on the wrong patient and leaving a foreign body in a patient.

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

LAW IMPLEMENTED: 456.0375(4)(c), 456.072, 456.079, 458.331(5) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

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

RECOMMENDED RANGE OF PENALTY

VIOLATION	FIRST OFFENSE	SECOND OFFENSE
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(a) through (s) No change.

(t) Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. (458.331(1)(t), F.S.)	(t) From two (2) years probation to revocation or denial, and to an administrative fine from \$1,000.00 to \$10,000.00.	(t) From suspension to revocation or denial, and an administrative fine from \$5,000.00 to \$10,000.00.
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1. through 3. No change.

4. Performing surgery or a medical procedure on the wrong patient; at the wrong site or location on the patient; or performing the wrong surgery or procedure on a patient.	4. From a \$10,000.00 fine, a letter of concern, a minimum of five (5) hours of risk management education, a minimum of 50 hours of community service, and a one hour lecture on wrong-site surgery presented to a medical community in the State of Florida to revocation.	4. From a \$10,000 fine, a reprimand and probation or denial to revocation
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(u) through (pp) No change.

(qq) Performing or attempting to perform health care services on the wrong patient, a wrong site procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. (456.072(1)(aa), F.S.)	(qq) From a \$10,000.00 fine, a letter of concern, a minimum of five (5) hours of risk management education, a minimum of 50 hours of community service, and a one hour lecture on wrong-site surgery in the State of Florida to revocation.	(qq) From a \$10,000 fine, a reprimand and probation or denial to revocation
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(456.072(1)(aa), F.S.)

(rr) Leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical paraphernalia commonly used in surgical, examination, or other diagnostic procedures. (456.072(1)(bb), F.S.)	(rr) From a \$2,000 to a \$10,000 fine, a letter of concern, a minimum of five (5) hours of risk management education, a minimum of 50 hours of community service, and a one hour lecture to the staff of a Florida licensed healthcare facility on retained foreign body objects to revocation.	(rr) From a \$10,000 fine, a reprimand and probation or denial to revocation
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(3) through (7) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Rules Committee, Board of Medicine  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Board of Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: June 7, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: April 25, 2003

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Requirement for Physician Office Registration;  
 Inspection or Accreditation  
 RULE NO.: 64B8-9.0091

PURPOSE AND EFFECT: The proposed rule amendments are intended to address office inspection criteria.

SUMMARY: The proposed rule amendments set forth criteria with regard to deficiency notices in office surgery inspections.

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: 458.309(1),(3) FS.

LAW IMPLEMENTED: 456.069, 458.309(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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0091 Requirement for Physician Office Registration; Inspection or Accreditation.

- (1) No change.
- (2) Inspection.
  - (a) through (b) No change.
  - (c) The ~~initial~~ inspection conducted pursuant to this rule shall be announced at least one week in advance of the arrival of the inspector(s).
  - (d) through (e) No change.
  - (f) The deficiency notice and any subsequent documentation shall be reviewed for consideration of disciplinary action. This consideration shall include, but not be limited to the following:

1. When the initial notice of deficiencies contain deficiencies that constitute immediate and imminent danger to the public;

2. The physician fails to provide the Department with documentation of correction of all deficiencies within 30 days from the date of inspection;

3. Upon a finding of noncompliance after a reinspection has been conducted pursuant to (2)(e) of this rule.

Documentation of corrective action shall be considered in mitigation of any offense.

(g) If disciplinary actions pursuant to §456.073, F.S., are taken, documentation of corrective action shall be considered in mitigation of any offense.

~~(h)~~(g) Nothing herein shall limit the authority of the Department to investigate a complaint without prior notice.

(3) No change.

Specific Authority 458.309(1),(3) FS. Law Implemented 456.069, 458.309(3) FS. History–New 5-15-00, Amended 9-18-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Rules Committee & Surgical Care Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2003

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Performance of Pro Bono  
 Medical Services  
 RULE NO.: 64B15-13.005

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the requirements for obtaining continuing education credit hours for pro bono medical services to indigent or underserved populations.

SUMMARY: The proposed rule amendments specify pro bono services for continuing education credit as pro bono medical services, and also establish certain health settings where provision of these medical services may be credited for continuing education requirements.

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

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

SPECIFIC AUTHORITY: 456.013(7), 459.005 FS.

LAW IMPLEMENTED: 456.013(7) 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 SEPTEMBER 13, 2003 IN TAMPA, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-13.005 Performance of Pro bono Medical Services.

(1) Up to 10 hours, per biennium, of continuing education credit may be fulfilled by the performance of pro bono medical services to the indigent or to underserved populations or in areas of critical need within the state where the licensee practices. The standard for determining indigency shall be low-income (no greater than 150% of the federal poverty level) or uninsured persons. Credit shall be given on an hour per hour basis that recognized by the Federal Poverty Income Guidelines produced by the Department of Health and Human Services.

(2) The Board approves for credit under this rule, the following entities:

(a) The Department of Health;

(b) Community and Migrant Health Centers funded under section 330 of the United States Public Health Service Act; and.

(c) Volunteer Health Care provider programs contracted to provide uncompensated care under the provisions of section 766.1115, Florida Statutes, with the Department of Health.

~~(3)(2)~~ For services provided to an entity not specified under this rule a licensee must apply for prior approval in order to receive credit under this rule, licensees must make application to the Board and receive approval in advance. Credit shall be given on an hour per hour basis. In the application for approval, licensees shall disclose the type, nature and extent of services to be rendered, the facility where the services will be rendered, the number of patients expected to be served, and a statement indicating that the patients to be served are indigent. If the licensee intends to provide services in underserved or critical need areas, the application shall provide a brief explanation as to those facts.

~~(4)(3)~~ Unless otherwise provided through Board order, no licensee who is subject to a disciplinary action that requires additional continuing education as a penalty, shall be permitted to use pro-bono medical services as a method of meeting the additional continuing education requirements.

Specific Authority 456.013(7), 459.005 FS. Law Implemented 456.013(7) FS. History—New 12-7-92, Formerly 21R-13.005, 61F9-13.005, Amended 10-25-95, Formerly 59W-13.005, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 18, 2003

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Requirements for Osteopathic Physician Office Registration; Inspection or Accreditation

RULE NO.: 64B15-14.0076

PURPOSE AND EFFECT: The Board proposes the rule amendment to add a new office registration form for osteopathic physicians who perform office surgery.

SUMMARY: The proposed rule amendment addresses the information required for Level II or Level III office surgeries performed by osteopathic physicians.

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: 459.005(1),(2) FS.

LAW IMPLEMENTED: 456.069, 459.005(2) 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 SEPTEMBER 13, 2003 IN TAMPA, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.0076 Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation.

(1) Registration.

(a) Every Florida licensed osteopathic physician who holds an active Florida license and performs Level II surgical procedures in Florida with a maximum planned duration of five (5) minutes or longer or any Level III office surgery, as fully defined in Rule 64B15-14.007, F.A.C., shall register with the Board of Osteopathic Medicine on application form DH-MQA 1071, 1/03, effective \_\_\_\_\_. It is the osteopathic physician's responsibility to ensure that every office in which he or she performs Levels II or III surgical procedures as described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned.

(b) through (d) No change.

(2) through (3) No change.

Specific Authority 459.005(1),(2) FS. Law Implemented 456.069, 459.005(2) FS. History—New 2-12-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003

**DEPARTMENT OF HEALTH  
Board of Osteopathic Medicine**

RULE TITLE: Reinstatement of License  
RULE NO.: 64B15-19.0055

PURPOSE AND EFFECT: The Board proposes a new rule, based on Board of Medicine Rule 64B8-8.003, needed to set the requirements for reinstatement of a license after an inactive period due to disciplinary action.

SUMMARY: The proposed new rule establishes the requirements and the conditions for reinstatement of a license after revocation, suspension or other restrictions, and the requirements to demonstrate the ability to safely engage in the practice of osteopathic medicine.

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: 459.005, 459.015 FS.

LAW IMPLEMENTED: 456.013(6), 459.015 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 SEPTEMBER 13, 2003 IN TAMPA, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.0055 Reinstatement of License.

(1) No license to practice osteopathic medicine in Florida which was revoked by the Board after June 5, 1983, or which was voluntarily relinquished after July 1, 1988, shall be subject to reinstatement unless leave to petition for reinstatement was specifically authorized in the final order. An osteopathic physician whose license was revoked or relinquished may,

however, apply for relicensure unless, in the case of relinquishment, the osteopathic physician explicitly agreed never to reapply for licensure.

(2) When disciplinary action is taken against a licensee which results in the licensee's being unable to use the license for a period of time for reasons including, but not limited to, suspension, inactivation, or other restriction, but not including revocation subsequent to June 5, 1983, the licensee may petition for reinstatement of the license as follows:

(a) When the suspension, inactivation, or restriction is for a definite period of time and is not based upon the osteopathic physician's ability to safely engage in the practice of osteopathic medicine pursuant to Section 459.015(3), F.S., the license shall be reinstated upon expiration of the period of suspension if full compliance with the final order has been shown and the licensee has submitted documentation of completion of the continuing medical education requirements imposed on an active status licensee for all biennial licensure periods in which the licensee was suspended, inactive or under other restriction;

(b) When the suspension, inactivation, or other restriction is for a definite period of time, is based upon the osteopathic physician's ability to safely engage in the practice of osteopathic medicine, or both, the licensee shall demonstrate to the Board at the expiration of the period of suspension, or immediately prior thereto, compliance with the terms and conditions of the final order, completion of the continuing medical education requirements imposed on an active status licensee for all biennial licensure periods in which the licensee was suspended, inactive or under other restriction, and, where applicable, the ability to safely engage in the practice of osteopathic medicine in order to obtain reinstatement. The Board shall consider reinstatement at either the Board meeting immediately preceding expiration or at any Board meeting subsequent thereto. If the licensee is able to demonstrate compliance with the terms of the final order and, where applicable, the ability to safely engage in the practice of osteopathic medicine, the Board shall reinstate the license.

(c) When the suspension, inactivation, or other restriction is for a definite period of time or for an indefinite period of time, the licensee may petition the Board to consider reinstatement of a license acted against for an indefinite period of time or early reinstatement of a license acted against for a definite period of time. When such a petition is filed, it must include all documentation of the petitioner's compliance with the final order, completion of the continuing medical education requirements imposed on an active status licensee for all biennial licensure periods in which the licensee was suspended, inactive or under other restriction, petitioner's ability to safely engage in practice, petitioner's plan for the return to practice, and any other information which the petitioner would want the Board to consider if it grants the petition for consideration. If the plan for return to practice includes a period of supervised



practice, the documentation should include the name of the proposed supervising physician and a written statement from the proposed supervising physician of his or her willingness to serve in that capacity. No oral testimony or personal appearance will be permitted at the time the Board hears a petition to consider reinstatement or early reinstatement. Upon the granting by the Board of the petition to consider such reinstatement or early reinstatement, the licensee shall, at a subsequent meeting, have an opportunity to demonstrate his or her ability to safely engage in the practice of osteopathic medicine and compliance with the terms of the final order. The Board shall reinstate the license upon a proper demonstration of competency and of compliance with the final order by the licensee.

(3) In order to demonstrate the ability to safely engage in the practice of osteopathic medicine, a licensee shall show compliance with all terms of the final order and may, in addition, present evidence of additional matters, including, but not limited to:

(a) Completion of continuing education courses approved by the Board;

(b) Participation in medical educational programs, including post-graduate training, internships, residencies, or fellowships;

(c) Submission of reports of mental or physical examination by appropriate professionals;

(d) Completion of treatment within a program designed to alleviate alcohol, chemical, or drug dependencies, including necessary aftercare measures or a plan for continuation of such treatment, as appropriate;

(e) If action was taken against a Florida license based on action taken against the license or the authority to practice osteopathic medicine by the licensing authority of another jurisdiction, proof that the licensee has a license in the jurisdiction which took action and that license is in good standing and unencumbered;

(f) If action was taken against the license based on conviction of, being found guilty of, or entry of a plea of nolo contendere to a crime, proof that all criminal sanctions imposed by the court have been satisfied; and,

(g) Other factors, not enumerated, which would demonstrate the osteopathic physician's ability to safely engage in the practice of osteopathic medicine.

Specific Authority 459.005, 459.015 FS. Law Implemented 456.013(6), 459.015 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 18, 2003

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Definitions	67-37.002
Fund Availability and Allocation	67-37.003
Local Housing Assistance Plans	67-37.005
Review of Local Housing Assistance Plans and Amendments	67-37.006
Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans	67-37.007
Local Housing Assistance Trust Fund	67-37.008
Local Affordable Housing Incentive Strategies	67-37.010
Interlocal Entities	67-37.011
Compliance Monitoring for Housing Developed with SHIP Local Housing Distribution Funds	67-37.015
Reporting Requirements	67-37.016

PURPOSE, EFFECT AND SUMMARY: This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the State Housing Initiatives Partnership (SHIP) Program which provides funds to Local Governments as an incentive to create Partnerships to produce and preserve affordable housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

SPECIFIC AUTHORITY: 420.907 FS.

LAW IMPLEMENTED: 420.9071, 420.9072, 420.9073, 420.9075, 420.9076, 420.9078, 420.9079 FS.

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

DATE AND TIME: 10:00 a.m., July 24, 2003

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Thomas W. Burt, SHIP Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

## THE FULL TEXT OF THE PROPOSED RULES IS:

## 67-37.002 Definitions.

As used in this rule chapter, the following definitions shall apply:

~~(1) “Adjusted for Family Size” means adjusted in a manner that results in an income eligibility level that is lower for households having fewer than four people, or higher for households having more than four people, than the base income eligibility determined as provided in Section 420.9071(19), (20), or (28), F.S., based upon a formula established by the United States Department of Housing and Urban Development.~~

~~(1)(2) “Administrative Expenditures Expenses” means those expenditures expenses directly related to implementation of the Local Housing Assistance Plans.~~

~~(2)(3) “Annual Report” or “Form SHIP-AR/02-1 AR/99-1” is a multi-page report that is required to be completed and submitted to the Corporation by September 15 of each year pursuant to Section 420.9075(9), F.S., and is adopted and incorporated herein by reference with an effective date of 12-26-99. A complete copy of Form SHIP-AR/02-1 may be obtained at [www.floridahousing.org](http://www.floridahousing.org), or by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.~~

~~(4) “Corporation” means Florida Housing Finance Corporation.~~

~~(3)(5) “Debt Service” means the amount required in any fiscal year to pay the principal of, redemption premium, if any, and interest on bonds and any amounts required by the terms of the documents authorizing, securing, or providing liquidity for bonds necessary to maintain in effect any such liquidity or security arrangements.~~

~~(4)(6) “Default” means the failure to make required payments on a financial loan secured by a first mortgage which leads to foreclosure and loss of property ownership.~~

~~(5)(7) “Encumbered” means that deposits made to the local affordable housing trust fund have been committed by contract, or purchase order, letter of commitment or award in a manner that obligates the county, eligible municipality, or interlocal entity to expend the encumbered amount upon delivery of goods, the rendering of services, or the conveyance of real property by a vendor, supplier, contractor, or owner.~~

~~(6)(8) “Expenditure,” “Expended,” or “Spent” means the affordable housing activity is complete and funds deposited to the local affordable housing trust fund have been transferred from the local housing assistance trust fund account to pay for the cost of the activity. In all cases, this definition will apply when the project is completed as evidenced by documentation of final payment to the contractor and release of all lien waivers, issuance of the certificate of occupancy by the local building department, and occupancy by an eligible person or eligible household. In the case of a loan guarantee strategy, the~~

deposits to the local housing assistance trust fund will be considered expended when they are deposited from the local housing assistance trust fund into the guarantee fund. The funds deposited to the local housing assistance trust fund must be spent within twenty-four months from the end of the applicable State fiscal year. Exceptions to this time frame must be approved by a majority vote of the Review Committee on a case-by-case basis. Exceptions will only be granted for good cause. Examples of good cause are natural disasters, requirements of other State agencies, adverse market conditions, and unavoidable development delays. Adequate documentation must be presented to the Review Committee before an extension will be granted, e.g., project status, work plan and completion schedule, commitment of funds, etc.

~~(7)(9) “Home Ownership Activities” means the use of the local affordable housing trust fund moneys for the purpose of providing owner-occupied housing. Such uses may include, but are not limited to, construction, rehabilitation, purchase, and lease-purchase financing where the primary purpose is the eventual purchase of the housing by the occupant within twenty-four months from initial execution of a lease agreement or within 24 months of the applicable fiscal year, whichever occurs first, to meet the requirement of subsection subparagraph (8).~~

~~(8)(10) “Institutional First Mortgage Lender” means any bank or trust company, mortgage banker, savings bank, credit union, national banking association, savings and loan association, building and loan association, or other financial institution or governmental agency authorized to conduct business in this state and which customarily provides service or otherwise aids in the financing of mortgages on real property located in this state.~~

~~(9)(11) “Interlocal Entity” means an entity created pursuant to the provisions of Chapter 163, Part I, F.S., for the purpose of establishing a joint local housing assistance plan pursuant to the provisions of Section 420.9072(5), F.S.~~

~~(10)(12) “Loan” means an award from the local housing assistance trust fund to an eligible sponsor or eligible person to partially or fully finance the acquisition, construction, or rehabilitation of eligible housing with requirement for repayment or provision for forgiveness of repayment if the condition of the award is maintained.~~

~~(11)(13) “Persons Who Have Special Housing Needs” means individuals who have incomes not exceeding moderate-income and, because of particular social, economic, or health-related circumstances, may have greater difficulty acquiring or maintaining affordable housing. Such persons may have, for example, encountered resistance to their residing in particular communities, and may have suffered increased housing costs resulting from their unique needs and high risk of institutionalization. Such persons may include, but are not limited to, persons with developmental disabilities; persons with mental illnesses or chemical dependency; persons with~~

Acquired Immune Deficiency Syndrome (“AIDS”) and Human Immunodeficiency Virus (“HIV”) disease; runaway and abandoned youth; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and disabled adults.

~~(12)~~(14) “Rehabilitation” means repairs or improvements which are needed for safe or sanitary habitation, correction of substantial code violations, or the creation of additional living space. Local plans may more specifically define local rehabilitation standards.

~~(13)~~(15) “Review Committee” means the committee established pursuant to Section 420.9072 (3)(a), F.S.

~~(14)~~(16) “SHIP” or “SHIP Program” means the State Housing Initiatives Partnership Program created pursuant to the State Housing Initiative Partnership Act, Sections 420.907-.9079, F.S.

~~(15)~~(17) “State” means the State of Florida.

Specific Authority 420.9072(9), 420.0003(3)(e),(7) FS. Law Implemented 420.9072 420.9074 FS. History—New 11-26-92, Amended 2-9-94, 12-28-94, 1-6-98, Formerly 91-37.002, Amended 12-26-99, \_\_\_\_\_.

#### 67-37.003 Fund Availability and Allocation.

~~(1) Distributions by the Corporation shall be made to each approved county and eligible municipality within the county according to an interlocal agreement between the county governing authority and the governing body of the eligible municipality or, if there is no interlocal agreement, according to population. The portion for each eligible municipality is computed by multiplying the total moneys earmarked for a county by a fraction, the numerator of which is the population of the eligible municipality and the denominator of which is the total population of the county. The remaining revenues shall be distributed to the governing body of the county.~~

~~(2) Moneys that otherwise would be allocated and distributed to a local government that does not meet the program requirements for allocation and distribution shall remain in the local government housing trust fund to be used by the Corporation to administer the State Housing Initiatives Partnership Program pursuant to Section 420.9078, F.S.~~

Specific Authority 420.9072 (9) FS. Law Implemented 420.9073 FS. History—New 11-26-92, Amended 2-9-94, 1-6-98, Formerly 91-37.003, Amended 12-26-99, Repealed \_\_\_\_\_.

#### 67-37.005 Local Housing Assistance Plans.

(1) To be eligible for SHIP funding for a state fiscal year, a county or eligible municipality must submit and receive approval of its local housing assistance plan and amendments thereto as provided in Rule 67-37.006, F.A.C. Plans must be submitted to the Corporation by May 2 preceding the end of the fiscal year in which the current plan expires. In the case of new eligible municipalities, plans must be submitted to the Corporation by May 2 of the state fiscal year prior to the state fiscal year they are eligible for funding. No SHIP local housing

distribution funds shall be distributed in any fiscal year to any county or eligible municipality unless and until an approved plan is in place with respect to such fiscal year.

(2) The effective period of a local housing assistance plan may be up to three years. Counties or eligible municipalities which receive plan approval for more than one fiscal year shall not be required to resubmit a new plan until May 2 of the year in which the approved plan expires.

(3) Each local housing assistance plan shall include a description of the local housing assistance plan and incentive strategies, shall reference the requirements of Sections 420.907-420.9079, et seq., F.S., and how each of those requirements shall be met, and shall describe the process which the local government has followed to develop the Plan. A county or eligible municipality may choose to use SHIP local housing distribution funds for one or more of the activities described in Rule 67-37.007, F.A.C.

(4) The county or eligible municipality shall provide in its local housing assistance plan a complete description of all activities to be undertaken in its local housing assistance plan as described in Rule 67-37.005, F.A.C.

(5) For each strategy or use of local housing distribution funds, the county or eligible municipality shall provide, in its local housing assistance plan, the following information:

(a) The proposed dollar amount of the local housing distribution to be used for each strategy, stated for each State fiscal year in a multi-year plan;

(b) The estimated number of households proposed to be served by income;

(c) The maximum amount of funding per unit, and the estimated amount of funding for new construction, rehabilitation or non-construction activities. On a multi-year plan, this information must be presented separately for each State fiscal year;

(d) The proposed sales price of new and existing units, which can be lower but may not exceed 90% of median area purchase price established by the U.S. Treasury Department, or as required by Section 420.9075(4)(c), F.S.:

(e) The statement that monthly rents or monthly mortgage payments, including taxes and insurance, do not exceed 30 percent of an amount representing the percentage of the area’s median annual gross income for the household as indicated in Sections 420.9071(19), (20) or (28), F.S. However, it is not the intent to limit an individual household’s ability to devote more than 30 percent of its income for housing. Housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark and in the case of rental housing does not exceed those rental limits adjusted for bedroom size established by the Corporation;

(f) A description of the extent to which a strategy is implemented by combining resources through a partnership in order to reduce the cost of housing;

(g) A description of the support services provided by local plans that will be made available to the residents of the housing; and

(h) A description of the initiatives which will be used to conduct outreach and to attract applicants for assistance. The information required for paragraphs (a) through (d) will be included on the “Housing Delivery Goals Chart #2002,” and is adopted and incorporated herein by reference with an effective date of \_\_\_\_\_, which is required to be completed for each fiscal year, and is adopted and incorporated herein by reference. A copy of the “Housing Delivery Goals Chart #2002” may be obtained at www.floridahousing.org or by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

(i) A description of how the strategies further the housing element, goals, policies, and objectives of the local government’s comprehensive plan.

(6) Each local housing assistance plan shall also include a statement, and evidence thereof, that the county or eligible municipality:

(a) Has a plan to advertise a notice of funding the availability of the housing assistance plan at least 30 days before the beginning of the application period in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, the advertisement must include the following:

1. Identify the amount of the distribution projected to be received from the state for the fiscal year;
2. List the beginning and end date, if applicable, of the application period;
3. Provide the name of the local plan contact person and other pertinent information including where applicants may apply for assistance.

(b) The advertisement may include other such information that the local governments deem necessary such as:

1. An estimated amount of SHIP local housing distribution per strategy;
2. Income set asides for each strategy along with applicable income limits;
3. A description of the selection criteria for each strategy;
4. The maximum housing value limitation for each strategy, or;
5. A statement that SHIP local housing distribution may not be used to purchase, rehabilitate, or repair mobile homes.
6. Once a waiting list has been exhausted and funds remain unencumbered, advertise as instructed in Section 420.9075(3)(b), F.S.

7. Has developed a qualification system and selection criteria for applications for Awards to eligible sponsors, which includes a description that demonstrates how eligible sponsors that employed personnel from the WAGES and Workforce Development Initiatives programs will be given preference in the selection process, adopted criteria for selection of eligible persons, and adopt a maximum Award schedule or system of amounts consistent with the intent and budget of its local housing assistance plan, with Sections 420.907-420.9079, F.S.

(c) Certifies that the staff or entity that has administrative authority for implementing a local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility throughout the 15 year compliance period as described at subsection 67-37.015(3), F.A.C.;

(d) A time line for the expenditure of SHIP local housing distribution funds in sufficient detail to allow for a comparison of such plan with actual expenditures. The time line must also provide, in sufficient detail, an alternate course of action should the local government determine it will not meet program encumbrance and expenditure requirements. The time line should include specific dates the local staff plan to review to determine plan efficiency and efficacy. The information submitted must be presented separately for each State fiscal year;

(e) A provision for the application of program income and recaptured funds from loan repayments, reimbursements or other repayments, and interest earnings on the local housing distribution funds. Such provision shall evidence compliance with the provisions of Rule 67-37.007, F.A.C.;

(f) A provision requiring:

1. The county or eligible municipality to encumber the local housing distribution funds deposited into the local housing assistance trust fund for each State fiscal year by June 30 one year following the end of the applicable State fiscal year;

2. The expenditure of the local housing distribution deposited into the local housing assistance trust fund by any eligible person or eligible sponsor within 24 months of the close of the applicable State fiscal year unless otherwise extended as provided at subsection 67-37.002(8), F.A.C.;

3. A detailed listing including line-item budget of proposed ~~Administrative~~ Expenditures ~~expenses~~. These must be presented on an annual basis for each State fiscal year submitted; and

4. A copy of the ordinance and its amendments, if the original ordinance has been amended from its original submission, as thereto required by Section 420.9072(2)(b), F.S.;

~~5.~~ Small counties and eligible municipalities receiving a local housing distribution of up to \$350,000 may use up to 10 percent of program income for administrative costs.

(7) A copy of the local housing assistance plan shall be submitted to the Corporation, via U.S. Mail or electronic submission. If submitted electronically, a mailed copy shall be sent to the Corporation within three working days of the plan being electronically transmitted. The mailed copy submitted to the corporation shall bear the original signature of the authorized official which includes: Mayor, Commissioner, County Manager or City Manager or the authorized official's designee and a certification that the document being submitted is the county's, eligible municipality's or interlocal entity's local housing assistance plan and that all provisions of the plan conform to the requirements of Section 420.9072, F.S., et seq., and Rule Chapter 67-37, F.A.C. Each local housing assistance plan shall be printed typed on 8 1/2" × 11" paper, ~~bound or electronic submission~~ and contain a table of contents or checklist, which specifies exactly where in the documentation certain required items shall be located. Each local housing assistance plan shall be coded with text which is being deleted struck through and text being added underlined. Within two weeks after receipt of final approval letter, the local government shall provide to the Corporation a clean copy (no strike through or underline) for Corporation files.

Specific Authority 420.9072(9) FS. Law Implemented 420.9072(2), 420.9075 FS. History—New 11-26-92, Amended 5-2-93, 2-9-94, 12-28-94, 1-6-98, Formerly 91-37.005, Amended 12-26-99, \_\_\_\_\_.

#### 67-37.006 Review of Local Housing Assistance Plans and Amendments.

(1) Local housing assistance plans and amendments shall be reviewed by a five member Review Committee appointed by the Executive Director. In the event that a quorum is not convened for the review of a plan or an amendment to a plan, action can be taken with a simple majority vote of those members present for the review.

(2) Any county or eligible municipality desiring review of any plan or amendment prior to adoption by the local government body shall submit it for review to the Review Committee. The plan or amendment will be reviewed by the Review Committee, which will recommend it for approval or identify inconsistencies with the requirements of the SHIP program Rule Chapter 67-37, F.A.C., and Sections 420.907 – 9079, F.S. within 30 days after receipt.

(3) Amendments to an approved local housing assistance plan must be adopted by resolution and the county or eligible municipality must provide a copy to the Review Committee within 21 days after adoption. A county or eligible municipality must amend its plan if at any time ~~it is determined~~ a strategy will ~~not be deleted used (deleted)~~ or a new strategy will be added. However, an amendment must at all times maintain consistency with SHIP program requirements. All amendments will be reviewed by the Review Committee. The Committee will approve the amendment or identify inconsistencies with the requirements of the SHIP program within 30 days after receipt of the amendment.

(4) A county or eligible municipality which has adopted a Plan or an amendment that has been determined by the Review Committee to be inconsistent with the requirements of the SHIP program, shall make necessary revisions identified by the Review Committee within 45 days of receipt of the Committee's comments; however, the Corporation shall not require submission of a new local housing assistance plan to implement amendments imposed by Chapter 97-167, Laws of Florida, until the current effective plan expires.

Specific Authority 420.9072(9) FS. Law Implemented 420.9072(2) FS. History—New 11-26-92, Amended 2-9-94, 12-28-94, 1-6-98, Formerly 91-37.006, Amended 12-26-99, \_\_\_\_\_.

#### 67-37.007 Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans.

(1) SHIP local housing distribution funds shall be used to implement the local housing assistance plan. The benefit of assistance provided through the SHIP program must accrue to eligible persons occupying eligible housing. This provision shall not be construed to prohibit use of the local housing distribution deposited into the local housing assistance trust fund for a mixed-income rental development. SHIP local housing distribution funds may be used:

(a) To implement local housing assistance and incentive strategies that create or preserve affordable housing;

(b) To supplement Corporation programs, for example: such as, but not limited to, the State Apartment Incentive Loan Program established under Section 420.5087, F.S., and HOME Home Ownership Assistance Program (HAP) established under Section 420.5088, F.S., with the SHIP local housing distribution funds directed to uses within the local government jurisdiction;

(c) To provide local match to obtain federal housing grants or programs, such as HOME, established by 24 CFR, Part 92;

(d) To fund emergency repairs by existing service providers under weatherization programs, pursuant to Sections 409.509-409.5093, F.S., and

(e) To further the housing element of the local government comprehensive plan adopted pursuant to Section 163.3184, F.S. specific to affordable housing.

(2) SHIP local housing distribution funds may be used for both home ownership and rental housing activities. However, at least 65 percent of each local government's local housing distributions ~~funds~~ must be used for home ownership activities.

(3) At least seventy-five percent of a local government's SHIP local housing distributions ~~funds~~ must be used for construction, rehabilitation or emergency repairs of affordable, eligible housing. Construction, rehabilitation, or emergency repairs must be completed either within one year immediately preceding the date of conveyance of title (i.e., closing) or within 24 months of the close of the applicable State fiscal year to satisfy this requirement, unless otherwise extended as provided at subsection 67-37.002(6)(8), F.A.C. For purposes of

this rule, SHIP recipients may rely on the following expenditures to be considered construction, rehabilitation or emergency repair costs:

- (a) Those hard costs which are typically or customarily treated as construction costs by institutional lenders;
- (b) Payment of impact fees;
- (c) Infrastructure expenses typically paid by the developer;
- (d) Construction soft costs such as engineering studies and appraisals, if directly related to housing construction, rehabilitation or emergency repairs;
- (e) Relocation costs associated with rehabilitation of the residence usually occupied by a tenant or home owner;
- (f) Financing, or "buy-down" costs, if directly attributable to assisting eligible persons to own a home or obtain rental occupancy (e.g., security and utility deposit assistance) in a home or unit which has obtained a certificate of occupancy in the 12-month period immediately preceding the contract for sale and purchase or has never been occupied or lease of the premises. When used to purchase an existing housing unit, closing costs and down payment assistance will be considered toward fulfilling the 75 percent construction requirement only if the housing unit receives rehabilitation. Any other costs may be submitted to the Review Committee for review and approval.

(4) The Review Committee will approve expenditures for the following categories as Administrative Expenditures expenses:

- (a) Salaries of persons directly responsible for preparation of the plans or reporting required as part of the administration of the local SHIP plan;
- (b) Office expenditures expenses of persons responsible for the administration of the local SHIP plan;
- (c) Studies conducted by the county or eligible municipality or by consultants selected by the county or eligible municipality to provide data on affordable housing need and demand in the area, and
- (d) Expenditures Expenses related to travel, training, education, and public information initiatives. Administrative Expenditures expenses detailed in the local housing assistance plan which do not fit in these categories shall be analyzed by the Review Committee, which shall make a determination as to whether the proposed expenditures expenses shall be approved as Administrative Expenditures expenses.

(5) The balance of the local housing distribution funds and other funds deposited into the local housing assistance trust fund must be used for housing production and finance activities, including, ~~but not limited to,~~ financing the purchase of existing units, providing rental housing, and providing home ownership training to prospective home buyers and owners of homes assisted through the local housing assistance plan. Notwithstanding the provisions of paragraphs (2) and (3) of

this section, program income as defined in Section s-420.9071(24), F.S., may also be used to fund activities described in this paragraph.

(6) The sales purchase price or value of new or existing homes which are sold or rehabilitated under the SHIP Program may not exceed 90 percent of the average median area purchase price in for either new or existing homes, as applicable, for the statistical area in which where the housing is located, ~~as established by the United States Department of Treasury.~~ The local government at its discretion may set the sales purchase price or value below the 90 percent benchmark. The maximum area purchase price used must be that established by the United States Department of Treasury or that calculated in accordance with Section 420.9075(4)(c), F.S.

(7) Loans issued using local housing distribution funds deposited to the local housing assistance trust fund may not have terms exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to serve eligible persons.

(8) All units constructed, rehabilitated, or otherwise assisted with local housing distributions ~~funds~~ provided from the local housing assistance trust fund must be occupied by eligible persons as required by Section 420.9075(4)(d)2., F.S. ~~At least 30 percent of the local housing distribution funds deposited funds into the local housing assistance trust fund must be reserved for awards to very low income persons or eligible sponsors who will serve very low income persons and at least an additional 30 percent of the local housing distribution funds deposited into the local housing assistance trust fund must be reserved for awards to low income persons or eligible sponsors who will serve low income persons.~~ The remainder may be reserved for eligible persons or eligible sponsors that will serve eligible persons.

(9) Monthly mortgage payments, including taxes and insurance, and monthly rental payments must be affordable for the very low-, low- and moderate-income persons and households who will benefit from the local housing assistance plan.

(10) Rental units constructed, rehabilitated or otherwise assisted from the local housing assistance trust fund must be monitored at least annually for 15 years or the term of assistance, whichever is longer, for compliance with tenant income and affordability requirements: As referenced in Section 420.9075(3)(e), F.S. In determining the maximum allowable rents, 30 percent of the applicable income category divided by 12 months shall be used based on the number of bedrooms. A one-person household shall be used for an efficiency unit, and for units with separate bedrooms, one and one-half persons per bedroom shall be used. A rental limit chart based on the above calculation adjusted for bedroom size will be provided to the local governments by the Corporation annually.

(11) Loans or grants for houses constructed, rehabilitated or otherwise assisted from the local housing assistance trust fund shall be subject to recapture requirements as provided by the county or eligibility municipality in its local housing assistance plan.

(12) Developers receiving assistance from both SHIP and the Low-Income Rental Housing Tax Credit (LIHTC) Program shall be required to comply with the income, affordability and other LIHTC requirements. Similarly, any units receiving assistance from SHIP and other federal, State or local programs shall be required to comply with any requirements specified by the other program in addition to SHIP program requirements. In the event both programs have restrictions on the same issue, the more restrictive regulation shall take precedence. If one program is silent on an issue, the program with a regulation on the issue shall apply.

(13) The local government may require that housing units receiving assistance from local housing distribution funds deposited to the local housing assistance trust fund be located within the boundaries of the local governmental's jurisdiction which has been approved for receipt of local housing distribution funds.

(14) Local housing distribution funds deposited to the local housing assistance trust fund may not be used as a pledge of the debt service on bonds or as rent subsidies.

Specific Authority 420.9072(9) FS. Law Implemented 420.9072 FS. History—New 11-26-92, Amended 2-9-94, 12-28-94, 1-6-98, Formerly 91-37.007, Amended 12-26-99, \_\_\_\_\_.

67-37.008 Local Housing Assistance Trust Fund.

~~(1) Each county or eligible municipality receiving a local housing distribution shall establish and maintain a local housing assistance trust fund with a qualified depository as defined in Chapter 280, F.S. All moneys of a county or eligible municipality received from its share of the local housing distribution funds, recaptured local housing distribution funds, program income, and other moneys received or budgeted by the county or eligible municipality to provide for the local housing assistance plan, as well as moneys generated from local housing assistance plan activities such as interest earned on loans, shall be deposited into the trust fund; however, local housing distribution moneys used to match Federal HOME Program moneys may be repaid to the HOME Program trust fund if required by federal law or regulation. Expenditures other than for the administration and implementation of the local housing assistance plan may not be made from the trust fund.~~

~~(1)(2) Amounts on deposit in each local housing assistance trust fund shall be invested as permitted by law for the local housing distribution funds of the applicable local government(s). All investment earnings shall be retained in such fund and used for the purposes thereof.~~

~~(2)(3) The local housing assistance trust fund shall be separately stated as a special revenue fund in a county's or eligible municipality's audited financial statements. Copies of such audited financial statements shall be forwarded annually to the Corporation as soon as available, but no later than March 31 of the following fiscal year. In addition to providing a Consolidated Annual Financial Report (CAFR), all participating jurisdictions must provide evidence of compliance with the Florida Single Audit Act.~~

~~(3)(4) An interlocal entity shall have its local housing assistance trust fund separately audited for each State fiscal year, which audit shall be forwarded to the Corporation as soon as available, but no later than March 31st of the following fiscal year.~~

~~(4) Local governments which have had an audit, review or investigation involving SHIP funds will send the Corporation a copy of any related report within 10 days of the issuance of such report.~~

Specific Authority 420.9072(9) FS. Law Implemented 429.9075(5) 420.9073(4) FS. History—New 11-26-92, Amended 2-9-94, 1-6-98, Formerly 91-37.008, Repromulgated 12-26-99, Amended \_\_\_\_\_.

67-37.010 Local Affordable Housing Incentive Strategies. The advisory committee must approve the local affordable housing incentive strategy recommendations at a public hearing by affirmative vote of a majority (5) of the membership of the advisory committee.

Specific Authority 420.9072(9) FS. Law Implemented 420.907 FS. History—New 2-9-94, 1-6-98, Formerly 91-37.010, Amended 12-26-99, Repromulgated \_\_\_\_\_.

67-37.011 Interlocal Entities.

~~(1) There is no requirement that local jurisdictions which are parties to an interlocal agreement be contiguous, although the local housing assistance plan submitted by each interlocal entity must show a logical basis for combining the entities.~~

~~(1)(2) The interlocal agreement shall specify whether a single report for all jurisdictions or individual reports for each participating local government shall be submitted pursuant to Rule 67-37.016, F.A.C.~~

~~(2)(3) New eligible municipalities which intend to become a member of an established interlocal entity must:~~

~~(a) Adopt an ordinance which creates the affordable housing advisory committee, establishes responsibility for plan administration and, if applicable, establishes the local affordable housing trust fund.~~

~~(b)(a) Adopt by resolution a local housing assistance plan and adopt by resolution the appointments to the advisory committee.~~

~~(3)(b) All members of the existing interlocal entity must adopt by resolution an amendment to the local housing assistance plan to include the new eligible municipality.~~

Specific Authority 420.9072(9) FS. Law Implemented 420.9072(5) FS. History—New 11-26-92, Amended 2-9-94, 1-6-98, Formerly 91-37.011, Amended 12-26-99, \_\_\_\_\_.

67-37.015 Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds.

(1) The staff or entity with administrative authority for a local housing assistance plan must develop a tracking system to ensure that the local housing distribution funds disbursed from the local housing assistance trust fund are at all times expended in accordance with the set-aside requirements in Rule 67-37.007, F.A.C. and time restraints detailed at subsection 67-37.005(6), F.A.C.

(2) The combined household annual gross income of an applicant who is applying as an owner/occupant of a residence must be verified and certified by the SHIP program administrator or his/her designee using income verification and certification procedures such as those established by the U.S. Department of Housing and Urban Development or the Rural Housing Service Farmers Home Administration. Other verification procedures must be submitted to the Review Committee for analysis to determine if they are acceptable to the Committee, prior to the allocation of any SHIP program assistance. Whichever verification and certification method is used, annual gross income must be used and the SHIP Program income limits cannot be exceeded.

(3) The staff or entity with administrative authority for a local housing assistance plan assisting rental developments shall monitor and determine tenant eligibility and the amount of subsidy using the same guidelines as specified at (2) above, at least annually for 15 years or the term of assistance, whichever is longer. The Corporation will monitor the activities of the local governments to determine compliance with program requirements as defined in Section 420.9075(3)(e), F.S.

(4) The staff or entity with administrative authority for a local housing assistance plan must provide documented evidence to the Corporation or its designated monitoring agent that permits as defined in Sections 163.3164(7) and (8), F.S. for affordable housing projects are expedited to a greater degree than other projects and that there is an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption.

~~(5)~~(4) The Corporation, or any duly authorized representative shall be permitted to inspect the local housing assistance plan, advertisements, applications, income verifications and certifications, plan participation contracts, financial records, plan tracking records, construction cost verification including receipts and contracts, and any other applicable documents at any reasonable time with or without notice. Such records must be maintained within the participating county or eligible municipality at a place accessible to the Corporation staff or its designated monitoring agent.

(6) If the Corporation staff or its designated monitoring agent determines that an eligible jurisdiction has established a pattern of violation of the criteria of its local housing assistance plan established under Sections 420.907-9079, F.S., or that an eligible sponsor has established a pattern of violation of the applicable award conditions, the corporation shall report such pattern of violation to the Executive Office of the Governor at which time the distribution of program funds to the county or eligible municipality will be suspended. The eligible jurisdiction, with assistance from the Affordable Housing Catalyst Program, shall develop a corrective action plan (CAP). The CAP shall be submitted to the Corporation within 60 days of the date of the letter from the Corporation notifying the eligible jurisdiction of the pattern of violation. The CAP must describe the proposed corrective action for each violation and how the correction actions will be implemented within 3 months of the CAP's approval by the Corporation. Upon receipt of the CAP, the Corporation shall have 30 days to review and approve or recommend changes to the CAP. Upon approval of the CAP, program funds will be distributed.

(7) Within 12 months of approval of the corrective plan of action the Corporation staff or its designated monitoring agent will audit the eligible jurisdiction to determine if the plan has been implemented. If the Corporation's staff or its designated monitoring agent determines that the corrective actions have not been implemented, the corporation shall report such pattern of violation of criteria or violation of award conditions to the Executive Office of the Governor. The distribution of program funds to the county or eligible municipality will be suspended until such time as the corrective plan of action has been satisfactorily implemented, at which time funds will be distributed.

~~(8)~~(5) Projects receiving assistance from the local housing assistance plan and from other State or federal programs which may have conflicting verification, certification, and monitoring requirements, shall comply with requirements of the most restrictive program.

Specific Authority 420.9072(9) FS. Law Implemented 420.9075(3)(e), 420.907 FS. History--New 2-9-94, Amended 12-28-94, 1-6-98, Formerly 91-37.015, Amended 12-26-99, \_\_\_\_\_.

67-37.016 Reporting Requirements.

The Annual Report must be filed with the Corporation utilizing the Annual Report Form SHIP-AR/02-1 ~~AR/99-1~~ and is adopted and incorporated herein by reference with an effective date of \_\_\_\_\_. Annual Report Form SHIP-AR/02-1 ~~AR/99-1~~ may be obtained from the Corporation at [www.floridahousing.org](http://www.floridahousing.org) or by contacting the SHIP Program at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

Specific Authority 420.9072(9) FS. Law Implemented 420.907 FS. History--New 2-9-94, Amended 12-28-94, 1-6-98, Formerly 91-37.016, Amended 12-26-99, \_\_\_\_\_.



NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Darlene Raker, Florida Housing Finance Corporation, 227  
 North Bronough Street, Suite 5000, Tallahassee, Florida  
 32301-1329, (850)488-4197  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Thomas W. Burt, Local  
 Government Liaison, Florida Housing Finance Corporation,  
 227 North Bronough Street, Suite 5000, Tallahassee, Florida  
 32301-1329, (850)488-4197  
 DATE PROPOSED RULE APPROVED BY AGENCY:  
 October 11, 2002, Corporation Board Meeting  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: Vol. 28, No. 39, September 27, 2002

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: 14-87  
 RULE CHAPTER TITLE: Payment of Commercial Motor  
 Vehicle Penalties and Fees  
 RULE NO.: 14-87.002  
 RULE TITLE: Commercial Motor Vehicles

NOTICE OF CHANGE

Notice was published in Florida Administrative Weekly, Vol. 29, No. 14, dated April 4, 2003.

SUMMARY OF CHANGE: These changes result from a review by the Joint Administrative Procedures Committee.

1. Rule Section 14-87.002(3): Delete the entire first sentence.
2. Rule Section 14-87.002(4), first sentence: Change “. . . may be detained or impounded . . .” to “. . . will be detained or impounded . . .”
3. Rule Section 14-87.002(7): Change “. . . Sections 316.545, 316.3025, and 316.516, Florida Statutes . . .” to “. . . Section 316.545, Florida Statutes . . .”

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

RULE CHAPTER NO.: 15C-7  
 RULE CHAPTER TITLE: Motor Vehicle Dealers  
 RULE NO.: 15C-7.003  
 RULE TITLE: Application for License;  
 Requirements for Offices,  
 Display Space and Operation;  
 Denial, Suspension or  
 Revocation; Implementation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 12, March 21, 2003, Florida Administrative Weekly has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-2.091  
 RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that changes were made to Sections 2.3.9, 2.3.10, 3.3.2, 3.3.7, and 5.1(1) of the “Basis of Review for Water Use Permit Applications Within the South Florida Water Management District – August 2002” incorporated by reference Rule 40E-2.091, F.A.C., which proposed rules were published in Vol. 29, No. 17, pages 1681-1683, of the April 25, 2003, issue of the Florida Administrative Weekly, and adopted, with these changes, by the South Florida Water Management District’s Governing Board at a public hearing on June 12, 2003. The changes to the “Basis of Review” incorporated into the April 25, 2003 notice, is posted on the SFWMD Website at [www.sfwmd.gov](http://www.sfwmd.gov).

In response to written material received from the regulated community before the date of the final public hearing, the following changes were made to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-2.091, F.A.C.:

2.3.9 Drainage Districts

Applicants for an individual or general permit who are dependant users pursuant to Section 2.7.3.A. and are supplied water by a permitted Drainage or Water Control District do not need to be permitted separately for supplemental quantities unless there is a change in the withdrawal source for which the Drainage or Water Control District has no authority or permission to use. The allocation of the supply from the additional source will be authorized through the issuance of a separate permit specific to the new source classification.

2.3.10 Micro Irrigated Citrus

The annual allocation for micro irrigated citrus will be calculated using methodology and coefficients described in Section 2.3.2. The maximum month allocation will be defined by the highest month value for full evapotranspiration for either March, April or May, as determined using the methodology in Section 2.3.2. In the event that the allocation calculated by this methodology is insufficient to meet the supplemental irrigation requirements of an applicant’s grove under a 1 in 10 year drought condition, the applicant may apply for an allocation in excess of the allocation calculated by Section 2.3.2. In such circumstances, the applicant must affirmatively demonstrate the need for a higher allocation by

provision of information such as: site specific soil hydrologic characteristics, depth to the water table, salinity of irrigation water (when additional water is needed to flush salts from the soil), calibrated historic pumpage data, or the results from an on-site irrigation efficiency evaluation conducted by a qualified irrigation auditor, such as a Mobile Irrigation Lab. In the event the irrigation water exceeds 1200 ~~1800~~ milligrams per liter total dissolved solids, the maximum month allocation will be increased to include 1 inch of water for the purposes of flushing accumulated salts from the soil.

3.3.2. Permit Application Submittals

The following shall be included in the applicant’s submittal: (A through G No change).

H. If the applicant asserts the exclusions in Sections 3.3.1.B.2 or 3.3.1.B.4. or considerations in Section 3.3.7 apply to wetlands or other surface waters within the cone of influence of the proposed water use, the applicant must provide appropriate information supporting this assertion, including relevant information from the permit file. ~~If the applicant asserts a previously issued District permit authorized impacts to a wetland or other surface water, did not protect a wetland or other surface water, or authorized mitigation for impacts to a wetland or other surface water, the applicant must provide appropriate information from the permit file supporting this assertion.~~

3.3.7 Consideration of Elimination or Reduction, and Mitigation of Harm, for Consumptive Use Permit Renewals

In addition to the considerations in Sections 3.3.5 and 3.3.6, for renewal of a consumptive use permit, the determination of whether elimination or reduction, and mitigation, will be required for impacts to wetlands or other surface waters not identified or expressly authorized to be impacted, by the previous consumptive use permit, shall be made considering the following:

- A. The existing wetland and surface water functions;
  - B. The degree to which the wetland or other surface water functions are reasonably expected to recover if the withdrawal is reduced or eliminated;
  - C. The projected impacts on the existing functions of the wetlands or other surface waters from continuing the water use;
  - D. Whether the wetland or other surface water is connected by standing or flowing surface water to, or is part of, an Outstanding Florida Water, Aquatic Preserve, state park, or other publicly owned conservation land with significant ecological value; and
  - E. As part of the fish and wildlife utilization considerations in subsections A, B, and C., above, special consideration shall be given to whether the wetland or other surface water is used for resting, nesting, breeding, feeding or denning by listed species.
- ~~In addition to the considerations in Sections 3.3.5 and 3.3.6, for renewal of a consumptive use permit, the determination of whether elimination or reduction, and mitigation, will be~~

~~required for impacts to wetlands or other surface waters not identified, or authorized for impact, by the previous consumptive use permit, shall be made considering the following:~~

- ~~A. The projected impacts on wetlands or other surface waters from continuing the water use in comparison to the remaining functions of the wetlands or other surface waters;~~
- ~~B. Whether the wetland or other surface water is connected by standing or flowing surface water to, or is part of, an Outstanding Florida Water, Aquatic Preserve, state park, or other publicly owned conservation land; and~~
- ~~C. Whether the wetland or other surface water is used for resting, nesting, breeding, feeding or denning by fish and wildlife, particularly listed species.~~

5.1 Standard Permit Conditions

(A. through H. No change.)

I. Permittee shall mitigate harm to existing off-site land uses caused by the permittee’s withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm as determined through reference to the conditions for permit issuance, includes:

- (1) Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged; not including aesthetic values; The designed function of a water body is identified in the original permit or other governmental authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g. fill for construction, mining, drainage canal etc.).
- (2) Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or
- (3) Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-20.091  
 RULE TITLE: Publications Incorporated by Reference

**NOTICE OF CHANGE**

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes were made to the “Basis of Review for Water Use Permit Applications Within the South Florida Water Management District – August 2002” incorporated by reference Rule 40E-20.091, F.A.C., which proposed rules were published in Vol. 29, No. 17, pages 1681-1683, of the April 25, 2003, issue of the Florida Administrative Weekly, and adopted, with these changes, by the South Florida Water Management District’s Governing

Board at a public hearing on June 12, 2003. The changes to the "Basis of Review" incorporated into the April 25, 2003 notice, is posted on the SFWMD Website at [www.sfwmd.gov](http://www.sfwmd.gov).

In response to written material received from the regulated community before the date of the final public hearing concerning Sections 2.3.9, Section 2.3.10, Section 3.3.2, Section 3.3.7 and Section 5.1(I) of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – August, 2002", incorporated by reference in Rule 40E-20.091, F.A.C., as follows:

#### 2.3.9 Drainage Districts

Applicants for an individual or general permit who are dependant users pursuant to Section 2.7.3.A. and are supplied water by a permitted Drainage or Water Control District do not need to be permitted separately for supplemental quantities unless there is a change in the withdrawal source for which the Drainage or Water Control District has no authority or permission to use. The allocation of the supply from the additional source will be authorized through the issuance of a separate permit specific to the new source classification.

#### 2.3.10 Micro Irrigated Citrus

The annual allocation for micro irrigated citrus will be calculated using methodology and coefficients described in Section 2.3.2. The maximum month allocation will be defined by the highest month value for full evapotranspiration for either March, April or May, as determined using the methodology in Section 2.3.2. In the event that the allocation calculated by this methodology is insufficient to meet the supplemental irrigation requirements of an applicant's grove under a 1 in 10 year drought condition, the applicant may apply for an allocation in excess of the allocation calculated by Section 2.3.2. In such circumstances, the applicant must affirmatively demonstrate the need for a higher allocation by provision of information such as: site specific soil hydrologic characteristics, depth to the water table, salinity of irrigation water (when additional water is needed to flush salts from the soil), calibrated historic pumpage data, or the results from an on-site irrigation efficiency evaluation conducted by a qualified irrigation auditor, such as a Mobile Irrigation Lab. In the event the irrigation water exceeds 1200 ~~1800~~ milligrams per liter total dissolved solids, the maximum month allocation will be increased to include 1 inch of water for the purposes of flushing accumulated salts from the soil.

#### 3.3.2. Permit Application Submittals

The following shall be included in the applicant's submittal: (A through G No change).

H. If the applicant asserts the exclusions in Sections 3.3.1.B.2 or 3.3.1.B.4. or considerations in Section 3.3.7 apply to wetlands or other surface waters within the cone of influence of the proposed water use, the applicant must provide appropriate information supporting this assertion, including relevant information from the permit file. ~~If the applicant asserts a previously issued District permit authorized impacts~~

~~to a wetland or other surface water, did not protect a wetland or other surface water, or authorized mitigation for impacts to a wetland or other surface water, the applicant must provide appropriate information from the permit file supporting this assertion.~~

#### 3.3.7 Consideration of Elimination or Reduction, and Mitigation of Harm, for Consumptive Use Permit Renewals

In addition to the considerations in Sections 3.3.5 and 3.3.6, for renewal of a consumptive use permit, the determination of whether elimination or reduction, and mitigation, will be required for impacts to wetlands or other surface waters not identified or expressly authorized to be impacted, by the previous consumptive use permit, shall be made considering the following:

A. The existing wetland and surface water functions;

B. The degree to which the wetland or other surface water functions are reasonably expected to recover if the withdrawal is reduced or eliminated;

C. The projected impacts on the existing functions of the wetlands or other surface waters from continuing the water use;

D. Whether the wetland or other surface water is connected by standing or flowing surface water to, or is part of, an Outstanding Florida Water, Aquatic Preserve, state park, or other publicly owned conservation land with significant ecological value; and

E. As part of the fish and wildlife utilization considerations in subsections A, B, and C., above, special consideration shall be given to whether the wetland or other surface water is used for resting, nesting, breeding, feeding or denning by listed species. In addition to the considerations in Sections 3.3.5 and 3.3.6, for renewal of a consumptive use permit, the determination of whether elimination or reduction, and mitigation, will be required for impacts to wetlands or other surface waters not identified, or authorized for impact, by the previous consumptive use permit, shall be made considering the following:

A. The projected impacts on wetlands or other surface waters from continuing the water use in comparison to the remaining functions of the wetlands or other surface waters;

B. Whether the wetland or other surface water is connected by standing or flowing surface water to, or is part of, an Outstanding Florida Water, Aquatic Preserve, state park, or other publicly owned conservation land; and

C. Whether the wetland or other surface water is used for resting, nesting, breeding, feeding or denning by fish and wildlife, particularly listed species.

#### 5.1 Standard Permit Conditions

(A. through H. No change.)

I. Permittee shall mitigate harm to existing off-site land uses caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to

modify withdrawal rates or mitigate the harm. Harm as determined through reference to the conditions for permit issuance, includes:

(1) Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged; not including aesthetic values. The designed function of a water body is identified in the original permit or other governmental authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g. fill for construction, mining, drainage canal etc.).

(2) Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or

(3) Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.190                      RULE TITLE: Independent Laboratory Services

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule as noticed in Vol. 29, No. 23, June 6, 2003, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Facilities Management**

RULE CHAPTER NO.: 60H-1                      RULE CHAPTER TITLE: Leases for Real Property

RULE NO.: 60H-1.007                      RULE TITLE: Right-to-Terminate Clause Required

On June 6, 2003, the Department of Management Services caused to be published in the Florida Administrative Weekly, a notice of proposed rule amendments to Rule 60H-1.007, Florida Administrative Code. February 28, 2003, was incorrectly listed as the date of the publication of the notice of rule development. December 27, 2002, was the date on which the notice of rule development was published in the Florida Administrative Weekly, at page 5709, Vol. 28, No. 52.

This notice does not affect the deadlines for requesting hearings or otherwise proceeding as required by law.

Further information may be obtained from: The Department of Management Services, Office of the General Counsel, 4050 Esplanade Way, Suite 270, Tallahassee, Florida, 32399-0950.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-30.012                      RULE TITLE: Physician Assistant Performance

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above-referenced rule, as noticed in Vol. 29, No. 12, of the Florida Administrative Weekly on March 21, 2003, has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE CHAPTER NO.: 65E-11                      RULE CHAPTER TITLE: Behavioral Health Services

RULE NOS.: 65E-11.002                      RULE TITLES: Definitions  
65E-11.003                      Scope of Behavioral Health Services

65E-11.004                      Clinical Guidelines for Referral  
65E-11.007                      Practice Guidelines for Behavioral Health Services To Ensure Cost-Effective Treatment and to Prevent Unnecessary Expenditures

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 9, February 28, 2003, issue of the Florida Administrative Weekly.

Text of proposed rule changes:

65E-11.002 Definitions.  
(1) through (27) No change.

65E-11.003 Scope of Behavioral Health Services.  
(1) through (5) No change.

(6) Notwithstanding subsection 65E-11.003(3), F.A.C. above, Alternative services shall be provided to enrolled children when deemed necessary to meet the objectives outlined in a child's treatment plan and shall be provided in the most integrated setting appropriate to the needs of the enrolled child.

(a) Alternative Services shall be approved so long as they are related to the child's treatment services plan. Documentation of approved Alternative Services shall include the name of the district Behavioral Health Network Behavioral Health Specialty Care Coordinator with signature and shall contain the following elements:

~~(1)~~ through (11)(n) No change.

(o) Complete the Behavioral Health Network Screening and Eligibility Tracking form, March 1, 2002, ~~version hereby incorporated by reference as if fully set out here. The Behavioral Health Network Screening and Eligibility Tracking form, March 1, 2002, may be obtained from the district Alcohol, Drug Abuse, and Mental Health Program Office. In addition, complete the Behavioral Health Network Reverification and Request for Disenrollment form, March 1, 2002, version Behavioral Health Specialty Care Network Screening and Eligibility Tracking form, September 2000 version July 1, 1999 version hereby incorporated by reference as if fully set out here. The Behavioral Health Network Reverification and Request for Disenrollment~~ ~~The Behavioral Health Network Screening and Eligibility Tracking form and Behavioral Health Specialty Care Network Screening and Eligibility Tracking form~~ may be obtained from the district Alcohol, Drug Abuse, and Mental Health Program Office. Upon completion, the Behavioral Health Liaison shall submit a copy of the Behavioral Health Network Screening and Eligibility Tracking form and the Behavioral Health Network Reverification and Request for Disenrollment form(s) ~~Behavioral Health Specialty Care Network Screening and Eligibility Tracking form~~ to the Children’s Medical Services area office and the district Alcohol, Drug Abuse, and Mental Health Program Office.

(12) through (13) No change.

65E-11.004 Clinical Guidelines for Referral.

(1) through (6) No change.

65E-11.007 Practice Guidelines for Behavioral Health Services to Ensure Cost-effective Treatment and To Prevent Unnecessary Expenditures.

(1) through (14) No change.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE NO.:	RULE TITLE:
65E-12.110	Integrated Children’s Crisis Stabilization Unit and Addiction Receiving Facility Demonstration Models

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 5, January 31, 2003, issue of the Florida Administrative Weekly.

Text of proposed rule changes:

65E-12.110 Integrated Children’s Crisis Stabilization Unit and Addictions Receiving Facility Demonstration Models.

(1) No change.

(2) Licensure and Designation. The facility shall be licensed as a Children’s CSU under Chapter 394, F.S., and Chapter 65E-12, F.A.C., by the Agency for Health Care Administration hereafter referred to as the “Agency”. The facility shall also be designated as a Children’s CSU and an ARF by the Department of Children and Families, hereafter referred to as the “department”. Proof of ARF designation must be submitted to the agency prior to the CSU receiving substance abuse patients and upon renewal of an ARF designation. The facility shall be in compliance with CSU licensing requirements at all times. Patients may be admitted under the involuntary admission procedures of the Baker Act or Marchman Act and on a voluntary basis. Complaints received by the Department of Children and Families or by the Agency shall be jointly investigated whenever possible and passed on to the local Advocacy Councils within 24 hours of the complaint. Beginning July 1, 2004, subject to approval by the legislature, the department, in cooperation with the agency, may expand the demonstration models to other areas of the state. Within 26 months from the date of approval by the department, the department shall make a determination to extend or not to extend the demonstration model.

(3) Special Provisions and Requirements.

(a) Unit Operating Policies and Procedures. Uniform policies and procedures and forms that provide for the integrated operation of CSU/ARF services shall be developed and utilized. This shall include policies and procedures in accordance with the provisions set forth in Rules 65E-12.106 – 65E-12.107, F.A.C and Rule 65D-30.004, F.A.C. with the exclusion of paragraph 65D-30.004(13)(b), F.A.C. regarding admission, assessment, examination, physical health care, treatment, informed consent, referral, discharge planning, and aftercare that conform with national standards, rules and regulations, and best practices. These procedures shall include provisions that address use of the Baker Act and the Marchman Act in accordance with the person’s diagnosis. The Unit’s operating policies and procedures shall be subject to the approval of the organization’s Medical Director and the advisory board.

(b) Staff Orientation and Training. Staff shall meet the training requirements of Rule 65E-5.330, F.A.C., and Rule 65D-30.004(31) Rule 65D, F.A.C., as a prerequisite to providing services. Within the training requirements of Rule 65E-5.330, F.A.C. and Subsection 65D-30.004(31), F.A.C., in addition staff shall receive training from qualified professionals in substance abuse, as defined in Section 397.311, F.S., that includes the etiology and characteristics of substance abuse, common street drugs and means of use, motivational stages, and principles of recovery and relapse. To obtain a copy of referenced rules, contact the Florida Department of Children and Family Services, Alcohol, Drug Abuse and Mental Health Program Office at 1317 Winewood Boulevard, Building 6, Room 297, Tallahassee, Florida 32399.

(c) through (4) No change.

(5) Facility Admission. Each child determined to be in need of services shall provide a blood sample for laboratory testing pursuant to Rule 65D-30.004, F.A.C., or in accordance with the medical protocol developed by the medical director. The Medical Director shall develop medical protocols including the circumstances under which the test on blood shall not be performed. In addition, a drug screen shall be required upon admission for each child over twelve (12) years of age determined to need services. For children under twelve (12) years of age determined to need services, the medical director shall develop written protocols establishing the circumstances under which a drug screen shall be performed for each child determined to need services.

(6) through (7) No change.

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 489, MONEY TALKS      RULE NO.: 53ER03-32

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 489, "MONEY TALKS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-32 Instant Game Number 489 MONEY TALKS.

(1) Name of Game. Instant Game Number 489, "MONEY TALKS."

(2) Price. MONEY TALKS lottery tickets sell for \$1.00 per ticket.

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

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

#### INSERT SYMBOLS

(5) Determination of Prize Winners.

(a) A ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$50.00, \$100, \$500 and \$2,000. A ticket having three "TICKET" symbols in the play area shall entitle the claimant to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a MONEY TALKS lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.



(b) A ticket having a " WIN \$25 " symbol in the play area shall entitle the claimant to a prize of \$25.

(6) The estimated odds of winning, value, and number of prizes in Instant Game Number 489 are as follows:

<u>GAME PLAY</u>	<u>WIN</u>	<u>ODDS OF</u>	<u>NUMBER OF</u>
<u>TICKET</u>	<u>\$1 TICKET</u>	<u>1 IN</u>	<u>WINNERS IN</u>
			<u>67 POOLS OF</u>
			<u>180,000 TICKETS</u>
			<u>PER POOL</u>
\$1	\$1	15.00	804,000
\$2	\$2	25.00	482,400
\$4	\$4	75.00	160,800
\$5	\$5	33.33	361,800
\$10	\$10	150.00	80,400
\$25 (\$\$)	\$25	276.92	43,550
\$50	\$50	4,500.00	2,680
\$100	\$100	48,240.00	250
\$500	\$500	1,206,000.00	10
\$2,000	\$2,000	1,206,000.00	10

(7) The estimated overall odds of winning some prize in Instant Game Number 489 are 1 in 3.84. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(8) For reorders of Instant Game Number 489, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) By purchasing a MONEY TALKS lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(10) Payment of prizes for MONEY TALKS lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of

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

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 6-13-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 13, 2003

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Division of Alcoholic Beverages and Tobacco

RULE TITLE: RULE NO.:

Stand-alone Bar Smoking Designations 61AER03-1

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: The citizens of the State of Florida voted to amend the Florida Constitution and created the Florida health initiative in s. 20, Art. X of the State Constitution. The Florida Legislature passed House Bill 63A (the "bill") to protect people from the health hazards of second-hand smoke and to implement the constitutional amendment. The bill will take effect July 1, 2003. The Florida Legislature authorized the Division of Alcoholic Beverages and Tobacco (the "division") to adopt emergency rules to carry out the provisions of the bill. REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized promulgation of emergency rules to administer the provisions of the bill. Emergency rules are the most appropriate means of ensuring that bar owners have procedures and forms in place to meet the statutory deadline to submit notification of their election as a stand-alone bar to the division.

SUMMARY OF THE RULE: Emergency Rule 61AER03-1, F.A.C., provides definitions of basic terms related to stand-alone bars, requirements for designation as a stand-alone bar, requirements to maintain designation as a stand-alone bar, reporting requirements, record-keeping requirements, and for regulation by the division.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Michael Martinez, Chief Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 61AER03-1 Stand-alone Bar Smoking Designations.

(1) The basic terms utilized in this rule are defined as follows:

(a) "Customary bar snack" means popcorn and any ready to eat food item, commercially prepared and packaged off the premises, served without additions or preparations that is not a

potentially hazardous food. The definition of potentially hazardous food, provided in subparagraph 1-201.10(B)(61), Food Code, 1999 Recommendations of the United States Public Health Service/Food and Drug Administration, incorporated herein by reference, shall apply to Chapter 61AER03-1, F.A.C.

(b) "Nonperishable snack food items" means food items commercially packaged off the premises of the stand-alone bar and served without any additions or further preparations of any kind. Popcorn is the only exception to the requirement of being a nonperishable snack food item, and can be prepared on the premises, provided that the equipment used to pop the popcorn is not used to prepare any other food for patrons.

(c) "Stand-alone bar" means those licensed premises defined in s. 386.203(11), Florida Statutes.

(d) "Stand-alone smoking with food (ssf)" means those licensed premises that operate a business that meets the definition of a stand-alone bar in s. 386.203(11), Florida Statutes, in which the serving of food is merely incidental and the licensed premises derives no more than 10 percent of its gross revenue from the sale of food consumed on the licensed premises.

(e) "Stand-alone smoking (ss)" means those licensed premises that operate a business that meets the definition of a stand-alone bar in s. 386.203(11), Florida Statutes, if the only food provided is limited to nonperishable snack food items.

(2) Stand-alone bars with an alcoholic beverage consumption on premises license shall be issued a smoking designation of "ss" or "ssf" upon meeting the following criteria:

(a) Licensee holds an active alcoholic beverage consumption on premises license

(b) Licensee provides the division with a notice of election, using the division's Internet site accessible at [www.myflorida.com](http://www.myflorida.com), Interactive Voice Response system at (850)487-1395, the Customer Call Center at (850)487-1395, or by delivering in person or through the mail form DBPR ABT 6039, herein incorporated by this reference. Form DBPR ABT 6039, Notification of Election to Permit Tobacco Smoking in the Licensed Premises, effective July 1, 2003, may be obtained by writing the division at 1940 North Monroe Street, Tallahassee, FL 32399, or may be downloaded from the internet at <http://state.fl.us/dbpr/abt/contact/index.shtml>.

(3) A qualifying stand-alone bar receiving an "ssf" designation shall file an annual affidavit certifying that, for the preceding 12 months, no more than 10 percent of total gross revenue was derived from retail sales of food consumed on the licensed premises. The percentage of food sales shall be computed by dividing gross revenues from the sale of food the licensee sells for consumption on premises by the gross revenue of the licensed business.

(4) Every third year after the initial designation, in order to renew the designation, a licensed vendor holding an "ssf" designation shall provide to the division a Procedures Report, prepared by a Florida certified public accountant, which:

(a) Provides the actual percentage of food sales calculated pursuant to section (3) of this rule.

(b) Provides information for the preceding 36-month period from the renewal date.

(c) Provides the total gross sales revenue for each year, with a total for the 3-year period, as well as the total gross sales revenue from food for each year and a total for the 3-year period, and the percentage of food to total revenue for each year and for the 3-year period.

(d) Is provided on or before the licensee's annual beverage license renewal every third year after the initial smoking designation. The smoking designation will not be maintained for license holders who do not file the Procedures Report on or prior to the applicable beverage license renewal date.

(5) Stand-alone bars holding an "ssf" designation shall maintain records to substantiate the 3-year Procedures Report. Records of all purchases and gross retail sales of food consumed on premises shall be separately documented.

(a) Each vendor licensed for consumption on premises and electing to allow smoking on those premises shall maintain complete and accurate records on the quantities of all sales of any kind. Records shall include, but are not limited to, purchase invoices, sales tickets, inventory records, receiving records, cash register journal tapes, on premises food sales records, computer records generated from automatic dispensing devices, and any other records used in documenting sales. Department of Revenue Sales Tax Returns are acceptable as a record of total monthly sales revenues.

(b) The records required in subparagraph (5)(a) of this rule shall be maintained on the premises, or other designated place approved in writing by the division for a period of 3 years and shall be made available for inspection within 14 days upon demand by an officer of the division. The division shall approve written requests to maintain the aforementioned records off the premises when the place to be designated is the business office, open 8 hours per work day, of a corporate officer, attorney, or accountant; the place to be designated is located in the State of Florida; and the place to be designated is precisely identified by complete mailing address. The burden is on the holder of the smoking designation to demonstrate compliance with the requirements for the permit, and the records required shall be legible, clear, and in the English language.

(6) The Licensee shall provide employees of the division access to examine the accounting records, invoices, or any other source documents used to determine compliance with this rule. Each licensee is required to give the division the means, facilities, and opportunity to verify the accuracy of the Procedures Report imposed by section 561.695(6), Florida

Statutes. In order to determine whether the 3-year report submitted by the licensee is accurate, the division shall use the formula of gross food sales revenue divided by gross total sales revenue. The results of the formula will represent the percentage of food sales revenues as defined herein and in section 561.695, Florida Statutes.

PROPOSED EFFECTIVE DATE: July 1, 2003.

Specific Authority 561.695(9) FS. Law Implemented 561.695 FS. History--New 7-1-03.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 1, 2003

## DEPARTMENT OF HEALTH

### Board of Pharmacy

RULE TITLE:

RULE NO.:

Executive Director

64BER03-1 (64B16-25.130)

SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Board of Pharmacy regulates the professional practices of licensed pharmacists and pharmacies to preserve the health, safety, and welfare of the public under the police powers of the state. A vacancy for executive director of the Board of Pharmacy has remained unfilled over the past nine months because no actively licensed pharmacist has sought or has been found qualified for the position. The Department of Health must find a suitable candidate by June 30, 2003, the close of the current fiscal year, to retain the salary rate for this position on July 1, 2003. It is necessary to immediately broaden the employment search to include competent applicants who may not be actively licensed pharmacists in order to continue the uninterrupted functioning of the Board of Pharmacy.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department has until June 30, 2003 to employ a new executive director who must now, by rule, be an actively licensed pharmacist. This limitation on eligibility plus the time constraints within which to meet future budgetary requirements and to comply with the usual rule promulgation formal procedures necessitates this immediate rule amendment. This will allow reasonable processes to find the most qualified executive director. In addition, the permanent rule amendment can be noticed and filed, as required, in the next available Florida Administrative Weekly.

SUMMARY OF THE RULE: The provision that the Executive Director of the Board of Pharmacy be an actively licensed pharmacist in the State of Florida is deleted.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Lucy C. Gee, Acting Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254



THE FULL TEXT OF THE EMERGENCY RULE IS:

64BER03-1 (64B16-25.130) Executive Director

The Executive Director is hereby designated as the agent of the Board for the service of legal process upon the Board. ~~The Executive Director shall be a pharmacist actively licensed in the State of Florida.~~

Specific Authority 465.005 FS. Law Implemented 456.004, 456.009, 48.111(2) FS. History—New 10-17-79, Formerly 21S-8.04, 21S-8.004, Amended 7-30-91, Formerly 21S-25.130, 61F10-25.130, 59X-25.130, Amended 10-29-97, ~~6-11-03.~~

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 11, 2003

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

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

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

### WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on May 30, 2003, South Florida Water Management District (District) received a petition for waiver from the Florida Department of Transportation, Application No. 03-0530-1, for utilization of Works or Lands of the District known as the Hillsboro Canal, Palm Beach County, for an existing light pole on State Road 7 north of the Hillsboro Canal. The petition seeks relief from subsections 40E-6.011(4),(6) and 40E-6.221(9), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground structures within 40 feet of the top of canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on June 9, 2003, South Florida Water Management District (District) received a petition for waiver from the City of Wilton Manors, Application No. 03-0609-2, for utilization of Works or Lands of the District known as the C-13 Canal, Broward County, for construction of a boat ramp, dock, pavilion, signage and asphalt parking. The petition seeks relief from subsections 40E-6.011(4),(6) and 40E-6.221(9), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground structures within 40 feet of the top of canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on June 10, 2003, South Florida Water Management District (District) received a petition for waiver from Neil and Geraldine Lewis, Application No. 03-0422-5, for utilization of Works or Lands of the District known as the C-13 Canal, Palm Beach County, for an existing HU band TV antenna. The petition seeks relief from subsection 40E-6.221(9), Fla. Admin. Code, which prohibits the placement of satellite dishes, amateur radio antennas, and other similar above-ground permanent and semi-permanent encroachments within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

### AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that an Emergency Petition for Variance or Waiver was received on June 11, 2003 from Vitas Healthcare Corporation of Central Florida 100 South Biscayne Boulevard, Suite 1500, Miami, Florida 33131. This petition involves paragraph 59C-1.008(1)(g), F.A.C., and Certificate of Need Letter of Intent submission for projects in Hospice Planning Areas 4A and 4B.

Information regarding this petition may be obtained by writing: Karen Rivera, CON Unit Supervisor, Agency for Health Care Administration, 2727 Mahan Drive, MS 28, Tallahassee, Florida 32308.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Hearing Aid Specialists hereby gives notice that it has received a petition, filed on June 16, 2003, from Adrian Laidlaw seeking a waiver of Rule 64B6-8.003, F.A.C. with respect to training program requirements.

Comments on this petition should be filed with the Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

For a copy of the petition, contact: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Hearing Aid Specialists hereby gives notice that it has received a petition, filed on June 16, 2003, from Theresa Skelton seeking a waiver of subsections 64B6-8.003(6) and (7), F.A.C. with respect to training program continuation and examination.

Comments on this petition should be filed with the Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

For a copy of the petition, contact: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Hearing Aid Specialists hereby gives notice that it has received a petition, filed on June 16, 2003, from Bonnie Hill seeking a waiver of subsections 64B6-8.003(6) and (7), F.A.C. with respect to training program continuation and examination.

Comments on this petition should be filed with the Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

For a copy of the petition, contact: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services has received a Petition for Waiver of subsection 65C-15.010(1), F.A.C. The Petition was received by the Agency Clerk on June 5, 2003, by Devereux Families, Inc., d/b/a Heartland for Children, and assigned Case

Nos. 03-003W. Subsection 65C-15.010(1), F.A.C., requires that a child placing agency beginning operation shall have the capital necessary for a six-month period of operation.

A copy of the Petition may be obtained by writing: Office of the Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF LEGAL AFFAIRS**

The Awards and Recognition Task Force Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: July 8, 2003, 3:00 p.m.

PLACE: Call (850)414-3300 for information on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited

DATE AND TIME: July 9, 2003, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

The **Department of Legal Affairs** announces a meeting of the Florida New Motor Vehicle Arbitration Board to which all persons are invited:

DATES AND TIME: July 14-15, 2003, 8:30 a.m.

PLACE: Sheraton Suites Tampa Airport, 4400 West Cypress Street, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Arbitrator Training.

A copy of the agenda may be obtained by writing: Department of Legal Affairs, Lemon Law Arbitration Program, PL-01 The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Ext. 4494 seven business days before the meeting.

Any person requiring a special accommodation to attend this meeting because of a disability or physical impairment should contact Ms. Carol Howell of the Lemon Law Arbitration Program at the number above, or if hearing or speech impaired, via the Florida Dual Relay System at 711, seven business days before the meeting.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Tropical Fruit Advisory Council.

DATE AND TIME: Thursday, July 10, 2003, 1:30 p.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call Louise King, (305)246-8460.

**DEPARTMENT OF EDUCATION**

The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited.

DATE AND TIME: Monday, July 7, 2003, 1:30 p.m.

PLACE: Boca Raton Campus, Board of Trustees Room, Kenneth R. Williams Administration Bldg., 777 Glades Road, Boca Raton, Florida 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning and Development Committee.

A copy of the agenda may be obtained by contacting: Dr. Anthony Lombardo, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-4030.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD NO. (561)297-2130.

The **Florida Center for Nursing** will conduct a Board of Directors meeting to which all interested parties are invited.

DATE AND TIME: Friday, July 11, 2003, 10:00 a.m. – 3:00 p.m.

PLACE: Partnership Building, 12354 Research Parkway, Room 125, Orlando, FL 32816-3224

For information, call (407)823-0981.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Department of Community Affairs** announces a meeting of the Advisory Committee’s subcommittee. Interested parties are invited to attend.

DATE AND TIME: July 24, 2003, 10:00 a.m. – 4:00 p.m.

PLACE: Sadowksi Building, 2555 Shumard Oak Boulevard, Room 260N, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of subcommittee meeting is to discuss proposed changes to the Community Development Block Grant Program (CDBG).

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the CDBG program unit at (850)487-3644, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be accessed by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **State Emergency Response Commission (SERC) for Hazardous Materials** announces a meeting of the Training Task Force to which all persons are invited.

DATE AND TIME: July 10, 2003, 10:00 a.m.

PLACE: Department of Environmental Protection, 3900 Commonwealth Boulevard, Douglas Building, Conference Rooms A and B, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the ongoing work of the District Response Teams Subcommittee to the Training Task Force and other hazardous materials training issues.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Education and Training Section, (850)413-9899, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Education and Training Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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.

Additional information may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9899.

**The State Emergency Response Commission for Hazardous Materials** announces a meeting of all Local Emergency Planning Committee chairpersons and staff contacts to which all persons are invited.

DATE AND TIME: July 10, 2003, 1:30 p.m.

PLACE: Department of Environmental Protection, 3900 Commonwealth Boulevard, Douglas Building, Conference Rooms A and B, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committees in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)410-1271, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

**The State Emergency Response Commission for Hazardous Materials** announces a meeting to which all persons are invited.

DATE AND TIME: July 11, 2003, 10:00 a.m.

PLACE: Department of Environmental Protection, 3900 Commonwealth Boulevard, Douglas Building, Conference Rooms A and B, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)410-1271, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision, with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

## DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces the following meeting date, time and place for the Criminal Justice Standards and Training Commission and Commission-related meetings:

Training Center Directors' Committee Meetings

DATE AND TIME: Tuesday, August 5, 2003, 9:30 a.m.

Training Center Directors' Business Meeting

DATE AND TIME: Tuesday, August 5, 2003, 1:30 p.m.

Commission Workshop

DATE AND TIME: Wednesday, August 6, 2003, 2:00 p.m.

Probable Cause Determination Hearings

DATE AND TIME: Wednesday, August 6, 2003, 8:30 a.m.

CJS&T Commission meeting business agenda

DATE AND TIME: Thursday, August 7, 2003, 8:30 a.m.

Officer Discipline Case Proceedings

DATE AND TIME: Thursday, August 7, 2003, 10:30 a.m.

PLACE: Hotel Orlando North, 600 N. Lake Destiny Drive, Maitland, Florida 32751 (Guestroom Rate: \$88.00 for a single or double occupancy from August 3, 2003 – August 9, 2003; Phone (407)660-9000 Fax (407)660-9008, for reservations)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These meetings are held to discuss issues relating to standards, training, certification, de-certification, and record management for law enforcement, correctional and correctional probation officers, Commission rules, and certification and recertification of criminal justice training schools. All parties are invited to attend.

COMMISSION MEETING AGENDAS: A copy of the August 7, 2003 Commission Meeting agenda may be obtained by contacting Donna Hunt, (850)410-8615, or Commission information may be accessed at <http://www.fdle.state.fl.us/cjst/>

commission/cjstc\_meeting.html on July 21, 2003. A copy of the Officer Discipline Agenda may be obtained by contacting Brenda Presnell, (850)410-8648.

If you wish to write the Commission for a copy of the above meeting agendas, please write: Donna Hunt or Brenda Presnell, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302.

If you wish to call or write for a copy of the Training Center Directors' Association agenda, please write or call Training Center Director Association Chairman, Ray Newman, (863)297-1030, Polk Community College, 999 Avenue H, Northeast, Winter Haven, Florida 33881-4299.

**SPECIAL ACCOMMODATIONS:** Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Donna Hunt, (850)410-8615, at least 5 days prior to the meeting.

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The **Department of Law Enforcement**, Medical Examiners Commission, announces a Medical Examiners Commission Meeting.

**DATE AND TIME:** Friday, August 8, 2003, 1:15 p.m.

**PLACE:** Sawgrass Marriott Resort and Beach Club, 1000 PGA Tour Boulevard, Ponte Vedra Beach, FL 32082

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Medical Examiners Commission Meeting.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Medical Examiners Commission Office, (850)410-8600, at least five (5) working days prior to the meeting/workshop.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person is responsible for ensuring that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information or a copy of the agenda may be obtained by contacting: Mrs. Victoria G. Marsey, Program & Policy Administrator, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

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#### **DEPARTMENT OF TRANSPORTATION**

The **Department of Transportation**, District 5 announces a public hearing to which all persons are invited.

**DATE AND TIME:** July 24, 2003, 7:00 p.m.

**PLACE:** Oxford Assembly of God Church, 12114 North US Highway 301, Oxford, 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 State Project Identification Number 4150271, otherwise known as the Interstate 75 (I-75) and CR 466/CR 475 Interchange in Sumter County, Florida. The project is limited to the immediate area of the proposed interchange and approaching lanes on CR 466 and CR 475.

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 Ms. Marianne Wood, telephone number (407)898-1511. 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: Ms. Marianne Wood, Kimley-Horn and Associates, Inc., 3660 Maguire Boulevard, Suite 200, Orlando, Florida 32803, email: Marianne.Wood@Kimley-Horn.com.

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The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

**DATE AND TIME:** July 10, 2003, 8:30 a.m.

**PLACE:** Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, 2900 Apalachee Parkway, Conference Room A-339, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Rosa Seabrooks, (850)922-4483.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Rosa Seabrooks, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, FL 32303-5750.

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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of

Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices".

**STATE BOARD OF ADMINISTRATION**

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of two public meetings of the Florida Commission on Hurricane Loss Projection Methodology to which all persons are invited.

DATES AND TIME: Tuesday and Wednesday, July 22 and 23, 2003, 9:00 a.m. – 4:00 p.m. (EDT)

PLACE: Room 116 (Hermitage Room), Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida (Telephone: The conference call number for the meetings listed above, for those persons who cannot be physically present, is (850)488-8295 or Suncom 278-8295)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are regular business meetings of the Commission to discuss, in committee meetings, the 2003 standards and procedures and to address other general business of the Commission.

INVITATION: The public is invited to all meetings. Anyone wishing to be placed on the Commission's mailing list to receive copies of notices or wishing a copy of the agenda for the meeting noticed above, should contact: Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend any of these meetings is requested to call Donna Sirmons, (850)413-1349, five days prior to the meeting so that appropriate arrangements can be made.

**DEPARTMENT OF CITRUS**

The **Department of Citrus** announces a public meeting of the Fresh Grapefruit Advisory Council to which all persons are invited.

DATE AND TIME: Monday, July 14, 2003, 10:00 a.m.

PLACE: Indian River Citrus League, 7925 20th Street, Vero Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to continue discussions on next season's program plans and any other business that might come before the council for consideration.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 9, 2003, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 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.

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: July 10, 2003, 9:00 a.m.

PLACE: 2601 Blairstone Road, Building C, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Commission Business Meeting.

A copy of the agenda and subsequent agenda, if any, may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450, Attention: Frederick Dunphy, Commissioner-Vice-Chairman.

If you need an accommodation in order to participate in this process, please notify the Commission in advance.

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a prehearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 981834-TP – Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

Docket No. 990321-TP – Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation.

DATE AND TIME: July 14, 2003, 1:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

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The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: July 15, 2003, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy. (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770, or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770 at least 48 hours prior to the conference. Any

person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

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The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: July 15, 2003, immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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

**\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\***

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The Florida **Public Service Commission** announces a staff workshop to be held at the following time and place.

DATE AND TIME: July 16, 2003, 8:30 a.m.

PLACE: Room 234, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule No. 25-6.043, F.A.C., Investor-Owned Electric Utility Minimum Filing Requirements.

The Notice of Proposed Rule Development was published in the February 28, 2003, Florida Administrative Weekly, Vol. 29, No. 9, and a rule development workshop was held March 26, 2003.

A copy of the agenda may be obtained after July 8, 2003, from: Dale Mailhot, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the workshop. Any

person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771.

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 030200-TP – Emergency petition of AT&T Communications of the Southern States, LLC d/b/a AT&T d/b/a Lucky Dog Phone Co. d/b/a ACC Business d/b/a SmarTalk d/b/a Unispeaksm Service d/b/a AT&T for cease and desist order and other sanctions against Supra Telecommunications and Information Systems, Inc.

DATE AND TIME: July 16, 2003, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the emergency petition of AT&T Communications of the Southern States, LLC d/b/a AT&T d/b/a Lucky Dog Phone Co. d/b/a ACC Business d/b/a SmarTalk d/b/a Unispeaksm Service d/b/a AT&T for cease and desist order and other sanctions against Supra Telecommunications and Information Systems, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on July 2, 2003. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Office of Tourism, Trade and Economic Development** announces a telephone conference to which all persons are invited.

MEETING: Governor's Advisory Council on BRAC, Committee on Competitive Advantage

DATE AND TIME: Wednesday, July 9, 2003, 4:00 p.m.

PLACE: Call (850)414-1727 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss organization of the committee.

If you need a special accommodation to participate because of a disability, please contact Wayne Nelms, (850)414-1727, no later than 48 hours prior to the meeting. Persons who are

hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

#### REGIONAL PLANNING COUNCILS

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, and Exercise Sub-Committee, to which all persons are invited.

DATE AND TIME: Wednesday, July 9, 2003, 9:00 a.m.

PLACE: Southwest Florida Water Management District Conference Room, 170 Century Boulevard, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committees.

At the conclusion of this meeting, the District #7 Local Emergency Planning Committee will sponsor a Field Operations Guide training session for members and other interested parties.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, July 9, 2003, 9:30 a.m.

PLACE: Hardee County Agri-Civic Center, 515 Civic Center Drive, Wauchula, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.



The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, July 14, 2003, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council

DATE AND TIME: Monday, July 14, 2003, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee

DATE AND TIME: Monday, July 14, 2003, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency on Bay Management

DATE AND TIME: Thursday, July 10, 2003, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee

DATE AND TIME: Monday, July 28, 2003, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

PLACE: 9455 Koger Blvd., Suite 219, St. Petersburg, FL 33702 (Please call to confirm date, time and place)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 9, 2003, 3:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to discuss regional issues impacting South Florida including transportation.

A copy of the agenda may be obtained by writing: The Broward Workshop, 2740 East Oakland Park Boulevard, Suite 206, Fort Lauderdale, Florida 33306.

The Regional Business Alliance is comprised of business and elected leaders from Monroe, Miami-Dade, Broward, Palm Beach, and Martin Counties, including members of the Tri-County Commuter Rail Authority and South Florida Regional Planning Council.

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 meeting above. 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.

## WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following public meetings and hearings, which may be conducted by means of or in conjunction with communications technology, to which all persons are invited:

PROJECTS AND LAND COMMITTEE

DATE AND TIME: Monday, July 7, 2003, 5:00 p.m.

PLACE: District Headquarters, Highway, 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Projects & Land agenda items followed by committee recommendations to be approved by the full Governing Board.

MEETING OF GOVERNING BOARD CHAIR AND COMMITTEE CHAIRS

DATE AND TIME: Tuesday, July 8, 2003, 8:15 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, July 8, 2003, 8:45 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance, Facilities/Planning/Construction, Information Technology, and Personnel agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted FY2002-2003 budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, July 8, 2003, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD/REGULATORY MEETING AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, July 8, 2003, 1:00 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

BUDGET MEETING

DATE AND TIME: Tuesday, July 8, 2003, following the Governing Board/Regulatory meeting which begins at 1:00 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a budget meeting to discuss budget information and to consider the tentative millage rate and budget for Fiscal Year October 1, 2003 through September 30, 2004.

GOVERNING BOARD/REGULATORY MEETING

DATE AND TIME: Wednesday, July 9, 2003, 9:00 a.m. (Please note July 9 meeting subject to cancellation if business completed July 8)

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

NOTE: In the event of a declared emergency or emergency conditions, all or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the SJRWMD website (www.sjrwmd.com) or by writing: SJRWMD, P. O. Box 1429, Palatka, FL 32178-1429.

Any item which appears on the agenda for the Governing Board, Regulatory, and/or Committee meetings may be considered on day one or day two. Day two may be cancelled if all items are completed on day one. The order of items appearing on the agenda is subject to change during the meetings.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (386)329-4101 or (386)329-4450 (TDD), if you are hearing or speech impaired.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, 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.

The **Southwest Florida Water Management District** announces the following meeting to which all interested persons are invited.

INDUSTRIAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, July 8, 2003, 9:00 p.m.

PUBLIC SUPPLY ADVISORY COMMITTEE

DATE AND TIME: Friday, July 18, 2003, 9:30 a.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meeting.

A copy of the agendas may be obtained by writing: Planning Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida) or (352)796-7211, Extension 4604, Fax (352)754-6874, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces the following public meeting to which all interested persons are invited.

WELL DRILLERS ADVISORY COMMITTEE

DATE AND TIME: Wednesday, July 9, 2003, 1:30 p.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Committee Business.

Some members of the District's Governing and Basin Boards may attend the meeting.

A copy of the agenda for the above meeting may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida) or (352)796-7211, Extension 4604, Fax (352)754-6874, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** (SWFWMD) announces the following meeting(s) to which all interested parties are invited to attend:

WITHLACOOCHEE RIVER BASIN BOARD MEMBERS' MEETING

DATE AND TIME: Wednesday, July 9, 2003, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Executive Conference Room, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss various Hernando County water management issues of mutual concern.

Please Note: The following meeting has been cancelled:

GOVERNING BOARD WORKSHOP

DATE AND TIME: Friday, July 11, 2003

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), extension 4604, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATE AND TIME: Wednesday, July 9, 2003, 8:30 a.m.

PLACE: South Florida Water Management District Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001), to discuss strategy related to litigation expenditures in *City National Bank of Florida V. South Florida Water Management District*, Circuit Court, Miami-Dade County, Florida, Case No. 00-5524 CA 32.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, S. Glazier, S. Echemendia, M. Dorta, B. Auger, R. Alfert, Jr., and D. Freedman.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record.

A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

A copy of the agenda may be obtained: (1) District website <http://www.sfwmd.gov/agenda.html> or (2) by writing to the South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATE AND TIME: Wednesday, July 9, 2003, 8:30 a.m.

PLACE: South Florida Water Management District Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to

litigation expenditures in *United States of America v. South Florida Water Management District et al*, United States District Court, Southern District of Florida, Case No. 88-1886-Civ-Hoeveler.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, S. Glazier, D. MacLaughlin, S. Echemendia, M. Dorta, B. Auger, and K. Burns.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record.

A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

A copy of the agenda may be obtained: (1) District website <http://www.sfwmd.gov/agenda.html> or (2) by writing to the South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATE AND TIME: Wednesday, July 9, 2003, 8:30 a.m.

PLACE: South Florida Water Management District Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in *Miccosukee Tribe of Indians of Florida, v. South Florida Water Management District and Sam Poole, and Friends of Everglades v. South Florida Water Management District*, United States Court of Appeals Eleventh Circuit, Case No. 00-15703; *South Florida Water Management District v. Miccosukee Tribe of Indians, et al.*, United States Supreme Court, Case 02-626; *Friends of the Everglades Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District*, United States District Court, Southern District of Florida, Case No. 02-80309-CIV-Altonaga; and *Florida Wildlife Federation v. South Florida Water Management District*, United States District Court, Southern District of Florida, Case No. 02-80918-CIV-Altonaga.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, S. Glazier, D. MacLaughlin, S. Echemendia, M. Dorta, B. Auger, J. Nutt, M. Compagno and T. Bishop.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record.

A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

A copy of the agenda may be obtained: (1) District website <http://www.sfwmd.gov/agenda.html> or (2) by writing to the South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

**DATES AND TIME:** July 9, 2003; July 10, 2003, 8:50 a.m.

**PLACE:** The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact 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.

Part of the CRITICAL CREW (Southern Corkscrew Regional Ecosystem Watershed) project comprised of fifty-three parcels referred to as SFWMD Tract Nos. 09-100-007, 09-100-008, 09-100-009, 09-100-011, 09-100-013, 09-100-014, 09-100-016, 09-100-017, 09-100-018, 09-100-021, 09-100-022, 09-100-024, 09-100-026, 09-100-027, 09-100-034, 09-003-194, 09-003-198, 09-003-434, 09-003-511, 09-003-729, 09-003-750, 09-003-756, 09-003-773, 09-003-779, 09-003-782, 09-003-783, 09-003-865, 09-003-875, 09-005-002, 09-005-005, 09-005-013, 09-005-119, 09-005-221, 09-005-022,

09-005-034, 09-005-126, 09-005-132, 09-005-133, 09-005-141, 09-005-147, 09-005-149, 09-005-181, 09-005-183, 09-005-191, 09-005-193, 09-005-194, 09-005-197, 09-005-198, 09-005-199, 09-005-200, 09-005-230, 09-005-270 and 09-005-271 consisting of approximately 354 acres and lying in Sections 25, 26, 31, 32, 33, 34 and 35, Township 47 South, Range 26 East within Lee County, Florida.

Part of the C-43 Basin Storage Reservoir Project comprised of one parcel referred to as SFWMD Tract No. QD-100-005 consisting of approximately 2,399.11 acres and lying in Sections 3, 4, 5, 9 and 10, Township 44 South, Range 28 East within Hendry County, Florida.

Part of the C-43 Basin Storage Reservoir Project comprised of two parcels referred to as SFWMD Tract No. GX-100-006 consisting of approximately 201 acres and GX-100-007 consisting of approximately 196 acres, lying in Sections 23, 24, 25, and 36, Township 43 South, Range 28 East within Hendry County, Florida.

Part of the Kissimmee River Project comprised of sixteen parcels referred to as SFWMD Tract Nos. 19-103-559, 19-103-560, 19-103-561, 19-103-562, 19-103-563, 19-103-565, 19-103-566, 19-103-567, 19-103-665, 19-103-666, 19-103-667, 19-103-668, 19-103-669, 19-103-670, 19-103-671 and 19-103-672 consisting of approximately 15 acres and lying in Sections 21, 22 and 27, Township 36 South, Range 33 East within Okeechobee County, Florida.

Part of the Water Conservation Area Project comprised of three parcels referred to as SFWMD Tract Nos. 27-100-041, 27-100-042 and 27-100-056 consisting of approximately 680 acres, and lying in Sections 02, 17 and 21, Townships 49, 52 and 53 South, Ranges 35, 38 and 39 East in Miami-Dade and Broward Counties, Florida.

Part of the Save Our Rivers-East Coast Buffer (Cell #20) Project comprised of one parcel referred to as SFWMD Tract W9-311-919 consisting of approximately 5.0 acres, and lying in Section 05, Township 52 South, Range 40 East, Miami-Dade County, Florida.

Part of the Comprehensive Everglades Restoration Plan (CERP) C-43 Caloosahatchee Basin Project comprised of two parcels referred to as SFWMD Tract Nos. GX-100-006 and GX-100-007 consisting of approximately 397 acres, and lying in Sections 23, 24, 25 and 36, Township 43 South, Range 28 East, Hendry County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract No. 19-103-427 consisting of approximately 15 acres and Tract No. 19-103-456 consisting of approximately 0.27 acres, both lying in Section 17, Township 36 South, Range 33 East in Highlands County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract No. 19-102-137 consisting of approximately 9.6 acres and Tract No. 19-102-138 consisting of approximately 7.5 acres, both lying in Section 13, Township 37 South, Range 31 East in Highlands County, Florida.

Part of the Kissimmee River project comprised of one parcel referred to as SFWMD Tract No. 19-102-140 consisting of approximately 300 acres, lying in Sections 9 and 10, Township 35 South, Range 32 East in Highlands County, Florida.

Part of the Kissimmee River project comprised of thirty-seven parcels referred to as SFWMD Tract Nos. 19-103-519 through 19-103-534, Tract Nos. 19-103-537 through 553, Tract Nos. 19-103-660 through 662, and Tract No. 19-103-657, consisting of a total of approximately 5.0 acres, all in Section 17, Township 36 South, Range 33 East in Highlands County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of two parcels referred to as SFWMD Tract Nos. 18-200-005 and 18-200-007, consisting of a total of approximately 700 acres, all in Sections 28 through 32, Township 27 South, Range 30 East and in Osceola County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of five parcels referred to as SFWMD Tract Nos. 18-011-002 through 18-011-006, consisting of a total of approximately 5 acres, all in Sections 24 and 25, Township 30 South, Range 30 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of eight parcels referred to as SFWMD Tract Nos. 18-001-052 through 18-001-060, consisting of a total of approximately 45 acres, all in Section 3, Township 31 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of one parcel referred to as SFWMD Tract No. 18-021-002, consisting of a total of approximately 1 acre, in Section 3, Township 30 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of four parcels referred to as SFWMD Tract Nos. 18-029-001, 18-030-001, 18-116-002 and 18-116-004, consisting of a total of approximately 200 acres, all in Sections 1 and 12, Township 29 South, Range 29 East and in Polk County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract Nos. 19-103-271 and 19-103-434, consisting of a total of approximately 1,900 acres, all in Sections 1, 2, 3, 4 and 5, Township 36 South, Range 33 East in Okeechobee County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of one parcel referred to as SFWMD Tract No. 18-004-086, consisting of a total of approximately 0.25 acre, in Section 34, Township 30 South, Range 31 East in Polk County, Florida.

Part of the Kissimmee River project comprised of ten parcels referred to as SFWMD Tract Nos. 19-101-055, 19-101-056, 19-101-057, 19-101-058, 19-101-059, 19-101-060,

19-101-061, 19-101-062, 19-101-063 and 19-101-064, consisting of a total of approximately 600 acres, all in Sections 11 and 14, Township 34 South, Range 31 East in Okeechobee County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract No. 19-101-065 and 19-101-066, consisting of a total of approximately 45 acres, all in Sections 12 and 13, Township 34 South, Range 31 East in Okeechobee County, Florida.

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**The South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIMES: Wednesday, July 9, 2003, 9:00 a.m. – completed; Thursday, July 10, 2003, 8:30 a.m. – completed

PLACE: B-1 Auditorium, 301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting/Audit Committee/Human Resources Committee to discuss and consider District business including regulatory and non-regulatory matters.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Deputy 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 Paula Moree, Deputy District Clerk, in the Office of District Clerk, Phone Number (561)682-6447. District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406.

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**The South Florida Water Management District** announces a private closed door attorney-client session in the event this subject matter is not reached as noticed for July 9, 2003, in the Friday, June 27, 2003 issue of the Florida Administrative Weekly.

DATES AND TIMES: Thursday, July 10, 2003, 8:30 a.m.

PLACE: South Florida Water Management District Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001), to discuss strategy related to litigation expenditures in City National Bank of Florida v. South Florida Water Management District, Circuit Court, Miami-Dade County, Florida, Case No. 00-5524 CA 32.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, S. Glazier, S. Echemendia, M. Dorta, B. Auger, R. Alfert, Jr., and D. Freedman.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record.

A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

A copy of the agenda may be obtained: (1) District website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida.

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The **South Florida Water Management District** announces a private closed door attorney-client session in the event this subject matter is not reached as noticed for July 9, 2003, in the Friday, June 27, 2003 issue of the Florida Administrative Weekly.

DATES AND TIMES: Thursday, July 10, 2003, 8:30 a.m.

PLACE: South Florida Water Management District Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001), to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District et al, United States District Court, Southern District of Florida, Case No. 88-1886-Civ-Hoeveler.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, S. Glazier, D. MacLaughlin, S. Echemendia, M. Dorta, B. Auger and Kirk Burns.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record.

A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

A copy of the agenda may be obtained: (1) District website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

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The **South Florida Water Management District** announces a private closed door attorney-client session in the event this subject matter is not reached as noticed for July 9, 2003, in the Friday, June 27, 2003 issue of the Florida Administrative Weekly.

DATES AND TIMES: Thursday, July 10, 2003, 8:30 a.m.

PLACE: South Florida Water Management District Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001), to discuss strategy related to litigation expenditures in Miccosukee Tribe of Indians of Florida, v. South Florida Water Management District and Sam Poole, and Friends of Everglades v. South Florida Water Management District, United States Court of Appeals, Eleventh Circuit, Case No. 00-15703; South Florida Water Management District v. Miccosukee Tribe of Indians, et al., United States Supreme Court, Case 02-626; Friends of the Everglades Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 02-80309-CIV-Altonaga; and Florida Wildlife Federation v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 02-80918-CIV-Altonaga.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, S. Glazier, D. MacLaughlin, S. Echemendia, M. Dorta, B. Auger, J. Nutt, M. Compagno and T. Bishop.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record.

A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

A copy of the agenda may be obtained: (1) District website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

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### REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following meeting to which the public is invited.

DATE AND TIME: Wednesday, July 2, 2003, 10:00 a.m.

PLACE: Sarasota County Administration Center, 1660 Ringling Boulevard, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

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### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** would like to announce a meeting of the Family Practice Physician Recruitment and Retention Advisory Committee to which all interested persons are invited to participate.

DATE AND TIME: Saturday, July 26, 2003, 8:00 a.m. – 10:00 a.m.

PLACE: Hyatt Grand Cypress Resort, One Grand Cypress Blvd., Orlando, Florida (Anyone interested in participating by telephone may call (850)488-5776, Suncom 278-5776)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to review the data and preparation for the 2003 Annual Report for the Legislature. Authority for this Committee granted by s. 395.807, Florida Statutes.

For additional information please contact: Dennis Halfhill, (850)921-5505, e-mail: [halfhild@fdhc.state.fl.us](mailto:halfhild@fdhc.state.fl.us).

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### DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a meeting of the MyFloridaMarketPlace Steering Committee to which all persons are invited.

DATE AND TIME: Monday, July 14, 2003, 1:00 p.m. – 2:30 p.m.

PLACE: 2002 Old St. Augustine Road, Suite E-45, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting and planning session.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact: John Kuczwanski, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, FL 32399-0950, (850)921-5266, at least 48 hours prior to the workshop.

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The **Florida Telecommunications Relay, Inc.** announces a regular meeting of the Board of Directors to which all interested persons are invited.

DATE AND TIME: Friday, July 11, 2003, 10:00 a.m.

PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, Florida  
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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The Florida **Black Business Support Corporation** announces teleconference meetings, for the next quarter, of its Loan Investment Committee to which all interested persons are invited.

DATES AND TIME: Thursday, July 10, 2003; Thursday, August 14, 2003; Thursday, September 11, 2003, 2:00 p.m.

PLACE: Teleconference – Call (850)487-4850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider financing requests, receive reports relating to loan and investment activities, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Support Corporation, 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 these meeting, please notify the FBBSC office, (850)487-4850, at least seven (7) days prior to the meetings.

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### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces a public meeting of the Florida **Barbers' Board** to which all persons are invited to participate.

DATE AND TIME: Monday, August 18, 2003, 9:00 a.m.

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

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 Barbers' Board, 1940 North Monroe Street, Suite #60, 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, 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 Florida **Electrical Contractors' Licensing Board** announces Official Board Meetings to which all interested persons are invited.

Probable Cause Panel Meeting (closed to the public)

DATE AND TIME: July 10, 2003, 8:30 a.m. or soon thereafter  
Official Board Meeting

DATE AND TIME: July 10, 2003, 10:00 a.m. or soon thereafter

Official Board Meeting

DATE AND TIME: July 11, 2003, 9:00 a.m. or soon thereafter  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, FL 32202, (904)791-4829

A copy of the agenda may be obtained by writing: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Electrical Contractors' Licensing Board at least five calendar days prior to the meeting. If you are hearing

or speech impaired, please call Gregory Spence 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 Landscape Architecture** announces the following meeting, to be held by telephone conference, to which all persons are invited to attend.

DATE AND TIME: July 9, 2003, 9:00 a.m.

PLACE: Telephone (850)488-5778 or Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Board of Landscape Architecture, 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 Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: July 9, 2003, 10:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N Monroe Street, Tallahassee, FL (Telephone number to call: (850)921-6513 Suncom 291-6513)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Board of Pilot Commissioners, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).



The Florida **Board of Pilot Commissioners** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: July 24, 2003, 8:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Workshop, followed by the Rules Committee Meeting, Finance Committee Meeting, immediately followed by Probable Cause Panel meeting, which portions may be closed to the public.

DATE AND TIME: July 25, 2003, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 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)922-5012, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Professional Surveyors and Mappers** announces a Probable Cause Panel meeting. All interested parties are invited to attend at the address listed below.

DATE AND TIME: July 16, 2003, 3:00 p.m.

PLACE: Hilton Gardens Inn, 12 Via De Luna Drive, Pensacola, Florida 32561

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsider Case #2001-07236 and Case #2000-0666

A copy of the agenda may be obtained by writing: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida, or by calling Juanita Chastain, Executive Director, (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 forty-eight (48) hours before the meeting by contacting Juanita Chastain, Executive Director, (850)487-9630. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based; and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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#### DEPARTMENT OF HEALTH

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**, announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATES AND TIMES: July 28, 2003, 1:00 p.m.; July 29, 2003, 9:00 a.m.

PLACE: Tampa Airport Marriott, 7 Tampa International Airport Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, He/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least a week in advance.

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The **Department of Health, Board of Dentistry** will hold committee and general business meetings to which all persons are invited:

DATES AND TIMES: July 17, 2003, 2:00 p.m.; July 18, 2003, 8:00 a.m.

PLACE: Hyatt Regency Orlando Airport, 9300 Airport Boulevard, Orlando, FL 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which records include 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 Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Hearing Aid Specialists**, announces a telephone conference call. All interested parties are invited to attend with the information listed below, which is normally open to the public.

DATE AND TIME: July 9, 2003, 4:00 p.m.

PLACE: Telephone Number (850)245-4461, to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing 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 Sue Foster, (850)245-4474 at least one week prior to meeting date.

The **Department of Health, Board of Hearing Aid Specialists**, announces an official board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: July 24, 2003, 9:00 a.m.

PLACE: The Adam's Mark Hotel, 100 North Atlantic Boulevard, Daytona Beach, FL 32118, (386)254-8200

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment, can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at least one week prior to meeting date.

The **Department of Health, Division of Medical Quality Assurance**, Florida **Board of Medicine** Probationers Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 18, 2003, 9:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Timothy Callaghan, Compliance Officer, Department of Health, Division of Medical Quality Assurance, Client Services Unit, 4052 Bald Cypress Way, Bin #C01, Tallahassee, FL 32399-3251.

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, he will need a record of the proceeding, and for such purpose, he may need to insure that a verbatim proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Timothy Callaghan, (850)245-4444, Ext. 3547, at least 10 calendar days prior to the meeting. If you are hearing or speech impaired, please call Mr. Callaghan using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Probable Cause Panel (South), announces a telephone conference call to be held via meet me number.

DATE AND TIME: July 18, 2003, 2:00 p.m.

PLACE: Meet Me Number (850)921-2583, Suncom Number 291-2583

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

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The Florida **Board of Medicine**, Probable Cause Panel (North), announces a telephone conference call to be held via meet me number.

DATE AND TIME: July 25, 2003, 2:00 p.m.

PLACE: Meet Me Number (850)488-5776, Suncom Number 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

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The **Department of Health, Board of Occupational Therapy Practice**, Probable Cause Panel, announces a conference call to which all persons are invited:

DATE AND TIME: July 2, 2003, 11:00 a.m. or soon thereafter

PLACE: NUMBER: The meet me number may be obtained by contacting: Ivy Shivers, Regulatory Supervisor, Medical Therapies/Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4372

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsideration of cases previously heard by the Probable Cause Panel. Following the public portion of the meeting, the doors will be closed to the public.

A copy of the agenda may be obtained by writing to Department of Health, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, or by calling the board office, (850)245-4373 .

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Board of Optometry** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATES AND TIMES: Tuesday, July 15, 2003, 1:00 p.m.; continuing Wednesday, July 16, 2003, 8:30 a.m.

PLACE: Crowne Plaza Hotel, 1601 Belvedere Road, West Palm Beach, FL 33406, (561)689-6400

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, (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 Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Board of Optometry**, Probable Cause Panel will hold a duly noticed meeting and telephone conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Tuesday, July 15, 2003, 4:00 p.m. or shortly thereafter

PLACE: Crowne Plaza Hotel, 1601 Belvedere Road, West Palm Beach, FL 33406, (561)689-6400

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, 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 Optometry, 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, July 11, 2003, 9:00 a.m.

PLACE: Crowne Plaza Hotel, 5555 Hazeltine National Drive, Orlando, FL 32812, (407)856-0100

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, (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.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Shared Services Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, July 24, 2003, 10:00 a.m.

PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Shared Services Alliance to which all persons are invited.

DATE AND TIME: Thursday, July 24, 2003, 8:30 a.m.

PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The **Council on Homelessness** announces the following meeting to which all persons are invited:

DATE AND TIME: Tuesday, August 5, 2003, 9:00 a.m. – 1:00 p.m.

PLACE: Miami Dade Housing Agency, Miami Dade Housing Agency Boardroom [MDHA Boardroom], 789 N. W. 13th Avenue, Miami, FL 33125, Conference Call-In Number (850)410-0967 or SunCom 210-0967

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will receive reports from its committees and will continue to discuss its strategic plan to reduce homelessness in Florida. Input from local homeless service providers, homeless coalitions, lead agencies of continuums of care, local governments, the homeless, and the general public is accepted by the Council to help define the state's role in serving the homeless.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom\_Pierce@dcf.state.fl.us.

Pursuant to Chapter 286.26, Florida Statutes, any disabled person wishing to attend this meeting in order to request any needed special assistance should contact the office at least 48 hours in advance of the meeting.

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#### **LEON COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The Development Review Committee of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited:

**DATE AND TIME:** Every second Tuesday of each month, 8:30 a.m. through December 2003

**PLACE:** Innovation Park Administrative Centre, 1736 West Paul Dirac Drive, Tallahassee, Florida 32310

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The development and operation of Innovation Park and related matters.

Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact Ms. Lewis, (850)575 0031.

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The Board of Governors of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited:

**DATE AND TIME:** Every third Tuesday of each month, 8:30 a.m. through December 2003

**PLACE:** Innovation Park Administrative Centre, 1736 West Paul Dirac Drive, Tallahassee, Florida 32310

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The development and operation of Innovation Park and related matters.

Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact Ms. Lewis, (850)575-0031.

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#### **COUNCIL FOR EDUCATION POLICY**

The **Council for Education Policy, Research and Improvement** announces a public meeting.

**DATE AND TIME:** Wednesday, July 9, 2003, 8:30 a.m. – 4:00 p.m.

**PLACE:** Orlando, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Council will take action on recommendations related to the vision and major initiatives to be addressed in the K-20 Master Plan. The Council will also discuss its studies of university contracts, workforce funding, and other ongoing assignments.

Related material may be accessed at the Council website: [www.cepri.state.fl.us](http://www.cepri.state.fl.us). An informal roundtable discussion will be held on the evening of July 8, 2003, 6:00 p.m. – 8:00 p.m. in the same location and a conference call may be scheduled one week after the Council meeting to address any follow-up required. If so, the time and contact number will be posted on the Council website.

For further information, contact: Council office, (850)488-7894.

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#### **SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION**

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited.

**DATE AND TIME:** Friday, June 27, 2003, 8:30 a.m.

**PLACE:** Sextant B Room, Northside, South Seas Resort, 5400 Plantation Road, Captiva Island, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Special meeting of the Board of Directors.

Note: A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

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## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

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

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

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of AMT, LLC. The Petitioner seeks the Board's interpretation of the application of Section 456.053, Florida Statutes. Specifically, Petitioner seeks the Board's interpretation as to whether member physicians can be both member of the company, receiving dividends and profit sharing with the company, and at the same time be referral physicians seeing subscriber patients of the company. The Board will consider this petition at its meeting scheduled for August 1-2, 2003, at the Hyatt Regency, 9300 Airport Boulevard, Orlando, Florida 32847.

Copies of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Orlando G. Florete, M.D., and the Institute of Pain Management, P.A. The Petitioner seeks the Board's interpretation of the application of Sections 458.347(2),(3),(4) & (13), Florida Statutes. Specifically, Petitioner seeks the Board's interpretation as to whether it is appropriate to have physician assistants do injective therapy under fluoroscopic guidance at the direction and supervision of the supervising physician. The Board will consider this petition at its meeting scheduled for August 1-2, 2003, at the Hyatt Regency, 9300 Airport Boulevard, Orlando, Florida 32847.

Copies of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

NOTICE IS HEREBY GIVEN that the Florida Fish and Wildlife Conservation Commission has issued a Declaratory Statement disposing of the petition filed by Ronald Fred Crum and Keith Ward on March 18, 2003.

The following is a summary of the Declaratory Statement:

1. Petitioners "hybrid" net of 500 square feet or less, as described in the petition and exhibit thereto, may not be lawfully fished in the waters of the State of Florida;
2. The constitutionality of the Article X, Section 16 of the Florida Constitution and administrative Rule 68B-4.0081, F.A.C. are the subject of current federal litigation and are not proper subjects for the Commission to address in a declaratory statement;
3. Petitioners are not entitled to a hearing on the petition.

A copy of the declaratory statement may be obtained by making a written request to the following: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, Office of General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

NOTICE IS HEREBY GIVEN that the Florida Fish and Wildlife Conservation Commission has issued a declaratory statement disposing of the petition filed by Thomas R. McCoy on March 17, 2003.

The declaratory statement provided, in summary, that if petitioner were successful in marking a single channel running in a general east-west direction from Florida's mainland to Little Gasparilla Island, that channel would be a 25 mph zone under subparagraph 68C-22.015(2)(c)2., F.A.C. However, if petitioner were successful in marking an additional channel that forked off of the primary channel as described in the petition, that additional channel would be slow speed in accordance with subparagraph 68C-22.015(2)(b)1., F.A.C.

A copy of the declaratory statement may be obtained by making a written request to the following: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, Office of General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN that the Department of Financial Services (formerly the Department of Insurance), Division of State Fire Marshal, has received a Petition for Declaratory Statement filed May 28, 2003, from Derryl B. O'Neal. The Petition is seeking the Department's interpretation of the Florida Fire Prevention Code and specifically asks: Does a county construction licensing board have the authority to supersede or lessen the Florida Fire Prevention Code, and are spiral staircases allowed as a second means of egress in 5-story apartment type occupancies relating to new construction.

A copy of the Petition may be obtained by writing to, calling or sending a fax to Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone (850)413-3604, fax number (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to mazzeog@doi.state.fl.us. Please mention the name O'Neal in your request.

In re the Matter of

ALFONSO FERNANDEZ-FRAGA, Case No.: 68037-03-SP  
Petitioner

Petition for Declaratory Statement  
to the Florida Department of  
Financial Services

DECLARATORY STATEMENT

THIS CAUSE came on for consideration upon the Petition for Declaratory Statement received on May 5, 2003, by the Department of Financial Services, hereinafter referred to as the Department, from Alfonso Fernandez-Fraga, hereinafter referred to as Petitioner. Upon consideration thereof, and being duly advised, the Chief Financial Officer as State Fire Marshal, finds as follows:

1. The Chief Financial Officer as State Fire Marshal, has jurisdiction over the subject matter and the parties to this matter.

2. This Declaratory Statement is premised upon the assertions of fact set forth in the Petition for Declaratory Statement. Any modification to those assertions of fact could alter the conclusions set forth in this Declaratory Statement. None of the assertions of fact are admitted by the Department as being true and Petitioner's question is being answered purely as a hypothetical one. If any of the facts asserted by the Petitioner are untrue or materially incomplete the conclusions of this Declaratory Statement could be significantly different.

3. If the Petition for Declaratory Statement contains various legal assertions, conclusions, and arguments, those assertions, conclusions, and arguments are not adopted by the Department and are not used as legal premises or authority for the conclusions of this Declaratory Statement. Legal assertions, conclusions, and arguments are considered only to illustrate the manner in which Petitioner may be an affected person entitled to have the Department issue this Declaratory Statement.

BACKGROUND and FACTS ASSERTED

4. Petitioner asserts that:

A. Petitioner designs fire protection systems for buildings.

B. In some jurisdictions, no post indicator valve is required if outside screw and yoke valves are provided as part of the backflow prevention assembly and if said outside screw and yoke valves are supervised by the fire alarm system using tamper switches.

C. Some jurisdictions insist on a separate post indicator valve.

D. A description of the typical outside screw and yoke valve is included.

E. The valves are mandated by the health department to comply with cross-connection (backflow) requirements and appear on every job.

F. The separate post indicator valve is redundant.

QUESTION

5. Petitioner's question is: Does NFPA 5-14.1.1.1 mandate the use of a post indicator valve or will a supervised outside screw and yoke valve satisfy the requirement?

DISCUSSION

6. NFPA 13, 1999 edition, which is the edition adopted in Rule 4A-60.005, Florida Administrative Code, and therefore applicable in this state, Section 5-14.1.1.1 provides that each sprinkler system shall be provided with a listed indicating valve in an accessible location, so located as to control all automatic sources of water supply.

7. Section 5-14.1.1.2 of NFPA 13, 1999 edition, provides that at least one listed indicating valve shall be installed in each source of water supply, with an exception that there shall be no shutoff valve in the fire department connection.

8. The key issue is that the water supply must have at least one listed valve and it must be a listed indicating valve. If the outside screw and yoke will meet these requirements, the code has been satisfied.

NOW, THEREFORE, it is the position of the Division of State Fire Marshal of the Department of Financial Services that the code provisions are clear and that if the water supply has at least one listed indicating valve, and if the outside screw and yoke meet the requirements set forth in NFPA 13, Section 5-14.1.1.1 and 5-14.1.1.2, the requirements of the code are satisfied.

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Declaratory Statement is entitled to seek review of this Declaratory Statement pursuant to Section 120.565, Florida Statutes, and rule 9.110, Florida Rules of Appellate Procedure, because pursuant to Section 120.565, Florida Statutes, a Declaratory Statement constitutes final agency action and is therefore subject to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings must be instituted by filing a petition or notice of appeal with the General Counsel, acting as the agency clerk, at 612 Larson Building, Tallahassee, Florida, and a copy of the same with the appropriate district court of appeal, within thirty days of rendition of this Declaratory Statement.

ENTERED at Tallahassee, Leon County, Florida, this \_\_\_ day of \_\_\_\_\_, 2003.

Tom Gallagher

Copies furnished to:  
Alfonso Fernandez-Fraga  
7145 S. W. 42nd Terrace  
Miami, Florida 33155

Gabriel Mazzeo, Attorney  
Division of State Fire Marshal  
200 East Gaines Street  
Tallahassee, Florida 32399-0340

**Section VIII**  
**Notices of Petitions and Dispositions**  
**Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX**  
**Notices of Petitions and Dispositions**  
**Regarding Non-rule Policy Challenges**

**NONE**

**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTICE TO PROFESSIONAL CONSULTANTS**

The University of Florida Board of Trustees, announces that Professional Services in the discipline of Total Building Commissioning will be required for the project listed below:  
Project No.: UF-144, Library West Addition and Remodeling, Gainesville, Florida. The project consists of 60,000 GSF addition and remodeling 117,000 GSF of the existing library. The selected firm will provide Peer Review during design phases beginning, with Advanced Schematic Design and Total

Building Commissioning services for the referenced project. The estimated cost of design and construction is \$23,860,000.00. Total Building Commissioning of this project, estimated to cost a maximum of \$100,000.00

**INSTRUCTIONS**

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed "Professional Qualifications Supplement," the latest project specific version available from the website: [www.facilities.ufl.edu](http://www.facilities.ufl.edu). Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 5 (five) copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for the University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Professional Qualifications Supplement forms, project information, selection criteria, and instructions for registering as an applicant can be found on the Facilities Planning & Construction Division website.

Submittals must be received in the Facilities Planning & Construction Division office by 3:00 p.m. local time, on Friday, July 18, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered.

Christene Eastman  
Facilities Planning and Construction Division  
232 Stadium/P. O. Box 115050  
Gainesville, FL 32611-5050  
Telephone (352)392-9829  
Fax (352)392-6378  
Internet [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

**NOTICE TO PROFESSIONAL CONSULTANTS**

Florida State University, State of Florida, announces that Professional Services in the discipline of architecture will be required for the project listed below:



Project No.: BR-280  
 Project and Location: New Classroom Building  
 Florida State University  
 Tallahassee, Florida

The project consists of the construction of a new 100,000 GSF general purpose classroom building to increase the availability of quality classroom space on the campus. The new facility will be available for use by all academic departments and will contain approximately (40) classrooms, ranging in occupancy from 30 to 500 seats. Located in the campus core, the building will require strategies for managing high occupancy/foot traffic loads, appropriate design of building services, and design of state of the art classroom technology systems. It is anticipated that some contaminated soils requiring mitigation will be encountered on the site.. The selected firm will provide design, construction documents and administration for the referenced project which is budgeted at \$12,377,000 for construction. The project delivery system will be construction management. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000 and will be provided as a part of Basic Services.

**INSTRUCTIONS:**

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Florida State University "Professional Qualifications Supplement," dated June, 2002. Applications on any other form, or on versions dated prior to 6/02, will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit six (6) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained through our website, [www.fpc.fsu.edu](http://www.fpc.fsu.edu), or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance, Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information on the project, contact: Kim Strobel-Ball, Senior Project Manager, at the address and phone listed above.

Submittals must be received in the above office, by 2:00 PM local time, on Monday, July 29, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered.

**NOTICE REGARDING ELECTRONIC POSTING**

Pursuant to Section 287.042(3)(b)2. of the Florida Statutes, the DeSoto County School District 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://desotoschools.com/purchasing.htm>

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

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

**REGIONAL PLANNING COUNCILS**

**REQUEST FOR PROPOSALS  
 COMMUNITY TRANSPORTATION  
 COORDINATOR (CTC)**

The West Florida Regional Planning Council and its advisors, the Holmes and Washington County Transportation Disadvantaged Coordinating Boards, are seeking proposals from qualified agencies or firms interested in coordinating transportation services in each of these counties. These are two separate service areas. The selected contractor(s) will be recommended as the designated Community Transportation Coordinator to the Commission for Transportation Disadvantaged (CTD). If approved by the CTD, the selected contractor(s) will coordinate the administration and operation of the Transportation Disadvantaged system(s), as authorized by Chapter 427, Florida Statutes, and more fully described in Rule 41-2, Florida Administrative Code.

A mandatory pre-proposal conference will be held at West Florida Regional Planning Council, 3435 North 12th Avenue, Pensacola, Florida on July 9, 2003 at 10:00 am CDT. Deadline for proposals is August 8, 2003 at 3:00 pm CDT.

Interested parties may contact Julia Pearsall of the West Florida Regional Planning Council at 1-800-226-8914, extension 231 for additional information.

**REQUEST FOR PROPOSALS  
COMMUNITY TRANSPORTATION  
COORDINATOR (CTC)**

The Okaloosa Walton Transportation Planning Organization and its advisor, the Walton County Transportation Disadvantaged Coordinating Board, are seeking proposals from qualified agencies or firms interested in coordinating transportation services in Walton County, Florida. The selected contractor will be recommended as the designated Community Transportation Coordinator to the Commission for Transportation Disadvantaged (CTD). If approved by the CTD, the selected contractor will coordinate the administration and operation of the Transportation Disadvantaged system in Walton county, as authorized by Chapter 427, Florida Statutes, and more fully described in Rule 41-2, Florida Administrative Code.

A mandatory pre-proposal conference will be held at West Florida Regional Planning Council, 3435 North 12th Avenue, Pensacola, Florida on July 9, 2003 at 10:00 am CDT. Deadline for proposals is August 8, 2003 at 3:00 pm CDT.

Interested parties may contact Julia Pearsall of the West Florida Regional Planning Council, 1(800)226-8914, Extension 231, for additional information.

**WATER MANAGEMENT DISTRICTS**

**REQUEST FOR BID  
BLUE SPRINGS LEVY COUNTY IMPROVEMENTS  
RFB NO. 02/03-052RM**

**PROJECT TITLE:** Blue Springs Levy County Improvements.  
**PROJECT SCOPE:** This project is a cooperative agreement between the Suwannee River Water Management District and Levy County. Construction will include, but may not be limited to, the following: wood and concrete walkways, an observation deck, native vegetative plantings, and wood rail fencing.

**PROJECT LOCATION:** Levy County, Florida.

**BID DOCUMENTS:** Any individual or firm desiring to bid on this project may obtain a copy of the plans, specifications, contracts, and bid requirements for a fee of approximately \$20.00 (non-refundable) by contacting:

Hunter Printing Company  
2410 First Street  
Lake City, Florida 32025  
Telephone: (386)752-2707

**TECHNICAL ASSISTANCE:** Firms desiring further information about the project are encouraged to attend the pre-bid conference, at the Levy County Planning Department, 380 South Court Street, Bronson, Florida, listed in the proposed schedule below. However, if unable to attend, please feel free to contact the Project Manager:

Barbara Broxterman  
Suwannee River Water Management District  
9225 County Road 49  
Live Oak, Florida 32060  
Telephone (386)362-1001 or toll free  
1(800)226-1066 (Florida only)

**BID DATE AND TIME:** Sealed bids will be received until 4:00 p.m., Friday, July 25, 2003, at District headquarters in Live Oak. Clearly label all bids, "RFB No. 02/03-52RM, "Blue Springs Levy County Improvements." Facsimile transmissions will not be accepted.

**BID REQUIREMENTS:** Bids must be submitted in full accordance with the requirements of the drawings, specifications, and bid documents. All contractors interested in bidding this project are encouraged to attend a pre-bid conference to be held on Wednesday, July 16, 2003, at 10:00 a.m. at the Levy County Planning Department in Bronson, Florida. Bids received after the date and time stated will not be considered and will be returned to the bidder unopened. The District reserves the right to reject any and all bids. District also reserves the right to waive any minor deviations in an otherwise valid bid, to reject any or all bids, and to accept the bid that will be in the best interest of the District.

**PROPOSED SCHEDULE:**

July 16, 2003, 10:00 a.m.  
Pre-bid Conference (non-mandatory)  
Levy County Planning Department  
380 South Court Street  
Bronson, Florida  
July 25, 2003, 4:00 p.m. Bids Due to District  
July 25, 2003, 4:05 p.m.  
Selection Committee to Review Bids  
August 12, 2003  
Request Governing Board Approval of Low Bidder  
August 18, 2003  
Request Levy County Approval of Low Bidder

**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).  
Viewers may navigate to this URL via the State portal, [www.myflorida.com](http://www.myflorida.com); from the main page, drill down as follows: Business; Doing Business with the State; Vendor Bid System (VBS).

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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#### DEPARTMENT OF HEALTH

##### NOTICE OF THE AVAILABILITY OF THE 2001-2002 FLORIDA STATE-APPROVED TRAUMA CENTER LETTER OF INTENT PACKAGE

NAME OF AGENCY: Department of Health (DH)  
PACKAGE TITLE: Florida State-Approved Trauma Center  
Letter of Intent Package

PURPOSE AND EFFECT: DH is mandated by section 395.4025(2)(a), Florida Statutes, to notify Florida licensed acute care hospitals of their right to submit a Letter of Intent, DH Form 1840, to apply to become a State-Approved Trauma Center (SATC) or State-Approved Pediatric Trauma Referral Center (SAPTRC).

ELIGIBILITY: Florida licensed acute care hospitals are eligible to apply.

AUTHORITY: Section 395.4025(2)(a), Florida Statutes.

TO OBTAIN A PACKAGE: You may request a Letter of Intent package by telephone, fax, or mail, or in person.

Telephone (850)245-4440 or Suncom 205-4440

Fax (850)488-2512

Mail request to, or pick up in person at, Florida Department of Health, Bureau of Emergency Medical Services, Trauma Centers Program, 4052 Bald Cypress Way, Bin #C-18, Tallahassee, FL 32399-1738.

DEADLINE: Letters of Intent must be postmarked between September 1, 2003, and midnight, October 1, 2003.

CONTACTS: Bernadette Behmke or Susan McDevitt, (850)245-4440 or Suncom 205-4440.

P.O. # B00829

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#### FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

##### Invitation to Negotiate (ITN)

The Florida Developmental Disabilities Council (FDDC) announces the availability an Invitation to Negotiate (ITN). Copies of the ITN can be downloaded from the FDDC website ([www.fddc.org](http://www.fddc.org)) or copies may be requested by writing or calling FDDC, 124 Marriott Drive, Suite 203, Tallahassee,

Florida 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD toll free 1(888)488-8633. Register for electronic (email) notice of future FDDC ITNs or RFPs by going to the website ([www.fddc.org](http://www.fddc.org)) and click on the "RFPs" button near the top of the page. Then, click on the "Sign up" line and follow the instructions. The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce this Invitation to Negotiate (ITN 2003-HC-500) for developing a system of health care for individuals with developmental disabilities. The intent of this ITN is to design a community-based plan that will effectively address the provision of delivering health care services to adult individuals with developmental disabilities. The provider should consider working within already available resources, using innovative approaches to achieve this goal, creation of a demonstration pilot project, consumer/parents, government agencies and provider buy-in, sustainability, public/private partnerships and recommendations for action. FDDC has set aside federal formula grant funds for a period of thirteen months. See ITN document for funding amounts.

The deadline for submitting written questions and letters of intent for this Adult System of Health Care (ASOHC) project is 4:00 p.m. (EST) on Friday, July 25, 2003. In order for a proposal to be considered, a letter of intent must have been received by the above referenced deadline (See attachment VI for required form). The answers to the written questions will be posted on FDDC website on or before Friday, August 1, 2003. The deadline for submitting proposals is 4:00 p.m. (EST) on Monday, September 8, 2003.

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#### SARASOTA COUNTY PUBLIC HOSPITAL BOARD

##### ANNOUNCEMENT

of

##### REQUEST FOR STATEMENTS OF QUALIFICATIONS

for a

##### PRE-QUALIFIED BIDDING LIST

for

##### SUB CONTRACTORS

The Sarasota County Public Hospital Board, is accepting statements of qualifications from Sub Contracting firms for the purpose of pre-qualifying sub contractors for various construction projects within the hospital. The Sarasota County Public Hospital Board is requesting submittals in the following trades: Concrete, Masonry, Metals, Roofing (Single Ply), Metal Framing, Insulation, Drywall/Plaster, Acoustical Ceilings, Cabinetry/Casework, Floor Coverings, Paint/Wallpaper, Specialties, Window Treatment/Cubicle Curtains, Fire Sprinkler, Plumbing/Medical Gas, HVAC/Mechanical, Electrical, Telephone/Voice/Data. Firms interested in being considered as candidates are required to submit five bound statements of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida professional license and corporate registration certificates, where applicable.
2. Completed AIA Document A305 Contractor's Qualification Statement latest edition.
3. Proof of general liability and workman's compensation insurance coverage.
4. A separate statement as to whether the firm is a certified small/or Minority Business Enterprise as defined by the Florida Small Business Assistance Act of 1985.
5. A list of at least five client references consisting of name, title, address, telephone number and project name(s) for each project.
6. Resumes of key personnel that would be used on the projects at Sarasota Memorial and their past experience in projects of similar size and scope.
7. Previous examples of successful completion of hospital Agency for Healthcare Administration projects.
8. Any additional information to be included at the discretion of the submitting firm.

All interested firms are further informed as follows:

1. The hospital reserves the right to reject any or all submittals. No less than three (3) firms will be chosen for inclusion on the pre-qualified list in each trade. Sarasota Memorial Hospital may elect to conduct interviews with firms who have not previously worked in this facility. These candidates may be asked to present additional information about their firm committee.
2. The basis for selecting candidates includes, but is not limited to, consideration of related project experience, qualifications of proposed team member's and previous Hospital A.H.C.A. experience. The hospital reserves the right to request additional information beyond the data set forth above.
3. Submissions shall be titled "Statement of Qualifications for Sub-Contractors". Submittals must be received by the hospital no later than 3:30 p.m., July 22, 2003. Submit statements to Bill Shevlin, Manager of Construction & Renovation Services, Sarasota Memorial Hospital, 1700 South Tamiami Trail, Sarasota, Florida 34239. Submittals received after this deadline will be returned unopened.
4. Interested persons should contact Bill Shevlin (941)917-1899 with questions. A Sub-Contractor Package is available from the construction office, (941)917-1804.

Published: Sarasota Herald Tribune and Florida Administrative Weekly:

## Section XII Miscellaneous

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND  
PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
CONSISTENT WITH SECTION 163.31777(2) AND (3),  
FLORIDA STATUTES  
DCA DOCKET NO. 59-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Seminole County, Altamonte Springs, Casselberry, Lake Mary, Longwood, Oviedo, Sanford, Winter Springs and the Seminole County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Seminole County Planning and Development Department, Planning Division; 1101 East First Street; Sanford, Florida 32771-1468.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Seminole County, Altamonte Springs, Casselberry, Lake Mary, Longwood, Oviedo, Sanford, Winter Springs and the Seminole County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame

constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP  
Acting Division Director  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

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#### NOTICE

#### ANNUAL PERFORMANCE REPORT FOR HUD FUNDED PROGRAMS

In July 2003, the Department of Community Affairs (DCA), in cooperation with other agencies, will begin preparation of an Annual Performance Report (or Performance and Evaluation Report) for Federal Fiscal Year 2002 as required by the U.S. Department of Housing and Urban Development (HUD). Performance reports must be prepared in accordance with the instructions found in 24 CFR 91.520. (See <http://www.hud.gov/offices/cpd/about/rulesandregs/conplan/part91f.cfm#91.520>.)

All programs funded by HUD and administered by state agencies will be included in this Performance Report. The programs include the Florida Small Cities Community Development Block Grant Program administered by the Department of Community Affairs, the Emergency Shelter Grants Program administered by the Department of Children and Families, the Housing for Persons With Aids Program administered by the Department of Health, and the Home Investment Partnership Program administered by the Florida Housing Finance Corporation.

Two workgroup meetings, open to the public, will be held. The first meeting will be held on July 17, 2003, and the second meeting will be held on September 4, 2003. Both meetings will take place at 2:00 p.m. in Room 260N of the Sadowski Building located at 2555 Shumard Oak Boulevard in Tallahassee.

This annual report, prepared according to HUD guidelines, consists of detailed information (line items and dollar amounts) on grants made to eligible local governments or other awards to eligible entities. A draft will be posted to the Department's website <http://www/dca/state/fl.us/fhcd/programs/cdbgp/> on or about August 28, 2003. Comments on the report may be submitted in writing to:

Libby Lane, Program Administrator  
Florida Small Cities CDBG Program  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

To be included in the report submitted to HUD, written comments must be received by the Department no later than September 24, 2003.

The final report will be submitted to HUD by September 30, 2003. It will be posted to the Department's web site. For additional information, please call Judy Peacock, (850)922-1887 or (850)487-3644 (email [judy.peacock@dca.state.fl.us](mailto:judy.peacock@dca.state.fl.us)).

Any person wishing to attend a workgroup meeting who requires a special accommodation because of a disability or physical impairment should contact the Department, (850)487-3644, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be accessed by calling 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

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

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#### AGENCY FOR HEALTH CARE ADMINISTRATION

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for inpatient hospitals participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for inpatient hospitals, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

**FINAL RATES:** Effective June 7, 2003, the final rates for Medicaid inpatient hospitals will be rates resulting from the current methodology except for the following:

Effective June 7, 2003, reimbursement for adult (age 21 and over) heart and liver transplant evaluations and transplant surgery services will be paid the actual billed charges up to a global maximum rate established by the Agency. These payments will be made to physicians and facilities that have

met specified guidelines and are established as designated transplant centers as designated by the Secretary of the Agency. The global maximum reimbursement for transplant surgery services is an all-inclusive payment and encompasses 365 days of transplant related care.

**METHODOLOGIES:** The methodology underlying the establishment of the final rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diems except reimbursement for adult (age 21 and over) heart and liver transplant evaluations and transplant surgery services will be paid the actual billed charges up to a global maximum rate established by the Agency. These payments will be made to physicians and facilities that have met specified guidelines and are established as designated transplant centers by the Secretary of the Agency. The global maximum reimbursement for transplant surgery services is an all-inclusive payment and encompasses 365 days of transplant related care.

**JUSTIFICATION:** The justification for the final rate change is to maximize available funding for liver transplants.

The Agency is proposing the above rates and changes in reimbursement, effective June 7, 2003. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the final rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

Copies of the final reimbursement plan incorporating the above changes are available from the contact person listed above.

**CERTIFICATE OF NEED  
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Pinellas District: 5  
 ID #: 0200050 Decision: A Issue Date: 6/16/2003  
 Facility/Project: Swanholm Nursing & Rehab Center  
 Applicant: 10 Shop, LLC  
 Project Description: Delicense 60 inactive skilled nursing beds  
 Proposed Project Cost: \$0

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for inpatient hospitals participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for inpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the

proposed rates. The Agency is in the process of amending its Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

**PROPOSED RATES:** Effective July 1, 2003, the proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diems rates including the following appropriations from the 2003-04 General Appropriations Act, Senate Bill 2A, Specific Appropriation 169.

1. \$46,499,136 is provided for special Medicaid payments to statutory teaching hospitals, family practice teaching hospitals as defined in s. 395.805, Florida Statutes, hospitals providing primary care to low-income individuals, hospitals operating as designated or provisional trauma centers, and rural hospitals. Statutory teaching hospitals that qualify for the Graduate Medical Education Disproportionate Share (DSH) Hospital Program shall be paid \$12,203,921 distributed in the same proportion as Graduate Medical Education DSH payments. Family practice teaching hospitals shall be paid \$2,097,794 distributed equally between the hospitals. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program shall be paid \$12,203,921 distributed in the same proportion as the Primary Care DSH payments. Hospitals, which are designated or provisional trauma centers, shall be paid \$11,610,000. Of this amount, \$4,590,000 shall be distributed equally between hospitals which are a Level I trauma center; \$4,500,000 shall be distributed equally between hospitals which are either a Level II or Pediatric trauma center; and \$2,520,000 shall be distributed equally between hospitals which are both a Level II and Pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH program shall be paid \$8,383,500 distributed in the same proportion as the DSH payments.
2. \$15,498,938 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equals or exceeds 11 percent. The Agency shall use the average of the 1997, 1998 and 1999 audited DSH data available as of March 1, 2003. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency will use the average of the audited DSH data for 1997, 1998 and 1999 that is available. For those hospitals with only one year of audited DSH data, the Agency shall eliminate the inpatient reimbursement ceilings for only those hospitals with 1999 audited DSH data.
3. \$20,111,332 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6 percent, and are trauma centers. The Agency shall use the average of the 1997, 1998 and 1999 audited DSH data available as

of March 1, 2003. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency will use the average of the audited DSH data for 1997, 1998 and 1999 that is available.

- 4. \$85,306,178 is provided to make special Medicaid payments to hospitals that serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals. These amounts shall be paid to the following:

<u>Hospital</u>	<u>2003-04 SMP</u>
Jackson Memorial Hospital	\$3,322,365
University Medical Center – Shands	\$43,920,631
All Children’s Hospital	\$6,154,745
Shands Teaching Hospital	\$684,224
St. Mary’s Hospital	\$51,222
Miami Children’s Hospital	\$5,400,230
Tampa General Hospital	\$13,414,213
Orlando Regional Medical Center	\$3,291,219
Lee Memorial Hospital/CMS	\$950,000
Broward General Medical Center	\$330,366
Tallahassee Memorial Healthcare	\$54,402
St. Joseph’s Hospital	\$52,835
Florida Hospital	\$55,072
Baptist Hospital of Pensacola	\$450,000
Mt. Sinai Medical Center	\$7,174,654

- 5. \$14,884,011 is provided to make special Medicaid payments to the statutory teaching hospitals. These payments shall be used by the teaching hospitals in collaboration with the Department of Health and the Area Health Education Centers to enhance medical education programs.
- 6. \$138,120,624 is provided to eliminate the inpatient reimbursement ceilings for teaching, specialty and Community Hospital Education Program hospitals.
- 7. \$5,430,912 is provided to make special Medicaid payments to hospitals. These payments shall be used to reimburse approved liver transplant facilities a global fee for providing transplant services to Medicaid recipients.
- 8. \$4,868,549 is provided to make special Medicaid payments to hospitals. These payments shall be used by the hospitals in collaboration with the Department of Health and Federally Qualified Health Centers to provide primary care services to indigent residents. The special Medicaid payments are contingent upon state funds being provided in 2003-04 General Appropriations Act, Specific Appropriation 586B.
- 9. \$354,468,508 is provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals.

- 10. A delay in the July 1, 2003 price level increase until October 1, 2003.
- 11. For Disproportionate Share (DSH) hospital programs, a revision to the formula used to pay disproportionate share dollars to state mental health hospitals and public hospitals (non-state government owned or operated hospitals with less than 3,300 Medicaid days and for non-state government owned or operated hospitals with more than 3,300 Medicaid days).
- 12. A provision limiting the period of time an audited cost report may be reopened.
- 13. Disproportionate Share (DSH) appropriations for 2003-04 will replace DSH appropriations for 2002-03.
- 14. Revisions to the disproportionate share (DSH) formulas to reflect the recommendations of the DSH Task Force. Senate Bill 22-A adopts the 2002-03 DSH formulas for future use and deletes prior formula language from statute.
- 15. The agency shall provide a preliminary estimate of the payments under the rural disproportionate share and financial assistance programs to the rural hospitals by August 31 of each state fiscal year for review. Each rural hospital shall have 30 days to review the preliminary estimates of payments and report any errors to the agency. The agency shall make any corrections deemed necessary and compute the rural disproportionate share and financial assistance program payments.
- 16. The distribution of regional perinatal intensive care centers (RPICC) DSH will be based on prior state fiscal year payments and not disproportionate share data.
- 17. The distribution of primary care DSH will be based on prior state fiscal year payments and not disproportionate share data.

**METHODOLOGIES:** The methodology underlying the establishment of the proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diems including the amounts appropriated in the 2003-04 General Appropriations Act, Senate Bill 2-A, Specific Appropriation 169 and Senate Bill 22-A, Health Care, 2003-04 Florida Legislature.

**JUSTIFICATION:** The justification for the proposed state plan amendment is the 2003-04 General Appropriations Act, Senate Bill 2-A, Specific Appropriation 169 and Senate Bill 22-A, Health Care.

The Agency is proposing the above rates and changes in reimbursement, effective July 1, 2003. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than July 18, 2003.

Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy of the Plan when available.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for outpatient hospitals participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for outpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Outpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

**PROPOSED RATES:** Effective July 1, 2003, the proposed rates for Medicaid outpatient hospitals will be rates resulting from the current methodology used to calculate per diems including appropriations from the 2003-04 General Appropriations Act, Senate Bill 2-A, Specific Appropriation 173.

1. \$45,385,063 is provided to increase the outpatient cap for adults from \$1,000 to \$1,500 per year and to eliminate the outpatient reimbursement ceilings for teaching, specialty and Community Health Education Program hospitals.
2. \$2,728,087 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. The Agency shall use the average of the 1997, 1998 and 1999 audited DSH data available as of March 1, 2003. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency will use the average of the audited DSH data for 1997, 1998 and 1999 that is available. For those hospitals with only one year of audited DSH data, the Agency shall eliminate the inpatient reimbursement ceilings for only those hospitals with 1999 audited DSH data.
3. \$3,626,006 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 9.6%, and are trauma centers. The Agency shall use the average of the 1997, 1998 and 1999 audited DSH data available as of March 1, 2003. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency will use the average of the audited DSH data for 1997, 1998 and 1999 that is available.
4. A delay in the July 1, 2003 price level increase until October 1, 2003.
5. A provision limiting the period of time an audited cost report may be reopened.

**METHODOLOGIES:** The methodology underlying the establishment of the proposed rates for Medicaid Outpatient Hospitals will be rates resulting from the current methodology used to calculate per diems including the 2003-04 General Appropriations Act, Senate Bill 2-A, Specific Appropriation 173.

**JUSTIFICATION:** The justification for the proposed rate change is based on the legislative direction provided in 2003-04 General Appropriations Act, Senate Bill 2-A, Specific Appropriation 173.

The Agency is proposing the above rates and changes in methodology, effective July 1, 2003. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than July 18, 2003.

Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy of the Plan when available.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for ICFs not publicly owned and not publicly operated, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated Reimbursement Plan (the Plan) to incorporate changes to the reimbursement methodology.

**FINAL RATES:** Effective July 1, 2003, the proposed rates for Medicaid ICFs not publicly owned and not publicly operated will be rates resulting from the current methodology used to calculate per diem rates except for the following:

1. The proposed state plan amendment is intended to modify the calculation of the total per diem to reflect incentives as an uninflated add-on to the operating and resident care cost component.

**METHODOLOGIES:** The methodology underlying the establishment of the proposed rates for ICFs not publicly owned and not publicly operated will be rates resulting from



the current methodology used to calculate reimbursement rates, except that it will include a modification to the calculation of the total per diem to reflect incentives as an un-inflated add-on to the operating and resident care cost component.

**JUSTIFICATION:** The justification for the proposed rate change is to provide a more accurate methodology of including incentives in to the total ICF per diem. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

Copies of the final reimbursement plan incorporating the above changes may be obtained by contacting Robert Butler, Medicaid Program Analysis, at the address above.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for nursing home facilities participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for nursing home facilities, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Long-Term Care Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

**PROPOSED RATES:** Effective July 1, 2003, the proposed rates for Medicaid nursing home reimbursement will be rates resulting from the current methodology used to calculate per diems rates in the Long-Term Care Reimbursement Plan including the 2003-04 General Appropriations Act, Senate Bill 2-A, Specific Appropriation 198.

1. A repeal of the \$26,925,842 provided in fiscal year 2002-03 for the purpose of re-basing the operating cost component of the Medicaid nursing home per diem rate. These funds were used to address to increased cost of general and professional liability insurance.

**METHODOLOGIES:** The methodology underlying the establishment of the proposed rates for Medicaid nursing facilities will be rates resulting from the current methodology used to calculate per diems in the Long-Term Care Reimbursement Plan. The agency is amending the Long-Term Care Reimbursement Plan to repeal the \$26,925,842 provided in fiscal year 2002-03 for the purpose of re-basing the operating cost component of the Medicaid nursing home per diem rate. These funds were used to address to increased cost of general and professional liability insurance.

**JUSTIFICATION:** The justification for the proposed rate change is based on the legislative direction provided in Senate Bill 2-A, 2003-04 General Appropriations Act.

The Agency is proposing the above rates and changes in methodology, effective July 1, 2003. Providers, beneficiaries and their representatives, and other concerned state residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than July 18, 2003.

Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy of the Plan when available.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for inpatient hospitals participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for inpatient hospitals, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

**FINAL RATES:** Effective June 21, 2003, the final rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diem rates including the following appropriations from the Senate Bill 22-A, 2003-04 Florida Legislature.

Effective upon this act becoming a law, for the 2002-2003 state fiscal year, the Agency for Health Care Administration may make additional payment of up to \$18,410,286 to hospitals as special Medicaid payments in order to use the full amount of the upper payment limit available in the public hospital category. These funds shall be distributed up to the amounts as follows:

- (a) Statutory teaching hospitals – \$1,355,991.
- (b) Family practice teaching hospitals – \$181,291.
- (c) Primary care hospitals – \$1,355,991.
- (d) Trauma hospitals – \$1,290,000.
- (e) Rural hospitals – \$931,500.
- (f) Hospitals receiving specific special Medicaid payments not included in a payment under paragraphs (a)-(e), \$4,359,417.
- (g) Hospitals providing enhanced services to Low-income individuals – \$8,884,298.

The payments shall be distributed proportionately to each hospital in the specific payment category based on the hospital's actual payments for the 2002-2003 state fiscal year. These payment amounts shall be adjusted downward in a proportionate manner as to not exceed the available upper payment limit in the public hospital category. Payment of these amounts are contingent on the state share being provided through grants and donations from state, county, or other local funds and approval by the Centers of Medicare and Medicaid Services.

**METHODOLOGIES:** The methodology underlying the establishment of the final rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diems including the amounts appropriated in Senate Bill 22-A, Section 23, 2003-04 Florida Legislature.

**JUSTIFICATION:** The justification for the final state plan amendment is Senate Bill 22-A, Section 23, 2003-04 Florida Legislature.

The Agency is proposing the above rates and changes in reimbursement, effective June 21, 2003. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the final rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

Copies of the final reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy of the Plan when available.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for FQHCs/RHCs, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its Title XIX Federally Qualified Health Center (FQHC) Reimbursement Plan (the Plan) to incorporate changes to the reimbursement methodology.

**FINAL RATES:** Effective April 1, 2003, the final rates for Medicaid FQHCs' and RHCs' reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following:

1. Each Rural Health Clinic (RHC) entering the Florida Medicaid RHC Program on or after January 1, 2001 may be required to submit a Rural Health Clinic Form 222-Medicare cost report postmarked or accepted by a

common carrier no later than 3 calendar months after the close of its cost reporting year. A complete, legible copy of the cost report shall be submitted to AHCA.

2. Inclusion of Rural Health Clinic (RHC) in the title of the Federally Qualified Health Center Reimbursement Plan and addition of RHC references where applicable through the reimbursement plan.
3. For RHCs, Medicaid will accept the annual audited cost report established by the Medicare carrier.
4. For FQHCs, the Bureau of Primary Health Care (BPHC) should approve an increase or decrease in the scope of services (s).
5. For FQHC's, decreases in scope of service(s) that do not require BPHC approval should be reported to AHCA.
6. For both FQHC's and RHC's, the approval date for scope of service increases will be the latter of the date the service was implemented or 75 days prior to the date the request was received. The approval date for scope of service decreases will be the date the service was terminated.
7. For both FQHC's and RHC's, the effective date for scope of service increases will be the first day of the month following the approval date.
8. For both FQHCs and RHCs, the providers' Fiscal Year End (FYE) audit must be submitted before the scope of services can be approved.
9. For both FQHCs and RHCs, the financial data submitted for the scope of service increase or decrease must contain at least six months of actual cost information.
10. For both FQHCs and RHCs, if no financial data for the scope of service increase or decrease has been received within 12 months after the FYE in which costs were first incurred, the scope of service request shall be denied.
11. For RHCs who experience an increase or decrease in its scope of service(s) of greater than 1 percent and request an adjustment to their rate must meet the following criteria:
  - a. The AHCA approval date for scope of service increases will be the latter of the date the service was implemented or 75 days prior to the date the request was received. The AHCA approval date for scope of service decreases will be the date the service was terminated.
  - b. A copy of the most recent audited Medicare cost report must be file with the request.
  - c. Submit a budgeted cost report (RHC Form 222-Medicare), which contains the increase or decrease costs associated with the scope of services.
  - d. If no financial data for the scope of service increase or decrease has been received within 12 months after the RHC's FYE in which the costs were first incurred, the scope of service request shall be denied.

12. For both FQHCs and RHCs, a new provider entering the Medicaid program on or after January 1, 2001, the initial rate shall be the lesser of rates establish in Section V.A(2) and V.A.(3) of the reimbursement plan.
  13. Each rural health clinic encounter rate will be determined by using the current Medicare rate established by the Title XVIII Medicare carrier.
  14. Establish the prospective encounter rate for each RHC as the lower of the prospective encounter rates or the ceiling.
- METHODOLOGIES:** The methodology underlying the establishment of the final rates for FQHCs/RHCs will be rates resulting from the current methodology used to calculate reimbursement rates, except that it will include the preceding changes in the scope of service(s).
- JUSTIFICATION:** The justification for the final rate change is based upon a review and analysis of current costs of the scope of service(s) by FQHC and RHC providers. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the final rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.
- Copies of the final reimbursement plan incorporating the above changes may be obtained by contacting Robert Butler, Medicaid Cost Reimbursement Section, at the address above.

CERTIFICATE OF NEED

DECISIONS ON BATCHED APPLICATIONS

The Agency For Health Care Administration made the following decisions on Certificate of Need applications for Hospital Beds and Facilities batching cycle with an application due date of March 12, 2003:

County: Escambia                      Service District: 1  
 CON # 9643      Decision Date: 6/13/2003      Decision: D  
 Facility/Project: Baptist Hospital, Inc.  
 Applicant: Baptist Hospital, Inc.  
 Project Description: Establish a new 96-bed satellite hospital through the delicensure of 96 beds at Baptist Hospital and a partial application to establish a 64-bed acute care hospital through the delicensure of 64 acute care beds.  
 Approved Cost: \$0  
 County: Leon                              Service District: 2  
 CON # 9644      Decision Date: 6/13/2003      Decision: A  
 Facility/Project: SemperCare Hospital of Tallahassee, Inc.  
 Applicant: SemperCare Hospital of Tallahassee, Inc.  
 Project Description: Establish a 29-bed long-term care hospital at Tallahassee Memorial Hospital  
 Approved Cost: \$1,417,072

County: Leon                              Service District: 2  
 CON # 9645      Decision Date: 6/13/2003      Decision: D  
 Facility/Project: Select Specialty Hospital-Leon, Inc.  
 Applicant: Select Specialty Hospital-Leon, Inc.  
 Project Description: Establish a long-term care hospital of 40 beds  
 Approved Cost: \$0  
 County: Marion                            Service District: 3  
 CON # 9647      Decision Date: 6/13/2003      Decision: D  
 Facility/Project: Select Specialty Hospital – Marion, Inc.  
 Applicant: Select Specialty Hospital – Marion, Inc.  
 Project Description: Establish a long-term care hospital of 60 beds  
 Approved Cost: \$0  
 County: Marion                            Service District: 3  
 CON # 9648      Decision Date: 6/13/2003      Decision: D  
 Facility/Project: Kindred Hospitals East, L.L.C.  
 Applicant: Kindred Hospitals East, L.L.C.  
 Project Description: Establish a long-term care hospital of 31 beds  
 Approved Cost: \$0  
 County: Alachua                          Service District: 3  
 CON # 9650      Decision Date: 6/13/2003      Decision: A  
 Facility/Project: North Florida Regional Medical Center  
 Applicant: North Florida Regional Medical Center, Inc.  
 Project Description: Add 44 acute care beds  
 Approved Cost: \$11,713,261  
 County: Duval                              Service District: 4  
 CON # 9651      Decision Date: 6/13/2003      Decision: D  
 Facility/Project: Ten Broeck Jacksonville, LLC  
 Applicant: Ten Broeck Jacksonville, LLC  
 Project Description: Establish a new adult psychiatric hospital of 44 beds  
 Approved Cost: \$0  
 County: Pinellas                          Service District: 5  
 CON #9652      Decision Date: 6/13/2003      Decision: A  
 Facility/Project: All Children’s Hospital  
 Applicant: All Children’s Hospital, Inc.  
 Project Description: Add 17 Level II NICU beds  
 Approved Cost: \$2,296,863  
 County: Hillsborough                    Service District: 6  
 CON # 9653      Decision Date: 6/13/2003      Decision: A  
 Facility/Project: Brandon Regional Hospital  
 Applicant: Galencare, Inc.  
 Project Description: Add 50 acute care beds  
 Approved Cost: \$13,026,506

County: Orange                      Service District: 7  
CON # 9654      Decision Date: 6/13/2003      Decision: D  
Facility/Project: Select Specialty Hospital – Orange, Inc.  
Applicant: Select Specialty Hospital – Orange, Inc.  
Project Description: Establish a long-term care hospital of 40 beds  
Approved Cost: \$0

County: Lee                              Service District: 8  
CON # 9656      Decision Date: 6/13/2003      Decision: D  
Facility/Project: Select Specialty Hospital – Lee, Inc.  
Applicant: Select Specialty Hospital – Lee, Inc.  
Project Description: Establish a long-term care hospital of 60 beds  
Approved Cost: \$0

County: Sarasota                      Service District: 8  
CON # 9657      Decision Date: 6/13/2003      Decision: D  
Facility/Project: Select Specialty Hospital – Sarasota, Inc.  
Applicant: Select Specialty Hospital – Sarasota, Inc.  
Project Description: Establish a long-term care hospital of 44 beds  
Approved Cost: \$0

County: Palm Beach                      Service District: 9  
CON # 9659      Decision Date: 6/13/2003      Decision: A  
Facility/Project: Bethesda Healthcare System, Inc.  
Applicant: Bethesda Healthcare System, Inc.  
Project Description: Establish a new acute care hospital of 80 beds through the transfer of 80 acute care beds from Bethesda Memorial Hospital  
Approved Cost: \$73,817,200

County: Palm Beach                      Service District: 9  
CON # 9660      Decision Date: 6/13/2003      Decision: D  
Facility/Project: Columbia/JFK Medical Center, L.P.  
Applicant: Columbia/JFK Medical Center, L.P.  
Project Description: Establish a new acute care hospital of 80 beds through the delicensure of 80 beds at Columbia Hospital  
Approved Cost: \$0

County: Palm Beach                      Service District: 9  
CON # 9661      Decision Date: 6/13/2003      Decision: D  
Facility/Project: Select Specialty Hospital – Palm Beach, Inc.  
Applicant: Select Specialty Hospital – Palm Beach, Inc.  
Project Description: Establish a long-term care hospital of 60 beds  
Approved Cost: \$0

County: Palm Beach                      Service District: 9  
CON # 9662      Decision Date: 6/13/2003      Decision: D  
Facility/Project: Kindred Hospitals East, L.L.C.  
Applicant: Kindred Hospitals East, L.L.C.  
Project Description: Establish a long-term care hospital of 70 beds  
Approved Cost: \$0

County: Palm Beach                      Service District: 9  
CON # 9664      Decision Date: 6/13/2003      Decision: D  
Facility/Project: Wellington Regional Medical Center  
Applicant: Wellington Regional Medical Center, Inc.  
Project Description: Establish a 5-bed Level III NICU  
Approved Cost: \$0

County: Dade Service District: 11  
 CON # 9667 Decision Date: 6/13/2003 Decision: D  
 Facility/Project: South Miami Hospital  
 Applicant: South Miami Hospital, Inc.  
 Project Description: Establish a 6-bed Level III NICU through conversion of six Level II beds  
 Approved Cost: \$0

County: Dade Service District: 11  
 CON # 9668 Decision Date: 6/13/2003 Decision: A  
 Facility/Project: North Shore Medical Center  
 Applicant: Tenet HealthSystem North Shore, Inc.  
 Project Description: Add two Level III NICU beds through the conversion of two acute care beds  
 Approved Cost: \$426,500

County: Dade Service District: 11  
 CON # 9669 Decision Date: 6/13/2003 Decision: D  
 Facility/Project: Miami Children's Hospital  
 Applicant: Variety Children's Hospital, Inc.  
 Project Description: Add eight Level III NICU beds through the conversion of eight acute care beds  
 Approved Cost: \$0

County: Dade Service District: 11  
 CON # 9670 Decision Date: 6/13/2003 Decision: D  
 Facility/Project: Jackson Memorial Hospital  
 Applicant: Public Health Trust of Miami-Dade County  
 Project Description: Add 10 Level III NICU beds through the delicensure of five Level II NICU beds at Jackson North  
 Approved Cost: \$0

County: Dade Service District: 11  
 CON # 9671 Decision Date: 6/13/2003 Decision: D  
 Facility/Project: Baptist Hospital of Miami  
 Applicant: Baptist Hospital of Miami, Inc.  
 Project Description: Add seven Level III NICU beds  
 Approved Cost: \$0

County: Dade Service District: 11  
 CON # 9672 Decision Date: 6/13/2003 Decision: A  
 Facility/Project: North Shore Medical Center  
 Applicant: Tenet HealthSystem North Shore, Inc.  
 Project Description: Add seven Level II NICU beds through the conversion of seven acute care beds  
 Approved Cost: \$1,167,300

County: Dade Service District: 11  
 CON # 9673 Decision Date: 6/13/2003 Decision: A  
 Facility/Project: Jackson Memorial Hospital  
 Applicant: Public Health Trust of Miami-Dade County  
 Project Description: Add five Level II NICU beds through the delicensure of five Level II NICU beds at Jackson North  
 Approved Cost: \$1,236,493

County: Dade Service District: 11  
 CON # 9674 Decision Date: 6/13/2003 Decision: A  
 Facility/Project: West Kendall Baptist Hospital, Inc.  
 Applicant: West Kendall Baptist Hospital, Inc.  
 Project Description: Establish a new acute care hospital of 80 beds through delicensure of 80 acute care beds at South Miami Hospital  
 Approved Cost: \$147,402,994



**Section XIII**  
**Index to Rules Filed During Preceding Week**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**RULES FILED BETWEEN June 9, 2003  
 and June 13, 2003**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

3D-30.028	6/9/03	6/29/03	29/16	
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

5F-2.001	6/9/03	6/29/03	29/17	
5F-2.014	6/9/03	6/29/03	29/17	
5F-3.001	6/9/03	6/29/03	29/17	
5F-3.016	6/9/03	6/29/03	29/17	
5F-5.001	6/9/03	6/29/03	29/17	
5F-7.005	6/9/03	6/29/03	29/17	

**DEPARTMENT OF EDUCATION**

**University of West Florida**

6C6-6.005	6/11/03	7/1/03	Newspaper	
6C6-6.0051	6/11/03	7/1/03	Newspaper	
6C6-6.0052	6/11/03	7/1/03	Newspaper	
6C6-6.0053	6/11/03	7/1/03	Newspaper	
6C6-6.0054	6/11/03	7/1/03	Newspaper	
6C6-6.0056	6/11/03	7/1/03	Newspaper	
6C6-6.0059	6/11/03	7/1/03	Newspaper	

**Gulf Coast University**

6C10-8.004	6/12/03	7/2/03	Newspaper	
6C10-8.005	6/12/03	7/2/03	Newspaper	

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

18-23.002	6/11/03	7/1/03	28/52	29/11
18-23.007	6/11/03	7/1/03	28/52	29/11
18-23.010	6/11/03	7/1/03	28/52	29/11

**STATE BOARD OF ADMINISTRATION**

19-8.028	6/12/03	7/2/03	29/16	
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**DEPARTMENT OF CITRUS**

20-34.004	6/12/03	7/2/03	29/17	
20-108.001	6/12/03	7/2/03	29/16	

**DEPARTMENT OF CORRECTIONS**

33-103.007	6/9/03	6/29/03	29/18	
33-103.008	6/9/03	6/29/03	29/18	
33-103.013	6/9/03	6/29/03	29/18	
33-103.014	6/9/03	6/29/03	29/18	
33-204.002	6/12/03	7/2/03	29/19	
33-204.003	6/12/03	7/2/03	29/19	
33-302.111	6/9/03	6/29/03	29/18	
33-501.401	6/12/03	7/2/03	29/14	29/19
33-601.725	6/11/03	7/1/03	29/14	29/19
33-602.230	6/12/03	7/2/03	29/19	

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

41-2.006	6/13/03	7/3/03	29/15	
41-2.012	6/13/03	7/3/03	29/15	

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Care Cost Containment Board**

59E-5.301	6/9/03	6/29/03	29/16	
59E-5.302	6/9/03	6/29/03	29/16	
59E-5.303	6/9/03	6/29/03	29/16	
59E-5.304	6/9/03	6/29/03	29/16	
59E-5.305	6/9/03	6/29/03	29/16	
59E-5.306	6/9/03	6/29/03	29/16	
59E-5.307	6/9/03	6/29/03	29/16	
59E-5.308	6/9/03	6/29/03	29/16	
59E-5.309	6/9/03	6/29/03	29/16	
59E-5.310	6/9/03	6/29/03	29/16	
59E-5.311	6/9/03	6/29/03	29/16	
59E-5.312	6/9/03	6/29/03	29/16	
59E-5.314	6/9/03	6/29/03	29/16	
59E-5.315	6/9/03	6/29/03	29/16	
59E-5.316	6/9/03	6/29/03	29/16	
59E-5.317	6/9/03	6/29/03	29/16	
59E-5.318	6/9/03	6/29/03	29/16	
59E-5.401	6/9/03	6/29/03	29/16	
59E-5.402	6/9/03	6/29/03	29/16	
59E-5.501	6/9/03	6/29/03	29/16	
59E-5.502	6/9/03	6/29/03	29/16	
59E-5.503	6/9/03	6/29/03	29/16	
59E-5.504	6/9/03	6/29/03	29/16	
59E-5.505	6/9/03	6/29/03	29/16	
59E-5.506	6/9/03	6/29/03	29/16	
59E-5.507	6/9/03	6/29/03	29/16	
59E-5.607	6/9/03	6/29/03	29/16	

**Medicaid Program Office**

59G-6.020	6/13/03	7/3/03	29/17	29/18
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

60A-1.006	6/11/03	7/1/03	29/20	
60A-1.030	6/11/03	7/1/03	29/20	
60A-1.031	6/11/03	7/1/03	29/20	
60A-1.032	6/11/03	7/1/03	29/20	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

61G1-23.010	6/13/03	7/3/03	28/21	29/20
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**Board of Landscape Architecture**

61G10-18.001	6/13/03	7/3/03	28/18	29/8
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**Board of Pilot Commissioners**

61G14-17.004	6/13/03	7/3/03	28/45	29/19
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**DEPARTMENT OF HEALTH**

**Board of Medicine**

64B8-40.004	6/10/03	6/30/03	29/16	29/18
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**Board of Optometry**

64B13-6.001	6/13/03	7/3/03	28/45	29/4
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**Division of Environmental Health and Statewide Program**

64E-1.0015	6/10/03	6/30/03	29/11	
64E-1.005	6/10/03	6/30/03	29/11	
64E-1.007	6/10/03	6/30/03	29/11	
64E-1.102	6/10/03	6/30/03	29/11	
64E-1.105	6/10/03	6/30/03	29/11	
64E-1.106	6/10/03	6/30/03	29/11	

**Division of Family Health Services**

64F-12.001	6/10/03	6/30/03	29/10	29/19
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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

65A-4.219	6/12/03	7/2/03	29/12	
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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

68A-15.005	6/11/03	7/1/03	29/17	
68A-15.063	6/11/03	7/1/03	29/17	
68A-15.065	6/11/03	7/1/03	29/17	
68A-27.0012	6/11/03	7/1/03	29/17	

**Marine Fisheries**

68B-4.0082	6/11/03	7/1/03	29/17	
68B-13.005	6/11/03	7/1/03	29/17	
68B-13.010	6/11/03	7/1/03	29/17	
68B-38.001	6/11/03	7/1/03	29/17	
68B-39.001	6/11/03	7/1/03	29/17	
68B-39.002	6/11/03	7/1/03	29/17	
68B-39.003	6/11/03	7/1/03	29/17	
68B-39.004	6/11/03	7/1/03	29/17	
68B-39.0045	6/11/03	7/1/03	29/17	
68B-39.0046	6/11/03	7/1/03	29/17	
68B-39.0047	6/11/03	7/1/03	29/17	
68B-39.005	6/11/03	7/1/03	29/17	
68B-39.008	6/11/03	7/1/03	29/17	
68B-44.006	6/11/03	7/1/03	29/17	
68B-44.008	6/11/03	7/1/03	29/17	
68B-45.002	6/11/03	7/1/03	29/17	
68B-45.006	6/11/03	7/1/03	29/17	
68B-55.001	6/11/03	7/1/03	29/17	
68B-55.002	6/11/03	7/1/03	29/17	
68B-55.003	6/11/03	7/1/03	29/17	
68B-55.004	6/11/03	7/1/03	29/17	