

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Standards

RULE TITLES: Standards  
 RULE NOS.: 5F-2.001

Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology (NIST) Handbook 44 5F-2.014

**PURPOSE AND EFFECT:** The purpose of Rule 5F-2.001, F.A.C., is to adopt the 2004 edition of the chemical and physical standards set forth in the American Society for Testing and Materials. These standards will be used for quality testing of regulated petroleum products. The effect will be that the Department will use the most recent nationally recognized standards for petroleum products developed by a consensus organization. The purpose of Rule 5F-2.014, F.A.C., is to adopt the 2004 edition of NIST Handbook 44 which contains specifications and testing criteria for liquid and vapor measuring devices. The effect will be the incorporation of the most recent nationally recognized specifications and testing criteria of measuring devices developed by a consensus organization.

**SUBJECT AREA TO BE ADDRESSED:** Proposed Rule 5F-2.001, F.A.C., will specify that the most recent Annual Book of ASTM Standards is the accepted standard for implementation of Chapter 525, F.S. Proposed Rule 5F-2.014, F.A.C., will specify that the 2004 version of NIST Handbook 44 is the accepted standard for implementation of Chapter 525, F.S.

**SPECIFIC AUTHORITY:** 525.037, 525.14, 531.40, 531.41(3) FS.

**LAW IMPLEMENTED:** 525.01, 525.037, 525.07, 525.14, 525.16, 531.40 FS.

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

**TIME AND DATE:** 10:00 a.m., Monday, April 5, 2004

**PLACE:** Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions may be made by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in the American Society for Testing and Materials designation D 4814-03a ~~D 4814-02~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 4814-03a ~~D 4814-02~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(2) Kerosene (Kerosine). The following specifications apply to kerosene No. 1-K and No. 2-K sold or offered for sale in Florida.

(a) Standards. All kerosene No. 1-K and No. 2-K shall conform to the chemical and physical standards for kerosene No. 1-K and No. 2-K as set forth in the American Society for Testing and Materials designation D 3699-03 ~~D 3699-02~~, "Standard Specification for Kerosine."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 3699-03 ~~D 3699-02~~, "Standard Specification for Kerosine."

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in the American Society for Testing and Materials designation D 975-03 ~~D 975-02~~ "Standard Specification for Diesel Fuel Oils."

Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 975-03 ~~D 975-02~~, "Standard Specification for Diesel Fuel Oils."

(6) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) American Society for Testing and Materials D 4814-03a ~~D 4814-02~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel";

(b) American Society for Testing and Materials D 3699-03 ~~D 3699-02~~, "Standard Specification for Kerosine";

(c) American Society for Testing and Materials D 975-03 ~~D 975-02~~, "Standard Specification for Diesel Fuel Oils";

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History--Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03,\_\_\_\_\_.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44.

The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 2004 ~~2003~~ Edition, published by U.S. Department of Commerce are hereby adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or at <http://ts.nist.gov/ts/htdocs/230/235/h442001.htm>.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History--New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03,\_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE: Adoption of Uniform Packaging and Labeling Regulation

RULE NO.: 5F-3.001

PURPOSE AND EFFECT: The purpose of Rule 5F-3.001, F.A.C., is to amend it to adopt the most recent national standards for packaging and labeling requirements as adopted by the National Conference on Weights and Measures and published in 2004 edition of National Institute of Standards and Technology Handbook 130. Adoption of the current

national standards will make Florida's requirements uniform with the national requirements and facilitate interstate commerce and trade.

SUBJECT AREA TO BE ADDRESSED: Requirements for package and labeling of commodities sold in package form in Florida.

SPECIFIC AUTHORITY: 531.41(3) FS.

LAW IMPLEMENTED: 531.41(4), 531.47, 531.49 FS.

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

TIME AND DATE: 10:00 a.m., Monday, April 5, 2004

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-3.001 Adoption of Uniform Packaging and Labeling Regulation.

The Department of Agriculture and Consumer Services hereby adopts the Uniform Packaging and Labeling Regulation promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2004 ~~2003~~ Edition, as the Rule for packaging and labeling of commodities and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2004 ~~2003~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, (850)488-9140.

Specific Authority 531.41(3) FS. Law Implemented 531.41(4), 531.47, 531.49 FS. History--New 1-1-73, Formerly 5F-3.01, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03,\_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE: Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices

RULE NO.: 5F-5.001

**PURPOSE AND EFFECT:** The purpose of this rule is to amend Rule 5F-5.001, F.A.C., to adopt the most recent national standards for weighing and measuring devices developed by the National Conference on Weights and Measures and published in the 2004 edition of National Institute of Standards and Technology Handbook 44. Adoption of the standards provides for uniformity of Florida's requirements with the national requirements to facilitate interstate commerce and trade.

**SUBJECT AREA TO BE ADDRESSED:** The requirements, including tolerances, specifications and other technical requirements for weighing and measuring devices used for commercial transactions and law enforcement use in the state.

**SPECIFIC AUTHORITY:** 531.40, 531.41(3) FS.

**LAWS IMPLEMENTED:** 531.40 FS.

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

**TIME AND DATE:** 10:00 a.m., Monday, April 5, 2004

**PLACE:** Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

5F-5.001 Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(1) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices adopted by the National Conference on Weights and Measures and contained in National Institute of Standards and Technology (NIST) Handbook 44, 2004 ~~2003~~ Edition, are hereby adopted as rules for the requirements for commercial weighing and measuring devices of the Department of Agriculture and Consumer Services. A copy of NIST Handbook 44, 2004 ~~2003~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202)512-1800 or at <http://ts.nist.gov/ts/htdocs/230/235/h442001.htm>.

(2) The violation of any of the provisions of these rules and regulations is subject to the penalties and remedies provided in the Weights, Measures, and Standards Law, Chapter 531, Florida Statutes.

Specific Authority 531.40, 531.41(3) FS. Law Implemented 531.40 FS. History--New 1-1-73, Amended 7-1-74, 4-18-75, 1-25-76, 1-17-77, 3-29-78, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-5.01, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 6-21-94, 8-16-95, 10-8-96, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

**RULE TITLE:** Performance Specifications and Standards for Motor Vehicle Brake Fluid

**RULE NO.:** 5F-6.001

**PURPOSE AND EFFECT:** The purpose of Rule 5F-6.001, F.A.C., is to adopt the most recent version of Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2003.

**SUBJECT AREA TO BE ADDRESSED:** Proposed Rule 5F-6.001, F.A.C., will specify that the Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2003, is the accepted standard for implementation of Chapter 526, Florida Statutes.

**SPECIFIC AUTHORITY:** 526.52(1) FS.

**LAW IMPLEMENTED:** 526.53(1),(2), 526.54 FS.

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

**TIME AND DATE:** 10:00 a.m., Monday, April 5, 2004

**PLACE:** Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

5F-6.001 Performance Specifications and Standards for Motor Vehicle Brake Fluid.

(1) The performance specifications and standards for brake fluid adopted by the United States Department of Transportation and contained in Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2003 ~~October 1, 2001~~ are hereby adopted as rules of the Department of Agriculture and Consumer Services.

(2) The violation of any provisions or standards of this rule is subject to penalties, provided in Chapter 526, Part II, Florida Statutes.

Specific Authority 526.52(1) FS. Law Implemented 526.53(1),(2), 526.54 FS. History--New 5-8-78, Formerly 5F-6.01, Amended 12-9-98, 12-9-02, \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

**RULE TITLE:** Adoption of Uniform Methods of Sale  
**RULE NO.:** 5F-7.005  
**PURPOSE AND EFFECT:** The purpose of this rule is to adopt the most recent national standards for the methods of sales of commodities developed by the National Conference on Weights and Measures and published in the 2004 edition of National Institute of Standards and Technology Handbook 130. Adoption of the national standards will make Florida's requirements for methods of sale uniform with the national standards and facilitate interstate commerce and trade.  
**SUBJECT AREA TO BE ADDRESSED:** The methods of sale allowable for commodities being sold by weight, measure or count.  
**SPECIFIC AUTHORITY:** 531.41(3) FS.  
**LAWS IMPLEMENTED:** 531.41(4), 531.45 FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.**  
**TIME AND DATE:** 10:00 a.m., Monday, April 5, 2004  
**PLACE:** Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

5F-7.005 Adoption of Uniform Methods of Sale.

The Florida Department of Agriculture and Consumer Services hereby adopts the Uniform Regulation for the Method of Sale of Commodities, as published by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2004 ~~2003~~ Edition, as the Rule for the method of sale for commodities, and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2004 ~~2003~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3),(4), 531.45 FS. Law Implemented 531.41(3),(4), 531.45 FS. History—New 1-8-90, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, \_\_\_\_\_.

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

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

**PUBLIC SERVICE COMMISSION**

**UNDOCKETED**  
**RULE TITLE:** Measuring Customer Service  
**RULE NO.:** 25-6.049  
**PURPOSE AND EFFECT:** The amendment would allow master metering for electric service for condominiums that operate like hotels.  
**SUBJECT AREA TO BE ADDRESSED:** Exemption from the requirement for individual metering for electric service.  
**SPECIFIC AUTHORITY:** 366.05(1) FS.  
**LAW IMPLEMENTED:** 366.05(1), 366.05(3), 366.80, 366.81, 366.82 FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**  
**TIME AND DATE:** 9:30 a.m., April 13, 2004  
**PLACE:** Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida  
**THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO:** Marlene K. Stern, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** David Wheeler, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

25-6.049 Measuring Customer Service.  
 (1) through (5)(a)5. No change.

6. For condominiums that meet the following criteria:

a. The declaration of condominium requires that at least 95% of the units are used solely for overnight occupancy as defined in sub-paragraph (5)(c)3 of this rule;

b. A registration desk, lobby and central telephone switchboard are maintained; and

c. A guest register is maintained, signed by guests who occupy the units, showing, in chronological order, the dates on which the units were occupied by such guests.

When a condominium meeting the above criteria is converted from individual metering to master metering, the utility shall be reimbursed by the customer for the costs it incurred for the conversion. These costs shall include, but not be limited to, the undepreciated cost of any existing distribution equipment that is removed or transferred to the ownership of the customer, plus the cost of removal or relocation of any distribution equipment, less the salvage value of any removed equipment.

(b) It is the utility's responsibility to ensure, before installing the master meter, that the criteria for at least one of the six subparagraphs in 25-6.049(5)(a)1-6., F.A.C., are satisfied or will be satisfied upon completion of construction, and that the criteria remain satisfied for as long as the master meter remains in place. If a structure later fails to meet at least one of the six sets of criteria for master metering, the utility shall promptly notify the Commission.

(c)(b) For purposes of this rule:

1. "Occupancy unit" means that portion of any commercial establishment, single and multi-unit residential building, condominium, or trailer, mobile home or recreational vehicle park, or marina which is set apart from the rest of such facility by clearly determinable boundaries as described in the rental, lease, or ownership agreement for such unit.

2. through 4. No change.

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

Specific Authority 366.05(1) FS. Law Implemented 366.05(1), 366.05(3), 366.80, 366.81, and 366.82 FS. History--Amended 7-29-69, 11-26-80, 12-23-82, 12-28-83, Formerly 25-6.49, Amended 7-14-87, 10-5-88, 3-23-97,

**PUBLIC SERVICE COMMISSION**

DOCKET NO.: Undocketed

RULE TITLES: Pay Telephone Rate Caps 25-24.516  
Rate and Billing Requirements 25-24.630

PURPOSE AND EFFECT: To eliminate the requirement that the provider of local exchange telecommunications services pay \$0.25 to the pay telephone provider for completing a 0-call from a pay telephone station.

SUBJECT AREA TO BE ADDRESSED: Compensation for pay telephone local exchange telecommunications services.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.01, 364.03, 364.3375(4),(5), 364.3376 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 WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.516 Pay Telephone Rate Caps.

(1) through (2) No change.

~~(3) A set use fee of \$.25 shall apply to all completed 0-local calls placed from pay telephones.~~

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.3375(4),(5) FS. History--New 9-5-95, Amended 2-1-99,\_\_\_\_\_.

25-24.630 Rate and Billing Requirements.

(1) No change.

~~(2) For 0- calls from pay telephone stations completed by the provider of local exchange telecommunications services, a set use fee of \$.25 shall apply and shall be remitted by the local exchange company to the pay telephone service provider.~~

~~(2)(3)~~ An operator services provider shall have current rate information readily available and provide this information orally to end users upon request prior to connection.

~~(3)(4)~~ An operator services provider shall require that its certificated name appear on any telecommunications company's bill for regulated charges.

~~(4)(5)~~ An operator services provider shall require all calls to be individually identified on each bill from a telecommunications company on an end user's bill, including the date and start time of the call, call duration, origin and destination (by city or exchange name and telephone number), and type of call.

~~(5)(6)~~ An operator services provider shall provide a toll-free number for customer inquiries on the bill and maintain procedures adequate to allow the company to promptly receive and respond to such inquiries.

~~(6)(7)~~ An operator services provider shall charge only for conversation time as rounded according to company tariffs.

~~(7)(8)~~ An operator services provider shall not:

(a) Bill or charge for uncompleted calls in areas where answer supervision is available or knowingly bill or charge for uncompleted calls in areas where answer supervision is not available.

(b) Bill for any collect call that has not been affirmatively accepted by a person receiving the call regardless of whether the call was processed by a live or automated operator.

(c) Bill for calls in increments greater than one minute except for coin calls that may be in increments no greater than three minutes.

(d) Bill or collect a surcharge levied by any entity, either directly or through its billing agent, except Commission-approved charges for pay telephone providers.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.3376 FS. History--New 9-6-93, Amended 2-1-99.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Institutional Mail  
RULE NO.: 33-210.104

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from the rule.

SUBJECT AREA TO BE ADDRESSED: Institutional mail.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.104 Institutional Mail.

(1) No change.

(2) The warden of each institution shall designate mail room staff or employees in each department to inspect staff mail introduced into the confines of the secure perimeter. All incoming mail addressed to staff will be opened and inspected to determine whether it contains contraband or is personal in nature.

(a) No change.

~~(b) Mail sent to medical departments will be opened by designated health services staff in accordance with (2)(a).~~

~~(b)(e) No change.~~

~~(d) Only the classification supervisor or his or her designee will open mail marked "Substance Abuse Records - Confidential" in the mailroom. The classification supervisor or his or her designee will ensure that the confidentiality of any substance abuser records contained in inmate records that arrive through the mail is maintained in accordance with 42 C.F.R. Part II, Chapter 397, Florida Statutes, and Chapter~~

~~65D-30, F.A.C. The name of the inmate or inmates whose records are contained therein will not be identified on the envelope.~~

~~(e) Mail addressed to contract vendors will be opened by a contract vendor's employee in the mailroom in the presence of mailroom staff.~~

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 12-7-98, Formerly 33-3.0054, 33-602.404, Amended 12-4-01.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Admissible Reading Material  
RULE NO.: 33-501.401

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend an incorporated form to address impoundment and subsequent distribution of publications and to include all reasons for rejection as provided in the rule.

SUBJECT AREA TO BE ADDRESSED: Impoundment and rejection of publications.

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.11 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:

33-501.401 Admissible Reading Material.

(1) through (6) No change.

(7) Incoming publications previously rejected by the literature review committee. An incoming publication that has previously been rejected by the department's literature review committee due to inclusion of subject matter held to be inadmissible per the criteria established in subsection (3) shall not be reviewed again unless the publisher presents proof to the literature review committee that it has been revised and in the revision process the material resulting in the original rejection has been removed. When a rejected publication is received at an institution, it shall be impounded and shall not be issued to inmates. The warden or designee shall notify the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, within 15 calendar days of receipt that the publication has been rejected by the department's literature review committee and cannot be received. Form DC5-101 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone

Road, Tallahassee, Florida 32399-2500. The effective date of this form is July 2, 2003. For purposes of this subsection, the warden's "designee" may include the mailroom supervisor. A Notice of Rejection or Impoundment of Publications, Form DC5-101, shall address only one publication. If a single mailing notice includes more than one rejected publication, a Notice of Rejection or Impoundment of Publications, Form DC5-101 shall be prepared for each.

(8) through (24) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History—New 10-8-76, Formerly 33-3.12, Amended 3-3-81, 9-24-81, 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00, 8-10-00, 10-3-02, 7-2-03, \_\_\_\_\_.

**LAND AND WATER ADJUDICATORY COMMISSION**

**Connerton West Community Development District**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Connerton West Community                      42PP-1  
 Development District

RULE TITLES:                                      RULE NOS. :  
 Establishment                                      42PP-1.001  
 Boundary    42PP-1.002  
 Supervisors     42PP-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district ("CDD"), the Connerton West Community Development District ("Connerton West CDD"), pursuant to Chapter 190, F.S. The petition to establish the District, filed by Connerton, LLC., and referred to as ("Petitioner"), requests that the Florida Land and Water Adjudicatory Commission establish by rule the Connerton West CDD. A Notice of Receipt of Petition for the Connerton West CDD was published in the January 9, 2004, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District will consist of approximately 1,600 acres, located entirely within the unincorporated area of Pasco County. The lands to be included in the proposed Connerton West CDD are bounded by U.S. 41 (Land O Lakes Boulevard) to the west, west of Ehren Cutoff, and south of S.R. 52 (Schrader Memorial Highway). There are no parcels located within the external boundaries of the proposed Connerton West CDD, which are to be excluded from the Connerton West CDD. The future general distribution, location and extent of the public and private land uses within the proposed Connerton West CDD are consistent with the Pasco County Comprehensive Plan and include residential, mixed use and recreational elements. The proposed land uses within the proposed Connerton West CDD are subject to the approved Connerton Development of Regional Impact Development Approval issued by Pasco County. Approximately 2,000 residential units and 200,000 square feet of non-residential mixed use are planned for development within the Connerton West CDD. The Petitioner either owns or has written consent to establish the Connerton West CDD from the owners of 100% of the real property located within the

proposed Connerton West CDD. The Connerton West CDD, if established, intends to participate in the construction of certain infrastructure improvements including roads, water and wastewater, recreational facilities, surface water management, landscaping and security.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Connerton West Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 3:00 p.m. – 5:00 p.m., Friday, April 9, 2004

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, (850)222-7500; Barbara Leighty, Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884.

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

**LAND AND WATER ADJUDICATORY COMMISSION**

**Villages of Westport Community Development District**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Villages of Westport Community                      42QQ-1  
 Development District

RULE TITLES:                                      RULE NOS. :  
 Establishment                                      42QQ-1.001  
 Boundary    42QQ-1.002  
 Supervisors     42QQ-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district ("CDD"), the Villages of Westport Community Development District ("Villages of Westport CDD"), pursuant to Chapter 190, F.S. The petition to establish the District, filed by Westport Villages, LLC., and referred to as ("Petitioner"), requests that the Florida Land and Water Adjudicatory Commission establish by rule the Villages of Westport CDD. A Notice of Receipt of Petition for the Villages of Westport CDD was published in the January 9, 2004, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District will consist of approximately 1,340 acres, located

entirely within the City of Jacksonville, Duval County, Florida. The lands to be included in the proposed Villages of Westport CDD are located east of New Kings Road (U.S. Highway 1), north of the Jacksonville Electric Authority Utility Easement, and is bisected in the middle by Braddock Road. There are no parcels located within the external boundaries of the proposed Villages of Westport CDD, which are to be excluded from the Villages of Westport CDD. The future general distribution, location and extent of the public and private land uses under the Planned Unit Development/Multi-Use designation within the proposed Villages of Westport CDD are consistent with the City of Jacksonville Comprehensive Plan and include residential, recreation, and commercial elements. The proposed land uses within the proposed Villages of Westport CDD are part of an approved Regional Activity Center development approval. Approximately 1,900 single family residential units, 500 multi-family residential units and 200,000 square feet of non-residential mixed use are planned for development within the Villages of Westport CDD. The Petitioner either owns or has written consent to establish the Villages of Westport CDD from the owners of 100% of the real property located within the proposed Villages of Westport CDD. The Villages of Westport CDD, if established, intends to participate in the construction of certain road and entranceway improvements, landscaping, stormwater and recreational amenities, as well as funding for roadway planning, development and engineering studies.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Villages of Westport Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Friday, April 9, 2004

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, (850)222-7500; Barbara Leighty, Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

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

**LAND AND WATER ADJUDICATORY COMMISSION**

**Arborwood Community Development District**

RULE CHAPTER TITLE: Arborwood Community Development District

RULE CHAPTER NO.: 42RR-1

RULE TITLES: Establishment Boundary Supervisors

RULE NOS.: 42RR-1.001

42RR-1.002

42RR-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (“CDD”), the Arborwood Community Development District (“Arborwood CDD”), pursuant to Chapter 190, F.S. The petition filed by Worthington Holdings Southwest, LLC (“Petitioner”), requests the Commission establish a community development district located within the municipal limits of Fort Myers, in Lee County, Florida. A Notice of Receipt of Petition for the Arborwood CDD was published in the January 9, 2004, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the Arborwood CDD will consist of approximately 2,466.85 acres. Although the initial petition included a legal description that encompassed 2,479.13 acres, the Petitioner submitted a corrected legal description at the local public hearing revising the acreage to 2,466.85. The proposed Arborwood CDD is bounded on the west by Interstate 75, on the east by the Gateway Planned Unit Development, is south of the Sun City and Colonial Country Club developments, and north of Daniels Parkway. The lands within the proposed Arborwood CDD are undeveloped. There are no parcels located within the external boundaries of the proposed Arborwood CDD that are to be excluded from the CDD. The development plan for the proposed lands within the Arborwood CDD includes the construction of approximately 4,050 single family units, 2,450 multi-family units and 170,000 square feet of retail and office uses. The Petitioner either owns or has written consent to establish the Arborwood CDD from the owners of one hundred percent (100%) of the real property located within the proposed Arborwood CDD. The Arborwood CDD, if established, currently intends to participate in the provision of certain infrastructure improvements including roads, water and sewer utilities, stormwater management and entranceway improvements.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Arborwood Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, April 9, 2004

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, (850)222-7500; Barbara Leighty, Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

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



PLACE: Room 1802M, The Capitol, Tallahassee, Florida  
 Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, (850)222-7500; Barbara Leighty, Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States  
 RULE NO.: 61G17-1.020

PURPOSE AND EFFECT: This rule is being enacted pursuant to Section 455.02(2), F.S., relating to spouses of active duty military.

SUBJECT AREA TO BE ADDRESSED: Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States.

SPECIFIC AUTHORITY: 455.02(2) FS.

LAW IMPLEMENTED: 455.02(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John T. Knapp, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G17-1.020 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States. Spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces. Copies of the military orders requiring the change in duty station must be sent to the Board office in order to qualify for the exemption. Upon receipt of the military

orders by the Board office confirming exemption eligibility, the spouse's license will be placed on inactive status with no fee required. Reactivation of the inactive license will not require payment of the fee set forth in subsection 61G17-8.0011(7), F.A.C. The license will remain in inactive status for up to two renewal cycles at which time the licensee must either renew this exemption, before expiration, by submitting a current set of orders establishing eligibility for the exemption or reactivate the license. The licensee may reactivate the license by submitting an application for change of status from inactive to active and will not be required to pay the fee set forth in subsection 61G17-8.0011(15), F.A.C., nor be required to comply with any rules setting conditions for reactivation of licensure, including continuing education requirements imposed by Section 455.271(10), F.S. If a license is not reactivated nor the exemption renewed by the expiration date, the license shall become delinquent. Reactivation of the delinquent license will not require payment of the fee set forth in subsection 61G17-8.0011(12), F.A.C.

Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History--New

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: Guidelines for the Disposition of Disciplinary Cases  
 RULE NO.: 64B2-16.003

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

SUBJECT AREA TO BE ADDRESSED: Guidelines for the Disposition of Disciplinary Cases.

SPECIFIC AUTHORITY: 456.072, 456.079, 460.405, 460.413 FS.

LAW IMPLEMENTED: 456.072, 456.079, 460.413(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-16.003 Guidelines for the Disposition of Disciplinary Cases.

(1) No change.

(2) The Board may take into consideration the following factors in determining the appropriate disciplinary action to be imposed and in going outside of the disciplinary guidelines:

~~(a) The severity of the offense;~~

~~(a)(b) The danger to the public;~~

~~(b)(e) The number of unrelated and distinct specific offenses;~~

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

~~(i)(f) Rehabilitation efforts of the licensee including remorse, restitution, and corrective actions;~~

(k) through (n) renumbered (j) through (m) No change.

(3) No change.

Specific Authority 456.072, 456.079, 460.405, 460.413 FS. Law Implemented 456.072, 456.079, 460.413(4) FS. History--New 1-10-80, Formerly 21D-16.03, Amended 1-28-87, 1-28-90, 6-24-93, Formerly 21D-16.003, Amended 10-26-93, Formerly 61F2-16.003, Amended 7-18-95, Formerly 59N-16.003, Amended 11-4-98, 6-6-02,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Acceptable Variance of Examiners

RULE NO.: 64B5-2.017

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

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would exclude certain examination scores from the grade averaging process.

SPECIFIC AUTHORITY: 466.004(3), 466.006(4)(b)5. FS.

LAW IMPLEMENTED: 466.006(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-2.017 Acceptable Variance of Examiners.

(1) All clinical gradings by examiners are to be made independently. Each clinical procedure shall be graded by three (3) examiners. However, uncorroborated 0 and 1 will be discarded and will not be used in averaging. A critical difference score will be discarded and will not be used in

averaging. On the clinical examinations described in Rules 64B5-2.013 and 64B5-2.019, F.A.C., the three independent grades shall be averaged to determine an applicant's final grade on each procedure of the clinical examination. On the clinical portion of the dental hygiene examination described in Rule 64B5-2.0135, F.A.C., the three independent grades shall be utilized in a system of corroborated errors to determine an applicant's final grade on each procedure of the clinical portion. The corroborated errors grading system requires that at least two (2) of the independent examiners must agree on the presence of the error before the error may be used in calculating an applicant's grade.

(2) through (3) No change.

Specific Authority 466.004(3), 466.006(4)(b)5. FS. Law Implemented 466.006(4) FS. History--New 12-10-79, Amended 6-22-80, 4-20-81, 5-24-82, 12-6-82, 5-24-83, 5-2-84, 5-19-85, Formerly 21G-2.17, 21G-2.017, 61F5-2.017, 59Q-2.017, Amended\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities

RULE NO.: 64B5-7.0035

PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether the amendment is needed.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would require a temporary certificate for unlicensed dentists working in a non-profit corporation.

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.017(4), 466.025 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-7.0035 Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities.

(1) Any unlicensed dentist who wishes to practice dentistry at a state or county government facility or in a non-profit corporation operating under Section 466.025(3), F.S. in Florida is required to obtain a temporary certificate.

(2) through (4) No change.

(5) A temporary certificate shall be renewed each biennium. At the time of renewal the certificate holder shall sign a statement that he or she has complied with all continuing education requirements of active licensees. A temporary certificate shall be canceled by the Board upon the unlicensed dentist being terminated from employment by a state or county government facility or a non-profit corporation operating under Section 466.025(3), F.S., or upon a finding by the Board that the temporary certificate holder has violated any provision of Sections 466.027 or 466.028, F.S., or has failed the Florida dental licensure examination.

Specific Authority 466.004(4) FS. Law Implemented 456.032, 466.017(4), 466.025 FS. History--New 8-12-93, Formerly 61F5-7.0035, 59Q-7.0035, Amended 11-10-98, 3-25-99, 12-25-01, 1-12-04,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Requirements for General Anesthesia or Deep Sedation	64B5-14.008
Conscious Sedation	64B5-14.009

**PURPOSE AND EFFECT:** The Board proposes the amendments to update the rules.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule amendments replace sodium bicarbonate with amiodarone.

**SPECIFIC AUTHORITY:** 466.004, 466.017 FS.

**LAW IMPLEMENTED:** 466.017 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS:

64B5-14.008 Requirements for General Anesthesia or Deep Sedation.

General Anesthesia Permit applicants and 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 (4) No change.

(5) The following drugs or type of drugs with a current shelf life must be maintained and easily accessible from the operatory and recovery room:

(a) through (c) No change.

(d) Amiodarone Sodium Bicarbonate;

(e) through (o) No change.

(6) through (7) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History--New 10-24-88, Amended 11-16-89, Formerly 21G-14.008, Amended 12-20-93, Formerly 61F5-14.008, Amended 8-8-96, Formerly 59Q-14.008, Amended 5-31-00,\_\_\_\_\_.

**64B5-14.009 Conscious Sedation.**

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 (4) No change.

(5) The following drugs or type of drugs with a current shelf life must be maintained and easily accessible from the operatory and recovery room:

(a) through (h) No change.

(i) An anti hypoglycemic (e.g., 50% glucose);-

(j) Amiodarone.

(6) through (7) 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, 11-4-03,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Consultant Pharmacist Registration	64B16-26.300
Subject Matter for Consultant Pharmacist Training Program	64B16-26.301
Subject Matter for Consultant Pharmacist Recertification Programs	64B16-26.302

**PURPOSE AND EFFECT:** The Board proposes to review the rule amendments to determine the changes needed.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule amendments set forth the requirements for initial certification and renewal of certification for practice as a consultant pharmacist.

**SPECIFIC AUTHORITY:** 465.005, 465.0125 FS.

**LAW IMPLEMENTED:** 465.0125 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.300 Consultant Pharmacist Registration.

(1) No person shall serve as consultant pharmacist as defined in Section 465.003(3), F.S., ~~unless that person holds a license as a consultant pharmacist until such time as he is licensed as such with the Florida Board of Pharmacy as a consultant pharmacist.~~

(2) ~~In order to No person shall~~ be licensed as a consultant pharmacist ~~a person must meet the following requirements until such time as he has submitted satisfactory proof that he is a Florida registered pharmacist in good standing and satisfactory proof that he has met the requirements of this section necessary for licensure as a consultant pharmacist, which shall be the following:~~

(a) ~~Hold a license as a pharmacist which is active and in good standing. The applicant holds the degree, Master of Science in hospital pharmacy, or has completed an ASHP (American Society of Hospital Pharmacists) accredited residency in hospital pharmacy within the last twelve months of;~~

(b) ~~Successfully complete The applicant has successfully completed~~ a consultant pharmacist course of no fewer than twelve (12) hours, sponsored by ~~an accredited college of pharmacy located within the State of Florida, the College of Pharmacy, University of Florida, the College of Pharmacy, Florida A & M University, or Nov Southeastern College of Pharmacy,~~ and approved by the Florida Board of Pharmacy Tripartite Continuing Education Committee which is based on the Statement of the Competencies Required in Institutional Pharmacy Practice and subject matter set forth in Rule 64B16-26.301, F.A.C. ~~The course #~~ shall be instructionally designed to include a cognitive test on which the applicant must score a passing grade for certification of successful completion of the course. Certification of successful completion shall be valid for the purpose of initial licensure as a consultant pharmacist for a period of one (1) year.

(c) ~~Within one (1) year of completion of the course set forth in subsection (b) above, have completed a period of assessment and evaluation under the supervision of a preceptor. This period shall be completed over no more than three (3) consecutive months and shall include at least 40 hours training in the following practice areas, 60% of which shall occur on-site at the permitted institution. The training shall include:~~

Minimum Skills Required –

<u>Minimum of 40 Hours</u>	<u>Percent of Time</u>	<u>Hours</u>
<u>in Maximum of Three Months</u>		
<u>1. Regimen review, documentation and communication.</u>	<u>50-60%</u>	<u>20-24</u>

a. Demonstrate ability to carry out process and understand documentation functions.

b. Understand unnecessary drug, Beers meds of high risk, anti-psychotic drug, indicators for DRR and their application to the DRR.

<http://mqa.dhs.stat.us/QMWeb/MedSim.htm>

2. Monthly facility review. 15-20% 6-8  
Demonstrate areas that should be evaluated, documentation, and reporting procedures.

3. Committees and Reports. 5% 2  
Attend quarterly Quality of Care committee and preparation and delivery of RPh quarterly report.

4. Policy and Procedures. 5% 2  
Preparation, review, updating Policy and Methods.

5. Principles of formulary management. Demonstrate ability to manage formulary. 5% 2

6. Professional Relationships. 5% 2  
Knowledge and interaction of Nursing Home administration and professional staff.

7. Additional Skills.

The Consultant pharmacist is responsible for learning other skills needed to perform in his/her type of facility where he/she is or will be the consultant Pharmacist of Record.

(3) In order to act as a preceptor, a person shall:

(a) Be a consultant pharmacist of record at an institutional pharmacy which is required to have a consultant pharmacist under the provisions of Chapter 465, Florida Statutes, and these rules.

(b) Have a minimum of one (1) year of experience as a consultant pharmacist of record.

(c) All pharmacist licenses held by the preceptor must be in good standing with the Board.

(d) Not act as a preceptor to more than two (2) applicants at the same time.

~~(3) Upon receipt of proof satisfactory to the Board that the consultant pharmacist meets the requirements of subsection (2), the Board shall issue a consultant pharmacist license and register the applicant as a consultant pharmacist in the official records of the Florida Board of Pharmacy with the proviso that designation as the consultant pharmacist of record for a permitted facility, required by rule to employ a consultant pharmacist, requires that the consultant pharmacist must have~~

completed or immediately begin a period of assessment and evaluation, which may be fulfilled by one of the following as a prerequisite or co-requisite:

(a) The period of assessment and evaluation may be fulfilled by the licensee who is a consultant of record and is responsible to sign all pertinent records by completing assignments and performing various consultant of record activities under the guidance or evaluation of a Florida Consultant Pharmacist who is experienced as a pharmacist of record in a Florida Institutional Pharmacy for a minimum of two years and in good standing with the Board. After a period of not less than six months the supervising consultant certifies to the Board that the licensee has successfully completed the required assignments and experiential activities, OR

(b) The licensee may complete this requirement prior to accepting a position as a consultant of record by assisting a consultant of record who is responsible to sign or co-sign all pertinent records. After a period of not less than six months the supervising consultant certifies to the Board that the licensee has successfully completed the required assignments and experiential activities, OR

(c) Practicing under the supervision and evaluation of a consultant pharmacist of record in good standing at the same institution for a period of not less than six months, OR

(d) Practice as a consultant pharmacist of record for a period of not less than six months and complete a written assignment specific to the long term care institution, concerning the following topics:

1. Policy and Procedure Manual;
2. Consultant Pharmacist Quarterly Reports;
3. Minutes of the Pharmacy Service Committee;
4. Surveyors Report, OR

(e) Practice as a consultant pharmacist of record for a period of not less than six months and complete a written assignment specific to the hospital institution, concerning the following topics:

1. Policy and Procedure Manual;
2. Nursing Unit Inspection Reports;
3. The Pharmacy and Therapeutics Committee, OR

(f) Practice as a consultant pharmacist of record for a period of not less than six months and complete a written assignment specific to any other practice setting as identified by the Board. The assignment must focus on the policy and procedure manual of the facility.

(g) The written assignments required by paragraphs (d), (e), and (f) above shall be completed and sent to the board office within six months of assuming consultant pharmacist of record responsibilities for the permit.

(4) Upon completion of the requirements set forth above, the applicant shall submit BOP Form, effective                     . As provided therein the applicant's preceptor shall confirm that the applicant's internship has met the requirements set forth

above and that the applicant has successfully completed all required assignments under the preceptor's guidance and supervision.

(5)(4) After licensure a consultant pharmacist's license shall be renewed biennially upon payment of the fee set forth in Rule 64B16-26.101, F.A.C., and upon completing Proof satisfactory that a consultant pharmacist, certified pursuant to this section, has met the requirements necessary for initial or biennial renewal certification, which shall be constituted by the following: the applicant for initial certification has completed, at a minimum, a twenty-four (24) ~~twelve (12)~~ hour course of an in-depth analysis of approved subject matter based upon the provisions of Rule 64B16-26.301, F.A.C., (initial certification) or a twelve (12) ~~hour~~ course of an in-depth analysis of approved subject matter each calendar year based upon the provisions of Rule 64B16-26.302, F.A.C., (renewal certification) developed by the Tripartite Continuing Education Committee biennially.

(6)(5) The number of hours earned in renewal certification ~~recertification~~ programs by a consultant pharmacist, if applied to the twenty-four (24) hours required for consultant pharmacist license renewal, may not be used toward the thirty (30) hours of continued professional pharmaceutical education credits as set forth in Rule 64B16-26.103, F.A.C. However, if any consultant program hours earned are not used for consultant pharmacist license renewal, these hours may be applied toward the thirty (30) credit hours of continued professional pharmaceutical education requirements.

(6) A licensee may elect at the time of license renewal to place the license on inactive status by filing a written request with the board for inactive status and submitting the biennial fee of \$50.00. For the purpose of this section, a written request may be a renewal form provided by the Department on which the licensee affirmatively elects inactive status.

(7) A licensee may elect at the time of renewal to continue the license on inactive status by filing a written request with the board for inactive status and submitting the inactive renewal fee of \$50.00. For the purpose of this section, a written request may be a renewal form provided by the Department on which the licensee affirmatively elects inactive status.

(8) A license which has been on inactive status may change to active status at any time provided the licensee meets the continuing education requirements of subsection 64B16-26.300(4), F.A.C. for each biennium the licensee was in inactive status, submits the reactivation fee, the current biennial renewal fee at the time of reactivation, and if applicable, the change of status fee as defined by Rule 64B16-26.105, F.A.C.

(9) Any license which has been delinquent for more than two (2) consecutive biennial licensure periods may be reactivated upon retaking and successfully completing the

~~initial certification course and submitting the initial registration fee of \$50.00 as set forth in paragraph 64B16-26.300(2)(b), F.A.C.~~

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History—New 5-19-72, Revised 4-19-74, Repromulgated 12-18-74, Amended 10-17-79, 4-8-80, 7-29-81, 7-1-83, 4-10-84, 4-30-85, Formerly 21S-1.26, 21S-1.026, Amended 7-31-91, 10-14-91, Formerly 21S-26.300, 61F10-26.300, Amended 9-19-94, 3-28-95, 3-10-96, Formerly 59X-26.300, Amended 5-22-01, \_\_\_\_\_.

64B16-26.301 Subject Matter for Consultant Pharmacist Training Program.

(1) No change.

(2) Policy and Procedures.

(a) Written procedures for outlining the medication drug distributions system in effect.

1. No change.

2. Unit-dose systems.

a. Centralized. ~~Entralized~~.

b. No change.

c. Automated medication systems.

3. Routine and emergency use special storage of drugs.

4. After hours procedure for medication dispensing outside the pharmacy.

5. Managing drug shortages.

(b) Record keeping and reports.

1. through 2. No change.

3. Patient drug use control and records.

a. No change.

b. Medication use evaluation ~~Utilization and review of usage~~.

c. Medications errors review.

4. Drug charges, methods, accountability, and reports.

5. No change.

(3) Administrative Responsibilities.

(a) through (b) No change.

(c) Intra-professional relations pertaining to medication use dispensing, etc.

(d) Inter-professional relations with other members of the institutional health care team.

1. Pharmacy & Therapeutic Committee.

a. Rational drug therapy; review of medication use drugs usage and prescribing.

b. Formulary development – evaluation, appraisal, selection, procurement, storage, distribution, medication safety, criteria for use development and use, patient drug safety, clinical usefulness of drugs.

c. through d. No change.

2. In-service education of nurses and other health-related personnel.

3. No change.

(4) Professional Responsibilities.

(a) Drug information retrieval and methods of dispersal ~~Maintenance of a drug information center~~.

(b) Development of Clinical pharmacy practice.

(c) Development of an IV Admixture Service.

(d) Procedures to enhance medication safety. ~~Enhancement of patient drug safety through improved procedures~~.

1. No change.

2. Preparation of ~~Availability of capability to prepare~~ sterile dosage forms.

3. Proper writing, transcribing and initiating and/or transferring signing and transferring of patient medication orders; development of physician's chart order copy system.

4. No change.

5. Reporting and trending adverse drug reactions.

6. through 7. No change.

(e) Maintain drug quality and safe storage.

1. No change.

2. Requirements for safe and appropriate storage conditions. ~~Screening procedures for freshness, potency, etc~~.

(f) Maintain drug identity.

1. No change.

2. Manufacturing and packaging procedures ~~integrity~~.

3. No change.

(5) The Institutional Environment.

(a) The institution's pharmacy function and purpose. ~~How the pharmacy relates to the hospital~~.

(b) Interdepartmental relationships important to the institutional pharmacy. ~~Inter relations of the pharmacy administratively with other departments of the hospital~~.

(c) No change.

(d) Special training with respect to the operation of nursing homes and ECF's/pharmacy relationship and special procurement procedures ~~problems~~.

(6) Nuclear Pharmacy.

(a) through (i) No change.

(j) Reporting adverse drug reactions and medication errors ~~misadministration~~.

(k) No change.

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History—New 5-19-72, Amended 12-18-74, 10-17-79, Formerly 21S-1.27, 21S-1.027, Amended 7-31-91, Formerly 21S26.301, 64F10-26.301, 59X-26.301, Amended \_\_\_\_\_.

64B16-26.302 Subject Matter for Consultant Pharmacist Recertification Programs.

A consultant pharmacist recertification program must consist of at least twelve (12) self contained hours of training in subjects specified below with a block of at least three (3) hours in any subject category. Duplicated courses are not acceptable.

(1) Drug Therapy – Disease State.

(a) Patient Drug Therapy – management and monitoring (at least 80%).

1. through 5. No change.

(2) Administrative Responsibilities.

~~(a)(b)~~ Update On Administrative Responsibilities (~~0%—20%~~).

1. Legal requirements- including statutes, rules and regulation (Federal and State).

2. JCAHO Standards requirements.

3. No change.

4. HIPAA requirements.

~~(b)(e)~~ Focus on Consultant Pharmacist Practice Issues/Concerns (~~0%—20%~~).

1. How to get things accomplished in complex organizations.

2. Key contacts to be effective as a consultant pharmacist ~~Where to go to get things done.~~

3. Considerations and preparation for site inspections.

~~(2) Consultant Pharmacist Advanced Training.~~

~~(3)(a) Consultant Pharmacist Facility Responsibilities.~~

This segment details the requirements in one of the facility types for which a consultant pharmacist is required. Only one practice setting may be included in each program.

1. through 4. renumbered (a) through (d) No change.

~~(b) Administrative Responsibilities.~~

~~1. Legal requirements—Federal and State.~~

~~2. JCAHO requirements.~~

~~3. OLC Survey Standards.~~

~~4. Personnel Requirements.~~

~~(c) Consultant Practice Issues/Concerns.~~

~~1. Organization of practice.~~

~~a. How to get things accomplished.~~

~~b. Where to go to get things done.~~

~~2. Preparation for site inspection.~~

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History—New 10-14-91, Formerly 21S-26.302, 64F10-26.302, 59X-26.302, Amended \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Developmental Disabilities Program**

RULE TITLE:

Siting

RULE NO.:

65B-6.014

PURPOSE AND EFFECT: To implement the provisions of Section 393.501(2), F.S., requiring the department to adopt rules addressing the number of facilities on a single parcel and adjacent parcels of land. This proposed rule would, for facilities licensed or established after the effective date of the rule, limit the number of residential facilities able to be licensed on a single parcel and adjacent parcels of land based on criteria defined in the rule.

SUBJECT AREA TO BE ADDRESSED: The number of facilities on a single parcel and adjacent parcels of land.

SPECIFIC AUTHORITY: 393.067, 393.501 FS.

LAW IMPLEMENTED: 393.063, 393.066, 393.067, 393.13, 393.501 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, April 5, 2004

PLACE: 1317 Winewood Boulevard, Building 4, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tom Rice, Developmental Disabilities Program Office, Department of Children and Family Services, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)414-7649

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65B-6.014 Siting.

(1) This rule applies to residential facilities licensed by the Department of Children and Family Services pursuant to Chapter 393, F.S. The statutory authority for this rule is Section 393.501(2), F.S. (2001).

(2) For community residential homes, as defined in Section 419.001(1)(a), F.S. (2001), and any other type of residential facility seeking licensure as foster care facilities or group home facilities under Chapter 393, F.S., after the effective date of this rule, only one dwelling unit may be sited on a single parcel of land unless an exception is granted as described in paragraphs (6) and (7) below. As to dwelling units on adjacent parcels, paragraphs (3) and (4) below shall also apply. This rule shall also apply to residential habilitation centers seeking licensure as a foster care facility(ies) or group home facility(ies), after the effective date of this rule.

(3) As to adjacent parcels of land, in no event shall more than two (2) licensed residential facilities be sited on adjacent parcels, unless an exception is granted as described in paragraphs (6) and (7) below. This provision shall apply only to residential facilities seeking initial licensure or licensure in a different licensing category after the effective date of this rule.

(4) For facilities seeking initial licensure or licensure in a different licensing category after the effective date of this rule, no more than two (2) licensed residential facilities shall be sited within 1,000 feet of an existing licensed residential facility(ies). Accordingly, no more than a total of three (3) licensed residential facilities shall be sited within a 1,000 foot radius. Distance shall be measured along a radius from the center of the actual site where the new proposed residential facility is to be located in all directions. The facility seeking

initial licensure or a change in an existing license shall be included in the computation of numbers of facilities within the 1,000 foot radius.

(5) All facilities seeking initial licensure or licensure in a different licensing category after the effective date of this rule must also fully comply with the requirements of Section 419.001, F.S. (2001), to the extent applicable.

(6) Exceptions to paragraphs (2) and (3) may be granted for the following reasons:

(a) The parcel is completely divided by a body of water, or a limited access highway which is impossible for an individual to cross on foot, by bicycle, by motor vehicle or other means of transport conveyance and which would separate the facilities.

(b) The exception would improve opportunities for community integration for individuals with developmental disabilities in rural areas. A rural area is defined as an area where the number of dwelling units for the parcel allowed by the comprehensive plan, as required by Section 163.3167, F.S., is one (1) dwelling unit per acre or fewer.

(c) Where the level of concentration of licensed residential facilities and the overall character of the neighborhood can be shown to be such that an exception, permitting licensure of a new residential facility in the area, would still be consistent with maximum integration of individuals with developmental disabilities into the community, including in their places of residence.

(7) The Director of the Developmental Disabilities Program shall make the final decision as to whether an exception should be granted. The burden of proving the appropriateness of an exception shall be with the applicant.

Specific Authority 393.067, 393.501 FS. Law Implemented 393.063, 393.066, 393.067, 393.13, 393.501 FS. History--New

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
The Florida Fire Prevention Code	69A-60
RULE TITLES:	RULE NOS.:
Title	69A-60.001
Scope	69A-60.002
Standards of the National Fire Protection Association, NFPA 1, the Fire Prevention Code, Adopted	69A-60.003
Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Adopted	69A-60.004
Publications added to NFPA 1 and NFPA 101	69A-60.005
Manufactured Buildings	69A-60.006
Enforcement of the Florida Fire Prevention Code	69A-60.007
Exceptions Applicable to Broward County	69A-60.008

PURPOSE AND EFFECT: The purpose of the rule development proceedings is the triennial review of, and adoption of amendments to, the Florida Fire Prevention Code, located in Chapter 69A-60, F.A.C. The effect of the rule development proceedings will be to adopt a new edition of the Florida Fire Prevention Code with amendments and variations as provided in Sections 633.0215, 633.022 and 633.025, F.S.

SUBJECT AREA TO BE ADDRESSED: The Florida Fire Prevention Code and amendments and variations thereto, pursuant to Section 633.0215(2), F.S.

SPECIFIC AUTHORITY: 633.01, 633.0215, 633.022, 633.025, 1013.12 FS.

LAW IMPLEMENTED: 633.01, 633.0215, 633.022, 633.025, 1013.12 FS.

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

DATE AND TIME: April 5, 2004, 9:00 a.m.

PLACE: Burns Building Auditorium, 603 Suwanee Street, Tallahassee, Florida

DATE AND TIME: April 6, 2004, 9:00 a.m.

PLACE: FDLE, Building Conference Room, 500 W Robinson Street, Orlando, Florida

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

PLACE: 2nd Floor Conference Room, 400 N. Congress Avenue, West Palm Beach, Florida

DATE AND TIME: April 8, 2004, 9:00 a.m.

PLACE: Lee County School Board Meeting Room, 2055 Central Avenue, Ft. Myers, Florida

DATE AND TIME: April 9, 2004, 9:00 a.m.

PLACE: Staff Development Room at Tacachale, 1621 N. E. Waldo Road, Gainesville, Florida

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, F.S., any person requiring special accommodations to participate in this program please advise the department at least 5 calendar days before the program by contacting: Millicent King, (850)413-3619, Fax (850)922-2553.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 East Gaines street, Tallahassee, fl 32399-0342, (850)413-3171, Fax (850)922-2553, e-mail: goodloej@dfs.state.fl.us

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

However, the following information is provided:

(a) The Division of State Fire Marshal will adopt the 2003 editions of NFPA 1 and NFPA 101 in sufficient time to become effective on January 1, 2005, as a part of the Florida Fire Prevention Code.



(b) The proposed amendments and variations to the 2003 editions of NFPA 1 and NFPA 101 are located on the Division of State Fire Marshal website, <http://www.fldfs.com/sfm/>. The 2003 editions must be consulted prior to proposing any amendment and must be used for proposing any amendment. Any proposed amendment to the 2000 version of NFPA 1 or 101 will be rejected.

(c) Proposed amendments to the 2003 editions of NFPA 1 and NFPA 101 will be accepted from April 5, 2004, through April 23, 2004.

(d) The purpose of the rule development workshops is to provide substantially affected persons an opportunity to appear in person, propose amendments and variations, provide suggestions, and ask questions concerning the Florida Fire Prevention Code contained in Rule Chapter 69A-60, F.A.C.

(e) Proposed amendments may also be submitted by mail, fax, or e-mail to the addresses or fax number noted for Bureau Chief Jim Goodloe, above.

(f) Please note that all local amendments to the Florida Fire Prevention Code which were adopted as amendments expire at midnight on December 31, 2004, pursuant to Section 633.0215(3)(b), Florida Statutes.

(g) In addition, included within the Florida Fire Prevention Code by reference will be all rule chapters relating to uniform standards adopted under Section 633.022, F.S., which are Rule Chapters: 69A-3, *Fire Prevention, General Provisions*; 69A-36, *Uniform Fire Safety Standards For Child Care Facilities*; 69A-38, *Uniform Fire Safety Standards for Residential Facilities For Individuals With Developmental Disabilities*; 69A-40, *Uniform Fire Safety Standards for Assisted Living Facilities*; 69A-41, *Uniform Fire Safety Standards for Residential Child Care Facilities*; 69A-42, *Uniform Fire Safety Standards for Mobile Home Parks and Recreational Vehicle Parks*; 69A-43, *Uniform Fire Safety Standards for Transient Public Lodging Establishments*; 69A-44, 69A-47, *Uniform Fire Safety Standards for Elevators*; 69A-49, *Uniform Fire Safety Standards for Self-Service Gasoline Stations*; 69A-53, *Uniform Fire Safety Standards for Hospitals and Nursing Homes*; 69A-54, *Uniform Fire Safety Standards for Correctional Facilities*; 69A-55, *Uniform Fire Safety Standards for Public Food Service Establishments*; 69A-56, *Uniform Fire Safety Standards for Migrant Labor Camps*; 69A-57, *Uniform Fire Safety Standards for Adult Family Care Homes*; and 69A-58, *Uniform Fire Safety Standards for Educational Facilities*, all in the Florida Administrative Code.

(h) Each amendment or variation need not be in any particular form, but each amendment or variation proposed must be on a separate sheet of paper and must contain at a minimum the following information:

1. Name and official title, if any, of person, company, or organization proposing the amendment;

2. Date sent to the Division of State Fire Marshal;

3. The particular portion of NFPA 1, NFPA 101, or any other code or standard adopted in Chapter 69A-60, F.A.C., to be amended;

4. The language as it currently exists;

5. The proposed language amending that particular portion using legislative coding (i.e., underlines for new language; ~~strikethroughs for language to be deleted~~ and new language should precede language to be deleted);

6. A statement as to whether the amendment is intended to be a statewide amendment, a regional amendment (if so, please specify the boundaries of the region) or a local amendment (for the particular municipality, county, or special district proposing it); and

7. The signature and typed or printed name and title of the local government officer or other official offering the amendment for adoption by the Division of State Fire Marshal.

(i) The notice of rule hearing will contain all of the amendments and variations to Chapter 69A-60, F.A.C., which have been accepted by the state fire marshal. If your proposed amendment has not been included in the notice of hearing, that means that it has been rescinded, within the meaning of Section 633.0215(3)(b), Florida Statutes, by the Division of State Fire Marshal which will notify the local government of the same. To adopt the amendment in your local government, the procedures in Section 633.0215(3)(b), Florida Statutes, must be followed; however, if the local government meets the requirements of Section 633.0215(10) or 633.025(4), Florida Statutes, those procedures may be followed.

(j) If the deadline of April 23, 2004, does not provide sufficient time to submit an amendment, please contact Jim Goodloe, Chief, Bureau of Fire Prevention, at the above mailing address, phone number, fax number, or e-mail address. For your convenience, a form which may be used, but is not required, for submission of each amendment may be obtained at <http://www.fldfs.com/sfm/>, or by contacting Chief Jim Goodloe as noted above.

(k) Finally, a previous notice of proposed rule development on the same rule chapter was advertised on March 21, 2003, and workshops were held pursuant to that notice. Because of substantial changes in the Florida Building Code necessitating equally substantial changes to the Florida Fire Prevention Code, that notice is void and of no effect; however, all applicable amendments submitted by the Florida Fire Code Advisory Council which were accepted by the Division of State Fire Marshal will be included in the new Florida Fire Prevention Code.

Section II  
Proposed Rules

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Definition of Instructional Staff  
RULE NO.: 6A-1.0501

PURPOSE AND EFFECT: The purpose is to repeal the above rule which includes language that is redundant to Section 1012.01(2), Florida Statutes, which more clearly and thoroughly establishes a definition for instructional personnel. This rule is unnecessary. The effect is a reduction of unnecessary regulation.

SUMMARY: Section 1012.01(2), Florida Statutes, establishes the definition and categories of instructional staff. This rule is not needed; thus, repeal is recommended.

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 regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 228.041(9), 229.053(1) FS.

LAW IMPLEMENTED: 228.041(9) FS.

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

TIME AND DATE: 8:30 a.m., April 20, 2004

PLACE: Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Coxe, Deputy Chancellor, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)245-0420

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0501 Definition of Instructional Staff.

Specific Authority 228.041(9), 229.053(1) FS. Law Implemented 228.041(9) FS. History--New 7-20-73, Amended 4-19-74, Repromulgated 12-5-74, Formerly 6A-1.501, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Chancellor, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Warford, Chancellor K-12, Education, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2004

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Noncertificated Instructional Personnel  
RULE NO.: 6A-1.0502

PURPOSE AND EFFECT: The purpose of the rule amendment is to clarify that the requirements for employment of instructional personnel who do not hold a valid educator certificate are applicable to Florida public charter schools and that the governing boards of the charter schools shall adopt policies pursuant to this rule for the employment of such noncertificated personnel. Technical changes are also proposed. The effect is a rule that delineates the requirements for charter school governing boards for instructional personnel who do not hold a valid Florida educator certificate.

SUMMARY: The rule is revised to establish requirements and responsibilities for governing boards of charter schools relating to the employment of instructional personnel who possess expert skills or talents but who do not hold educator certification.

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 regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 1002.33(12), 1012.32, 1012.55(1) FS.

LAW IMPLEMENTED: 1002.33, 1012.32, 1012.55 FS.

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

TIME AND DATE: 8:30 a.m., April 20, 2004

PLACE: Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Coxe, Deputy Chancellor, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)245-0420

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0502 Noncertificated Instructional Personnel.

In each school district there are persons who possess expert skill in or knowledge of a particular subject or talent but do not hold a Florida teaching certificate. These persons constitute an invaluable community resource for the education of the pupils in that district. Each school board or charter school governing board shall adopt such policies as are necessary to ensure that the principals and teachers of that district or charter school may utilize in an appropriate instructional capacity the services of such expert persons in the community. Such persons may serve as a nonpaid volunteer or as a paid member of the instructional staff to render instructional service in the individual's field of

speciality but shall not be required to hold a Florida teaching certificate. The school board or charter school governing board policies for noncertificated instructional personnel shall include, but are not limited to, the following:

(1) Health and age. Health and age requirements shall be the same as those required for certificated instructional personnel.

(2) Employment procedures. Employment procedures shall be the same as those followed for certificated instructional personnel, except that noncertificated instructional personnel shall not be entitled to a contract as prescribed by subsection 6A-1.064(1), FAC.

(3) Personnel records. The personnel records of the district or charter school shall contain information considered necessary by the school board or charter school governing board to establish the speciality of the individual, and a statement of the instructional duties assigned to and performed by such person.

(4) Salary. The official salary schedule for instructional personnel shall include a salary schedule for full-time and part-time employed noncertificated instructional personnel.

(5) Assignment, suspension and dismissal. Procedures for the assignment, suspension, and dismissal of noncertificated instructional personnel shall be adopted and provided in writing to each such employee at the time of employment.

(6) Assessment of performance. Procedures for assessing the performance of duties and responsibilities by all noncertificated instructional personnel shall ensure that each such person adequately performs the duties assigned.

(7) Pupil welfare. Procedures for assuring that each noncertificated instructional person who at any time is expected to assume responsibility for the health, safety, and welfare of pupils possesses, in advance of assuming the responsibility, a clear understanding of state rules and district or charter school rules and policies relevant to instructional responsibilities. When assigned duties require knowledge of rules or policies of a special nature, the policies shall specify that the person occupying a specifically named position is responsible to ascertain that the person possesses, in advance of assuming the duties, the necessary knowledge to perform such duties in a proper and reasonable manner.

(8) Instructional practices and policies. Procedures for assuring that each noncertificated instructional person who at any time is expected to assume responsibility for promoting pupil learning possesses, in advance of assuming this responsibility, a clear understanding of all state instructional practices and policies and district or charter school instructional practices and policies relevant to instructional responsibilities.

(9) In lieu of the requirements herein, the school board or charter school governing board may adopt special policies for those part-time personnel who are employed to teach no more than one hundred sixty (160) clock hours during a fiscal year.

(10) Notwithstanding the provisions of subsection 6A-1.0502(1) through (9), FAC., the school board or charter school governing board may employ noncertificated persons licensed by the State of Florida as occupational therapists or as physical therapists to render services to students in those areas covered by such license. The procedures for employment shall be the same as provided by law for certificated instructional personnel, and each person so employed shall be entitled to a written contract in the form prescribed pursuant to Rule 6A-1.064, FAC. Provided, however, that a noncertificated person employed to render services as an occupational therapist or as a physical therapist may not be assigned duties of an instructional nature that are not covered within the scope of the person's license as defined by law.

(11) Notwithstanding the provisions of Rule 6A-1.0502(1) through (9), FAC., the school board or charter school governing board may employ persons certified as audiologists or speech pathologists under Chapter 468, Part I, Florida Statutes, to render services to students in those areas covered by such certificate of registration. The procedures for employment shall be the same as provided by law for certificated instructional personnel, and each person so employed shall be entitled to a written contract in the form prescribed pursuant to Rule 6A-1.064, FAC. Provided, however, that a noncertificated person employed to render services as an audiologist or speech pathologist may not be assigned duties of an instructional nature that are not covered within the scope of the person's certificate of registration as defined by law.

(12) A noncertificated person employed pursuant to this section shall be accorded the same protection of the laws as that accorded the certificated teacher.

Specific Authority 1002.33(12), 1012.32, 1012.55(1) 229.053(+) FS. Law Implemented 1002.33, 1012.32, 1012.55 231.141, 231.15 FS. History—New 7-20-73, Amended 4-19-74, Repromulgated 12-5-74, Amended 6-9-81, 8-16-82, Formerly 6A-1.502, Amended 5-30-94, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Betty Cox, Deputy Chancellor, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Jim Warford, Chancellor K-12,  
Education, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 5, 2004

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

## DEPARTMENT OF EDUCATION

### State Board of Education

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_

Definition of Qualified Instructional Personnel 6A-1.0503

PURPOSE AND EFFECT: The purpose of the rule amendment is to authorize the governing board of a Florida public charter school to approve the appointment of and monitor the

compliance of a charter school instructional employee who does not hold a valid Florida educator certificate in the subject(s) to which he or she may be assigned to teach. Technical changes are also proposed. The effect is a rule that delineates the requirements and responsibilities of a charter school governing board in the employment of a teacher who is deemed to be out-of-field.

**SUMMARY:** The rule is revised to establish the criteria and requirements for governing boards of charter schools in employing teachers who do not hold a valid Florida educator certificate in the subject(s) to which the teacher(s) is assigned to teach.

**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 regulatory alternative, must do so in writing within 21 days of this notice.

**SPECIFIC AUTHORITY:** 1002.33(12), 1012.32, 1012.55(1), 1012.56(6) FS.

**LAW IMPLEMENTED:** 1002.33, 1012.32, 1012.55, 1012.56 FS.

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

**TIME AND DATE:** 8:30 a.m., April 20, 2004

**PLACE:** Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Betty Cox, Deputy Chancellor, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)245-0420

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

**6A-1.0503 Definition of Qualified Instructional Personnel.**

A qualified instructional person is defined as an instructional staff member who meets one (1) of the following conditions:

(1) Holds a valid Florida educator's certificate with the appropriate coverage as provided for in the Course Code Directory as adopted by reference in Rule 6A-1.09441, FAC., or

(2) Is a selected noncertificated person employed under the provisions of Rule 6A-1.0502, FAC., or

(3) Holds a valid Florida educator's certificate with coverage other than that deemed appropriate by subsection (1) and has been approved by the school board or charter school governing board to teach out-of-field after determination that a teacher with appropriate certification coverage is not available. All evidence of such qualifications and approval must be reflected in the individual's official personnel record; provided,

however, that such approval may be granted by the school board or charter school governing board only under one (1) of the following conditions:

(a) The individual is in the first year of employment in the out-of-field assignment and has not been granted, during any preceding year in the district or charter school, approval by either the school board or the charter school governing board ~~the Department~~ to be employed out-of-field in an area for which specific certification is otherwise required, or

(b) The individual has earned the following college credit or inservice training in an approved district add-on program or district approved subject content professional development program:

1. Out-of-field assignment other than ESOL (English to Speakers of Other Languages). A teacher out of field in a subject other than ESOL shall complete at least six (6) semester hours of college credit or the equivalent inservice toward the appropriate certification required in subsection (1) within one (1) calendar year from date of initial appointment to the out-of-field assignment and each calendar year thereafter until all ~~course~~ requirements are completed for the appropriate subject certification;

2. Out-of-field assignment in only ESOL. A teacher out of field in only ESOL shall complete at least three (3) semester hours of college credit or the equivalent inservice toward the ESOL requirements within the first two (2) calendar years from date of initial assignment to a class with limited English proficient (LEP) students and three (3) semester hours or the equivalent inservice during each calendar year thereafter until all ~~course~~ requirements for certification in ESOL are completed; or

3. Out-of-field assignment in ESOL and another subject. A teacher out of field in ESOL and another subject shall complete at least six (6) semester hours of college credit or the equivalent inservice toward the appropriate certification required by subsection (1) within one (1) calendar year from date of initial appointment to the out-of-field assignment and each calendar year thereafter until all ~~course~~ requirements are completed for the appropriate subject certification. The training shall be completed in the following manner: During the first two years, at least three (3) of the required twelve (12) semester hours or the equivalent inservice shall be completed in ESOL strategies. Beginning with the third year and each year thereafter, at least three (3) semester hours or the equivalent inservice shall be completed in ESOL strategies and at least three (3) semester hours in the other out-of-field subject requirements. When either all ESOL or all other out-of-field subject requirements are completed, a teacher shall comply with the schedule specified in subparagraphs (3)(b)1. or 2. of this rule as appropriate until all requirements are completed for both ESOL and the other out-of-field subject.

4. Waivers of college credit or inservice training in an approved district add-on or subject content professional development program may be obtained by one of the following provisions:

a. In lieu of college credit or the equivalent inservice specified in subparagraphs (3)(b)1., 2., or 3. of this rule, an individual shall provide a doctor's statement certifying to medical inability to earn such credit during the prescribed time;

b. In lieu of college credit or the equivalent inservice specified in subparagraph (3)(b)1. of this rule, the district superintendent or charter school chief administrator shall provide a statement certifying to extenuating circumstances beyond the control of the teacher to earn such credit during the prescribed time; or

c. In lieu of college credit or the equivalent inservice specified in subparagraph (3)(b)1. or the criteria in paragraph (3)(a) of this rule, the Commissioner of Education may grant to the district, ~~or individual school sites,~~ or a charter school a waiver of the requirements for a period of one (1) year on a one-time basis. The district superintendent or charter school chief administrator shall, pursuant to school board or charter school governing board approval for such waiver, show extenuating circumstances that create a hardship for the district or teachers in meeting the specified requirements, or

(4) Is a nondegreed teacher of vocational education employed under the provisions of Section 1012.39 ~~231.1725~~, Florida Statutes. The requirements in Section ~~231.1725~~ 1012.39(1)(c)2.a. and b., Florida Statutes, must be satisfied prior to initial appointment to the position.

Specific Authority 1002.33(12), 1012.32, 1012.55(1), 1012.56(6) ~~229.053(1), 231.15(1), 231.17(1)~~ FS. Law Implemented 1002.33, 1012.32, 1012.55, 1012.56 ~~229.053, 231.145, 231.15, 231.17~~ FS. History—New 4-19-74, Repromulgated 12-5-74, Amended 9-8-76, Formerly 6A-1.503, Amended 10-30-90, 10-3-91, 2-18-93, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Betty Coxe, Deputy Chancellor, Department of Education  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Warford, Chancellor K-12, Education, Department of Education  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Approval of Modifications  
RULE NO.: 6E-2.008  
PURPOSE AND EFFECT: The Commission proposes a rule amendment to clarify the Commission's contingencies for approval of modifications sought by institutions holding an Annual License.  
SUMMARY: The proposed rule amendment requires the submission of proposed catalog revisions.

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: 1005.33(2) FS.

LAW IMPLEMENTED: 1005.33(2) 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.008 Approval of Modifications.

(1) No licensed institution shall add new degrees, programs or majors to its offerings or alter any licensed program by more than 20 percent since its last review, change the title of a program or the credential awarded, or discontinue a program, while under a Provisional License. Modifications contemplated by institutions holding an Annual License shall receive approval from the Commission before implementation. Such approval is contingent upon:

- (a) through (d) No change.
- (e) Submission of proposed catalog revisions.
- (2) through (6) No change.

Specific Authority 1005.33(2) FS. Law Implemented 1005.33(2) FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(2)(c), Readopted 11-11-75, Amended 5-7-79, 10-13-83, Formerly 6E-2.08, Amended 5-13-87, 11-29-89, 10-19-93, 4-2-96, 4-11-00, 4-2-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Commission for Independent Education  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2004

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

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

**REGIONAL PLANNING COUNCIL**

**Southwest Florida Regional Planning Council**

RULE TITLES:	RULE NOS.:
Name and Scope	29I-1.001
Purpose	29I-1.002
Staff Functions; General Description	29I-1.003
Council Membership and Appointments, Term of Service, Vacancies, Removal from Office	29I-1.004
Officers, Term, Duties, Committees	29I-1.005
Conduct of Meetings	29I-1.006
Budget and Finances	29I-1.007
Responsibilities and Authority	29I-1.008
Amendments	29I-1.009
Information Requests	29I-1.010

PURPOSE AND EFFECT: To repeal the Organization Rule of the Council.

SUMMARY: Repeal Rules 29I-1.001-29I-1.010, F.A.C.

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: 120.536(2) FS.

LAW IMPLEMENTED: 120.536(2) FS.

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

TIME AND DATE: 9:30 a.m., April 15, 2004

PLACE: Southwest Florida Regional Planning Council, Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. David Y. Burr, Executive Director, Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33917

THE FULL TEXT OF THE PROPOSED RULES IS:

**29I-1.001 Name and Scope.**

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 163.01, 380.06(7)(a),(b), 380.06(8), 380.07 FS. History–New 2-9-76, Formerly 29I-1.01, Repealed.

**29I-1.002 Purpose.**

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 160.02, 163.02, 380.06(7), 380.07(2) FS. History–New 2-9-76, Amended 7-18-82, Formerly 29I-1.02, Amended 5-7-92, Repealed.

**29I-1.003 Staff Functions: General Description.**

Specific Authority 120.53(1), 163.01(5) FS. Law Implemented 120.53(1), 163.01(5), 380.06(7)(a),(b), 380.06(8), 380.07 FS. History–New 2-9-76, Formerly 29I-1.03, Amended 5-7-92, Repealed.

29I-1.004 Council Membership and Appointments, Term of Service, Vacancies, Removal from Office.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 186.501, 186.502, 186.503, 163.01 FS. History–New 2-9-76, Amended 2-20-77, 7-18-82, Formerly 29I-1.04, Amended 5-4-88, 3-1-95, Repealed.

29I-1.005 Officers, Term, Duties, Committees.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 163.01 FS. History–New 2-9-76, Amended 2-20-77, Formerly 29I-1.05, Repealed.

29I-1.006 Conduct of Meetings.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 160.02(1),(6), 163.01, 380.06(7),(8), 380.07, 837 FS. History–New 2-9-76, Amended 2-20-77, 7-18-82, Formerly 29I-1.06, Amended 5-7-92, Repealed.

29I-1.007 Budget and Finances.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 186.502, 163.01 FS. History–New 2-9-76, Amended 7-18-82, Formerly 29I-1.07, Amended 5-4-88, Repealed.

29I-1.008 Responsibilities and Authority.

Specific Authority 120.53(1), 160.02 FS. Law Implemented 120.53(1), 160.02, 380.06(7)(a),(b), 380.06(8) FS. History–New 2-9-76, Amended 7-18-82, Formerly 29I-1.08, Amended 5-7-92, Repealed.

29I-1.009 Amendments.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 163.01 FS. History–New 2-9-76, 2-20-77, Formerly 29I-1.09, Repealed.

29I-1.010 Information Requests.

Specific Authority 120.53(1) FS. Law Implemented 119.01, 120.53(1), 120.53(2) FS. History–New 2-9-76, Formerly 29I-1.10, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David Y. Burr, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Regional Planning Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2004

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE TITLE: HMO and PHC Penalty Categories  
RULE NO.: 59A-12.0073

PURPOSE AND EFFECT: The purpose and effect of the rule amendment is to correct the rule to comply with statutory authority by removing the language dealing with the Agency having the authority to charge examination or investigative costs in addition to assessing fines.

SUMMARY: The amendment of subsections (6)(a) and (7) of this rule will bring the rule into compliance with statutory authority regarding the assessment of examination or investigative fees by the Agency under Chapter 641, F.S.

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

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

SPECIFIC AUTHORITY: 641.56 FS.

LAW IMPLEMENTED: 641.57 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., April 12, 2004

PLACE: AHCA, 2727 Mahan Drive, Building 1, Room 316, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Hazel Greenberg, Medical Health Care Program Analyst, Agency for Health Care Administration, Bureau of Managed Health Care, Data Analysis Unit, 2727 Mahan Drive, Mail Stop Code 26, Tallahassee, FL 32308, (850)414-9444

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-12.0073 HMO and PHC Penalty Categories.

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

(6) Mitigating Factors. The following mitigating factors are considered in determining penalties for violations not listed in this rule, and, as to listed violations, the placement of the penalty within the range specified:

(a) Whether corrective activities were actually and substantially initiated (not just planned) and implemented by the HMO or PHC before the violation was noted by or brought to the attention of the Agency and before the HMO or PHC was made aware that the Agency was investigating the alleged violation. Such corrective activities must be implemented to assure that the violation does not recur and may shall include but are not limited to the following: personnel changes, reorganization or discipline, and making any injured party whole as to harm suffered in relation to the violation.

(b) through (d) No change.

(7) Penalty Categories and Fines Assessed. Violations are divided into three categories. Category I violations are the most serious and Category III violations are the least serious. Category I violations are violations that will cause harm to the subscriber; Category II violations are violations that have the potential to cause harm to the subscriber; and, Category III violations are violations that would cause no harm to the subscriber. The Agency will use the factors in subsections (5) and (6) above, and any similar or analogous violation listed in this rule, if applicable, to determine, within the penalty ranges specified below, the fine for each violation within a category. ~~The penalty amount does not include any examination or investigative costs that may be assessed in addition to the fine.~~

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

Specific Authority 641.56 FS. Law Implemented 641.52, 641.511, 641.55, 641.58 FS. History--New 12-9-03, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hazel Greenberg

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Warring, Bureau Chief

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2004

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

RULE CHAPTER TITLE: Florida Strategic Information

RULE CHAPTER NO.: 60DD-3

Technology Alliance

60DD-3

RULE TITLES: Enterprise Technology Services Desk;

RULE NOS.:

Purpose 60DD-3.001  
Definitions 60DD-3.002

Enterprise Technology Services Desk Functions 60DD-3.003

User Responsibilities; Service Agreements 60DD-3.004

User Committee 60DD-3.005

PURPOSE, EFFECT AND SUMMARY: The purpose and effect of this rulemaking is to promulgate a rule on Enterprise Technology Service Desk functions, including user responsibilities and service agreements. The Enterprise Technology Services Desk User Committee is also defined.

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: 282.102(16), 282.23(2), 287.057(24)(d) FS.

LAW IMPLEMENTED: 282.102(3)-(10),(17), 282.23(2), 282.3032, 287.057(24)(d) FS.

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

TIME AND DATE: 9:00 a.m., Monday, April 19, 2004

PLACE: Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, Florida 32399-0950

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the State Technology Office at least 2 calendar days before the workshop, by contacting: Julie Shaw, (850)487-3423.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Farber, Chief, Enterprise Technologies, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 115M, Tallahassee, Florida 32399-0950, (850)488-1320, David.Farber@MyFlorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

60DD-3.001 Enterprise Technology Services Desk: Purpose.

The purpose of Rules 60DD-3.001-3.005, Florida Administrative Code, is to establish the framework for the Enterprise Technology Services Desk, including the basic functions of the Enterprise Technology Services Desk, the responsibilities of the Enterprise Technology Services Desk provider, and the requirements for utilization of the Enterprise Technology Services Desk by service users.

Specific Authority 282.102 (16), 282.23(2), 287.057(24)(d) FS. Law Implemented 282.102(3)-(10), (17), 282.23, 282.3032, 287.57(24) FS. History--New \_\_\_\_\_.

60DD-3.002 Definitions.

For the purposes of Rules 60DD-3.001-3.005, Florida Administrative Code, the following terms shall be defined as set forth herein:

(1) "Business day" means 7:00 a.m. through 6:00 p.m. EST, Monday through Friday, excluding state holidays (cite statute).

(2) "Case" means a unique End User problem requiring ETSD Services.

(3) "Closed case" means all Tier 0 or Tier 1 cases that have been resolved through the ETSD and all cases escalated to Tiers 2, 3 or 4 that have either been resolved through the ETSD or which have been withdrawn.

(4) "Customer Relationship Manager" means an employee of the State Technology Office assigned to manage the portfolio of one or more Eligible Users.

(5) "Eligible User" means an entity or organization authorized to utilize ETSD Services.

(6) "End User" means individuals authorized by an eligible user to received and use ETSD Services.

(7) "Enterprise Technology Service Desk Services" or "ETSD Services" means those services provided to Eligible Users via the ETSD as agreed by contract between the State Technology Office and the ETSD Service Provider and in Service Agreements between State Technology Office and Eligible Users.

(8) "Enterprise Technology Services Desk" or "ETSD" means the system through which information technology services are provided to eligible users, as described in Rules 60DD-3.001-3.005, Florida Administrative Code.

(9) "Enterprise Technology Services Desk Provider" or "ETSD Provider" means the entity that operates the Enterprise Technology Services Desk.

(10) "Help Desk Professional" or "ETSD Professional" means an individual who opens, attempts to resolve, and closes Tier 1 cases.

(11) "Knowledge base" means repository of information in an organized and structured format populated with solutions to problems or questions posed by eligible users.

(12) "Knowledge manager" means an individual who provides support for the resolution of Tier 2 through Tier 4 cases.

(13) "Product manager" means an individual employed by the State Technology Office who is responsible for contract management, oversight, strategic direction, and decision making regarding Enterprise Technology Services Desk Services.

(14) "Self Service ePortal" means web-enabled support services that provide for the resolution of cases without human interaction.

(15) "Service Agreement" means a written agreement, executed by the State Technology Office and the User or End User that describes the ETSD Services that will be provided to the User or End User and the specific responsibilities of the State Technology Office, the ETSD Provider, and the User or End User.

(16) "Tier" means the designation of cases, as Tier 0 through Tier 4, with Tier 0 indicating those Cases resolved without the necessity of human interaction between the End User and Tier indicating those Cases that require human support but can be resolved without the input of a Knowledge Manager. Tiers 2 through 4 refer to increasing levels of input and support from the Knowledge Manager in order to resolve the Case.

(17) "User" means an Eligible User that elects to use ETSD Services and that enters into a Service Agreement.

Specific Authority 282.102(16), 282.23(2), 287.057(24)(d) FS. Law Implemented 282.102(3)-(10),(17), 282.23, 282.3032, 287.57(24) FS. History--New \_\_\_\_\_.

60DD-3.003 Enterprise Technology Services Desk Services.

(1) The Enterprise Technology Services Desk offers information technology services as a part of the Florida Strategic Information Technology Alliance.

(2) The full range of available Enterprise Technology Services Desk Services shall be established by contract between the State Technology Office and the Enterprise Technology Services Desk Provider. However, the Enterprise Technology Services Desk shall include the following services:



- (a) Self Service ePortal;
- (b) Password Management;
- (c) Knowledge Management;
- (d) Case Management;
- (e) Change Management;
- (f) Work Order Management;
- (g) Asset Management;
- (h) Configuration Management;
- (i) Help Desk Professional services for resolution of Tier 1 Cases, including live telephone, e-mail, and facsimile support for eligible users technology services or products;
- (j) Migration of Users to ETSD Services;
- (k) Tracking, logging, and monitoring of Cases;
- (l) Best practice training and certification for helpdesk professionals, field support technicians and knowledge managers.

Specific Authority 282.102(16), 282.23(2), 287.057(24)(d) FS. Law Implemented 282.102(3)-(10),(17), 282.23, 282.3032, 287.57(24) FS. History--New \_\_\_\_\_.

60DD-3.004 User Responsibilities; Service Agreements.

All users shall:

- (1) Enter into a Service Agreement which shall address:
  - (a) The term of the agreement;
  - (b) The eligible user's obligation to supply all information needed to support, maintain, and implement ETSD services;
  - (c) Periodic review of information supplied by Eligible User;
  - (d) Service Provider obligations;
  - (e) Procedures relating to changes to any hardware or software that affect technology resources supported by the ETSD;
  - (f) Methods for Eligible User to contact Service Provider, including self service access with prompt to allow case to be opened, telephone contact, voice mail contact, electronic mail contact and facsimile contact;
    - (g) ETSD call procedures;
    - (h) Cost of service;
    - (i) Service level performance standards;
    - (m) Recourse if service level performance standards are not achieved;
    - (k) Procedures for regularly assessing User satisfaction;
    - (l) Case closing procedures;
    - (m) Procedures for operational status reports;
    - (n) Emergency procedures;
    - (o) Any other matters agreed between the ETSD Service Provider and the Eligible User.
- (2) Manage and monitor End User utilization of ETSD Services for Tier 1 Cases;
- (3) Provide support for Cases that are escalated to Tier 2 or for Cases that are escalated to Tier 3;
- (4) Update the Knowledge Base with current data;

(5) Assume the responsibility for all toll, remote access, or remote connectivity charges relating to access to the ETSD;

(6) Install and configure workstation software necessary for Tier 2 or Tier 3 support.

Specific Authority 282.102(16), 282.23(2), 287.057(24)(d) FS. Law Implemented 282.102(3)-(10),(17), 282.23, 282.3032, 287.57(24) FS. History--New \_\_\_\_\_.

60DD-3.005 User Committee.

(1) The State Technology Office shall establish an ETSD User Committee, which shall consist of the following:

- (a) Representatives of the ETSD Provider;
- (b) The ETSD Product Manager;
- (c) Representatives of Eligible Users acceptable to both the STO and the ETSD Provider;
- (d) State Technology Office Project Management Office.
- (2) The User Committee shall provide recommendations and comments to the State Technology Office and the ETSD Service Provider on at least a quarterly basis, relating to:
  - (a) ETSD Operations;
  - (b) Identification of new User and Eligible User requirements;
  - (c) Prioritizing possible ETSD enhancements;
  - (d) User and Eligible User surveying;
  - (e) Communications with Users and Eligible Users; and
  - (f) Any other matters relating to ETSD Services.

Specific Authority 282.102(16), 282.23(2), 287.057(24)(d) FS. Law Implemented 282.102(3)-(10),(17), 282.23, 282.3032, 287.57(24) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David Farber, Chief, Enterprise Technologies, State Technology Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Foyt Ralston, Acting Chief Information Officer, State Technology Office

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLE: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions

RULE NO.: 61-20.0025

PURPOSE AND EFFECT: The Council proposes to exempt spouses of members of Armed Forces from licensure renewal provisions.

SUMMARY: The Council specifies the criteria for the exemption of spouses of members of the Armed Forces from licensure renewal provisions.

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

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

SPECIFIC AUTHORITY: 455.02(2), 468.4315(3) FS.

LAW IMPLEMENTED: 455.02(2) 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: Julie Malone, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61-20.0025 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the state of Florida because of the spouse's duties with the armed forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show proof to the Council of the absence and the spouse's military status.

Specific Authority 455.02(2), 468.4315 FS. Law Implemented 455.02(2) FS. History-New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julie Malone, Executive Director, Regulatory Council of Community Association Managers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE TITLE: Recall by Written Agreement of the Voting Interests; Board Certification; Filling Vacancies  
RULE NO.: 61B-23.0028

PURPOSE AND EFFECT: To update the procedural rules governing recall arbitration proceedings conducted under Section 718.112(2)(j), Florida Statutes, and address certain substantive issues regarding recall by written agreement.

SUMMARY: Updates procedural rules governing recall arbitration in condominiums and cooperatives.

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

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

SPECIFIC AUTHORITY: 718.112(2)(j) FS.

LAW IMPLEMENTED: 718.112(2)(j) FS.

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

TIME AND DATE: 10:30 a.m., April 12, 2004

PLACE: Warren Building, Conference Room #B03, 201 W. Bloxham Street, Tallahassee, Florida

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-23.0028 Recall by Written Agreement of the Voting Interests; Board Certification; Filling Vacancies.

(1) Form of Written Agreement. All written agreements used for the purpose of recalling one or more members of the board of administration shall:

- (a) List by name each board member sought to be recalled;
- (b) Provide spaces by the name of each board member sought to be recalled so that the person executing the agreement may indicate whether that individual board member should be recalled or retained;

(c) List, in the form of a ballot, at least as many eligible persons who are willing to be candidates for replacement board members as there are board members subject to recall, in those cases where a majority or more of the board is sought to be recalled. Candidates for replacement members shall not be listed when a minority of the board is sought to be recalled, as the remaining board may appoint replacements. A space shall be provided by the name of each candidate so that the person executing the agreement may vote for as many replacement candidates as there are board members sought to be recalled. A space shall be provided and designated for write-in votes. The failure to comply with the requirements of this subsection shall not effect the validity of the recall of a board member or members;

(d) through (f) No change.

(g) The written agreement or a copy shall be served on the board by certified mail or by personal service. Service on the board after 5:00 p.m. on a business day or on a Saturday, Sunday or legal holiday, as prescribed by Section 110.117, Florida Statutes, shall be deemed effective as of the next business day that is not a Saturday, Sunday, or legal holiday. Service of the written agreement on an officer, association manager, board member or the association's registered agent will be deemed effective service on the association. Service upon an attorney who has represented the association in other legal matters will not be effective on the association unless that attorney is a board member, the association's registered agent, or has otherwise been retained by the association to represent it in the recall proceeding. Personal service shall be effected in accordance with the procedures set out in Chapter 48, Florida Statutes, and the procedures for service of subpoenas as set out in Rule 1.410(c), Florida Rules of Civil Procedure; and,

(h) Become an official record of the association upon service upon the board.

(i) Written recall ballots in a recall by written agreement may be reused in one subsequent recall effort. Written recall ballots do not expire through the passage of time, however, written recall ballots become void with respect to the board member sought to be recalled where that board member is elected during a regularly scheduled election.

(j) Written recall ballots may be executed by an individual holding a power of attorney or limited proxy given by the unit owner(s) of record.

(k) Any rescission or revocation of a unit owner's written recall ballot or agreement must be done in writing and must be delivered to the board prior to the board being served the written recall agreements.

(2) No change.

(3) Board Meeting Concerning a Recall by Written Agreement; Filling Vacancies. The board shall hold a duly noticed meeting of the board to determine whether to certify (to validate or accept) the recall by written agreement within five full business days after service of the written agreement

upon the board. It shall be presumed that service of a written agreement to recall one or more board members shall not, in and of itself, constitute grounds for an emergency meeting of the board to determine whether to certify the recall.

(a) No change.

(b) Non-certification of Recall by the Board. If the board votes not to certify the written agreement to recall for any reason, the following provisions apply:

1. through 4. No change.

5. A majority of the total voting interests entitled to vote in favor of recall is sufficient to recall a board member, regardless of any provision to the contrary in the condominium documents.

6. The failure of the association to enforce a voting certificate requirement in past association elections and unit owner votes shall preclude the association from rejecting a written recall ballot or agreement for failing to comply with a voting certificate requirement.

(4) No change.

(5) After service of a written agreement on the board:

(a) Any written rescission of an individual unit owner vote or any additional unit owner votes received in regard to the recall shall be ineffective.

(b) Where the board determines not to certify the recall of a director and that director resigns, any appointment to fill the resulting vacancy shall be temporary pending the arbitration decision.

(6) through (7) No change.

(8) Computation of Five Full Business Days. In computing the five full business days prescribed by Section 718.112(2)(j)(k), Florida Statutes, and these rules, the day of the act from which the period of time begins to run shall not be included. Intervening days which are a Saturday, Sunday, or legal holiday as designated in Section 110.117 ~~683-04~~, Florida Statutes, or as that section may subsequently be renumbered, shall not be included. The last day of the period which is not a Saturday, Sunday, or legal holiday as designated in Section 110.117 ~~683-04~~, Florida Statutes, shall be included.

Specific Authority 718.112(2)(j)5. FS. Law Implemented 718.112(2)(j) FS. History--New 12-20-92, Formerly 7D-23.0028, Amended 12-20-95, 2-19-01,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Karl Scheuerman, Senior Attorney, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE TITLES:	RULE NOS.:
Scope, Organization, Forms, Purpose, and Title	61B-45.001
Communication with Arbitrator	61B-45.007
Computation of Time; Service by Mail	61B-45.009
Filing; Service of Papers; Signing	61B-45.010
Motions; Temporary or Interim Injunctive or Emergency Relief	61B-45.011
Expedited Procedure for Determination of Jurisdiction	61B-45.016
Answer and Defenses	61B-45.019
Defaults and Final Orders on Default	61B-45.020
Discovery	61B-45.024
Informal Arbitration; Waiver of Formal Hearing	61B-45.031
Notice of Final Hearing; Scheduling; Venue; Continuances	61B-45.033
Withdrawal or Voluntary Dismissal of Petition; Settlement	61B-45.035
Final Orders; Appeals; Stays	61B-45.043
Motions for Rehearing	61B-45.044
Claim for Costs and Attorney's Fees	61B-45.048

**PURPOSE AND EFFECT:** To update the procedural rules of the Division regarding mandatory nonbinding arbitration proceedings conducted pursuant to Section 718.1255, Florida Statutes. Revises and renumbers certain forms.

**SUMMARY:** Updates the procedural rules relating to mandatory nonbinding arbitration in condominiums and cooperatives.

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

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

**SPECIFIC AUTHORITY:** 718.501(1)(f), 718.1255(4) FS.

**LAW IMPLEMENTED:** 718.1255(4) FS.

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

**TIME AND DATE:** 10:30 a.m., April 12, 2004

**PLACE:** Warren Building, Conference Room #B03, 201 W. Bloxham Street, Tallahassee, Florida

**THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO:** Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940

North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

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

61B-45.001 Scope, Organization, Forms, Purpose, and Title.

(1) through (2) No change.

(3) In order to file a petition for arbitration, a petitioner must use DBPR form ARB 6000-001, MANDATORY NON-BINDING PETITION FORM, incorporated herein by reference and effective 2-17-98. In order for someone who is not a member of the Florida Bar to represent a party in a proceeding, the person must file a completed DBPR form ARB 6000-002 ~~96-002~~, QUALIFIED REPRESENTATIVE APPLICATION, incorporated herein by reference and effective 12-10-96. An answer to a petition for arbitration must be filed using DBPR form ARB 6000-003, ANSWER TO PETITION, incorporated herein by reference and effective 2-17-98. A request for an expedited determination of whether jurisdiction exists to hear a particular dispute shall be filed on DBPR form ARB 6000-004 ~~96-004~~, REQUEST FOR EXPEDITED DETERMINATION OF JURISDICTION, incorporated herein by reference and effective 6-19-96. Copies of the forms referenced in these rules may be obtained by writing: Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, Arbitration Section, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1029; ~~4524 Oak Fair Boulevard, Suite 200, Tampa, Florida 33610-7356; or 1700 N.W. 64th Street, Suite 500, Fort Lauderdale, Florida 33309.~~ All forms may be obtained online at <http://www.state.fl.us/dbpr/lsc/arbitration/index.shtml>

Specific Authority 718.1255, 719.1255 FS. Law Implemented 718.1255, 719.1255 FS. History—New 4-1-92, Amended 2-2-93, Formerly 7D-45.001, Amended 6-19-96, 12-10-96, 2-17-98, \_\_\_\_\_.

## 61B-45.007 Communication with Arbitrator.

(1) While a case is pending and within 15 days of entry of a final order, nNo party or other person directly or indirectly interested in an arbitration proceeding nor anyone authorized to act on behalf of a party or other interested person shall communicate verbally or in writing in the absence of all parties with an arbitrator or with the Department of Business and Professional Regulation relative to the merits of the arbitration proceeding, threaten an arbitrator, or offer an arbitrator any reward.

(2) No change.

Specific Authority 718.1255, 719.1255 FS. Law Implemented 718.1255, 719.1255 FS. History—New 4-1-92, Amended 2-2-93, Formerly 7D-45.007, Amended 6-19-96,\_\_\_\_\_.

## 61B-45.009 Computation of Time; Service by Mail.

(1) In computing any period of time prescribed or allowed for the filing or service (i.e., mailing) of any document, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday as prescribed by Section 110.117, Florida Statutes, in which event the period shall run until the end of the next business day. When the period of time allowed is 7 days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in these rules, “legal holiday” means those days that state government offices are closed.

(2) Additional Time After Service By Mail. Unless otherwise ordered by the arbitrator, during the pendency of a case, when a party is required or permitted by these rules or by order of the arbitrator to do an act within a prescribed period after the service of a document and that document is served by regular U.S. mail, five days shall be added to the prescribed period. No additional time shall be added to the prescribed period if service is made by hand, facsimile transmission, or other electronic transmission. No additional time is added for filing a motion for rehearing that must be filed (e.g., received by the agency) within 15 days of entry of a final order, or a motion for costs and attorney’s fees that must be filed within 45 days of entry of the final order as required by Rule 61B-45.048, Florida Administrative Code. Also, no additional time is added by operation of this rule for the filing of a complaint for trial de novo which must be filed in the courts within 30 days of the date of rendition of a final arbitration order as required by Section 718.1255(4)(k), Florida Statutes.

Specific Authority 718.1255, 719.1255 FS. Law Implemented 718.1255, 719.1255 FS. History—New 4-1-92, Amended 2-2-93, Formerly 7D-45.009, Amended 6-19-96,\_\_\_\_\_.

## 61B-45.010 Filing; Service of Papers; Signing.

(1) through (3) No change.

(4) “Filing” shall mean receipt by the Division during normal business hours or by the arbitrator during the course of a hearing. Pleadings including the initial petition or other communications may be filed by regular hard copy or

facsimile, and if filed by facsimile, a hard copy of the pleading or other communication need not be filed with the arbitrator; however, the party using facsimile filing bears the burden of ensuring that the pleading or other correspondence has actually been filed with the arbitrator. If a document is filed via facsimile, the facsimile confirmation sheet shall be evidence of the date on which the Division received the document. A facsimile copy is not filed within the meaning of this rule when the facsimile copy of the document until the original is received by the Division, unless authorized in advance by the arbitrator. No pleadings shall be faxed that exceed 30 pages in length including attachments. When a party files a facsimile document with the arbitrator, the party shall also provide a facsimile copy to the other party if the fax number is available. If a party desires to receive orders via e-mail, the party must provide its e-mail address to the arbitrator assigned to the case.

(5) through (6) No change.

Specific Authority 718.1255, 719.1255 FS. Law Implemented 718.1255, 719.1255 FS. History—New 4-1-92, Amended 2-2-93, Formerly 7D-45.010, Amended 9-21-94, 12-20-95, 6-19-96,\_\_\_\_\_.

## 61B-45.011 Motions; Temporary or Interim Injunctive or Emergency Relief.

(1) An application to the arbitrator for an order shall be made by motion which shall be made in writing, unless made during a hearing, shall state in detail with particularity the grounds for the relief requested and shall set forth the relief or order sought. The arbitrator shall conduct such proceedings and make such orders as are deemed necessary to dispose of issues raised by motion. Other parties may, within 7 ~~10~~ days of service of a written motion, file serve a written response in opposition to the motion.

(2) A party may, either with the original petition for arbitration, or any time before entry of a final order, file a motion for emergency relief or temporary injunction, which motion or accompanying argument shall demonstrate a clear legal right to the relief requested, that irreparable harm or injury exists or will result, that no adequate remedy at law exists, and that the relief or injunction would not be adverse to the public interest. An evidentiary hearing on a motion for emergency relief shall be scheduled and held as soon as possible after the filing of the motion and supporting petition for arbitration. The hearing will be held upon due notice after the petition for arbitration and motion are served on the opposing party and may be held prior to the filing of the answer.

(3) No temporary injunction shall be entered unless a bond is given by the movant in an amount the arbitrator upon testimony taken deems sufficient, conditioned for the payment of costs and damages sustained by the adverse party if the adverse party is wrongfully enjoined.

Specific Authority 718.1255, 719.1255 FS. Law Implemented 718.1255, 719.1255 FS. History—New 4-1-92, Formerly 7D-45.011, Amended 6-19-96, 12-10-96,\_\_\_\_\_.

61B-45.016 Expedited Procedure for Determination of Jurisdiction.

(1) Any party who is in doubt as to whether a controversy falls within the jurisdiction of the division may file with the division a request for expedited determination of jurisdiction by filing a completed DBPR Form ARB 6000-004 ~~96-004~~, REQUEST FOR EXPEDITED DETERMINATION OF JURISDICTION, incorporated in subsection 61B-45.001(3), F.A.C. A request for expedited determination of jurisdiction shall be accompanied by a completed DBPR Form ARB 6000-001, MANDATORY NON-BINDING PETITION FORM, incorporated in subsection 61B-45.002(3), F.A.C., which shall include the \$50 filing fee provided by Section 718.1255, Florida Statutes.

(2) If the determination of jurisdiction is subject to reasonable dispute, wWithin 10 days of the assignment of a request for relief pursuant to this rule, the arbitrator shall deliver by U.S. mail to all other persons involved with the dispute, a copy of the request for relief, and shall provide such persons an opportunity to serve a response on the issue of whether the dispute falls within the jurisdiction of the division.

(3) No change.

Specific Authority 718.1255, 719.1255 FS. Law Implemented 718.1255, 719.1255 FS. History--New 4-1-92, Amended 2-2-93, Formerly 7D-45.016, Amended 9-21-94, 6-19-96,\_\_\_\_\_.

61B-45.019 Answer and Defenses.

(1) After a petition for arbitration is filed and assigned to an arbitrator, the respondent will be mailed a copy of the petition by the arbitrator, and will be given an opportunity to answer the petition. Unless a shorter time is ordered by the arbitrator in cases where the health, safety, or welfare of the resident(s) of a community is alleged to be endangered, a A respondent shall file the answer with the arbitrator, and shall mail a copy to the petitioner, within 20 days after receipt of the petition. The answer shall include all defenses and objections, and shall be filed on DBPR form ARB96-003, ANSWER TO PETITION, incorporated in subsection 61B-45.001(3), F.A.C. The answer shall not include a request for relief (counterclaim) against the petitioner. Any claim or request for relief must be filed as a new petition following the procedure provided in Rule 61B-45.017, F.A.C.

(2) The service of any motion under these rules does not alter the period of time in which to file an answer, except that service of a motion in opposition to the petition ~~or a motion contesting the jurisdiction of the division~~ postpones the time for filing of the answer until 20 days after the arbitrator's ruling on the motion. ~~Motions in opposition to a petition include motions to dismiss, motions to strike, and motions for a more definite statement.~~ The following defenses shall be made by motion in opposition to the petition: (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) insufficiency of process, (4) insufficiency of service of process, (5) failure to state a cause of action, and (6) failure to

join indispensable parties. A motion making any of these defenses shall be made before the filing of the answer. The grounds on which any of the enumerated defenses are based and the substantial matters of law intended to be argued shall be stated specifically and with particularity in the responsive pleading or motion. Any ground not stated in the motion shall be deemed to be waived except any ground showing that the division lacks jurisdiction of the subject matter may be made at any time.

(3) Every defense in law or fact to a claim for relief in a petition shall be asserted in the answer. Unless otherwise determined by the arbitrator, any ground or defense not stated in the answer shall be deemed to be waived except any ground showing that the arbitrator lacks jurisdiction of the subject matter. Each defense shall be separately stated and shall include an identification of all facts upon which the defense is based. The defense of selective enforcement shall contain all examples of selective enforcement upon which the respondent depends, shall indicate the unit(s) to which each example pertains, shall identify the unit owner(s), how long the violation has existed, and shall indicate whether the board knew of the existence of the violation(s). The defense that the petitioner has failed to provide the pre-arbitration notice required by Section 718.1255, Florida Statutes, is deemed waived if not asserted by motion to dismiss set forth in (2) above or in the answer.

(4) No change.

Specific Authority 718.1255, 719.1255 FS. Law Implemented 718.1255, 719.1255 FS. History--New 4-1-92, Amended 2-2-93, Formerly 7D-45.019, Amended 9-21-94, 6-19-96,\_\_\_\_\_.

61B-45.020 Defaults and Final Orders on Default.

(1) When a party fails to file or serve any responsive document in the action or has failed to follow these rules or a lawful order of the arbitrator, the arbitrator shall enter a default against the party where the failure is deemed willful, intentional, or a result of neglect. No service need be made on parties against whom a default has been entered, except that pleadings asserting new or additional claims against them shall be served in the manner provided for service of the original petition for arbitration.

(2) through (3) No change.

Specific Authority 718.1255, 719.1255 FS. Law Implemented 718.1255, 719.1255 FS. History--New 4-1-92, Amended 2-2-93, Formerly 7D-45.020, Amended 6-19-96, 12-10-96,\_\_\_\_\_.

61B-45.024 Discovery.

(1) No change.

(2) Except as may be modified herein, parties may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.390, Florida Rules of Civil Procedure. However, a unit owner desiring to obtain copies of official association records for use in the proceeding shall utilize the

owner's right of access to the official records as provided by Section 718.111(12), Florida Statutes, in lieu of formal discovery.

(3) No change.

Specific Authority 718.1255, 719.1255 FS. Law Implemented 718.1255, 719.1255 FS. History—New 4-1-92, Amended 2-2-93, Formerly 7D-45.024, Amended 9-21-94, 6-19-96,\_\_\_\_\_.

61B-45.031 Informal Arbitration; Waiver of Formal Hearing.

~~Even where disputed issues of material fact exist, the parties may agree to waive a formal hearing, and may agree to the presentation of evidence through depositions, affidavits, and other documentary evidence, and to proceed on the basis of argument and representations of counsel, the parties, or their representatives. In such cases, the parties may ask to be relieved of any requirements of these rules which are unnecessary or unduly onerous. The arbitrator shall provide all parties with an opportunity to submit written statements or legal argument in support of their positions.~~

Specific Authority 718.1255, 719.1255 FS. Law Implemented 718.1255, 719.1255 FS. History—New 4-1-92, Amended 2-2-93, Formerly 7D-45.031, Amended 6-19-96, Repealed\_\_\_\_\_.

61B-45.033 Notice of Final Hearing; Scheduling; Venue; Continuances.

(1) through (2) No change.

(3) In the arbitrator's discretion, a continuance of a hearing may be granted for good cause shown ~~or upon stipulation of all parties~~. Requests for continuance shall be made in writing. Except in cases of emergency, requests for continuance must be made at least 10 days prior to the date noticed for the final hearing.

Specific Authority 718.1255, 719.1255 FS. Law Implemented 718.1255, 719.1255 FS. History—New 4-1-92, Amended 2-2-93, Formerly 7D-45.033, Amended 6-19-96,\_\_\_\_\_.

61B-45.035 Withdrawal or Voluntary Dismissal of Petition; Settlement.

(1) through (2) No change.

(3) The petitioner may request that the arbitration be dismissed based on a settlement of the dispute. ~~The settlement is not subject to approval by the arbitrator or the division.~~ Except as otherwise provided by subsection 61B-45.048(8), Florida Administrative Code, or by the terms of a settlement agreement, the settlement of a dispute shall not preclude the filing of a petition for costs and attorney's fees pursuant to Rule 61B-45.048, Florida Administrative Code.

(4) No change.

Specific Authority 718.1255, 719.1255 FS. Law Implemented 718.1255, 719.1255 FS. History—New 4-1-92, Amended 2-2-93, Formerly 7D-45.035, Amended 9-21-94, 6-19-96,\_\_\_\_\_.

61B-45.043 Final Orders; Appeals; Stays.

(1) through (6) No change.

(7) A final order of the arbitrator does not constitute final agency action and therefore is not appealable to the district courts of appeal as otherwise provided by Section 120.68, Florida Statutes, and Rule 9.110, Florida Rules of Appellate Procedure. Appeals, if taken, shall be by trial de novo as described in subsection (4) above. ~~A final arbitration order entered by an independent arbitrator does not bind the Division or necessarily reflect Division policy.~~

(8) through (9) No change.

Specific Authority 718.1255, 719.1255 FS. Law Implemented 718.1255, 719.1255 FS. History—New 4-1-92, Amended 2-2-93, Formerly 7D-45.043, Amended 9-21-94, 6-19-96, 12-10-96,\_\_\_\_\_.

61B-45.044 Motions for Rehearing.

(1) No change.

(2) The arbitrator shall not modify the substance of the final order except upon a showing that the decision is based on a clear error of law or fact. A motion that is timely filed pursuant to this rule shall suspend the operation of the final order, and the time for filing a complaint for trial de novo, a motion seeking to recover prevailing party costs and attorney's fees, or a petition for enforcement under Sections 718.1255 and 719.1255, Florida Statutes, shall not commence until the arbitrator either denies the motion or enters an amended final order. An untimely filed motion for rehearing does not toll or otherwise stop the time provided for the filing of a motion for prevailing party costs and attorney's fees or the time provided for the filing of a petition for trial de novo in the courts.

Specific Authority 718.1255, 719.1255 FS. Law Implemented 718.1255, 719.1255 FS. History—New 4-1-92, Amended 2-2-93, Formerly 7D-45.044, Amended 9-21-94, 6-19-96,\_\_\_\_\_.

61B-45.048 Claim for Costs and Attorney's Fees.

(1) No change.

(2) A prevailing party seeking an award of costs and attorney's fees shall file a motion seeking the award not later than 45 days after rendition of the final order, regardless of whether the underlying final order has been appealed to the courts. The filing of an appeal by trial de novo does not stay the time for filing a motion for costs and attorney's fees. The motion is considered "filed" when it is received by the division. The motion shall:

(a) State the basis for the petition and the total attorney's fees and costs that are claimed;

(b) Specify the hourly rate claimed;

(c) Include an affidavit by the attorney who performed the work that: (1) states the number of years in which the attorney has been practicing law, (2) indicates each activity for which compensation is sought, and (3) states the time spent on each activity. In a case involving multiple issues which are separate and distinct from each other, the affidavit shall identify the specific issue for which each activity was performed; and

(d) If an award of costs is sought, attach receipts or other documents that provide evidence of the costs claimed. The arbitrators shall follow Florida case law and the Statewide Uniform Guidelines For Taxation of Costs In Civil Actions in awarding costs. The cost of personal service by an authorized process server is only a recoverable cost if such personal service is either authorized or required by the arbitrator. The cost of attending a hearing by a court reporter is a recoverable cost; the cost of preparing a transcript of the hearing is only a recoverable cost if the transcript, or a portion thereof, is filed with the arbitrator prior to rendition of the final order.

(3) through (6) No change.

(7) The prevailing party in a proceeding brought pursuant to Section 718.1255, Florida Statutes, is entitled to an award of reasonable costs and attorney's fees. A prevailing party is a party that obtained a benefit from the proceeding and includes a party where the opposing party has voluntarily provided the relief requested in the petition, in which case it is deemed that the relief was provided in response to the filing of the petition. The factors to be considered by the arbitrator in determining a reasonable attorney's fees include the following:

(a) The time and labor required, the novelty and difficulty of the question involved, and the skill requisite to perform the legal service properly;

(b) The likelihood that the acceptance of the particular employment will preclude other employment by the attorney.

(c) The fee customarily charged in the locality for similar legal services;

(d) The amount involved and the results obtained;

(e) The time limitations imposed by the client or by the circumstances;

(f) The nature and length of the professional relationship with the client; and

(g) The experience, reputation, and ability of the attorney or attorneys performing the services.

Specific Authority 718.1255, 719.1255 FS. Law Implemented 718.1255, 719.1255 FS. History--New 4-1-92, Amended 2-2-93, Formerly 7D-45.048, Amended 9-21-94, 6-19-96, 2-17-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Karl Scheuerman, Senior Attorney, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE TITLES:	RULE NOS.:
Scope, Organization, Procedure, and Title	61B-50.101
Initiation of Recall Arbitration	61B-50.105
Computation of Time	61B-50.106
Parties	61B-50.107
Who May Appear; Criteria for Other Qualified Representatives	61B-50.108
Communication with an Arbitrator	61B-50.110
Withdrawal of Petition	61B-50.112
Filing; Service of Papers; Signing	61B-50.115
Motions	61B-50.117
Summary Disposition; Simplified Arbitration Procedure; No Disputed Issues of Material Fact	61B-50.119
Informal Arbitration; Waiver of Formal Hearing	61B-50.120
Discovery	61B-50.124
Subpoenas and Witnesses; Fees	61B-50.127
Stenographic Record and Transcript	61B-50.130
Conduct of Formal Hearing; Evidence	61B-50.131
Notice of Final Hearing; Scheduling; Venue; Continuances	61B-50.136
Final Orders	61B-50.139
Technical Corrections; Rehearing	61B-50.140
Motions for Attorney's Fees and Costs	61B-50.1405

PURPOSE AND EFFECT: To update the procedural rules governing recall arbitration proceedings conducted under Section 718.112(2)(j), Florida Statutes, and address certain substantive issues regarding recall by written agreement.

SUMMARY: Updates procedural rules governing recall arbitration proceedings in condominiums and cooperatives.

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

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

SPECIFIC AUTHORITY: 718.501(1)(f), 719.106(1)(f) FS.

LAW IMPLEMENTED: 718.112(2)(j),(k), 719.106(1)(f), 718.1255, 719.1255 FS.

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

TIME AND DATE: 10:30 a.m., April 12, 2004

PLACE: Warren Building, Conference Room #B03, 201 W. Bloxham Street, Tallahassee, Florida



THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 61B-50.101 Scope, Organization, Procedure, and Title.

(1) This chapter shall be entitled "The Rules of Procedure Governing Recall Arbitration" and shall govern the arbitration of a recall of one or more members of a board of administration of a condominium or cooperative association. These rules shall be construed to secure the just, speedy and inexpensive determination of every proceeding. Specifically, this chapter applies to all proceedings held pursuant to Sections 718.112(2)(j)(~~k~~) or 719.106(1)(f), Florida Statutes. The provisions of Chapter 682, Florida Statutes, and Chapter 61B-45, Florida Administrative Code, do not apply.

(2) All petitions and other papers filed with the division for recall arbitration pursuant to Sections 718.112(2)(j)(~~k~~) and 719.106(1)(f), Florida Statutes, and these rules, shall be filed at the official headquarters of the Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, Arbitration Program, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1030.

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(j)(~~k~~), 718.1255, 719.106(1)(f), 719.1255 FS. History—New 7-1-82, Formerly 7D-50.01, Amended 7-27-88, Formerly 7D-50.001, Amended 1-17-93, Formerly 7D-50.101, Amended 1-19-97.

#### 61B-50.105 Initiation of Recall Arbitration.

(1) When one or more members of a board of administration of a condominium or cooperative association have been recalled, the board of administration may initiate a recall arbitration by filing a petition for recall arbitration with the division, as follows:

(a) Recall at a Unit Owner Meeting. Where the unit owners attempt to recall ~~If one or more members of a board are recalled~~ at a unit owner meeting, and the board does not certify the recall, the board shall file a petition for arbitration with the division within five full business days after adjournment of the board meeting at which the board determined not to certify the recall.

(b) Recall by Written Agreement. Where the unit owners attempt to recall ~~If one or more members of a board are recalled~~ by written agreement of a majority of the voting interests, and the board does not certify the written agreement to recall, the board shall file a petition for arbitration with the division within five full business days after adjournment of the board meeting at which the board determined not to certify the written agreement to recall.

~~(2)(e)~~ The time periods contained in Sections 718.112(2)(j)(~~k~~) and 719.106(1)(f), Florida Statutes, operate, for purposes of these arbitration rules and not for enforcement purposes under Section 718.501, Florida Statutes, in the manner of statutes of limitation and are therefore subject to equitable considerations. However, where the board fails to timely comply with these rules relating to the filing of the petition for recall arbitration, the board must provide legitimate justification and must demonstrate that its actions or inactions were taken or based in good faith. The board's claims of Mere excusable neglect or the inability to identify defects in the recall effort within the time provided, for or other unremarkable excuses will not be considered as proper defenses suffice. The failure of an association to timely file a petition for recall arbitration within the time limits imposed under these rules or Chapters 718 and 719, Florida Statutes, will result in the certification of the recall and the immediate removal of the board members subject to recall; however, the failure of the association to timely file a petition for recall arbitration will not validate a written recall that is otherwise void at the outset for failing to obtain a majority of the voting interests or is deemed fatally defective for failing to substantially comply with the provisions of Rule 61B-23.0028, Florida Administrative Code.

(3) Only the board of an association may file a petition for recall arbitration. Where the board fails to file a petition for recall arbitration as required by these rules and Chapters 718 and 719, Florida Statutes, the unit owners seeking to challenge the board's decision not to file for recall arbitration may file a petition for arbitration pursuant to Sections 718.1255(1)(b) or 719.1255, Florida Statutes.

~~(4)(2)~~ Form of Petition. The term "petition" as used in this rule includes any application or other document that which expresses a request for arbitration of a recall of one or more board members. The petition shall comply with the provisions of this rule, and be printed, typewritten or otherwise duplicated in legible form on one side of the paper only with lines double-spaced.

~~(5)(3)~~ All petitions for arbitration of a recall shall be signed by either a duly authorized board member, a member of the Florida Bar, or a qualified representative who has been retained by the board. Each petition shall contain:

(a) The name and address of the association and the number of voting interests;

(b) The name or names of the board member or members who were recalled;

(c) The name and address of the unit owner representative selected, pursuant to subparagraph 61B-23.0027(3)(b)2. or paragraph 61B-23.0028(1)(f), Florida Administrative Code, or subparagraph 61B-75.007(3)(b)2. or paragraph 61B-75.008(1)(f), Florida Administrative Code, to receive pleadings, notices, or other papers on behalf of the recalling unit owners;

(d) A statement of whether the recall was by vote at a meeting of the membership or by written agreement.

(e) If the recall was by vote at a meeting, the petition shall state the date of the meeting of the membership and the time the meeting was adjourned; if the recall was by written agreement, the petition shall state the date and time of receipt of the written agreement by the board, and a copy of the written agreement to recall shall be attached to the petition;

~~(f)(e)~~ The petition shall state the date of the board meeting at which the board determined not to certify the recall, and the time the meeting was called to order.

~~(g)(f)~~ A copy of the minutes of the board meeting at which the board determined not to certify the recall;

~~(h)(g)~~ Each specific basis upon which the board based its determination not to certify the recall, including the unit number and specific defect to which each challenge applies. Any specific reason upon which the board bases its decision not to certify the recall that is stated in the petition for recall arbitration, but absent from the board meeting minutes or attachments thereto, shall be ineffective and shall not be considered by the arbitrator. A board member may be recalled with or without cause. The fact that a unit owner may have received misinformation is not a valid basis for rejecting a recall agreement and shall not be considered by the arbitrator.

~~(i)(h)~~ Any relevant sections ~~Complete copies~~ of the bylaws, articles of incorporation, the declaration of condominium, cooperative documents, and rules, including all amendments thereto, as well as any or other documents which are pertinent to the petition; and

~~(j)(i)~~ Any other ~~Other~~ information which the petitioner contends is material.

~~(6)(4)~~ If, during the pendency of a recall arbitration, the unit owners in ~~the~~ that condominium or cooperative attempt another recall effort and the board files another petition for arbitration, the newly filed petition shall be consolidated with the pending case.

~~(7)(5)~~ Upon receipt and review of a petition for arbitration of a recall of one or more board members, the division shall either accept or deny the petition. If the petition is accepted, within 10 days the arbitrator shall serve the respondent unit owners by mailing a copy of the petition and an order allowing answer by United States certified mail to the representative of the recalling unit owners identified in the petition.

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(~~j~~)(~~k~~), 719.106(1)(f) FS. History--New 1-17-93, Formerly 7D-50.105, Amended 11-15-95, \_\_\_\_\_.

61B-50.106 Computation of Time.

(1) In computing the five full business days prescribed by Sections 718.112(2)(~~j~~)(~~k~~), and 719.106(1)(f), Florida Statutes, and these rules, the day of the act from which the period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday as prescribed by Section 110.117, Florida Statutes, in which event the period shall run until the end of the next business day. Intervening days which are a Saturday, Sunday, or legal holiday as designated in Section 683.01, Florida Statutes, or as that section may subsequently be renumbered, shall not be included. The last day of the period which is not a Saturday, Sunday or legal holiday as designated in Section 683.01, Florida Statutes, shall be included.

(2) Additional Time After Service By Mail. Unless otherwise ordered by the arbitrator, during the pendency of a case, when a party is required or permitted by these rules or by order of the arbitrator to do an act within a prescribed period after the service of a paper upon that party and the paper is served by regular United States mail, five days shall be added to the prescribed period. This provision does not apply to the filing of the petition for recall arbitration. No additional time shall be added to the prescribed period if service is made by hand, facsimile transmission, or other electronic transmission.

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(~~j~~)(~~k~~), 719.106(1)(f) FS. History--New 7-1-82, Formerly 7D-50.02, 7D-50.002, Amended 1-17-93, Formerly 7D-50.106, Amended 11-15-95, \_\_\_\_\_.

61B-50.107 Parties.

(1) Parties in any proceeding conducted in accordance with Section 718.112(2)(~~j~~)(~~k~~) or Section 719.106(1)(f), Florida Statutes, are petitioners or respondents.

(2) ~~The A~~ petitioner shall be the ~~is a~~ board of administration of an association that ~~which~~ files a petition for binding arbitration of a recall of one or more members of the board.

(3) ~~The A~~ respondent shall be ~~is~~ the group of members of an association who voted at a meeting, or who executed a written agreement, to recall one or more members of the board.

(4) All parties ~~parties~~ shall receive copies of all pleadings, motions, notices, orders, and other matters filed in arbitration proceedings in the manner provided by Rule 61B-50.115, Florida Administrative Code.

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(d)(e), 719.106(1)(f) FS. History—New 7-1-82, Formerly 7D-50.03, Amended 7-27-88, Formerly 7D-50.003, Amended 1-17-93, Formerly 7D-50.107, Amended \_\_\_\_\_.

61B-50.108 Who May Appear; Criteria for Other Qualified Representatives.

(1) Any person who appears before any arbitrator has the right, at that person’s own expense, to be accompanied, represented and advised by a member of the Florida Bar or by a qualified representative who is not a member of the Florida Bar, but who shall demonstrate his or her familiarity with and understanding of the arbitration rules of procedure, and with any relevant portions of Chapters 718 or 719, Florida Statutes, and the rules promulgated by the Division does not need to be an attorney.

(2) If a person wishes to be represented by a qualified non-attorney representative, the arbitrator shall make diligent inquiry of the prospective representative during a non-adversarial proceeding, under oath, to assure that the prospective representative is qualified to appear in the arbitration proceedings and is capable of representing the rights and interests of the person. In lieu of the above, the arbitrator may consider the prospective representative’s sworn affidavit setting forth the representative’s qualifications.

(3) If the arbitrator is satisfied that the prospective non-attorney representative has the necessary qualifications to render competent and responsible representation of the unit owner’s interest in a manner that will not impair the fairness of the proceedings or the correctness of the action to be taken, the arbitrator shall authorize the prospective non-attorney representative to appear in the pending arbitration. The arbitrator shall authorize the prospective non-attorney representative to appear in the pending arbitration proceedings if the arbitrator is satisfied that the prospective non-attorney representative has the necessary qualifications to render competent and responsible representation of the person’s interests in a manner which will not impair the fairness of the proceedings or the correctness of the action to be taken.

(4) through (7) No change.

(8) Standards of Conduct.

(a) A representative shall exercise due diligence in the filing and argument of any motion or pleading. All motions or pleadings shall be to ensure that the motions or pleading is filed and argued in good faith.

(b) The signature of a representative upon any motion or pleading shall constitute a certificate that the representative has read the motion or pleading, that to the best of the representative’s knowledge it is supported by good faith grounds and that it has not been presented solely for the purpose of delay.

(c) A representative shall advise the client to observe and to obey the law.

(d) A representative shall not:

1. Engage in conduct involving dishonesty, fraud, deceit or misrepresentation; or engage in conduct that is prejudicial to the administration of the arbitration process;

2. File a pleading, assert a position, conduct a defense, delay an arbitration proceeding or take other action on behalf of the client when such action would serve merely to harass or maliciously injure another;

3. Handle a legal or factual matter which the representative knows or should know that the representative is not competent to handle without associating an attorney or another qualified representative; or handle a legal or factual matter without adequate preparation;

4. State or imply that he or she is able to improperly influence the arbitrator or any agency or public official;

5. Communicate or cause another to communicate with an adverse party regarding matters at issue in the arbitration proceeding where the representative knows that the adverse party is represented by an attorney or other qualified representative;

6. Disregard or advise the client to disregard a rule or statute of an agency or a ruling of an arbitrator made in the course of an arbitration proceeding;

7. Conceal or knowingly fail to disclose that which one is bound to reveal by law;

8. Knowingly use perjured testimony or false evidence, or withhold suppress any evidence that the representative or the client should produce;

9. Knowingly make a false statement of law or fact;

10. Advise or cause a person to secret himself or leave the jurisdiction of any agency for the purpose of making the person unavailable as a witness therein; pay, offer to pay or acquiesce in the payment of compensation to a witness contingent upon the content of the witness’s testimony or the outcome of the case; counsel or advise a witness to provide other than honest testimony.

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(d)(e), 718.1255, 719.106(1)(f), 719.1255 FS. History—New 7-1-82, Formerly 7D-50.04, Amended 7-27-88, Formerly 7D-50.004, Amended 1-17-93, Formerly 7D-50.108, Amended 2-13-97, \_\_\_\_\_.

61B-50.110 Communication with an Arbitrator.

(1) While a case is pending, no ~~No~~ party or other person directly or indirectly interested in an arbitration proceeding nor anyone authorized to act on behalf of a party or other interested person shall communicate verbally or in writing in the absence of all parties with an arbitrator or with the Department of Business and Professional Regulation concerning relative to the merits of the arbitration proceeding, threaten an arbitrator, or offer an arbitrator any reward with respect to the conduct or outcome of a proceeding.

(2) No change.

Specific Authority 718.501(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(d)(e), 718.1255, 719.106(1)(f), 719.1255 FS. History—New 1-17-93, Formerly 7D-50.110, Amended 1-19-97, \_\_\_\_\_.

61B-50.112 Withdrawal of Petition.

(1) A petition for arbitration of a recall may be withdrawn at any time prior to the commencement of the scheduled final hearing. Such withdrawal shall be in writing and directed to the arbitrator. Withdrawal may be made by telephone, but must be subsequently confirmed in writing, or by an order certifying the recall entered by the arbitrator if the petitioner fails to file written notice subsequently.

(2) Withdrawal of a petition for arbitration of a recall shall be with prejudice. If the board withdraws the petition, the recall shall be deemed certified and the board members ~~effectively~~ recalled. The board member or members recalled shall turn over all association records in his or their possession within five full business days after the withdrawal is filed (i.e., received by the division).

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(j)(~~k~~), 718.1255, 719.106(1)(f), 719.1255 FS. History—New 1-17-93, Formerly 7D-50.112, Amended 11-15-95, \_\_\_\_\_.

61B-50.115 Filing; Service of Papers; Signing.

(1) Filing. Unless specifically ordered, every pleading or other paper filed in the proceedings, including the initial petition, shall also be served on each party. A pleading or other paper is considered “filed” when it is received by the division.

(2) Method and Proof of Service.

(a) When service is to be made upon a party represented by an attorney or by a qualified representative, service shall be made upon the attorney or representative unless service upon the party is ordered by the arbitrator. Service shall be made by delivering or mailing, by United States mail postage prepaid, a copy of the document to the attorney, representative, or party at that person’s last known address.

(b) When the unit owners have not designated a unit owner representative to represent their interest in a recall proceeding or when the unit owner representative cannot be ascertained, the arbitrator shall require that the association post a copy of the petition for recall arbitration and the order allowing answer on the condominium property in a conspicuous location as a means of notifying the unit owners of the recall arbitration.

~~(c)(b)~~ Certificate of Service. When any attorney, representative, or unrepresented party signs a certificate of service such as the following, the certificate of service shall be taken as evidence of service in compliance with these rules:

“I certify that a copy hereof has been furnished to (here insert name or names and address or addresses) by U.S. mail this \_\_\_ day of \_\_\_, 20\_\_\_ +9\_\_\_.

Signature \_\_\_\_\_

(3) Number of Copies. Only the original of all pleadings shall be filed with the arbitrator; no copies shall be filed. However, the initial petition for recall arbitration shall be accompanied by one (1) copy for the respondents.

(4) “Filing” shall mean receipt by the Division during normal business hours or by the arbitrator during the course of a hearing. Pleadings including the initial petition or other communications may be filed by regular hard copy or facsimile, and if filed by facsimile, a hard copy of the pleading or other communication need not be filed with the arbitrator; however, the party using facsimile filing bears the burden of ensuring that the pleading or other correspondence has actually been filed with the arbitrator. If a document is filed via facsimile, the facsimile confirmation sheet shall be evidence of the date on which the Division received the document. A facsimile copy is not filed within the meaning of this rule when the facsimile copy of the document until the original is received by the Division, unless authorized in advance by the arbitrator. No pleadings shall be faxed that exceed 30 pages in length including attachments. When a party files a facsimile document with the arbitrator, the party shall also provide a facsimile copy to the other party if the fax number is available. If a party desires to receive orders via e-mail, the party must provide its e-mail address to the arbitrator assigned to the case.

(5) Any pleading or other document received after 5:00 p.m. shall be deemed to be filed as of 8:00 a.m. on the next regular business day.

(6) No change

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(j)(~~k~~), 718.1255, 719.106(1)(f), 719.1255 FS. History—New 7-1-82, Formerly 7D-50.09, 7D-50.009, Amended 1-17-93, Formerly 7D-50.115, Amended 1-19-97, \_\_\_\_\_.

61B-50.117 Motions.

An application to the arbitrator for an order shall be made by written motion shall be made in writing, unless made during a hearing. The motion; shall state in detail with particularity the grounds for the relief requested and shall set forth the relief or order sought. The arbitrator shall conduct such proceedings and render make such orders as are deemed necessary to dispose of issues raised by motion. Other parties may, within 7 business +0 days of service of a written motion, file serve a written response in opposition to the motion.

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(j)(~~k~~), 718.1255, 719.106, 719.1255 FS. History—New 7-1-82, Formerly 7D-50.12, 7D-50.012, Amended 1-17-93, Formerly 7D-50.117, Amended 1-19-97, \_\_\_\_\_.

61B-50.119 Summary Disposition; Simplified Arbitration Procedure; No Disputed Issues of Material Fact.

(1) through (3) No change.

(4) No formal evidentiary hearing as described by Rule 61B-50.131, Florida Administrative Code, shall be conducted for arbitrations determined pursuant to this rule. The arbitrator shall decide the dispute based solely upon the pleadings and evidence filed by the parties.

(5) Any party may move for summary final order whenever there are no disputed issues of material fact. The motion shall be accompanied by supporting affidavits if

necessary. All other parties may, within 7 days of service of the motion, file a response in opposition, with or without supporting affidavits.

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(j),(k),(l), 718.1255, 719.106, 719.1255 FS. History--New 1-17-93, Formerly 7D-50.119, Amended 2-13-97, \_\_\_\_\_.

61B-50.120 Informal Arbitration; Waiver of Formal Hearing.

~~Even where disputed issues of material fact exist, the parties may agree to waive a formal hearing, and may agree to the presentation of evidence through depositions, affidavits, and other documentary evidence, and to proceed on the basis of argument and representations of counsel, the parties, or their representatives. In such cases, the parties may ask to be relieved of any requirements of these rules which are unnecessary or unduly onerous. The arbitrator shall provide all parties with an opportunity to submit written statements or legal argument in support of their positions.~~

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(k),(l), 718.1255, 719.106 FS. History--New 1-17-93, Formerly 7D-50.120, Amended 1-19-97, Repealed \_\_\_\_\_.

61B-50.124 Discovery.

(1) ~~The~~ ~~It is intended that the~~ discovery process shall be used sparingly and only for the discovery of those things that ~~which~~ are necessary for the proper disposition of the petition. Parties may obtain discovery only upon the prior approval of the arbitrator. A motion to conduct discovery shall describe with specificity the subject matter of the discovery and the method(s) by which discovery will be sought. The arbitrator may issue appropriate orders to effectuate the purposes of discovery and to prevent delay.

(2) Except as otherwise specified ~~may be modified~~ herein, parties may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.390, Florida Rules of Civil Procedure. However, a unit owner desiring to obtain copies of official association records for use in the proceeding shall utilize the owner's right of access to the official records as provided by Sections 718.111(12) and 719.104(2), Florida Statutes, in lieu of formal discovery.

(3) No change.

(4) At any time after the filing of the petition for arbitration, the arbitrator may enter an order requiring the parties to submit supplemental information, evidence or affidavits in support of or refuting the reason(s) listed in the petition as grounds for failing to certify the recall.

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(j),(k),(l), 718.1255, 719.106(1)(f), 719.1255 FS. History--New 7-1-82, Formerly 7D-50.15, 7D-50.015, Amended 1-17-93, Formerly 7D-50.124, Amended 1-19-97, \_\_\_\_\_.

61B-50.127 Subpoenas and Witnesses; Fees.

(1) A subpoena requiring the attendance of witnesses or the production of documents, whether for purposes of discovery or for purposes of a final hearing, may be served by

any person authorized by law to serve process or by any person who is not a party and who is of majority age, as provided in Rule 1.410, Florida Rules of Civil Procedure (~~1996~~), or as that rule may subsequently be renumbered. Proof of such service shall be made by affidavit of the person making service if not served by an officer authorized by law to do so.

(2) All witnesses, other than public employees subpoenaed to appear in their official capacity, appearing pursuant to a subpoena shall be paid such fees and mileage for their attendance as set forth in Section 92.142, Florida Statutes, or as that statute may subsequently be renumbered. In the case of a public employee, such expenses shall be processed and paid in the manner provided for agency employee travel expense reimbursement; and, in the case of a witness who is not a public employee, payment of such fees and expenses shall accompany the subpoena.

(3) Any party or any person upon whom a subpoena is served or to whom a subpoena is directed may file a motion to quash or for protective order.

(4) Subpoenas shall be issued from the arbitrator in blank except for the case style, the case number, the name, address and telephone number of the attorney or party requesting issuance of the subpoena and the signature of the arbitrator assigned. Subpoenas shall be completed and served by the party requesting issuance of the subpoenas.

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(j),(k),(l), 718.1255, 719.106(1)(f), 719.1255 FS. History--New 7-1-82, Formerly 7D-50.19, 7D-50.019, Amended 1-17-93, Formerly 7D-50.127, Amended 1-19-97, \_\_\_\_\_.

61B-50.130 Stenographic Record and Transcript.

(1) Any party wishing to obtain a stenographic record shall make such arrangements directly with the court reporter for such services and shall notify the other parties of such arrangements in advance of the hearing. The requesting party or parties shall bear all pay the costs cost of obtaining such a record.

(2) No change.

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(j),(k),(l), 718.1255, 719.106, 719.1255 FS. History--New 1-17-93, Formerly 7D-50.130, Amended 1-19-97, \_\_\_\_\_.

61B-50.131 Conduct of Formal Hearing; Evidence.

(1) through (3) No change.

(4) Unless otherwise ordered by the arbitrator, the petitioner shall present its evidence and witnesses. Thereafter, then the respondent may shall present its evidence and witnesses.

(5) Evidence.

(a) An arbitration proceeding is less formal than a court proceeding. The arbitrator shall admit any ~~Any~~ relevant evidence ~~shall be admitted~~ if it is the kind of evidence on which reasonable, prudent persons rely in the conduct of their affairs. Reliable, relevant evidence may be presented by the parties. Facts are to be proven through the testimony ~~testimony~~

of witnesses under oath at the final hearing and through documents admitted into evidence at the request of a party. Hearsay evidence (i.e., statements not made at the final hearing under oath, used to establish the truth of the matter asserted) may be used to supplement or explain other evidence, but is shall not be sufficient ~~in itself~~ to support a finding, unless the hearsay evidence would be admissible ~~admissible over objection~~ in a court of law civil action. The rules of privilege shall be effective to the same extent that they are recognized in civil actions. Irrelevant and unduly repetitious evidence shall not be admitted into evidence excluded.

(b) All exhibits shall be identified as petitioner's exhibits, respondent's exhibits, or as joint exhibits. The exhibits and shall be so marked in the order that they are received and made a part of the record.

(c) Documentary evidence may be received in the form of a photocopy.

(6) No change.

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(j)(~~k~~), 718.1255, 719.106(1)(f), 719.1255 FS. History--New 7-1-82, Formerly 7D-50.22, 7D-50.022, Amended 1-17-93, Formerly 7D-50.131, Amended 1-19-97, \_\_\_\_\_.

61B-50.136 Notice of Final Hearing; Scheduling; Venue; Continuances.

(1) The arbitrator shall set the time and place for all final hearings. The arbitrator shall serve written notice of the final hearing by regular mail on all parties of record.

(2) All hearings shall be held in the state of Florida. Whenever possible, hearings shall be held in the area of residence of the parties and witnesses or at the place most convenient to all parties as determined by the arbitrator. Hearings shall be held within the state.

(3) In the arbitrator's discretion, a continuance of a hearing shall be granted for good cause shown ~~or upon stipulation of all parties~~. Requests for continuance shall be made in writing. Except in cases of emergency, requests for continuance must be made at least 10 days prior to the date noticed for the final hearing.

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(j)(~~k~~), 718.1255, 719.106(1)(f), 719.1255 FS. History--New 7-1-82, Formerly 7D-50.24, 7D-50.024, Amended 1-17-93, Formerly 7D-50.136, Amended 1-19-97, \_\_\_\_\_.

61B-50.139 Final Orders.

(1) Unless waived, a final order shall be entered within 30 45 days after any final the hearing, receipt by the arbitrator of the hearing transcript if one is timely filed, or receipt of any post-hearing memoranda, whichever is applicable. The final order shall be in writing and shall include a statement of whether or not the recall was certified. Failure to render a decision within such time period shall not invalidate the decision.

(2) through (3) No change.

(4) A final order certifying the recall of one or more board members takes effect upon the mailing of the final order. As of the moment of mailing, those board members found to be recalled cease to be authorized board members and shall not exercise the authority of the association.

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(j)(~~k~~), 718.1255, 719.106(1)(f), 719.1255 FS. History--New 7-1-82, Formerly 7D-50.25, 7D-50.025, Amended 1-17-93, Formerly 7D-50.139, Amended 1-19-97, \_\_\_\_\_.

61B-50.140 Technical Corrections; Rehearing.

(1) No change.

(2) The arbitrator may on his or her own motion initiate entry of a corrected order as described by subsection (1) above within 60 days of the entry of the final order.

(3) No change.

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(j)(~~k~~), 718.1255, 719.106, 719.1255 FS. History--New 1-17-93, Formerly 7D-50.140, Amended 1-19-97, \_\_\_\_\_.

61B-50.1405 Motions for Attorney's Fees and Costs.

No party shall be entitled to recover its costs and attorney's fees in a recall proceeding initiated pursuant to Sections 718.112(2)(j) or 719.106(1)(f), Florida Statutes.

Specific Authority 718.501(1)(f), 719.501(1)(f) FS. Law Implemented 718.112(2)(j), 718.1255, 719.106, 719.1255 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Karl Scheurman, Senior Attorney, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLE: Inspection Criteria (Funeral Establishments) RULE NO.: 61G8-21.003  
PURPOSE AND EFFECT: The Board proposes to require inspectors to verify that the appropriate containers for transport of bodies are available.

SUMMARY: The Board proposes to harmonize the inspection requirements with Rule 61G8-22.002, F.A.C., requiring gasketed metal containers.

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: 470.005(3), 470.024(10) FS.

LAW IMPLEMENTED: 470.005(3), 470.024(10) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 323299-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-21.003 Inspection Criteria (Funeral Establishments).

The Department shall inspect funeral establishments on the basis of the following:

(1) through (5) No change.

(6) The funeral establishment shall have on site or immediately available sufficient ~~gasketed metal sealed~~ containers of a type required for the transportation of bodies which is adequate to prevent the seepage or emission of offensive fluids or odors.

(7) through (8) No change.

Specific Authority 470.005(3), 470.024(10) FS. Law Implemented 470.005(3), 470.024(10) FS. History--New 2-13-80, Amended 5-21-81, 9-28-83, 3-26-84, Formerly 21J-21.03, Amended 3-30-94, 2-20-95, 3-24-98, 6-14-00, 1-30-02, 4-15-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2003

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Applications

RULE NO.: 64B8-4.009

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete subsection (10) of the rule.

SUMMARY: The proposed rule amendment deletes subsection (10) of the rule regarding application withdrawal.

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: 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 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:

64B8-4.009 Applications.

(1) through (9) No change.

~~(10) An applicant who has filed an application may withdraw that application without action by the Board so long as there has been no action by or on behalf of the Board scheduling the applicant for a hearing before the Board, its Credentials Committee, or some other special Credentials Committee of the Board or scheduling the application for special consideration by the Board, its Credentials Committee or some other special Credentials Committee and if there has not been a communication by staff, verbally, or in writing, that there is some issue within the application which may give rise to an unfavorable ruling or increased scrutiny by the Board. Once special action has been taken by the staff, the Board, or any of the Board's committees, then an applicant can withdraw the application only with the approval of the Board.~~

Specific Authority 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History--New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02,\_\_\_\_\_.

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: February 7, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: February 20, 2004

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLES:	RULE NOS.:
Range of Penalties for Administrative Violations	64B13-15.003
Range of Penalties for Patient Care Violations	64B13-15.004

PURPOSE AND EFFECT: Board proposes these amendments to the rules to update the range of penalties and citations.

SUMMARY: The proposed rule amendments increase the penalties for violations of the practice act.

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: 456.079 FS.

LAW IMPLEMENTED: 456.079 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B13-15.003 Range of Penalties for Administrative Violations.

(1) For Minor Administrative Violations the range of penalties are as follows:

(a) First violation – administrative fine of not less than \$ 500.00 nor more than ~~\$3,000.00~~ ~~\$1,500.00~~ per count or offense and/or a reprimand.

(b) Second violation – administrative fine of not less than \$ 750.00 nor more than ~~\$5,000.00~~ ~~\$2,500.00~~ per count or offense and, if appropriate, a period of probation of not less than 3 months nor longer than 6 months.

(c) Third violation – administrative fine of not less than \$1,500.00 nor more than ~~\$8,000.00~~ ~~\$4,000.00~~ per count or offense and, if appropriate, a period of suspension of not less than 6 months nor longer than 12 months.

(2) For Major Administrative Violations the range of penalties are as follows:

(a) First violation – administrative fine of not less than \$1,000.00 nor more than ~~\$4,000.00~~ ~~\$2,000.00~~ per count or offense and, if appropriate, a period of probation or suspension of not less than 6 months nor longer than 12 months.

(b) Second violation – administrative fine of not less than \$2,000.00 nor more than ~~\$6,000.00~~ ~~\$3,000.00~~ per count or offense and, if appropriate, a period of suspension of not less than 12 months nor more than 18 months.

(c) Third violation – administrative fine of not less than \$3,000.00 nor more than ~~\$10,000.00~~ ~~\$5,000.00~~ per count or offense and a period of suspension of not less than 6 months or revocation.

Specific Authority 456.079 FS. Law Implemented 456.079 FS. History—New 2-24-87, Formerly 21Q-15.003, 61F8-15.003, 59V-15.003, Amended 2-7-01,

64B13-15.004 Range of Penalties for Patient Care Violations.

(1) For Minor Patient Care Violations the range of penalties are as follows:

(a) ~~First~~ ~~first~~ violation – administrative fine of not less than \$ 750.00 nor more than ~~\$5,000.00~~ ~~\$2,500.00~~ per count or offense and, if appropriate, a period of probation of not less than 6 months nor more than 12 months.

(b) ~~Second~~ ~~second~~ violation – administrative fine of not less than \$1,000.00 nor more than ~~\$6,000.00~~ ~~\$3,000.00~~ per count or offense and a period of probation of not less than 12 months nor more than 18 months.

(c) ~~Third~~ ~~third~~ violation – administrative fine of not less than \$2,000.00 nor more than ~~\$10,000.00~~ ~~\$5,000.00~~ per count or offense and a period of suspension of not less than 3 months nor more than 12 months.

(2) For Major Patient Care Violations the range of penalties are as follows:

(a) ~~First~~ ~~first~~ violation – administrative fine of not less than \$1,000.00 nor more than ~~\$5,000.00~~ ~~\$2,500.00~~ per count or offense and, if appropriate, a period of probation of not less than 12 months nor more than 18 months.

(b) ~~Second~~ ~~second~~ violation – administrative fine of not less than \$2,000.00 nor more than ~~\$10,000.00~~ ~~\$5,000.00~~ per count or offense and a period of probation and, if appropriate, a period of suspension of not less than 12 months nor more than 24 months.

(c) ~~Third~~ ~~third~~ violation – administrative fine of not less than \$3,000.00 nor more than ~~\$10,000.00~~ ~~\$5,000.00~~ per count or offense and revocation.



Specific Authority 456.079 FS. Law Implemented 456.079 FS. History—New 2-24-87, Formerly 21Q-15.004, 61F8-15.004, 59V-15.004, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2004

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Citations RULE NO.: 64B13-15.009

PURPOSE AND EFFECT: The Board’s proposed rule amendment is intended to remove language that is duplicative and to provide a time limit to comply with citations.

SUMMARY: The proposed rule amendment removes duplicate language and specifies time limits to comply with citations.

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

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

SPECIFIC AUTHORITY: 456.077, 463.005 FS.

LAW IMPLEMENTED: 456.077 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-15.009 Citations.

(1) Definitions.

(a) "Citation" means an instrument which meets the requirements set forth in Section 465.617, ~~455.617~~, F.S., and which is served upon a subject for the purpose of assessing a penalty in an amount established by this rule;

(b) No change.

(2) In lieu of the disciplinary procedures contained in Section 456.073, ~~457.073~~, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which is the basis for the citation.

(3) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, ~~457.073~~, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section 456.621, ~~457.073~~, F.S., shall apply.

(4) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; ~~or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation.~~

(a) The Board hereby designates the following as citation violations which shall result in a penalty of two hundred and fifty dollars (\$ 250.00):

1. Failure to include in an advertisement for free or discounted services the statement required by Section 456.062, F.S. The licensee shall come into compliance within fifteen (15) days after receipt of the citation.

2. Failure to conspicuously display a license, entrance sign, and other signs at each office and branch office location as required by Section 463.011, F.S., and Rules 64B13-3.005 and 64B13-3.006, F.A.C. The licensee shall come into compliance within fifteen (15) days after receipt of the citation.

3. Failure to conspicuously display a license at a branch office location as required per Section 463.011, F.S. The licensee shall come into compliance within fifteen (15) days after receipt of the citation.

4. Failure to display license and required practice information as specified in Rule 64B13-3.006, F.A.C. The licensee shall come into compliance within fifteen (15) days after receipt of the citation.

5. Failure to document having obtained the continuing education required by Section 463.007, F.S., and Rule Chapter 64B13-5, F.A.C. In addition to paying the fine, the licensee must complete continuing education hours not documented, plus an additional hour for each hour missed. The licensee shall come into compliance within ninety (90) days after receipt of the citation.

6. Failure to respond to a continuing education audit as required by Rule 64B13-5.001, F.A.C. The licensee shall come into compliance within fifteen (15) days after receipt of the citation.

(b) No change.

(5) No change.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History—New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01, 12-26-01, 5-1-02, 7-15-02, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2004

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Continuing Education for Biennial Renewal  
RULE NO.: 64B15-13.001

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify criteria for continuing education.

SUMMARY: The proposed rule amendments delete the requirements for managed care and clarifies additional continuing education criteria.

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, 459.008(4) FS.

LAW IMPLEMENTED: 456.013(5),(6),(7), 459.008, 459.008(4) 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: 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:

64B15-13.001 Continuing Education for Biennial Renewal.

(1)(a) Every person licensed pursuant to Chapter 459, F.S., except those licensed as physician assistants pursuant to Section 459.022, F.S., shall be required to complete forty (40) hours of continuing medical education courses approved by the Board in the twenty-four (24) months preceding each biennial renewal period as established by the Department. Seven of the continuing medical education hours required for renewal shall be one hour HIV/AIDS course, one hour Domestic Violence, one hour Risk Management Course, one hour Florida Laws and Rules, one hour on the laws regarding the use and abuses of controlled substances ~~Managed Care Course~~, and two hours Prevention of Medical Errors Course.

(b) No change.

(2) At least twenty (20) of the forty (40) hours of the continuing medical education required under this rule shall be American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices.

(3)(a) For purposes of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing, or eliminating identifiable risks and domestic violence as defined in Section 741.30, F.S.

(b) ~~The seven (7) hours of continuing medical education found in paragraph 64B15-13.001(1)(a), F.A.C., with regard to Risk Management, Florida Laws and Rules, controlled substances and the prevention of medical errors shall be obtained by the completion of live, participatory attendance courses. However the continuing medical education found in paragraph 64B15-13.001(1)(a), F.A.C., with regard to HIV/AIDS, domestic violence, or the alternative end-of-life/palliative care as set forth in subsection (7) of this rule may be obtained by the completion of non-live/participatory attendance as provided in (4) of this rule.~~

~~(c) For purposes for this rule, managed care means a discussion on quality assurance; utilization review; chart documentation; contracting with medical organizations; conflicts with the medical practice act; and ethical, moral and legal issues as it relates to the physician's ability to impact on the patient's health, safety and welfare.~~

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

(4) No change.

(5) Home study hours up to a maximum of eight (8) hours per biennium may be utilized toward continuing education requirements for renewal, ~~excluding the seven hours listed in paragraph 64B15-13.001(1)(a), F.A.C.~~ In order to be acceptable, said home study hours must be approved by the AOA, the AMA, the Board, or approved for credit as a college or university extension course with approved grading and evaluation standards.

(6) through (8) No change.

Specific Authority 459.005, 459.008(4) FS. Law Implemented 456.013(5),(6),(7), 459.008, 459.008(4) FS. History—New 10-23-79, Amended 1-29-86, Formerly 21R-13.01, Amended 12-5-89, 4-8-91, 2-16-92, Formerly 21R-13.001, Amended 1-10-94, Formerly 61F9-13.001, Amended 10-25-95, Formerly 59W-13.001, Amended 1-19-98, 6-3-98, 4-14-99, 5-26-02,

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: February 21, 2004

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

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Continuing Psychological Education Credit      RULE NO.: 64B19-13.003

PURPOSE AND EFFECT: The Board proposes to amend the existing rule to address the number of continuing psychological education credits.

SUMMARY: The rule will be revised to address the number of continuing education credits.

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

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

SPECIFIC AUTHORITY: 456.013(7), 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 456.013(7), 490.007(2), 490.0085(1),(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: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-13.003 Continuing Psychological Education Credit.

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

(f) Attainment of diplomate status in a specialty area from the American Board of Professional Psychology, for which thirty-seven (37) ~~thirty-nine (39)~~ continuing psychological education credits, not including the one-hour continuing education course on domestic violence required by Section 456.031, Florida Statutes, and the two-hour continuing education course on the prevention of medical errors required by Section 456.013(7), Florida Statutes, will be allowed only during the biennium during which the diplomate is first awarded;

(g) through (4) No change.

Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 456.013(7), 490.007(2), 490.0085(1),(3) FS. History—New 1-28-93, Amended 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01, 8-5-01, 5-21-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2003

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE TITLE: Florida Workers' Compensation Medical      RULE NO.:

Services Billing, Filing and Reporting Rule      69L-7.602

PURPOSE AND EFFECT: This rule provides detailed procedures for provider billing and filing, and insurer reporting of workers' compensation claims, in conformity with Chapter 440, Florida Statutes.

SUMMARY: The rule adopts a new Florida Workers' Compensation Uniform Medical Treatment/Status Reporting Form (DFS-F5-DWC-25) and other forms relating to billing and reporting on workers' compensation medical claims. The rule also establishes billing formats and timeframes, as well as reporting procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Department has considered the regulatory costs of the rule. It is believed that the costs involved are out-weighed by the cost savings and other benefits of the rule.

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

SPECIFIC AUTHORITY: 440.13(4), (16), 440.15(3)(b),(d), 440.185(5),(9), 440.20 (15)(f),(17), 440.525(2), 440.591, 440.593(5) FS.

LAW IMPLEMENTED: 440.09, 440.13(2)(a),(3),(4),(6), (11),(12),(14),(16), 440.15(3)(b),(d), 440.20(6), 440.185(5),(9) FS.

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

TIME AND DATE: 9:30 a.m., April 14, 2004

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1711

## THE FULL TEXT OF THE PROPOSED RULE IS:

69L-7.602 Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule Procedures for Non-Hospital Medical Services.

(1) Definitions. As used in this rule:

(a) "Accurately Complete" or "Accurately Completed" means the form submitted contains the information necessary to meet the requirements of Chapter 440, F.S., and this rule "Carrier is defined in Section 440.13(1)(e), Florida Statutes.

(b) "Agency" means the Agency for Health Care Administration as Division is defined in Section 440.02(3)(12), F.S Florida Statutes.

(c) "Billing" means the process by which a health care provider submits a claim to an insurer to receive reimbursement for medical services provided to an injured employee "Emergency services and care" is defined in Section 395.002(9), Florida Statutes.

(d) "Catastrophic Event" means the occurrence of a qualifying event such as a natural disaster, an act of terrorism (including but not limited to cyber terrorism) or a telecommunications failure, in which recovery time will prevent an insurer from meeting the filing requirements of Chapter 440, F.S. and this rule "Physician" is defined in Section 440.13(1)(r), Florida Statutes.

(e) "Charges" means the dollar amount billed "Health care provider" means a physician or any recognized practitioner who provides skilled services pursuant to a prescription or under the supervision or direction of a physician and who has been certified by the division as a health care provider. The term "health care provider" includes a health care institution licensed under Chapter 400, Florida Statutes, but does not include any hospital licensed under Chapter 395, Florida Statutes.

(f) "Charge Master" means a comprehensive coded list developed by a hospital or an ambulatory surgical center representing its usual charges for specific services "Health care facility" means any health care institution licensed under Chapter 400, Florida Statutes, but does not include any hospital licensed under Chapter 395, Florida Statutes.

(g) "Claims Handling Entity" means any insurer, third-party administrator, claim administrator, servicing company, self-serviced self-insured employer or fund, or managing general agent, at any location, who is engaged in the adjusting or processing medical claims or submitting workers' compensation reports to the division.

(h) "Claims Handling Entity Code Number" means the number the division assigns each third party administrator, claims administrator or servicing company.

(i) "Claims Handling Entity File Number" means the number assigned to the claim file by the insurer or insurer agent for purpose of internal tracking.

(j) "Current Dental Terminology (CDT-4)" (CDT) means the American Dental Association reference document containing descriptive terms to identify codes for billing and reporting dental procedures.

(k) "Date Insurer Paid" means the date the insurer or insurer agent mails, transfers or transmits payment to the health care provider.

(l) "Date Insurer Received" means the date that Forms DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-90 or the electronic form equivalent is delivered to, and date stamped by, the insurer or insurer agent from a provider.

(m) "Deny" means to determine that no payment is to be made for a specific procedure code or other service, reported by a health care provider to an insurer on a bill.

(n) "Division" means the Division of Workers' Compensation as defined in Section 440.02(14), F.S.

(o) "Disallow" means to determine that no payment is to be made for a specific procedure code or other service reported by a health care provider to an insurer for reimbursement, based on identification of a billing error, inappropriate utilization or over utilization, use of an incorrect billing form, only one line-item billed and the bill has an invalid code, or required information is illegible.

(p) "Electronic Filing" means the computer exchange of medical data from an insurer to the division in the standardized format defined in the Medical EDI Implementation Guide, 2004.

(q) "Electronic Form Equivalent" means the format provided in the Medical EDI Implementation Guide, 2004, to be used when an insurer transmits required data to the division. Electronic form equivalents do not include transmission by facsimile, data file(s) attached to electronic mail, or computer-generated paper-forms.

(r) "Electronically Filed with the Division" means the date an electronic filing has been received by the division and has successfully passed structural and data-quality edits.

(s) "Explanation of Bill Review" (EOBR) means the codes and written explanation of an insurer's reimbursement decision sent to the health care provider.

(t) "Healthcare Common Procedure Coding System National Level II Codes (HCPCS)" (HCPCS) means the Centers for Medicare and Medicaid Services' (CMS) reference document listing descriptive codes for billing and reporting professional services, procedures, and supplies provided by health care providers.

(u) "Health Care Provider" is defined in Section 440.13(1)(h), F.S.

(v) "Hospital" means any health care institution licensed under Chapter 395, F.S.

(w) “ICD-9-CM International Classification of Diseases” (ICD-9) is the U.S. Department of Health and Human Services’ reference document listing the official diagnosis and inpatient-procedure code sets.

(x) “Insurer” is defined in Section 440.02(38), F.S.

(y) “Insurer Agent” means an insurer-authorized vendor or any other entity who performs services on behalf of an insurer for the purposes of meeting the requirements of Chapter 440, F.S., or this rule.

(z) “Insurer Code Number” means the number the division assigns each individual insurer, self-insured employer or self-insured fund.

(aa) “Itemized Statement” means a detailed listing of hospital provided services and supplies, including the quantity and charges for each service or supply.

(bb) “Medical EDI Implementation Guide, 2004” is the Florida Division of Workers’ Compensation’s reference document containing the specific electronic formats required for insurer reporting of medical data to the division.

(cc) “Medically Necessary” or “Medical Necessity” is defined in Section 440.13(1)(l), F.S.

(dd) “NDC number” means the National Drug Code (NDC) number, assigned under Section 510 of the Federal Food, Drug, and Cosmetic Act, that identifies the drug product labeler/vendor, product, and trade package size.

(ee) “Paper-Form Filed with the Division” means the date a paper document is accurately completed, postmarked and mailed pre-paid to the Department of Financial Services as a required filing under this rule.

(ff) “Physician” is defined in Section 440.13(1)(q), F.S.

(gg) “Physician’s Current Procedural Terminology (CPT®)” (CPT) means the American Medical Association reference document (HCPCS Level I) containing descriptive terms to identify codes for billing and reporting medical procedures and services.

(hh) “Principal Physician” means the treating physician responsible for the oversight of medical care, treatment and attendance rendered to an injured employee, to include recommendation for appropriate consultations or referrals.

(ii) “Report” means any form related to medical services rendered, in relation to a workers’ compensation injury, that is required to be filed with the division under this rule.

(jj) “UB-92, National Uniform Billing Data Element Specifications as Adopted by the Florida State Uniform Billing Committee” (UB-92 manual) is the reference document providing billing and reporting completion instructions for the Form DFS-F5-DWC-90 (HCFA-1450/UB-92).

(2) Forms for Medical Billing, Filing and Reporting Emergency Services and Care.

(a) Form DFS-F5-DWC-9 (CMS-1500 Health Insurance Claim Form, Rev. 12/90), Form DFS-F5-DWC-10 (Statement of Charges for Drugs and Medical Supplies Form, Rev. 2004),

Form DFS-F5-DWC-11 (American Dental Association Dental Claim Form, Rev. 2002), Form DFS-F5-DWC-25 (Florida Workers’ Compensation Uniform Medical Treatment/Status Reporting Form, 2004) and Form DFS-F5-DWC-90 (HCFA-1450 Hospital Uniform Bill/UB-92, Rev. October 2003) and completion instructions for these forms are hereby incorporated by reference into this rule. In all cases in which a health care provider provides emergency services and care, the health care provider shall notify the carrier by the close of the third business day after providing such emergency services and care. If the emergency services and care results in admission of the employee to a health care facility, the health care provider shall notify the carrier of same within the 24 hours after initial treatment; or if the carrier is not open for business within that 24 hour period, then within the next 24 hour period of the time that the carrier is open for business.

1. A copy of the Form DFS-F5-DWC-9 can be obtained from the CMS web site: <http://cms.hhs.gov/forms/>. Completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

2. A copy of the Form DFS-F5-DWC-10 and completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

3. A copy of the Form DFS-F5-DWC-11 can be obtained by contacting the American Dental Association. Completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

4. A copy of the Form DFS-F5-DWC-25 can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

5. A copy of the Form DFS-F5-DWC-90 can be obtained from the CMS web site: <http://cms/hhs.gov/forms/>. Completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

(b) In lieu of submitting a Form DFS-F5-DWC-10, when billing for drugs or medical supplies, alternate billing forms are acceptable if The health care provider shall maintain or be able to generate a written record of the above communications, including:

1. An insurer has approved the alternate billing form(s) prior to submission by a health care provider. Date; and

2. The form provides all information required on the Form DFS-F5-DWC-10. Forms DFS-F5-DWC-9, DFS-F5-DWC-11 or DFS-F5-DWC-90 shall not be submitted as an alternate form. Time; and

3. Identity of person sending the communication; and

4. Identity of person or entity receiving the communication; and

5. The mode or method of communication; and

6. The substance of the communication.

(3) Materials Adopted for Reference. The following publications are incorporated by reference herein: Medical bills submitted under the Health Care Provider Reimbursement

~~Schedule, the Ambulatory Surgical Center Reimbursement Schedule, or the Work Hardening or Pain Program Reimbursement Schedule, which schedules are contained within the manuals adopted by reference in Rules 69L-7.020, 69L-7.100 and 69L-7.900, F.A.C., respectively, shall comply with the requirements of this rule.~~

(a) UB-92, National Uniform Billing Data Element Specifications as Adopted by the Florida State Uniform Billing Committee (Rev. February 2004) Responsibilities of Health Care Providers.

~~1. Form DWC-8, known as "Notification of Initial Treatment," shall be furnished by the physician, but not by other health care providers, to the carrier within three business days following the injured employee's first treatment. This notice, which may be furnished by facsimile transmission, shall contain the injured employee's identifying information, the date of first visit, preliminary diagnosis, and initial plan of treatment, the injured employee's work status and date of next appointment, the physician's name and DBPR identification number.~~

~~2. Providers of medical services shall submit to the carrier a properly completed bill, form DWC-9, known as "Health Insurance Claim Form," or form DWC-11, known as "Dental Health Claim Form," as follows:~~

~~a. Within 15 calendar days following the first treatment, accompanied by all medical notes, reports or records.~~

~~b. At least every 21 calendar days thereafter for follow up treatment.~~

~~e. Within 21 calendar days following the date of maximum medical improvement.~~

(b) The Florida Workers' Compensation Medical EDI Implementation Guide, 2004. The Medical EDI Implementation Guide, 2004 can be obtained from the DFS/DWC web site: [http://www.fldfs.com/WC/edi\\_med.html](http://www.fldfs.com/WC/edi_med.html). Responsibilities of Carriers.

~~1. Carriers shall accept, date stamp on the document front side upon receipt, and within 45 calendar days of receipt pay or deny a legible and complete medical services bill.~~

~~2. Carriers shall submit the billing form, DWC-9 or DWC-11, to the Division within 30 calendar days, after the bill has been paid. The filing of bills includes the filing of bills for "lost time" and "medical only" cases.~~

~~3. Carriers shall retain any attachment submitted with a DWC-9 or DWC-11, and shall not file any attachment with the Division unless specifically requested.~~

(c) The Healthcare Common Procedure Coding System National Level II Codes (HCPCS), Centers for Medicare and Medicaid Services, Copyright 2003, American Medical Association.

(d) The Physician' Current Procedural Terminology (CPT®), Copyright 2003, American Medical Association.

(e) The Current Dental Terminology (CDT-4), Fourth Edition, Copyright 2002, American Dental Association.

(f) The ICD-9-CM International Classification of Diseases, 9th Revision, Clinical Modification, Copyright 2003, American Medical Association.

(4) Health Care Provider Responsibilities Pharmacy and Medical Supplier Bills.

(a) Insurers and providers shall utilize only the Form DFS-F5-DWC-25 for physician reporting of the injured employee's medical treatment /status, and. Any other reporting forms may not be used in lieu of or supplemental to the Form DFS-F5-DWC-25. Responsibilities of Pharmacists and Medical Suppliers.

~~1. The Form DFS-F5-DWC-25 does not replace physician notes, medical records or division-required medical billing reports. All pharmacists and medical suppliers who furnish drugs or other medical supplies to an injured worker under the provisions of Chapter 440, Florida Statutes, shall bill the carrier on form DWC-10, known as "Statement of Charges for Drugs and Medical Supplies," or on the pharmacist/medical suppliers' usual billing form. Pharmacist/medical suppliers' usual billing form shall contain all the information required on the DWC-10 and shall not be used for billing purposes until approved by the Division:~~

~~a. Required information for pharmacists and medical suppliers includes:~~

~~i. The employer's name and address; and~~

~~ii. The injured employee's name and social security number; and~~

~~iii. The date of accident; and~~

~~iv. The carrier's name and address if the employer is not self-insured; and~~

~~v. The carrier's case file number, if known; and~~

~~vi. The name and address of the pharmacy or other supplier; and~~

~~vii. The date of the billing; and~~

~~viii. The total charges of billing form; and~~

~~ix. The identity of the pharmacist or medical supplier.~~

~~b. Required information for pharmacists billing for prescribed drugs includes: dispensing date, new or refill, prescription number, medication name and strength, National Drug Control (NDC) number, quantity dispensed, number of days supplied, reason for use of non-generic drug when applicable, prescribing physician's name and DBPR license number, and usual charge for each medication billed.~~

~~c. Required information for pharmacists or medical suppliers billing for medical supplies includes: description of the product or supply, quantity, name(s) of prescribing physician(s) and DBPR license number(s), purchase date and usual charge for each item billed.~~

~~2. All information submitted on physician notes, medical records or division-required medical billing reports must be consistent with information documented on the Form DFS-F5-DWC-25. Pharmacists and medical suppliers shall use~~

the applicable Florida Workers' Compensation Reimbursement Manual for instructions in the completion of the pharmacy and medical supply bills.

3. Pharmacists and medical suppliers shall submit a bill within 30 calendar days of the date the service was provided.

(b) Special Billing Requirements Responsibilities of Carriers.

1. When anesthesia services are billed on a Form DFS-F5-DWC-9, completion of the form must include the CPT code and the "P" code (physical status modifier), which correspond with the procedure performed, in Field 24D. Anesthesia health care providers shall enter the date of service and the 5-digit qualifying circumstance code, which corresponds with the procedure performed, in Field 24D on the next line, if applicable. Carriers shall accept, date stamp upon receipt and within 30 calendar days of receipt pay or deny a legible and complete pharmacy or medical supplier bill.

2. When an Advanced Registered Nurse Practitioner (ARNP) provides services as a Certified Registered Nurse Anesthetist, he/she shall bill on a Form DFS-F5-DWC-9 for the services rendered and enter his/her Florida Department of Health license number in Field 33, regardless of the employment arrangement under which the services were rendered, or the party submitting the bill. Carriers shall submit the DWC-10 or other billing form or invoice containing the required information in their case file to the Division within 30 calendar days after the bill has been paid.

3. When a licensed physician or licensed non-physician healthcare provider, including physician assistant or ARNP (not providing an anesthesia-related service) renders direct billable services for which reimbursement is sought from an insurer, he/she shall enter his/her Florida Department of Health license number in Field 33 on the Form DFS-F5-DWC-9, regardless of the employment arrangement under which the services were rendered or the party submitting the bill.

4. For hospital billing, the following special requirements apply:

a. Inpatient billing – hospitals shall, in addition to filing a Form DFS-F5-DWC-90, attach an itemized statement with charges based on the facility's Charge Master.

b. Outpatient billing:

I. Hospitals shall enter the CPT, HCPCS, or unique workers' compensation code (provided in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2004), in Locator 44 on the Form DFS-F5-DWC-90, to bill treatments.

II. Hospitals shall enter the date of service on Form DFS-F5-DWC-90, in Locator 45, for outpatient billing.

III. Hospitals shall bill supplies by filing a Form DFS-F5-DWC-90 and attaching an itemized statement with charges based on a facility's Charge Master if there is no line item detail shown on the Form DFS-F5-DWC-90.

5. Licensed physician assistants and certified first nurse assistants who provide surgical assistance on procedures with codes permitting an assistant surgeon-physician shall bill on a Form DFS-F5-DWC-9 entering the CPT code(s) plus modifier(s), which represent the service(s) rendered, in Field 24D, and must enter their Florida Department of Health license number in Field 33.

6. Ambulatory Surgical Centers (ASCs) shall bill on a Form DFS-F5-DWC-9.

7. Federal Facilities shall bill on their usual form.

8. Dental Services.

a. Dentists shall bill for services on a Form DFS-F5-DWC-11.

b. Oral surgeons shall bill for oral and maxillofacial surgical services on a Form DFS-F5-DWC-9. Non-surgical dental services shall be billed on a Form DFS-F5-DWC-11.

9. Pharmaceutical and Medical Supplies.

a. Pharmacists and medical suppliers shall bill on a Form DFS-F5-DWC-10 or on an insurer pre-approved alternate form. Forms DFS-F5-DWC-9, DFS-F5-DWC-11 or DFS-F5-DWC-90 shall not be submitted as an alternate form.

b. Pharmacists shall complete Field 9, on a Form DFS-F5-DWC-10, by entering the word "COMPOUND" when medicinal drugs are compounded and the formulation prescribed is not commercially available.

c. Dispensing physicians shall bill on a Form DFS-F5-DWC-9 when supplying commercially available medicinal drugs (commonly known as legend or prescription drugs) and shall enter the NDC number in Field 24D. When administering or supplying injectable drugs the physician shall bill on a Form DFS-F5-DWC-9 and enter the appropriate HCPCS "J" code in Field 24D.

d. Dispensing physicians shall complete Field 24D, on a Form DFS-F5-DWC-9, by entering the unique workers' compensation code 96371 when medicinal drugs are compounded and the formulation prescribed is not commercially available.

e. Dispensing physicians shall bill by entering code 99070 in Field 24D, on a Form DFS-F5-DWC-9, when supplying over-the-counter drugs and shall submit an invoice indicating the name, dosage, package size and cost of the drug.

f. Physicians and other licensed health care providers providing medical supplies shall bill on a Form DFS-F5-DWC-9 and attach an invoice indicating the cost of the supply, including shipping and handling, and taxes, where applicable, shall be submitted with the Form DFS-F5-DWC-9.

g. Health care providers rendering health care services reimbursable under workers' compensation, whose billing requirements are not otherwise specified in this rule, shall bill on their invoice or business letterhead.

(c) Bill Completion.

1. Bills shall be legibly and accurately completed by all health care providers, regardless of location or reimbursement methodology, as set forth in this paragraph.

2. Billing elements required by the division to be completed by a health care provider are as follows:

a. Physician and Non-Physician/Certified Provider Billing – Form DFS-F5-DWC-9.

(I) Field 1a Injured employee's social security number or division-assigned number (obtained from the Insurer).

(II) Field 2 Injured employee's name: Last, First, Middle initial, if applicable.

(III) Field 14 Date of current accident, illness or injury.

(IV) Field 16 Dates injured employee is unable to work, as applicable.

(V) Field 21(1) Diagnosis of primary injury or illness (Include decimal in ICD-9 code, as applicable).

(VI) Field 21 (2-4) Additional diagnoses (Include decimal in ICD-9 code, as applicable).

(VII) Field 24A Date(s) of service: 'From' and 'To' date. Multiple dates of service are billable on a single line only if the dates are consecutive. If there is a single date of service, enter the same date in both 'From' and 'To' fields.

(VIII) Field 24B Place of service (as listed in the CPT manual).

(IX) Field 24D Procedure, service or supply code (CPT, CDT-4, HCPCS, NDC or unique workers' compensation code plus modifier, as required for reimbursement).

(X) Field 24E Diagnosis code reference numbers: '1', '2', '3', '4' refer to corresponding diagnoses listed in Field 21 (1, 2, 3, 4).

(XI) Field 24F Total dollar charges for units billed per line.

(XII) Field 24G Number of days, hours, units, or quantity of drug or supply must be entered in whole numbers. Total length of anesthesia service time must be entered in minutes.

(XIII) Field 25 Federal tax identification number.

(XIV) Field 32 Address where services were rendered including zip code.

(XV) Field 33(PIN#) License number of the health care provider rendering direct billable service(s): shall enter their Florida Department of Health provider license or other facility number assigned by the professional regulatory board, licensing authority or state regulatory agency.

(A) Work Hardening/Pain Programs enter "WC" for required alpha characters (i.e. WC3#####).

(B) Ambulatory Surgical Centers enter "ASC" for required alpha characters (i.e. ASC### or ASC####).

(C) Independent Laboratories enter "IL" for required alpha characters (i.e. IL8000##### or IL80000#### or IL800000###).

(D) Advanced Registered Nurse Practitioners enter "ARNP" for required alpha characters (i.e. ARNP##### or ARNP##### or ARNP#####).

(E) Radiology or Other Facilities (providing only the technical component) enter "XX" for required alpha characters and 99999 for required numeric characters (i.e. XX99999).

b. Pharmaceutical/Medical Supplier Billing – Form DFS-F5-DWC-10.

(I) Form DFS-F5-DWC-10 Section 1 - Fields required to be completed by Pharmacy and Medical Supply providers:

(A) Field 1 Injured employee's name: Last, First, Middle Initial, if applicable.

(B) Field 2 Injured employee's social security number or division-assigned number (obtained from the insurer).

(C) Field 3 Date of current accident, injury or illness in MM/DD/CCYY format.

(II) Form DFS-F5-DWC-10 Section 2 – Fields required to be completed by pharmacy providers only:

(A) Field 6 Medication/drug name and strength.

(B) Field 7 Number of tablets, capsules, suppositories, milliliters of liquid, grams of ointment or units of injectable medication.

(C) Field 8 Estimated number of days that medication will last according to prescription dosage and administration instructions.

(D) Field 9 National Drug Code number: manufacturer number, item number, package number; enter "COMPOUND" if a compounded drug is dispensed.

(E) Field 10 Pharmacy's internal number assigned to the prescription.

(F) Field 15 Pharmacy's usual charges for the drug. When field 13 is coded, enter the usual charges for the generic equivalent.

(III) Form DFS-F5-DWC-10 Section 3 – Fields required to be completed by Medical Supplier or Pharmacy providing medical supplies:

(A) Field 16 Description or name of item supplied: quantity and size, when applicable.

(B) Field 17 Prescriber's license number assigned by the professional regulatory board or licensing authority.

(C) Field 18 Purchase date in MM/DD/CCYY format.

(D) Field 19 Medical supplier's usual charge for item(s) supplied.

(IV) Form DFS-F5-DWC-10 Section 4 – Fields required to be completed by Pharmacy and Medical Supply providers:

(A) Field 20 Total charges appearing on this statement.

(B) Field 22 Date pharmacy or medical supplier submits statement to insurer for payment in MM/DD/CCYY format.

(C) Field 23 Pharmacist's license number assigned by professional regulatory board or licensing authority.

(D) Field 24 Pharmacy's or medical supplier's federal employer identification number.

c. Dental Billing – Form DFS-F5-DWC-11.

(I) Field 20 Injured employee's name: Last, First, Middle initial, if applicable.



(II) Field 8 Injured employee's social security number or division-assigned number (obtained from the insurer).

(III) Field 51 Federal tax identification number.

(IV) Field 55 Dentist's Florida Department of Health license number (i.e. DN#### or DN#####).

(V) Field 38 Place of treatment (check appropriate box):

(A) Office.

(B) Hospital.

(C) Extended Care Facility.

(D) Other.

(VI) Field 56 Address where services were rendered, including zip code.

(VII) Field 46 Date of current accident, injury or illness.

(VIII) Field 24 Date treatment/service performed.

(IX) Field 29 'Procedure Code' Procedure, service or supply code (CPT, CDT-4 or HCPCS 'D' code).

(X) Field 31 Total dollar charges per line item.

d. Hospital Billing – Form DFS-F5-DWC-90 (Hospitals are to use the UB-92 manual for billing guidelines).

(I) Locator 1 Hospital's location zip code.

(II) Locator 4 Type of bill.

(III) Locator 5 federal tax identification number.

(IV) Locator 6 Date statement covers period from/through.

(V) Locator 12 Injured employee's name: Last, First, Middle initial, if applicable.

(VI) Locator 17 Admission date.

(VII) Locator 18 Admission hour.

(VIII) Locator 19 Type of Admission/Visit.

(IX) Locator 21 Discharge hour, if applicable.

(X) Locator 32 Date of accident, injury or illness.

(XI) Locator 38 Insurer name, address and location zip code.

(XII) Locator 42 Revenue code.

(XIII) Locator 44 CPT, HCPCS or unique workers' compensation code and modifier(s), as required for reimbursement.

(XIV) Locator 45 Date of Service required for outpatient billing.

(XV) Locator 46 Number of service units.

(XVI) Locator 47 Total dollar charges billed by revenue code.

(XVII) Locator 60A Injured employee's social security number or division-assigned number (obtained from the insurer).

(XVIII) Locator 67 Principal diagnosis code (ICD-9 code).

(XIX) Locators 68-75 Other diagnosis codes (ICD-9 codes), as applicable.

(XX) Locator 79 Procedure coding method.

(XXI) Locator 80 Principal procedure code, as applicable.

(XXII) Locator 81(A, B, C, D, E) Other procedure codes, as applicable.

(XXIII) Locator 82 Attending physician's Florida Department of Health license number.

3. An insurer can require a health care provider to complete additional data elements that are not required by the division on Forms DFS-F5-DWC-9 or DFS-F5-DWC-11.

(d) Provider Bill Submission/Filing and Reporting Requirements.

1. All medical claim forms related to services rendered for a compensable injury shall be submitted by a health care provider to the insurer as a requirement for billing.

2. Medical claim form(s) or bill(s) may be electronically filed by a health care provider to the insurer provided the insurer agrees.

3. Billing shall be filed with an insurer according to the following requirements:

a. Health Care Providers (excluding hospitals):

Within 30 calendar days of initial or additional service or treatment and accompanied by required documentation that supports medical necessity. This requirement includes Pharmacies, Medical Suppliers, and Ambulatory Surgical Centers.

b. Hospitals:

(I) Within 30 calendar days following emergency room or initial outpatient treatment.

(II) Within 30 calendar days of an injured employee's discharge from an in-patient hospital stay or follow-up outpatient treatment.

(5) Insurer Responsibilities Other Health Care Treatment Bills.

(a) An insurer is responsible for meeting its obligations under this rule, regardless of any business arrangements, contracts or subcontracts entered into by an insurer with an insurer agent Responsibilities of Nursing Homes and Home Health Agencies.

1. Nursing homes and home health agencies shall submit to the carrier a properly completed bill on their usual billing form. This form shall contain the injured employee's name, social security number, and date of accident and be sent as follows:

a. Within 45 calendar days after admission or the first service is provided; and

b. At least every 30 calendar days thereafter until such time as the injured employee is discharged; and

e. Within 21 calendar days of final service.

2. Home health agencies shall submit documentation of each visit billed with their usual billing form.

(b) At the time of authorization for medical service(s), an insurer shall notify a health care provider of additional requirements that are necessary for reimbursement in excess of the requirements set forth in this rule Responsibilities of Other Authorized Health Care Providers or Facilities.

1. Other authorized health care providers or facilities shall submit to the carrier a properly completed bill on their usual billing form. This billing form shall contain the injured employee's name, social security number and date of accident and must be sent as follows:

a. Within 15 calendar days following the first treatment or admission.

b. At time intervals designated by the carrier for follow-up treatment.

e. Within 21 calendar days following the final treatment.

2. Federal Facilities. Federal facilities are exempt from all billing guidelines and shall submit their charges for services rendered on their usual billing form.

(c) At the time of authorization for medical service(s) an insurer shall inform an out-of-state health care provider of the specific billing and submission requirements of this rule.

Responsibilities of Carriers:

1. Carriers shall accept, date stamp on the document front side upon receipt, and within 45 calendar days of receipt pay or deny a legible and complete bill.

2. Carriers shall retain all bills in the category of "other health care treatment bills" and shall not file them with the Division unless specifically requested.

(d) Insurers and providers shall utilize only the Form DFS-F5-DWC-25 for physician reporting of injured employee's medical treatment /status, and any other reporting forms may not be used in lieu of or supplemental to the Form DFS-F5-DWC-25.

(e) Required data elements on Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11, and DFS-F5-DWC-90, for both medical only and lost-time cases, shall be filed with the division within 45 calendar days of insurer payment, adjustment and payment, disallowance or denial. This 45 calendar day requirement includes initial submission, and correction and re-submission of all errors identified in the Claims Processing Reports.

(f) An insurer shall be responsible for the accurately completed required data filed with the division, pursuant to the Medical EDI Implementation Guide, 2004 and sub-paragraph (4)(c)2. of this rule.

(g) When an injured employee does not have a social security number or division-assigned number, the insurer must contact the division via information provided on the following website: <http://www.fldfs.com/WC/organization/odgc.html> (under Records Management) to obtain a division-assigned number prior to submitting the report to the division.

(h) An insurer shall attach an accurately completed cover sheet to each paper-form batch submitted to the division.

(i) An insurer must report to the division the procedure, diagnosis or modifier code(s) or amount(s) charged, as billed by the health care provider.

(j) An insurer shall date stamp Forms DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-90 or date stamp the electronic form equivalent with the date insurer received.

(k) An insurer shall return any bills to the provider, with a written explanation, when: services are billed on an incorrect billing form; an invalid code is used and is the only line-item billed; or required information is illegible or not provided.

(l) An insurer shall pay, adjust and pay, disallow or deny billed charges within 45 calendar days from the date insurer received, pursuant to Section 440.20(2)(b), F.S.

(m) An insurer, when reporting paid medical claims data to the division, shall report the actual dollar amount paid to the health care provider or reimbursed to the employee. On disallowed charges, the dollar amount should be reported as \$0.00.

(n) An insurer, filing electronically, shall submit to the division the Explanation of Bill Review (EOBR) code(s), relating to the adjudication of each line item billed and:

1. Maintain the EOBR in a format that can be legibly reproduced, and

2. Use the EOBR codes and descriptors as follows:

a. 01 Services not authorized, as required.

b. 02 Services denied as not related to the compensable work injury.

c. 03 Services related to a denied work injury: Form DFS-F2-DWC-12 on file with the division.

d. 04 Services billed are listed as not covered or non-covered ("NC") in the applicable reimbursement manual.

e. 05 Documentation does not support the level, intensity or duration of service(s) billed. (Insurer must specify to the provider.)

f. 06 Location of service(s) is not consistent with the level of service(s) billed.

g. 07 Reimbursement equals the amount billed.

h. 08 Reimbursement is based on the applicable reimbursement schedule.

i. 09 Reimbursement is based on the contracted amount.

j. 10 Reimbursement is based on charges exceeding the stop-loss point.

k. 11 Reimbursement is based on insurer re-coding. (Insurer must specify to the provider.)

l. 12 Charge(s) are included in the per diem reimbursement.

m. 13 Reimbursement is included in the allowance of another service. (Insurer must specify procedure to the provider.)

n. 14 Hospital itemized statement not submitted with billing form.

o. 15 Invalid procedure code. (Use when other valid procedure codes are present.)

p. 16 Documentation does not support that services rendered were medically necessary.

q. 17 Required supplemental documentation not filed with the bill. (Insurer must specify required documentation to the provider.)

r. 18 Duplicate Billing: Service previously paid, adjusted and paid, disallowed or denied on prior claim form or multiple billing of service(s) billed on same date of service.

s. 19 Other: Unique EOBR code description. Use of EOBR code "19" is restricted to circumstances when a listed EOBR code does not explain the reason for adjustment, disallowance or denial of payment. When using EOBR code "19", an insurer must include the specific explanation of the code and maintain a standardized EOBR code description list.

(o) An insurer shall make available to the division and to the Agency, upon request and without charge, a legibly reproduced copy of Forms DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-25, DFS-F5-DWC-90, supplemental documentation, proof of payment, EOBR and/or standardized EOBR code "19" description list.

(p) An insurer shall submit to the health care provider an Explanation of Bill Review, utilizing the EOBR codes listed above, including the insurer name and specific insurer contact information.

(6) Insurer Medical Report (Electronic Format or Paper-form) Filing To The Division Bills Prepared by Billing Services.

(a) Effective February 14, 2005, all required medical reports shall be electronically filed with the division by all insurers. In meeting this requirement an insurer shall comply with the following implementation schedule, as applicable: Responsibilities of the Authorized Health Care Provider. Any health care provider using a billing service shall comply with all applicable sections of this rule.

1. Insurers who are electronically filing any medical reports with the division, as of the effective date of this rule, must complete a test transmission and be approved by the division for production transmission that meets the requirements set forth in the Medical EDI Implementation Guide, 2004 according to the following schedule:

a. July 1 through August 13, 2004, implementation of the test transmission to production transmission processes for all electronic form equivalents, will include insurers or insurer agents with names beginning with the letters A through E.

b. August 16 through September 30, 2004, implementation of the test transmission to production transmission processes for all electronic form equivalents, will include insurers or insurer agents with names beginning with the letters F through Z.

2. Insurers who are not electronically filing any medical reports with the division, as of October 1, 2004, must complete a test transmission and be approved by the division for production transmission that meets the requirements set forth in the Medical EDI Implementation Guide, 2004 according to the following schedule:

a. October 1 through November 12, 2004 implementation of the test transmission to production transmission processes for all electronic form equivalents will include insurers with division-assigned insurer code numbers 102 through 538 or insurer agents with names beginning with A through D – and that are submitting for multiple carrier numbers.

b. November 15 through December 31, 2004 implementation of the test transmission to production transmission processes for all electronic form equivalents will include insurers with division-assigned insurer code numbers 539 through 7999 or insurer agents with names beginning with E through S and that are submitting for multiple carrier numbers.

c. January 1 through February 11, 2005 implementation of the test transmission to production transmission processes for all electronic form equivalents will include insurers with division-assigned insurer code numbers 8000 through 9999 or insurer agents with names beginning with T through Z and that are submitting for multiple carrier numbers.

(b) Special Conversion to Electronic Reporting Responsibilities of the Billing Service. The form used for billing completed by the billing service shall comply with all applicable sections of this rule.

1. Insurers or insurer agents who have implemented electronic filing of any medical reports with the division within 120 days prior to the effective date of this rule shall be scheduled for test transmission to production transmission processes, for all electronic form equivalents, to comply with requirements set forth in the Medical EDI Implementation Guide, 2004, beginning January 1 through February 11, 2005.

2. The Division may approve insurers or insurer agents that volunteer complete test transmission to production transmission processes earlier than the designated schedule denoted above. Each voluntary insurer or insurer agent shall have six weeks to complete test transmission to production transmission processes, for all electronic form equivalents, to comply with requirements set forth in the Medical EDI Implementation Guide, 2004.

(c) Required data elements shall be submitted in compliance with the instructions and formats as set forth in the Medical EDI Implementation Guide, 2004. Responsibilities of Carriers.

~~1. Carriers shall accept, date stamp on the document front side upon receipt, and pay or deny a legible and complete bill in accordance with all applicable sections of this rule.~~

~~2. Carriers shall retain the billing form or submit to the Division in accordance with all applicable sections of this rule.~~

(d) The division will notify the insurer on the Claim Processing Report of the corrections necessary for rejected medical reports to be "electronically filed with the division". An insurer shall correct and re-file all rejected medical claim reports to meet the filing requirements of paragraph (5)(e) of this rule.

(e) Catastrophic events resulting in data-transmission or total system failure after February 14, 2005 may qualify an insurer to file paper-forms to meet division-reporting requirements for a period not to exceed 30 calendar days. Prior to insurer initiation of paper-form filing, written approval must be obtained from the Division's Office of Data Quality and Collection, 200 E. Gaines Street, Tallahassee, Florida 32399-4226.

(f) Between the effective date of this rule and February 14, 2005 required medical reports may be paper-form filed with the division by an insurer as follows:

1. With the insurer code number accurately and legibly entered in the upper-right corner on the form.

2. With the date insurer paid legibly stamped on the front of the form. Payments of \$0.00 are valid amounts on disallowed charges.

3. With the required data elements as set forth in record layout sections of the Medical EDI Implementation Guide, 2004. An insurer shall submit to the division the listed information, legibly entered on the paper-form, as follows:

a. Form DFS-F5-DWC-9.

I. "Procedure, Service or Supply Code" (as paid by the insurer, if different from billed code) – entered in Field 24D<sub>1</sub> without obscuring the billed code;

II. "Procedure, Service or Supply Code Modifier" (as paid by the insurer, if different from billed modifier) – entered in Field 24D<sub>2</sub> without obscuring the billed modifier;

III. "Insurer Payment per Line" entered in Field 24K.

IV. Additional data elements required pursuant to the Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.

b. Form DFS-F5-DWC-10.

I. "Insurer Payment per Line" – written above the 'Usual Charge' in Field 15 or 19, respectively.

II. Additional data elements required pursuant to the Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.

c. Form DFS-F5-DWC-11.

I. "Insurer Payment per Line" – entered in Field 30 following description:

II. Additional data elements required pursuant to the Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.

d. Form DFS-F5-DWC-90.

I. "HCPCS/RATE" code (as paid by the insurer, if different from billed code) enter the reimbursed code above the billed code:

II. "HCPCS/RATES" code modifier (as paid by the insurer, if different from billed modifier) enter the reimbursed modifier above the billed modifier;

III. "Insurer Payment per Line" entered in Locator 49;

IV. Additional data elements required pursuant to the Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.

4. In order to facilitate the division's responsibility to determine the timeliness of health care provider reimbursement and submission of medical reports to the division, reports submitted in paper-form must be submitted in batches and each batch must be accompanied with a cover sheet and the following requirements:

a. Forms DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11 or DFS-F5-DWC-90 forms shall be separated by Form category into 100-count batches prior to submitting to the division. Insurers processing less than 100 forms in 30 calendar days shall separate Form category and submit batches of less than 100.

b. Within each submitted paper-form batch, the insurer shall separate and band into groups, medical reports as being untimely paid to a provider or untimely reported to the division pursuant to Section 440.20(6)(b), F.S. and paragraph (5)(e) of this rule, respectively.

c. Every submitted paper-form batch shall be accompanied by a cover sheet providing the following information:

I. The title shall read "Medical Paper-Form Submission Cover Sheet".

II. The date the batch was submitted to the division shall be specified.

III. The insurer name, address including zip code of the medical claim office submitting the batch, and division-assigned number shall be specified.

IV. The insurer contact name, telephone number and email address shall be specified.

V. The report type (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 or DFS-F5-DWC-90) shall be specified.

VI. The total number of medical reports in each batch submitted to the division shall be specified.

VII. The total number of medical reports filed with the division more than 45 calendar days after the insurer payment, adjustment and payment, disallowance or denial shall be specified.

VIII. The total number of medical reports reflecting medical bills that were paid to the provider more than 45 calendar days from the date insurer received.

d. Every paper batch which is not accompanied by an accurately completed cover sheet will be returned to an insurer or an insurer agent, and considered not in compliance with paragraph (5)(e) of this rule, until re-filed with an accurately completed cover sheet.

5. All required medical reports (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 or DFS-F5-DWC-90) shall be submitted to the division at.

Department of Financial Services  
Division of Workers' Compensation  
Office of Data Quality and Collection,  
Medical Data Management Section  
200 East Gaines Street  
Tallahassee, FL 32399-4226.

(7) Insurer Administrative Penalties and Administrative Fines Co-Payments. Except for emergency services and care, after the injured employee has reached overall maximum medical improvement, the injured employee is obligated to pay a co-payment of \$10 per visit for medical services. The co-payment is not in addition to any applicable maximum reimbursement allowance, but displaces or offsets \$10 from the reimbursement amount otherwise reimbursed by the carrier.

(a) Insurer Administrative Penalties for Untimely Provider-Payment or Disposition of Medical Bills. The department shall impose insurer administrative penalties for failure to comply with the payment, adjustment and payment, disallowance, or denial requirements pursuant to Section 440.20(6)(b), F.S. Timely performance standards for timely payments, adjustments and payments, disallowances or denials, reported on Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 and DFS-F5-DWC-90, shall be calculated and applied on a monthly basis for each separate Form category that was received within a specific calendar month.

(b) Insurer Administrative Fines for Failure to Submit, Untimely Submission, Filing and Reporting of Medical Data Requirements. Pursuant to Section 440.185(9), F.S., the department shall impose insurer administrative fines for failure to comply with the submission, filing or reporting requirements of this rule. Insurer administrative fines shall be:

1. Calculated on a monthly basis for each separate Form category (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11, DFS-F5-DWC-90) received and accepted by the division within a specific calendar month; and

2. Imposed for each un-filed, rejected and not re-submitted, or rejected and re-submitted untimely medical data report according to the following schedule:

- a. 1 – 15 days late \$10.00
- b. 16 – 30 days late \$20.00
- c. 31 – 45 days late \$30.00
- d. 46 – 60 days late \$40.00
- e. 61 – 75 days late \$50.00
- f. 76 – 90 days late \$100.00
- g. 91 days or greater \$500.00

(8) IF the carrier is submitting forms DWC 9, DWC 10, and/or DWC-11 to the Division on electronic media, and retaining the forms on electronic media, the carrier is not required to retain paper copies of those forms, but may treat the electronic media as the original documentation.

(9) On forms DWC-9, DWC-10, and DWC-11, the carrier shall be responsible for the legibility, accuracy and completeness of only the social security number, date of accident, and those areas of the form that the carrier completes. The carrier shall not be penalized for the legibility, accuracy or completeness of any area of the form completed by the employer, injured employee, or health care provider.

(10) Forms DWC 8, DWC 9, DWC 10, and DWC 11 are hereby incorporated into this rule and Rule Chapter 4L-7 by reference. Forms DWC 8, DWC 10, and DWC 11 shall bear the date September 1, 1994 in the lower right hand corner of the forms and shall become effective on the effective date of this rule. Form DWC 9 shall bear the date December 1990 in the lower right hand corner of the form and shall become effective on the effective date of this rule. A copy of forms DWC-8, DWC-9, DWC-10, and DWC-11 may be obtained by sending a request to the Division of Workers' Compensation, Medical Data Section, 200 East Gaines Street, Tallahassee, Florida 32399-4230.

Specific Authority 440.13(4)(a),(b),(16), 440.15(3)(b),(d), 440.185(5),(9), 440.20(15)(f),(17), 440.525(2), 440.591, 440.593(5) F.S. Law Implemented 440.09, 440.13(2)(a),(3),(4),(6),(7),(11),(12),(14),(16), 440.15(3)(b),(d), 440.20(6), 440.185(5),(9) F.S. History—New 1-23-95, Formerly 38F-7.602, 4L-7.602, Amended \_\_\_\_\_.

### Section III Notices of Changes, Corrections and Withdrawals

#### **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 NO.:                    RULE TITLE:  
33-501.310                 General Libraries  
                                      NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 7, (February 13, 2004), issue of the Florida Administrative Weekly:

33-501.310 General Libraries.

(1) Definitions

(a) through (d) No change.

(e) Impaired inmate – where used in this section, refers to inmates who are unable to handle or read written material due to a physical or mental impairment that substantially limits one or more major life activities, as determined by a physician, psychologist, academic teacher or other specialist to whom ~~which~~ the inmate was referred to by the department for diagnosis or treatment of the impairment.

(f) through (h) No change.

(2) through (3) No change.

(4)(a) Inmates who mutilate, deface or pilfer general library materials shall be subject to disciplinary action as provided in Rules 33-601.301-601.314, F.A.C. Any inmate who has been found guilty of such a disciplinary infraction may be charged costs to repair or replace general library materials or equipment and may have his or her privilege of visiting the general library and using general library materials suspended for up to 60 days.

(b) through (6) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Marilyn Heck

**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 Massage Therapy**

RULE NO.:                    RULE TITLE:  
64B7-27.002                 Application for Licensure Fees  
                                      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. 7, February 14, 2003, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Rule 64B7-27.002, F.A.C., shall now read as follows:

Subsection (2) shall be deleted in its entirety.

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

**FISH AND WILDLIFE CONSERVATION COMMISSION****Freshwater Fish and Wildlife**

RULE NO.:                    RULE TITLE:  
68A-15.061                         Specific Regulations for Wildlife Management Areas – Southwest Region

**NOTICE OF CHANGE**

The Fish and Wildlife Conservation Commission announces changes to proposed amendment of Rule 68A-15.061, F.A.C., relating to Wildlife Management Areas of the Southwest Region, as published in the January 2, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 1, pages 31-36. The only changes were the addition of two wildlife management areas (in new subsections (13) and (14)) moved from Rule 68B-15.062, F.A.C., to conform to a realignment of regions by the Commission. The remaining proposed rule amendments were not changed. The changed provisions are as follows:

68A-15.061 Specific Regulations for Wildlife Management Areas – Southwest Region.

(13) Croom Wildlife Management Area.

(a) Open season:

1. Muzzleloading gun – October 29-31.

2. General gun – November 13 through December 5.

3. Small game – December 6 through March 6.

4. Spring turkey – March 22-24, April 5-7 and 19-21.

5. Fox, raccoon and bobcat – December 16 through March

13. Hunting is permitted from 5:00 p.m. Thursday to sunrise Sunday with dogs only. No guns allowed.

6. Fishing and frogging – Throughout year.

(b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on wild hogs. During spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(c) Camping: Permitted only at designated campsites. A permit issued by the Division of Forestry is required at the Silver Lake, Twin Ponds, Hog Island, River Junction and East Hunt campsites.

(d) General regulations:

1. Hunting with dogs is prohibited November 13 through December 5. Hunting with dogs other than bird dogs is prohibited December 6-15, except that dogs may be used for hunting fox, raccoon or bobcat during the fox, raccoon and bobcat season, and dogs with a shoulder height of 15 inches or less may be used to hunt small game during the small game

season in the portion of the area south of the Tucker Hill Croom graded road, bounded on the east by Croom-Rital Road to its juncture with the boundary fence of the Croom Motorcycle area located in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East, and thence bounded by said boundary fence. Trailing dogs on a leash are permitted.

2. Motorcycles and all-terrain vehicles may be operated off roads in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East (Croom Motorcycle area) only. Operation of motorcycles and all-terrain vehicles in this area is permitted throughout the year but all such vehicles shall be permitted by the state Division of Forestry. Vehicles may be operated only on named or numbered roads in that portion of the area lying outside the Croom Motorcycle Area, but such vehicles must be properly licensed under Chapter 320, F.S., or otherwise legal to operate on public roads. During the general gun, muzzleloading gun, spring turkey and small game seasons, all-terrain vehicles are prohibited on that portion of the area lying outside the Croom Motorcycle Area.

3. Horses are prohibited during the general gun and muzzleloading gun seasons. Horses may be ridden only on named or numbered roads or on designated horse trails.

4. The possession of firearms is prohibited at all times in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East.

5. Only tents, trailers or self-propelled camping vehicles may be used for camping.

6. During the general gun, spring turkey, and muzzleloading gun seasons, all game taken shall be checked at the check station, and no turkey shall be dismembered until checked at the check station.

7. The possession of guns is prohibited on the Withlacoochee State Trail. Hunters shall only use designated crossings to transport guns across the State Trail.

(14) Chassahowitzka Wildlife Management Area.

(a) Open season:

1. Archery – September 25 through October 24.

2. Muzzleloading gun – October 29-31.

3. General gun – November 13 through January 9.

4. Duck and coot – Wednesdays, Saturdays and Sundays of the duck and coot season established by Rule 68A-13.003, F.A.C.

5. Fishing, frogging and other recreational use – Permitted year-round.

6. Small game – December 2 through January 9.

7. Spring turkey – March 26-29 and March 30 through April 3.

(b) Legal to take: All legal game, fish, frogs and furbearers. The taking of bobcat and otter is prohibited. No size or bag limit on wild hogs. The bag limit for turkeys shall be one gobbler (or bearded turkey) per spring turkey quota hunt permit.

(c) Camping: Prohibited.

(d) General regulations:

1. Dogs are prohibited south of County Road 550. Hunting with dogs other than retrievers or bird dogs is prohibited west of the Main grade, on the U.S. Fish and Wildlife Service portion of the property and east of the Swamp grade. Dogs with a shoulder height greater than 17 inches are prohibited in that portion of the area lying east of the Main grade and west of the Swamp grade.

2. Fires are prohibited.

3. Waterfowl hunting from permanent blinds or structures is prohibited.

4. Decoys and boats must be removed from the management area daily.

5. Vehicles shall be operated only on named or numbered roads.

6. All persons shall enter and exit only at designated entrances. Hunters shall check in and out at a check station and check all game taken.

7. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.

8. The possession or consumption of intoxicating beverages is prohibited south of County Road 550.

9. Public access is prohibited from sunset to sunrise south of County Road 550.

10. That portion of the area east of U.S. Highway 19 shall be open for small game hunting only.

## **FISH AND WILDLIFE CONSERVATION COMMISSION**

### **Freshwater Fish and Wildlife**

RULE NO.:

RULE TITLE:

68A-15.062

Specific Regulations for Wildlife Management Areas – North Central Region

### **NOTICE OF CHANGE**

The Fish and Wildlife Conservation Commission announces changes to proposed amendment of Rule 68A-15.062, F.A.C., relating to Wildlife Management Areas of the North Central Region, as published in the January 2, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 1, pages 36-46. The only changes were: a slight change to subsection (19); and the deletion of two wildlife management areas (subsections (26) and (27)) moved to Rule 68A-15.061, F.A.C., and the addition of three areas (subsections (34), (35) and (36)) from Rule 68A-15.065, F.A.C., with appropriate renumbering, to conform

to a realignment of regions by the Commission. The remaining proposed rule amendments were not changed. The changed provisions are as follows:

68A-15.062 Specific Regulations for Wildlife Management Areas – North Central Region.

(19) Holton Creek Wildlife Management Areas.

(a) Open season:

1. Mobility-impaired general gun – October ~~15-17~~ ~~40-42, 29-31~~ ~~24-26, November 5-7~~ ~~October 31 through November 2~~ and December ~~17-19~~ ~~42-44~~.

2. Mobility-impaired spring turkey – March ~~25-27~~ ~~26-28~~ and April ~~15-17~~ ~~46-48~~.

3. Fishing – Throughout the year.

(b) Legal to take: Any deer (except spotted fawns), wild hogs, bearded turkey, gray squirrel and rabbit. The bag limit shall be one deer and one turkey per quota hunt permit. No size or bag limit on hogs. All legal fish.

(c) No change.

(d) General regulations:

1. Hunters shall check in and out at the designated check station and report all game taken.

2. During hunting periods, access will be restricted to individuals with valid quota hunt permits and hikers using the Florida Trail.

3. Horses are permitted only during daylight hours on designated roads and only during periods closed to hunting.

4. Vehicles may be operated from one and one-half hours before sunrise until one and one-half hours after sunset and only on designated portions of named or numbered roads.

5. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited except all-terrain vehicles may be used by certified mobility-impaired hunters during all hunts.

6. Persons may enter and exit the area only on Road 1 and the Florida Trail.

7. Hunting with dogs is prohibited.

8. All mobility-impaired hunters are required to attend a pre-hunt orientation meeting.

9. Only one mobility-impaired quota hunt permit may be utilized per individual per hunt.

(26) Croom Wildlife Management Area.

(a) Open season:

1. Muzzleloading gun – October 24-26.

2. General gun – November 8-30.

3. Small game – December 1 through February 29.

4. Spring turkey – March 23-25, April 6-8 and 20-22.

5. Fox, raccoon and bobcat – December 11 through March

7. Hunting is permitted from 5:00 p.m. Thursday to sunrise Sunday with dogs only. No guns allowed.

6. Fishing and frogging – Throughout year.

~~(b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on wild hogs. During spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.~~

~~(c) Camping: Permitted only at designated campsites. A permit issued by the Division of Forestry is required at the Silver Lake, Twin Ponds, Hog Island, River Junction and East Hunt campsites.~~

~~(d) General regulations:~~

~~1. Hunting with dogs is prohibited November 8-30. Hunting with dogs other than bird dogs is prohibited December 1-10, except that dogs may be used for hunting fox, raccoon or bobcat during the fox, raccoon and bobcat season, and dogs with a shoulder height of 15 inches or less may be used to hunt small game during the small game season in the portion of the area south of the Tucker Hill Croom graded road, bounded on the east by Croom-Rital Road to its juncture with the boundary fence of the Croom Motorecycle area located in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right of way, Township 22 South, Range 21 East, and thence bounded by said boundary fence. Trailing dogs on a leash are permitted.~~

~~2. Motoreycles and all-terrain vehicles may be operated off roads in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right of way, Township 22 South, Range 21 East (Croom Motorecycle area) only. Operation of motoreycles and all-terrain vehicles in this area is permitted throughout the year but all such vehicles shall be permitted by the state Division of Forestry. Vehicles may be operated only on named or numbered roads in that portion of the area lying outside the Croom Motorecycle Area, but such vehicles must be properly licensed under Chapter 320, F.S., or otherwise legal to operate on public roads. During the general gun, muzzleloading gun, spring turkey and small game seasons, all-terrain vehicles are prohibited on that portion of the area lying outside the Croom Motorecycle Area.~~

~~3. Horses are prohibited during the general gun and muzzleloading gun seasons. Horses may be ridden only on named or numbered roads or on designated horse trails.~~

~~4. The possession of firearms is prohibited at all times in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right of way, Township 22 South, Range 21 East.~~

~~5. Only tents, trailers or self-propelled camping vehicles may be used for camping.~~

~~6. During the general gun, spring turkey, and muzzleloading gun seasons, all game taken shall be checked at the check station, and no turkey shall be dismembered until checked at the check station.~~

~~7. The possession of guns is prohibited on the Withlacoochee State Trail. Hunters shall only use designated crossings to transport guns across the State Trail.~~



~~(27) Chassahowitzka Wildlife Management Area.~~

~~(a) Open season:~~

- ~~1. Archery—September 20 through October 19.~~
- ~~2. Muzzleloading gun—October 24-26.~~
- ~~3. General gun—November 8 through January 4.~~
- ~~4. Duck and coot—Wednesdays, Saturdays and Sundays of the duck and coot season established by Rule 68A-13.003, F.A.C.~~
- ~~5. Fishing, frogging and other recreational use—Permitted year-round.~~
- ~~6. Small game—November 27 through January 4.~~
- ~~7. Spring turkey—March 27-30 and March 31 through April 4.~~

~~(b) Legal to take: All legal game, fish, frogs and furbearers. The taking of bobcat and otter is prohibited. No size or bag limit on wild hogs. The bag limit for turkeys shall be one gobbler (or bearded turkey) per spring turkey quota hunt permit.~~

~~(c) Camping: Prohibited.~~

~~(d) General regulations:~~

- ~~1. Dogs are prohibited south of County Road 550. Hunting with dogs other than retrievers or bird dogs is prohibited west of the Main grade, on the U.S. Fish and Wildlife Service portion of the property and east of the Swamp grade. Dogs with a shoulder height greater than 17 inches are prohibited in that portion of the area lying east of the Main grade and west of the Swamp grade.~~
- ~~2. Fires are prohibited.~~
- ~~3. Waterfowl hunting from permanent blinds or structures is prohibited.~~
- ~~4. Decoys and boats must be removed from the management area daily.~~
- ~~5. Vehicles shall be operated only on named or numbered roads:~~
- ~~6. All persons shall enter and exit only at designated entrances. Hunters shall check in and out at a check station and check all game taken.~~
- ~~7. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.~~
- ~~8. The possession or consumption of intoxicating beverages is prohibited south of County Road 550.~~
- ~~9. Public access is prohibited from sunset to sunrise south of County Road 550.~~
- ~~10. That portion of the area east of U.S. Highway 19 shall be open for small game hunting only.~~

~~(26)(28) Devil's Hammock Wildlife Management Area.~~

~~(a) Open season:~~

- ~~1. Archery – September 25-28 20-23, September 29 through October 3 24-28 and October 4-10 September 29 through October 5.~~
- ~~2. Muzzleloading gun – October 29-31 24-26.~~
- ~~3. General gun – November 13-16 8-11 and 17-21 12-16.~~

4. Small game – December ~~11-26~~ 6-21.

5. Spring turkey – March ~~19-22 20-23~~ and ~~23-27 24-28~~.

6. Trapping – Prohibited.

7. Fishing – Permitted year-round.

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

~~(27)(29) Mallory Swamp Wildlife Management Area.~~

~~(a) Open season:~~

- ~~1. Archery – September 25 20 through October 24 19.~~
- ~~2. Muzzleloading gun – October 30 25 through November 7 2 (still hunt area only).~~
- ~~3. General gun – November 13 8 through January 9 4.~~
- ~~4. Small game – January 10 5 through February 6 1.~~
- ~~5. Spring turkey – March 19 20 through April 3 4.~~
- ~~6. Duck and coot – During the duck and coot season and the early duck season in September established pursuant to Rule 68A-13.003. F.A.C.~~
- ~~7. Trapping – January 10 5 through March 1.~~
- ~~8. Fishing and frogging – Throughout the year.~~

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

~~(d) General regulations:~~

- ~~1. Dogs with a shoulder height of more than 17 inches are prohibited during the general gun season. Hunting with dogs other than bird dogs is prohibited in that portion of the area lying west of Crapps Tower Grade and north of L.A. Bennett Grade, and in that portion of the area lying west of Crapps Tower Grade and south of Deserter's Hammock Road.~~
- ~~2. During the muzzleloading gun and general gun seasons, hunters shall check all game taken at the check station.~~
- ~~3. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited, except that all-terrain vehicles and motorcycles shall be allowed only by permit from the Suwannee River Water Management District. Horses are permitted only on roads and designated horse trails during daylight hours and only during periods closed to hunting.~~
- ~~4. Motorized vehicles may be operated only on established roads. Vehicular traffic is prohibited on roads identified and posted as closed.~~
- ~~5. Public access to the area shall be prohibited from one and one-half (1 1/2) hours after sunset to one and one-half (1 1/2) hours before sunrise.~~

~~6. Fires are prohibited.~~

~~6.7. Licensed trappers may possess .22 rimfire rifles or pistols from February 7 3 through March 1.~~

~~(28)(30) Middle Aucilla Wildlife Management Area.~~

~~(a) Open season:~~

- ~~1. General gun – November 13 8 through January 9 4.~~
- ~~2. Muzzleloading gun – October 30 25 through November 7 2.~~
- ~~3. Small game – January 10 5 through March 6 February 29.~~
- ~~4. Archery – September 25 20 through October 24 19.~~

- 5. Spring turkey – March ~~19-20~~ through April 24.
- 6. Trapping: Prohibited.
- 7. Fishing: Permitted throughout the year.
  - (b) through (d) No change.
  - ~~(29)(31)~~ Little River Wildlife Management Area.
    - (a) Open season:
      - 1. Archery – September ~~25-27~~ ~~20-22~~, October 2-4 ~~27-29~~ and ~~9-11~~ ~~October 4-6~~.
      - 2. Muzzleloading gun – October ~~29-31~~ ~~24-26~~.
      - 3. Small game – December 4-8 ~~November 29~~ through ~~December 3~~ and ~~25-29~~ ~~December 20-24~~.
      - 4. Fishing – Permitted throughout the year.
      - 5. Trapping – Prohibited.
      - (b) through (c) No change.
      - (d) General regulations:
        - 1. Vehicles may be operated only on Little River and the Powerline Roads road.
        - 2. The use of all-terrain vehicles is prohibited.
        - 3. All persons shall enter and exit only at designated entrances.
        - 4. Hunting with dogs is prohibited.
        - 5. Fires are prohibited.
        - 6. A quota permit is required of all hunters entering the area during open hunting seasons, except during the small game season.
    - ~~(30)(32)~~ Troy Springs Wildlife Management Area.
      - (a) Open season:
        - 1. Small game – November 13 & through January 9 4, except on Sundays, and only in that portion of the area known as the Adams Tract located northeast of U.S. 27, east and south of County Road 251, and southwest of the Suwannee River.
        - 2. Fishing – Permitted throughout the year.
      - (b) through (d) No change.
    - ~~(31)(33)~~ Bayard Wildlife Management Area.
      - (a) Open season:
        - 1. Archery – September ~~25~~ ~~20~~ through October 10 5 and November ~~20-28~~ ~~15-23~~.
        - 2. Muzzleloading gun – October 30 ~~25~~ through November 7 2.
        - 3. Spring turkey – The first three days of the Central Zone season, and the Friday, Saturday, and Sunday of the third and fifth weekends of the Central Zone season.
        - 4. Trapping – Prohibited.
        - 5. Fishing and frogging – Permitted throughout the year.
        - (b) through (c) No change.
        - (d) General regulations:
          - 1. Hunting with dogs is prohibited.
          - 2. Vehicles may be operated only on named or numbered roads.
          - 3. Vehicles may be parked only at designated parking areas.

- 4. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.
- 5. During hunting periods, public access is restricted to those individuals with valid hunt permits.
- 6. All hunters must check in and out at the designated check station and check all game taken.
- 7. Horses are permitted throughout the year in Area 1 but only during non-hunting periods in Areas 2, 3 and 4.
- 8. Horses and non-motorized bicycles may be used only on named or numbered roads and designated trails.
- 9. Vehicular access is permitted on all hunt days plus the weekend and the day before all hunts except spring turkey season when it shall be permitted only on hunt days and the day before each hunt.
- ~~10. A hunt permit is not required for fishing or frogging during periods closed to hunting.~~
- ~~10.11.~~ Hunting is prohibited in Area 1.
- ~~12. Hunt permits are transferable.~~
- ~~11.13.~~ Only shotguns may be used during the spring turkey season.
- ~~12.14.~~ Vessels may be used to access the area from the St. Johns River.
- ~~(32)(34)~~ Grove Park Wildlife Management Area (Alachua County).
  - (a) Open season:
    - 1. Archery – September ~~25~~ ~~20~~ through October 24 19.
    - 2. Muzzleloading gun – October ~~29-31~~ ~~24-26~~.
    - 3. General gun – November 13 & through January 9 4.
    - 4. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.
    - 5. Trapping – December 1 through January 9 4.
    - 6. Spring turkey – March ~~19-20~~ through April 24 ~~25~~.
    - 7. Fish and frogging – Throughout year.
    - (b) through (d) No change.
  - (33) Steinhatchee Springs Wildlife Management Area.
    - (a) Open season:
      - 1. Archery – September 25 through October 24.
      - 2. Muzzleloading gun – October 29 through 31.
      - 3. General Gun - November 13 through December 5.
      - 4. Small Game - January 22 through February 20.
      - 5. Spring turkey – March 19 through April 10.
      - 6. Trapping – Prohibited.
      - 7. Fishing and frogging – Permitted throughout the year.
      - (b) Legal to take – All legal game, fish, frogs, and furbearers. No size or bag limit on wild hogs.
      - (c) Camping – Prohibited during periods when area is open to hunting. During periods closed to hunting, camping is by permit only from the Suwannee River Water Management District.
    - (d) General regulations:

1. The possession or use of dogs other than waterfowl retrievers and bird dogs is prohibited.

2. Motorized vehicles may be operated only on named or numbered roads.

3. The use of tracked vehicles, airboats, motorcycles, or all-terrain vehicles is prohibited.

4. Fires are prohibited.

5. Horses are prohibited during periods open to hunting. During periods closed to hunting, horses shall be restricted to designated roads and trails.

6. Hunters shall check all game taken during the muzzleloading gun, general gun, and spring turkey seasons.

7. The taking or attempt to take wildlife or the display or use of a gun on or from the rights-of-way of State Road 51 or County Road 357 is prohibited as provided by Rule 68A-4.008, F.A.C.

(34) Nassau Wildlife Management Area.

(a) Open season:

1. General gun – November 13 through January 9.

2. Small game – January 10 through March 6.

3. Spring turkey – March 19 through April 24.

4. Archery – September 25 through October 24.

5. Muzzleloading gun – October 29-31.

6. Fishing and frogging – During periods the area is open for hunting or scouting.

7. Trapping – January 10 through March 1.

(b) Legal to take: All legal game, fish, frogs and furbearers.

(c) Camping: Prohibited.

(d) General regulations:

1. The possession or use of dogs other than bird dogs and waterfowl retrievers is prohibited during the general gun season.

2. Vehicles may be operated only on named or numbered roads.

3. Hunting with dogs is prohibited during the archery and muzzleloading gun seasons.

4. Fires are prohibited.

5. Vehicles are prohibited on the area from 1.5 hours after sunset to 1.5 hours before sunrise. Vehicles may only enter and exit the area at designated locations.

6. Access to the area is permitted only by individuals possessing a valid recreational use permit and only from the Saturday prior to the archery season through the last day of the spring turkey season.

(35) Cary Wildlife Management Area.

(a) Open season:

1. Archery – October 16-17, November 6-7 and 20-21, December 11-12 and 25-26.

2. Muzzleloading gun – January 1-2 and January 15-16.

3. Bird dog training – October through January, Wednesdays, Saturdays and Sundays, except during scheduled hunting periods.

(b) Legal to take: All legal game except that only wild hogs and antlered deer may be taken during the muzzleloading gun season. No size or bag limit on wild hogs.

(c) Camping: Prohibited.

(d) General regulations:

1. Fires are prohibited.

2. Hunting with dogs is prohibited except that bird dogs are permitted during bird dog training season.

3. Vehicles may be operated on designated roads only.

4. The use of all-terrain vehicles (ATVs) is prohibited.

5. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

6. On that portion of the area open for hunting, horses are allowed only on established roads during periods when hunting is permitted.

7. The possession of firearms other than blank-firing pistols is prohibited during bird dog training season.

(36) Ralph E. Simmons Memorial Wildlife Management Area.

(a) Open season:

1. General gun – November 20-28.

2. Archery – September 25 through October 3.

3. Muzzleloading gun – October 30 through November 7.

4. General gun for mobility-impaired – October 16-19.

5. Small game – December 20 through January 2 and February 5-13.

6. Trapping – Prohibited.

7. Spring turkey – The first three days of the Central Zone season, and the Friday, Saturday, and Sunday of the third and fifth weekends of the Central Zone season.

8. Fishing and frogging – Permitted throughout the year.

(b) Legal to take – All legal game, furbearers, fish and frogs. Antlerless deer (except spotted fawns) may be taken during the archery and general gun for mobility-impaired seasons only. The bag limit shall be one antlered deer and one antlerless deer per quota hunt permit. Wild hogs of any size with no bag limit.

(c) Camping – During periods open to hunting, hunters in possession of a quota permit shall only camp in the Scotts Landing Road campground. During periods closed to hunting, camping in the Scotts Landing Road campground is allowed only by permit from the Florida

Division of Forestry. During periods closed to hunting, camping at primitive campsites along the St. Marys River is allowed on a first-come first-served basis.

(d) General regulations:

1. Hunting with dogs is prohibited except bird dogs may be used during the small game season.

2. Vehicles may be operated only on named or numbered roads except that mobility-impaired hunters may use tracked vehicles, all-terrain vehicles, and horses throughout the area during the general gun for mobility-impaired season.

3. Vehicles may be parked only at designated parking areas, except during the general gun for the mobility-impaired season.

4. Vehicular access is permitted on all hunt days plus the weekend and day before all hunts except spring turkey, and small game seasons when it shall be permitted only on hunt days and the day before each hunt. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.

5. During hunting periods, public access is restricted to those individuals with valid hunt permits, except during small game season. Only one mobility-impaired quota hunt permit may be utilized per individual per hunt. No more than two non-disabled helpers may accompany a mobility-impaired permit holder. Non-disabled helpers may not hunt or possess firearms during the general gun for mobility-impaired season.

6. All hunters must check in and out at the designated check station and check all game taken.

7. Horses are prohibited during periods open to hunting except when used by mobility-impaired hunters. During periods closed to hunting, horses may be used only on named or numbered roads and designated trails.

8. Non-motorized bicycles may be used only on named or numbered roads and designated trails.

3. General gun – November ~~25-28~~ ~~27-30~~ and December ~~11~~ ~~13~~ through February ~~2~~ ~~4~~.

4. Small game – November ~~13~~ & through ~~March 6~~ ~~February 29~~.

5. Archery and muzzleloading gun – February ~~17-27~~ ~~19-29~~.

6. Spring turkey – March ~~19~~ ~~20~~ through April ~~24~~ ~~25~~.

7. Raccoon – November ~~13~~ & through March ~~18~~ ~~19~~ and April ~~25~~ ~~26~~ through July 31.

8. Duck and coot – During duck and coot season as established by Rule 68A-13.003, F.A.C.

9. Fishing and frogging – Permitted throughout the year.

(b) Open seasons in the mobility-impaired hunt area (area south of County Road 388):

1. General gun – November ~~26-28~~ ~~28-30~~, January ~~14-16~~ ~~16-18~~, ~~21-23~~ ~~23-25~~, January ~~28-30~~ ~~30~~ through February ~~1~~ and February ~~2-4~~ ~~4-6~~.

2. Spring turkey – March ~~19-20~~ ~~20-21~~, ~~25-27~~ ~~26-28~~, April ~~1-3~~ ~~2-4~~, ~~8-10~~ ~~9-11~~, ~~15-17~~ ~~16-18~~ and ~~22-24~~ ~~23-25~~.

3. Fishing and frogging – Permitted throughout the year.

(c) Open seasons in the Cat Creek (area south of State Road 20 and north of County Road 388) and Fitzhugh Carter (area west of State Road 77) areas:

1. Archery – October ~~16-31~~ ~~18~~ through November ~~2~~.

2. Muzzleloading gun – November ~~19-21~~ ~~21-23~~.

3. General gun – November ~~25-28~~ ~~27-30~~, January ~~22-25~~ ~~24-27~~ and January ~~26-30~~ ~~28~~ through February ~~1~~.

4. Small game – December ~~4-19~~ ~~6-21~~.

5. Spring turkey – March ~~19-21~~ ~~20-22~~, April ~~1-3~~ ~~2-4~~ and ~~15-17~~ ~~16-18~~.

6. Special September duck – In the September season established by Rule 68A-13.003, F.A.C. (Fitzhugh Carter area only).

7. Fishing and frogging – Permitted throughout the year except that fishing is prohibited in the Fitzhugh Carter area.

(d) Legal to Take: All legal game, fish (except in the Fitzhugh Carter area), frogs and furbearers. In the mobility-impaired hunt area, antlerless deer (bag limit of two ~~one~~ per three-day hunt) may be taken during general gun hunts only by persons possessing valid mobility-impaired certificates.

(e) No change.

(f) General regulations:

1. Vehicles may be operated only on named or numbered roads except in the mobility-impaired hunt area by persons possessing mobility-impaired certificates.

2. Hunting with dogs, other than bird dogs or retrievers, is prohibited west of State Road 77, south of State Road 20, east of Econfina Creek, west of Econfina Road and south of Greenhead Road, and north of Duma Jack Road except that dogs may be used to take raccoons (except in the mobility-impaired hunt area).

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-15.063	Specific Regulations for Wildlife Management Areas – Northwest Region

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces changes to proposed amendment of Rule 68A-15.063, F.A.C., relating to Wildlife Management Areas of the Northwest Region, as published in the January 2, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 1, pages 46-55. The only change made was to subsection (24). The remaining proposed rule amendments were not changed. The changed provisions are as follows:

68A-15.063 Specific Regulations for Wildlife Management Areas – Northwest Region.

(24) Econfina Creek Wildlife Management Area.

(a) Open season except in the mobility-impaired, Cat Creek, and Fitzhugh Carter areas.

1. Archery – October ~~16~~ ~~18~~ through November ~~14~~ ~~16~~.

2. Muzzleloading gun – November ~~19-21~~ ~~21-23~~.

3. The use of all-terrain vehicles is prohibited except in the mobility-impaired hunt area by persons possessing mobility-impaired certificates.

4. The possession or consumption of intoxicating beverages is prohibited.

5. Persons hunting in the mobility-impaired area must possess a valid mobility-impaired certificate and mobility-impaired hunt permit, or accompany a person possessing a valid mobility-impaired certificate and mobility-impaired hunt permit. One additional person per permit holder may participate in the hunt. Only one mobility-impaired quota hunt permit may be utilized per individual per hunt.

6. Taking of wildlife by use of a gun on or from rights-of-way of Thomas Road, Rattlesnake Road, Strickland Road, Porter Pond Road, Duma Jack/Deadening Road, Econfina Road, Greenhead Road, Hampshire Boulevard, S.R. 20, or C.R. 388 is prohibited.

7. Horses are prohibited on the Fitzhugh Carter Area.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-15.064  
 RULE TITLE: Specific Regulations for Wildlife Management Areas – South Region

**NOTICE OF CHANGE**

The Fish and Wildlife Conservation Commission announces changes to proposed amendment of Rule 68A-15.064, F.A.C., relating to Wildlife Management Areas of the South Region, as published in the January 2, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 1, pages 56-62. The only changes were made to paragraph (d) of subsection (1) and subsection (11) of the rule. The remaining proposed rule amendments were not changed. The changed provisions are as follows:

68A-15.064 Specific Regulations for Wildlife Management Areas – South Region.

(1) J. W. Corbett Wildlife Management Area.

(d) General regulations:

1. The use of rifles is prohibited within one-fourth mile of the Seaboard Coastline Railroad, the Pratt-Whitney fence and Mecca Farms.

2. The use or possession of airboats, tracked vehicles, motorized two-wheeled vehicles or all-terrain vehicles on the area is prohibited.

3. All persons shall check in and out at a check station when entering and exiting the area and shall check all game taken. People through-hiking on the Florida Trail may enter or exit the area through the Florida Trail.

4. Camping is permitted from the beginning of archery season through general gun seasons, only on designated campsites. Campsites are available on a first-come, first-served basis. Each camper shall assure that their campsite is clean at all times. At least camping areas L and M (and 1/2 of B during archery season only) shall be designated for short-term camping, with camping being limited to no longer than three days. Campsites may be set up and occupied no earlier than 8:00 a.m. the day prior to the opening of archery season and all vehicles, camps, tents, and other camping equipment and litter removed no later than 24 hours after the close of the general gun season. The alteration, defacing, moving or tampering in any way with official markings of campsites is prohibited. Only tents, trailers, or self-propelled camping vehicles may be used for camping. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers, lumber, sheet metal or other building materials is prohibited. For the remainder of the year when the area is open camping is permitted at designated campsites on Fridays, Saturdays, and Sundays only but campsites may not be left unattended for more than 24 hours.

5. During the archery season, vehicles may be operated only on named or numbered improved and designated unimproved roads or trails. During the spring turkey season, vehicles may be operated only on the Stumpers grade and on named or numbered improved and designated unimproved roads or trails west of and including the North and South grades.

6. During open periods other than designated hunting seasons, motorized vehicles may be operated only on the North, South, and Stumper’s grades, on trail 6, and on the Tomato Field grade east of the Big Gopher canal.

7. No deer or hog shall be quartered, or dismembered in the hunt area or removed from the area unless checked at a check station.

8. Dogs shall be removed the last day of the small game season. Dogs other than bird dogs, dogs with a shoulder height of 15 inches or less, or raccoon dogs are prohibited after the last day of the general gun season. ~~Dogs, except bird dogs during small game season, are prohibited in the still hunt area, delineated as that portion of the area starting at the junction of the South Grade and the Main Canal, then south on the South Grade to the Indian Trails Outfall Canal, then south, east, and south along the wildlife management area boundary, then west along the L-8 Canal to its junction with the Big Gopher Canal, then northeast along the Big Gopher Canal to its junction with the Tomato Field Grade, then east along the Tomato Field Grade to its junction with the Tomato Field, then along the western boundary of the Tomato Field to its junction with the Main Canal, then northeast along the Main Canal to the point of beginning.~~

9. Roy R. Burnsed Still Hunt Area: Dogs, except bird dogs during small game season, are prohibited in the still hunt area, delineated as that portion of the area starting at the junction of

the South Grade and the Main Canal, then south on the South Grade to the Indian Trails Outfall Canal, then south, east, and south along the wildlife management area boundary, then west along the L-8 Canal to its junction with the Big Gopher Canal, then northeast along the Big Gopher Canal to its junction with the Tomato Field Grade, then east along the Tomato Field Grade to its junction with the Tomato Field, then along the western boundary of the Tomato Field to its junction with the Main Canal, then northeast along the Main Canal to the point of beginning.

~~10.9.~~ Deer dogs and bird dogs may be trained beginning 14 days prior to the opening of the general gun season and ending 5 days prior to the opening of the general gun season. The possession of guns is prohibited.

~~11.10.~~ Vehicles may be operated only on named or numbered improved and designated unimproved roads or trails within the still hunt area.

~~12.11.~~ During raccoon season, firearms and dogs as specified in paragraph 68A-24.002(2)(b), F.A.C., may be used except in the still hunt area.

~~13.12.~~ The possession or consumption of intoxicating beverages is prohibited.

~~14.13.~~ Unauthorized planting of trees and shrubs is prohibited.

~~15.14.~~ Public access is permitted throughout the year except from the Sunday two weeks prior to the opening of archery season until 8:00 a.m. the day prior to the archery season. Hiking on the Florida Trail and use of the Hungryland Boardwalk is permitted throughout the year.

~~16.15.~~ Fires other than campfires are prohibited.

~~17.16.~~ Dogs, vehicles, firearms and crossbows are prohibited in the archery still hunt area, delineated as that portion of the area lying north of the Stumpers Grade, east of the powerline, south and west of Game Canal to the buggy bridge and west of the youth camp road to the intersection of the Stumpers Grade except that vehicles may be used on established roads to access parking lots at the youth camp, shooting range and nature interpretive center, and firearms and crossbows may be possessed at Commission functions specifically authorizing their use.

~~18.17.~~ Hunting on or from the nature trail, boardwalk, entrance road or parking lot in the archery still hunt area is prohibited.

~~19.18.~~ Archery equipment may be used for hunting during the established muzzleloading gun season in the archery still-hunt area. All legal to take regulations for muzzleloading gun season shall apply when using archery equipment during this time period.

(11) Spirit-of-the-Wild Wildlife Management Area

(a) Open season:

1. Archery – September 11-17 and 18-26.

2. Muzzleloading gun – October 16-18.

3. General gun – October 30 through November 2 and November 3-7.

4. Spring turkey – March 5-8 and 9-13.

5. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. The bag limit for deer, turkey, and wild hogs shall be one per quota hunt permit. The taking of antlerless deer and turkey is prohibited during archery season.

(c) Camping: Camping is prohibited.

(d) General regulations:

1. Hunting with dogs is prohibited.

2. The use of tracked vehicles, swamp buggies, airboats, motorcycles, and all-terrain vehicles is prohibited, except that swamp buggies and all-terrain vehicles may be operated during the archery, muzzleloading gun, and general gun seasons by individuals possessing a valid quota hunt permit.

3. Vehicles may be operated only on named or numbered roads. During the archery, muzzleloading gun, and general gun seasons vehicles may also be operated on named or numbered trails by individuals possessing a valid quota hunt permit.

4. Horses are prohibited during periods open to hunting. During non-hunting periods, horses are permitted on named or numbered roads and on designated equestrian trails only.

5. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken.

6. No deer, hog or turkey shall be dismembered until checked at a check station.

7. Fires are prohibited.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:  
68A-15.065

RULE TITLE:  
Specific Regulations for Wildlife  
Management Areas – Northeast  
Region

**NOTICE OF CHANGE**

The Fish and Wildlife Conservation Commission announces changes to proposed amendment of Rule 68A-15.065, F.A.C., relating to Wildlife Management Areas of the Northeast Region, as published in the January 2, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 1, pages 62-75. Subsections (6) and (20) were changed slightly. Three subsections, (27), (28), and (34) are stricken and appear as additions in Rule 68A-15.062. Affected subsections are renumbered. The remaining proposed rule amendments were not changed. The changed provisions are as follows:

68A-15.065 Specific Regulations for Wildlife Management Areas – Northeast Region.

(6) Three Lakes Wildlife Management Area.

(a) Open season:

1. General gun – November ~~13~~ 8 through January ~~9~~ 4.
2. Small game – January ~~10~~ 5 through ~~March 6~~ February 29.
3. Spring turkey – March ~~19~~ 20 through April ~~24~~ 25.
4. Archery – September ~~25~~ 20 through October ~~24~~ 19.
5. Early duck – In the September season established by Rule 68A-13.003, F.A.C., in that area between Prairie Lakes Unit and Canoe Creek Road only.
6. Muzzleloading gun – October ~~29-31~~ 24-26.
7. General gun for mobility impaired – ~~November 5-7~~ October 31 through November 2.
8. General gun-dog – December ~~9-12~~ 4-7, ~~23-26~~ 18-21 and ~~December 30 through January 2~~ 25-28 in that area between the Florida Turnpike and U.S. 441 only.

9. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, alligators as specified in Rule 68A-25.047, F.A.C., frogs and furbearers. Hogs may be taken only during the archery, muzzleloading gun, general gun for the mobility-impaired, and the general gun seasons with no size or bag limit. Taking of hogs during the general gun-dog seasons shall be prohibited.

(c) No change.

(d) General regulations:

1. During the first two days of archery season, the muzzleloading gun season and the general gun season except the general gun-dog hunts, the quota of hunters will be admitted daily as follows: 441 check station – 375; Canoe Creek check station – 50; State Road 60 check station – 200. During the general gun-dog hunts, the quota of hunters for the 441 check station will be 100 by ~~regular~~ special quota permit east of the Florida Turnpike and 100 daily permits issued at the check station for west of the Florida Turnpike.

2. Only tents, trailers and self-propelled camping vehicles may be used for camping.

3. Vehicles may be operated only on named or numbered roads except during the general gun for mobility impaired and small game seasons. During general gun-dog hunts, quota permit holders may operate vehicles on named or numbered roads and established firebreaks in that area between the Florida Turnpike and U.S. 441.

4. Motorcycles, airboats or tracked vehicles are prohibited except that airboats may be transported to and from the Lake Jackson Public Boat Ramp and may be operated on that portion of Lake Jackson outside the area posted as restricted to airboat access for the protection of environmentally sensitive areas in accordance with subsection 68A-15.004(14), F.A.C.

5. Hunting with dogs other than bird dogs is prohibited except during the general gun-dog hunts when dogs with a shoulder height of 17 inches or less may be used for deer hunting east of the Florida Turnpike.

6. Bird dogs and dogs with a shoulder height of 15 inches or less may be used during the small game season.

7. No deer or hog shall be quartered or otherwise dismembered until it has been checked and tagged at a check station.

8. All users shall enter and exit the area through designated entrances except persons hiking through on the Florida Trail. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

9. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads is prohibited as provided by Rule 68A-4.008, F.A.C.

10. The possession of center-fire rifles is prohibited during the spring turkey season.

11. During the general gun for mobility-impaired season, hunting is permitted only in that portion of the area east of Canoe Creek Road. All persons participating in the general gun for mobility impaired season shall check in and out at the U.S. 441 check station when entering and exiting the hunt area.

12. ~~Only one mobility-impaired quota hunt permit may be utilized per individual per hunt. Each person hunting during the general gun for mobility impaired season must possess a special quota hunt permit.~~

13. Horses may only be ridden on named and numbered roads, except that horses may be ridden on firelines during the general gun-dog season in that portion of the area east of the Florida Turnpike by hunters possessing quota hunt permits for the general gun-dog season. During the small game season, persons hunting from horseback are not restricted to named and numbered roads.

(e) No change.

(20) Seminole Forest Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25-28~~ 20-23 and ~~September 29~~ through October 3 ~~24-28~~.

2. Muzzleloading gun – October ~~29-31~~ 24-26.

3. General gun – ~~December 4-7~~ November 29 through ~~December 2~~ and December ~~8-12~~ 3-7.

4. Small game – January ~~15-30~~ 40-25 (Saturdays and Sundays only).

5. Spring turkey – March ~~19-22~~ 20-23 and ~~23-27~~ 24-28.

6. General gun for mobility-impaired – October ~~22-24~~ 17-19.

7. Fishing and frogging – During periods open to hunting and at other times as access is permitted by the Department of Agriculture and Consumer Affairs, Division of Forestry and

these rules. Fish may be taken only by hook and line or rod and reel. Oaks and Bear Ponds are open to fishing only during daylight hours.

(b) Legal to take: All legal game, fish, except as provided below, frogs and furbearers except otter and bobcat. Antlerless deer may be taken by permit only during muzzleloading gun, and general gun seasons. No size or bag limit on wild hogs.

1. Bear Pond: No person shall kill or possess any black bass. No person shall possess more than six catfish. No person shall take in any one day more than 20 panfish, in the aggregate. ~~No person shall kill or possess any bluegill or redear sunfish less than eight inches total length.~~

2. Oaks Pond: No person shall possess more than six catfish. No person shall take in any one day more than 20 panfish in the aggregate. ~~Fishing is prohibited, except by permit issued pursuant to subsection 68A-9.002(1), F.A.C. No person shall take in any one day more than 4 freshwater fish including catfish and fish generally known as panfish such as bream, erappie (speckled perch), shelleracker, or warmouth in the aggregate. No person shall kill or possess any black bass.~~

(c) No change.

(d) General regulations:

1. Hunting with dogs is prohibited except bird dogs may be used during the small game season.

2. Vehicles shall not be parked further than 25 feet from designated roads or parking areas.

3. The use of ~~horses~~, tracked vehicles, airboats, or all-terrain vehicles is prohibited during periods when hunting is allowed, except that all-terrain vehicles may be used during the general gun for mobility-impaired season, ~~and horses may be used during the small game season.~~ During periods when the area is closed to hunting, public access is regulated by the Division of Forestry.

4. Hunters shall check in and out at the check station when entering and exiting the area and shall check all game taken.

5. Vehicles may be operated only on named or numbered roads except during the general gun for mobility-impaired season.

6. No deer, wild hog or turkey shall be dismembered until checked at the check station.

7. Use of boats is prohibited on Bear Pond and Oaks Pond.

8. Hunters shall enter and exit the area at the designated entrance only.

9. Only one mobility-impaired quota hunt permit may be utilized per individual per hunt.

(27) Nassau Wildlife Management Area.

(a) Open season:

1. General gun—November 8 through January 4.

2. Small game—January 5 through February 29.

3. Spring turkey—March 20 through April 25.

4. Archery—September 20 through October 19.

5. Muzzleloading gun—October 24-26.

~~6. Fishing and frogging—During periods the area is open for hunting or scouting.~~

~~7. Trapping—January 5 through March 1.~~

~~(b) Legal to take: All legal game, fish, frogs and furbearers.~~

~~(c) Camping: Prohibited.~~

~~(d) General regulations:~~

~~1. The possession or use of dogs other than bird dogs and waterfowl retrievers is prohibited during the general gun season.~~

~~2. Vehicles may be operated only on named or numbered roads.~~

~~3. Hunting with dogs is prohibited during the archery and muzzleloading gun seasons.~~

~~4. Fires are prohibited.~~

~~5. Vehicles are prohibited on the area from 1.5 hours after sunset to 1.5 hours before sunrise. Vehicles may only enter and exit the area at designated locations.~~

~~6. Access to the area is permitted only by individuals possessing a valid recreational use permit and only from the Saturday prior to the archery season through the last day of the spring turkey season.~~

~~(28) Cary Wildlife Management Area.~~

~~(a) Open season:~~

~~1. Archery—October 11-12, November 1-2 and 15-16, December 6-7 and 20-21.~~

~~2. Muzzleloading gun—December 27-28 and January 10-11.~~

~~3. Bird dog training—October through January, Wednesdays, Saturdays and Sundays, except during scheduled hunting periods.~~

~~(b) Legal to take: All legal game except that only wild hogs and antlered deer may be taken during the muzzleloading gun season. No size or bag limit on wild hogs.~~

~~(c) Camping: Prohibited.~~

~~(d) General regulations:~~

~~1. Fires are prohibited.~~

~~2. Hunting with dogs is prohibited except that bird dogs are permitted during bird dog training season.~~

~~3. Vehicles may be operated on designated roads only.~~

~~4. The use of all-terrain vehicles (ATVs) is prohibited.~~

~~5. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.~~

~~6. On that portion of the area open for hunting, horses are allowed only on established roads during periods when hunting is permitted.~~

~~7. The possession of firearms other than blank firing pistols is prohibited during bird dog training season.~~

~~(27)(29) Fort Drum Wildlife Management Area.~~

~~(a) Open season:~~

~~1. Special-opportunity deer—November 13-19 & 14.~~



- 2. Small game – December ~~11-26~~ ~~6-24~~.
- 3. Special-opportunity turkey – March ~~19-25~~ ~~20-26~~, April ~~2-8~~ ~~3-9~~ and ~~16-22~~ ~~17-23~~.
- 4. Special-opportunity wild hog – October ~~8-10~~ ~~3-5~~, ~~15-17~~ ~~10-12~~ and ~~22-24~~ ~~17-19~~.
- 5. Fishing – Permitted throughout the year.
  - (b) through (d) No change.
  - ~~(28)(30)~~ Ocklawaha River Wildlife Management Area – Gores Landing Unit.
    - (a) Open season:
      - 1. Archery – September ~~25~~ ~~20~~ through October ~~10~~ ~~5~~.
      - 2. Muzzleloading gun – October ~~29-31~~ ~~24-26~~.
      - 3. General gun – November ~~13-21~~ ~~8-16~~.
      - 4. Small game – ~~December 4-19~~ ~~November 29~~ through ~~December 14~~.
      - 5. Spring turkey – March ~~19-22~~ ~~20-23~~ and ~~23-27~~ ~~24-28~~.
      - 6. Fishing and frogging – Permitted throughout the year.
    - (b) through (d) No change.
    - ~~(29)(31)~~ Seminole Forest Wildlife Management Area – Lake Tracy Unit.
      - (a) Open season:
        - 1. Archery – September ~~25-27~~ ~~20-22~~.
        - 2. Muzzleloading gun – October ~~29-31~~ ~~24-26~~.
        - 3. General gun – November ~~13-15~~ ~~8-10~~.
        - 4. Spring turkey – March ~~19-21~~ ~~20-22~~ and ~~25-27~~ ~~26-28~~.
        - 5. Fishing and frogging – During periods open to hunting and at other times as access is permitted by the Division of Forestry and these rules.
      - (b) No change.
      - (c) General regulations:
        - 1. Hunting with dogs is prohibited.
        - 2. Vehicles may be operated only on named and numbered roads and shall be parked at designated parking areas.
        - 3. The use of ~~horses~~, tracked vehicles, airboats, or all-terrain vehicles is prohibited during periods when hunting is permitted. During periods when the area is closed to hunting, public access is regulated by the Division of Forestry.
        - 4. Hunters shall enter and exit the area only at designated entrances, register upon entering, and record all game taken.
        - 5. Camping: Prohibited.
- ~~(30)(32)~~ Twelve Mile Swamp Wildlife Management Area.
  - (a) Open season:
    - 1. Archery – September ~~25~~ ~~20~~ through October ~~24~~ ~~19~~.
    - 2. Muzzleloading gun – October ~~29-31~~ ~~24-26~~.
    - 3. General gun – November ~~13~~ ~~8~~ through January ~~9~~ ~~4~~.
    - 4. Small game – January ~~10~~ ~~5~~ through ~~March 6~~ ~~February 29~~.
    - 5. Spring turkey – March ~~19~~ ~~20~~ through April ~~24~~ ~~25~~.
    - 6. Fishing and frogging – During periods open for hunting or scouting.
    - 7. Trapping – January ~~10~~ ~~5~~ through March 1.

- (b) through (d) No change.
- ~~(31)(33)~~ Upper St. Johns River Marsh Wildlife Management Area.
  - (a) Open season:
    - 1. Archery – September ~~25~~ ~~20~~ through October ~~24~~ ~~19~~.
    - 2. Muzzleloading gun – October ~~30~~ ~~25~~ through November ~~7~~ ~~2~~.
    - 3. General gun – November ~~13~~ ~~8~~ through January ~~23~~ ~~18~~.
    - 4. Small game – January ~~24~~ ~~19~~ through ~~March 6~~ ~~February 29~~.
    - 5. Spring turkey – March ~~19~~ ~~20~~ through April ~~24~~ ~~25~~.
    - 6. Trapping – Prohibited.
    - 7. Fishing and frogging – Permitted year-round.
    - 8. Waterfowl may be hunted in accordance with federal migratory bird regulations.
      - (b) Legal to take – All legal game, furbearers, fish, and frogs. Antlerless deer may be taken during the period November ~~20-21~~ ~~15-16~~. Turkey of either sex may be taken during the muzzleloading gun season. The period of November ~~13~~ ~~8~~ through January ~~9~~ ~~4~~ is open for bearded turkey only. No bag or size limits on wild hogs. Wild hogs may be taken during the archery, muzzleloading gun, general gun, and small game season.
      - (c) Camping – Only tent camping is permitted, and only at designated campsites only.
      - (d) General regulations:
        - 1. Motorized tracked or wheeled vehicles are prohibited, except on Fellsmere Grade and Lawton Road. Motorized boats are prohibited in those portions of the area posted as a walk-in only.
        - 2. The possession of any firearm containing shells or cartridges or any capped or primed muzzleloading gun is prohibited on Fellsmere Grade, C-54 right-of-way, and all levees.
        - 3. ~~Only tent camping is permitted, and only at designated campsites.~~
        - 3.4. Taking of wildlife by use of a gun on or from the right-of-way of the Fellsmere Grade is prohibited as provided by Rule 68A-4.008, F.A.C.
        - 4.5. The possession or use of any device capable of discharging, emitting spray, or introducing any pollutants is prohibited.
        - 5.6. The use of any air-powered boat or outboard motors greater than 10 horsepower is prohibited as posted in the Blue Cypress Water Management Area.
        - 6.7. During the duck and coot season in the Stick Marsh/Farm 13, Kenansville Lake, and as posted in the Blue Cypress Water Management Area, the possession or use of guns other than shotguns is prohibited.
        - 8. ~~A quota hunt permit is not required for fishing or frogging.~~

~~7.9.~~ Public access is prohibited from within 1,000 feet of any posted construction site.

~~8.10.~~ Hunting with dogs is prohibited except bird dogs may be used during the small game, duck and coot seasons, and dogs may be used for hog hunting during the period January 21-25.

~~9.11.~~ Airboats must launch and load from the water at the designated airboat launch area when using the Blue Cypress Water Management Area.

~~10.12.~~ Airboats must cross levees at designated airboat crossings.

~~11.13.~~ Bush hooks are prohibited.

~~12.14.~~ Public access on Levee 74 North is allowed only at designated entrances.

~~(34) Ralph E. Simmons Memorial Wildlife Management Area.~~

~~(a) Open season:~~

~~1. General gun — November 15-23.~~

~~2. Archery — September 20-28.~~

~~3. Muzzleloading gun — October 25 through November 2.~~

~~4. General gun for mobility-impaired — October 11-14.~~

~~5. Small game — December 15-28 and January 31 through February 8.~~

~~6. Trapping — Prohibited.~~

~~7. Spring turkey — The first three days of the Central Zone season, and the Friday, Saturday, and Sunday of the third and fifth weekends of the Central Zone season.~~

~~8. Fishing and frogging — Permitted throughout the year.~~

~~(b) Legal to take — All legal game, furbearers, fish and frogs. Antlerless deer during the general gun for mobility-impaired hunt. The bag limit shall be one antlered deer and one antlerless deer per quota hunt permit. Wild hogs of any size with no bag limit.~~

~~(c) Camping — During periods open to hunting, hunters in possession of a quota permit shall only camp in designated campgrounds. During periods closed to hunting, camping in designated campgrounds is allowed only by permit from the Florida Division of Forestry. Camping at primitive campsites along the St. Marys River is allowed throughout the year on a first-come first-served basis.~~

~~(d) General regulations:~~

~~1. Hunting with dogs is prohibited except bird dogs may be used during the small game season.~~

~~2. Vehicles may be operated only on named or numbered roads except that mobility-impaired hunters may use tracked vehicles, all-terrain vehicles, and horses throughout the area during the general gun for mobility-impaired season.~~

~~3. Vehicles may be parked only at designated parking areas.~~

~~4. Vehicular access is permitted on all hunt days plus the weekend and day before all hunts except spring turkey, and small game seasons when it shall be permitted only on hunt days and the day before each hunt. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.~~

~~5. During hunting periods, public access is restricted to those individuals with valid hunt permits. No more than two non-disabled helpers may accompany a mobility-impaired permit holder. Non-disabled helpers may not hunt or possess firearms during the general gun for mobility-impaired season.~~

~~6. All hunters must check in and out at the designated check station and check all game taken.~~

~~7. Horses are prohibited during periods open to hunting except when used by mobility-impaired hunters. During periods closed to hunting, horses may be used only on named or numbered roads and designated trails.~~

~~8. Non-motorized bicycles may be used only on named or numbered roads and designated trails.~~

~~(32)(35) Dunns Creek Wildlife Management Area.~~

~~(a) Open season:~~

~~1. Archery — September 25-29 through October 10-5 and November 20-28-15-23.~~

~~2. Muzzleloading gun — October 30-25 through November 7-2.~~

~~3. Wild hog — January 22-30-17-25.~~

~~4. Spring turkey — March 19-21-20-22, April 1-3-2-4 and 15-17-16-18.~~

~~5. Trapping — Prohibited.~~

~~6. Fishing and frogging — Permitted throughout the year.~~

~~(b) Legal to take — All legal game, fish, frogs, and furbearers. The bag limit shall be one antlered and one antlerless deer per quota hunt permit. No bag or size limits on wild hogs. Only wild hogs may be taken during the wild hog season.~~

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

~~(33) Salt Lake Wildlife Management Area~~

~~(a) Open season:~~

~~1. Archery — September 25-October 3 and October 4-10.~~

~~2. Muzzleloading gun — October 29-31.~~

~~3. General gun — November 13-16 and November 17-21.~~

~~4. Small Game — December 4-19.~~

~~5. General Gun Hog — January 20-23.~~

~~6. Spring turkey — March 19-22 and March 23-27.~~

~~7. Fishing and frogging — Permitted throughout the year.~~

~~(b) Legal to take: All legal game, fish, frogs and furbearers. A bag limit of one antlerless and one antlered deer per person per hunt. No size or bag limit on wild hogs. Only wild hogs may be taken during the general gun hog season. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.~~

(c) Camping: Prohibited.

(d) General regulations:

1. Hunting with dogs is prohibited except that dogs may be used during the general gun hog season and bird dogs may be used during small game season. During the general gun hog season, no more than 3 dogs per quota hunt permit shall be allowed.

2. Vehicles may be operated only on named and numbered roads and must be parked at designated parking areas or parked within 25 feet of a named or numbered road.

3. Airboats, tracked vehicles, motorcycles, and all-terrain vehicles are prohibited. Horses are prohibited during periods when the area is open to hunting. Horses and bicycles may be used only on named or numbered trails or roads.

4. Hunters shall enter or exit the area only at designated entrances.

5. Hunters shall check in and out at the check station when entering and exiting the area and shall check all game taken.

6. During periods when the area is closed to hunting, public access other than by foot (pedestrian), horseback (equestrian), or by bicycle is prohibited.

7. Public access to the area is prohibited during the period from 1.5 hours after sunset to 1.5 hours before sunrise.

8. No deer, wild hog or turkey shall be dismembered until checked at a check station.

9. During the general gun hog season, a quota hunt permit shall be required for each group of two hunters and only one gun may be possessed per permit.

- 1. Open season:
  - a. General gun – November ~~19-21~~ 14-16.
  - b. Small game – December ~~10-12~~ 5-7 and ~~24-26~~ 19-21, January ~~21-23~~ 16-18 and ~~28-30~~ 23-25.
  - c. Spring turkey – March ~~18-20~~ 20-22 and April ~~1-3~~ 2-4.
  - d. Fishing and frogging – Permitted throughout the year.

2. Legal to take: All legal game, wild hogs, fish, frogs, and furbearers. The bag limit for antlered deer shall be one per quota hunt permit. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota hunt permit. There shall be no size or bag limit restrictions on wild hogs.

3. General regulations:

a. The use of tracked vehicles, motorcycles, airboats, or all-terrain vehicles is prohibited. Horses and bicycles may be used only on firebreaks and named or numbered roads. The use of horses is prohibited during the general gun and spring turkey seasons.

b. Vehicles may be operated only on named or numbered roads and shall be parked in designated parking areas or within 25 feet of a named or numbered road.

c. During periods when the area is closed to hunting, public access other than by foot, bicycle, or horseback is prohibited, except that motorized vehicles shall be permitted on Royce Road year-round and shall be permitted on all named and numbered roads one day prior to the general gun and spring turkey hunts.

d. During periods when the area is open to hunting, entry or exit at locations other than designated entrances is prohibited.

e. Hunters shall check in and out at the designated check station when entering and exiting the area and shall check all game taken.

f. Hunting with dogs is prohibited except bird dogs and retrievers may be used during the small game season. Hunting hogs with dogs is prohibited.

(g) Perry Oldenburg Mitigation Park – Hernando County.

- 1. Hunting or possession of firearms is prohibited.
- 2. Fires are prohibited.
- 3. Disturbance or removal of any trees or plants is prohibited.

- 4. Possession of dogs or trapping devices is prohibited.
- 5. Access shall be restricted to foot traffic only. No motorized vehicles or horseback riding shall be allowed.
- 6. Camping is prohibited.

(h) Chinsegut – Hernando County.

- 1. Unauthorized public access is prohibited on that portion of the area lying east of C.R. 581. Access is permitted by foot traffic only on that portion of the area lying south of the intersection of U.S. 41 and C.R. 581 and west of U.S. 41 known as the Big Pine Tract.
- 2. Fishing is prohibited.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-17.005	Specific Regulations for Wildlife and Environmental Areas

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces changes to proposed amendment of Rule 68A-17.005, F.A.C., relating to regulations for Wildlife and Environmental Areas, as published in the January 2, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 1, pages 76-81. Subsections, (1), (2), and (5) changed to move certain WEAs from one subsection to another to conform the rule to the Commission’s new regional alignment. Paragraph (4)(b) is changed slightly. The remaining proposed rule amendments were not changed. The changed provisions are as follows:

68A-17.005 Specific Regulations for Wildlife and Environmental Areas.

(1) Southwest Region.

(a) through (e) No change.

(f) Lake Wales Ridge Wildlife and Environmental Area – Royce Unit – Highlands County.

3. The possession of dogs or trapping devices is prohibited.

(2) North Central Region.

(a) Santa Fe Swamp – Bradford County.

1. Open season (hunting prohibited at other times):

a. Archery – September ~~25-29~~ through October ~~24-19~~.

b. Muzzleloading gun – October ~~29-31~~ ~~24-26~~.

c. Archery and muzzleloading gun – November ~~13~~ & through January ~~9~~ ~~4~~.

d. Spring turkey – March ~~19-20~~ through April ~~24~~ ~~25~~.

e. Fishing is permitted throughout the year.

2. Legal to take: Wild hogs, gray squirrel, rabbit, and deer with one or more antlers at least five inches in length. Deer (except spotted fawns) and turkey of either sex may be taken during the archery season. Only bearded turkey or gobblers may be taken during the spring turkey season. No size or bag limit on hogs.

3. General regulations:

a. Public access into the area is allowed on Cow Pen Road and Little Santa Fe Lake only.

b. Vehicles are prohibited except in the designated parking area.

c. Centerfire or rimfire rifles, shotguns, pistols, and crossbows are prohibited.

d. Hunting with dogs is prohibited.

e. Wild hogs may not be transported alive.

~~(b) Perry Oldenburg Mitigation Park – Hernando County.~~

~~1. Hunting or possession of firearms is prohibited.~~

~~2. Fires are prohibited.~~

~~3. Disturbance or removal of any trees or plants is prohibited.~~

~~4. Possession of dogs or trapping devices is prohibited.~~

~~5. Access shall be restricted to foot traffic only. No motorized vehicles or horseback riding shall be allowed.~~

~~6. Camping is prohibited.~~

~~(b)(e) No change.~~

~~(d) Chinsegut – Hernando County.~~

~~1. Unauthorized public access is prohibited on that portion of the area lying east of C.R. 581. Access is permitted by foot traffic only on that portion of the area lying south of the intersection of U.S. 41 and C.R. 581 and west of U.S. 41 known as the Big Pine Tract.~~

~~2. Fishing is prohibited.~~

~~3. The possession of dogs or trapping devices is prohibited.~~

~~(c)(e) Suwannee Ridge – Hamilton County.~~

1. Open season:

a. Mobility-impaired general gun – October ~~15-17~~ ~~10-12~~, ~~29-31~~ ~~24-26~~, ~~November 5-7~~ ~~October 31~~ through ~~November 2~~ and ~~December 17-19~~ ~~12-14~~.

b. Mobility-impaired spring turkey – March ~~25-27~~ ~~26-28~~ and April ~~15-17~~ ~~16-18~~.

c. Fishing – Throughout year.

2. Legal to take: Any deer (except spotted fawn), wild hogs, bearded turkey (during spring turkey season only), gray squirrel, and rabbit. The bag limit shall be two deer or two bearded turkeys per quota permit. Only mobility-impaired hunters may take an antlerless deer.

3. General regulations:

a. Hunters shall check in and out at the designated check station on Holton Creek WMA and report all game taken.

b. During hunting periods, access will be restricted to certified mobility-impaired hunters with quota hunt permits and one additional person per permit holder who may also participate in the hunt. Only one quota hunt permit may be utilized per individual per hunt.

c. Vehicles may be operated only from one and one-half hours before sunrise until one and one-half hours after sunset, only on designated portions of named or numbered roads during periods open to hunting and one day prior.

d. The use of tracked vehicles, airboats, motorcycles, or all-terrain vehicles is prohibited, except all-terrain vehicles may be used during mobility-impaired hunts only, during all hunts.

e. Hunters shall enter and exit through Holton Creek WMA Road 2 only. The area may be accessed during non-hunting periods by use of the Adams Grade parking area.

f. All hunt participants are required to attend a pre-hunt orientation meeting.

g. The possession of dogs or horses is prohibited.

h. During non-hunting periods, access is restricted to foot traffic only.

(d) Brannan Field Mitigation Park – Duval and Clay counties.

1. Hunting or possession of firearms is prohibited.

2. Possession of dogs or trapping devices is prohibited.

3. Access shall be restricted to foot traffic only. No motorized vehicles or horseback riding shall be allowed.

(4) South Region

(b) John G. and Susan H. Dupuis Jr. – Palm Beach County

1. Open season:

a. Archery – September ~~10-12~~ ~~5-7~~, ~~17-19~~ ~~12-14~~, and ~~24-26~~ ~~19-21~~.

b. Muzzleloading gun – October ~~8-10~~ ~~3-5~~, ~~15-17~~ ~~10-12~~, ~~22-24~~ ~~17-19~~.

c. General gun – October ~~29-31~~ ~~24-26~~ and ~~November 5-7~~ ~~October 31~~ through ~~November 2~~.

d. General gun for mobility-impaired – November ~~13-14~~ ~~8-9~~.

e. General gun hog – November ~~16-18~~ ~~11-13~~, ~~23-25~~ ~~18-20~~, ~~November 30~~ through ~~December 2~~ ~~25-27~~, and ~~December 7-9~~ ~~2-4~~. Wild hogs only. No bag or size limit.

f. Spring turkey – March ~~8-10~~ ~~9-11~~, ~~18-20~~ ~~19-21~~, and ~~25-27~~ ~~26-28~~.

g. Small game – December ~~11~~ ~~6~~ through January ~~30~~ ~~25~~.

h. Trapping is prohibited.

i. Fishing is permitted when public access is allowed.

j. Frogging is prohibited.

2. Legal to take:

a. Antlered deer with at least one ~~forked~~ antler having three or more points, one inch or more in length and having one or more antlers at least five inches in length visible above the hairline. The forked antler shall have at least two points one inch or greater in length. Antlerless deer (except spotted fawns) may be taken during the archery and general gun for the mobility-impaired seasons; and by antlerless deer permit only during the muzzleloading gun; and general gun, ~~and general gun mobility-impaired~~ seasons. The bag limit for deer shall be one per quota hunt permit. Wild hogs may be taken with no size or bag limit.

b. Spring turkey season – Gobblers or bearded turkeys only. The bag limit for turkey shall be one per quota hunt permit.

c. Small game season – Quail, gray squirrel, rabbit, armadillo, bobcat, raccoon, opossum, coyote, and skunk. Any migratory game bird may be taken during those portions of seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C., that coincide with the small game season.

3. Camping – During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, no person shall camp on the area except those possessing a current Dupuis quota hunt permit. Camping is permitted only in the campsite adjacent to Gate 3. During the remainder of the year, camping is permitted only at designated primitive sites on hiking trails, the General Use campground on Jim Lake Grade, and at the designated equestrian staging area at Gate 3. Small game hunters shall utilize the General Use campground on Jim Lake Grade or the primitive sites on the hiking trails.

4. General regulations:

a. Unauthorized removal or cutting of live or dead trees or plants is prohibited.

b. Fires are prohibited except at designated areas.

c. Hunting over bait or placing bait or other food for wildlife is prohibited.

d. Hunting or the possession of guns is prohibited in areas posted as closed.

e. The possession or consumption of intoxicating beverages is prohibited.

f. Dogs are prohibited except bird dogs and retrievers are permitted during the small game season.

g. Vehicles may be operated only on named roads and designated parking areas except during the general gun for mobility-impaired season when all-terrain vehicles can be used off roads.

h. The use of tracked vehicles, buggies, airboats, motorcycles, or all-terrain vehicles is prohibited except all-terrain vehicles may be used during the general gun for mobility-impaired season.

i. Horses are prohibited during the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons. During the remainder of the year horses may be used only on designated equestrian trails and named or numbered roads. The use of horses on all other roads and trails is prohibited. Persons horseback riding on the area shall enter and exit only at Gate 3.

j. During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, hunters shall check in and out at the check station at Gate 3 and check all game taken. No deer, hog, or turkey may be dismembered until checked at the check station. During the small game season, hunters shall enter and exit the area through Gate 1.

k. During the small game season and periods when the area is closed to hunting, vehicle access is through Gate 1 and hiking access is through Gate 2 by foot only. People through-hiking on the Florida Trail may enter or exit the area through the Florida Trail.

l. During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, no person shall enter or exit the area except through Gate 3 and all such persons shall possess a quota hunt permit for the area.

m. Only tents, trailers, or self-propelled camping vehicles may be used for camping.

n. The designated campsite for hunters is at Gate 3 and may be used by hunters only during the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons. Authorized camping equipment may be taken on the area after 8:00 a.m. one day before each three-day hunt of the archery, muzzleloading gun, general gun, general gun hog, general gun for mobility-impaired, and spring turkey seasons. Authorized camping equipment shall be removed from the area before 5:00 p.m. one day following each three-day hunt of the archery, muzzleloading gun, general gun, general gun hog, general gun for mobility-impaired, and spring turkey seasons.

o. Each person hunting during the general gun for mobility-impaired season shall possess quota hunt permit for the hunt.

p. Each hunter participating in the general gun for mobility-impaired season is required to attend a pre-hunt orientation meeting.

q. ~~Only one mobility-impaired quota hunt permit may be utilized per individual per hunt. Mobility impaired hunters may be accompanied by another person who shall not be required to meet hunting license, permit, or stamp requirements, provided he or she assists the mobility impaired hunter in a non-hunting capacity.~~

r. The possession or use of firearms other than shotguns is prohibited during the small game season.

s. The discharge of firearms within 1/4 mile of the hiking trail campsites is prohibited.

(5) Northeast Region.

~~(a) Brannan Field Mitigation Park — Duval and Clay counties:~~

~~1. Hunting or possession of firearms is prohibited.~~

~~2. Possession of dogs or trapping devices is prohibited.~~

~~3. Access shall be restricted to foot traffic only. No motorized vehicles or horseback riding shall be allowed.~~

~~(b) Split Oak Forest Mitigation Park – Orange and Osceola counties.~~

~~(a)1. Hunting or possession of firearms is prohibited.~~

~~(b)2. Fires are prohibited.~~

~~(c)3. Disturbance or removal of any trees or plants is prohibited.~~

~~(d)4. Possession of dogs or trapping devices is prohibited.~~

~~(e)5. Access shall be restricted to foot traffic at designated access points or horseback riding which shall be allowed only by permit.~~

~~(f)6. Access is prohibited from one-half hour after sunset to one-half hour before sunrise.~~

~~(g)7. Camping is prohibited.~~

## Section IV Emergency Rules

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

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

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

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

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### DEPARTMENT OF HEALTH

The Board of Osteopathic Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of the Urological Center, LLC. The Notice of Petition for Waiver was published in Vol. 30, No. 5, of the January 30, 2004, Florida Administrative Weekly. The Board considered the petition at its meeting held on February 21, 2004, in Ft. Lauderdale, Florida. The Board’s Order, filed on March 3, 2004, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by sub-subparagraph 64B15-14.007(6)(b)1.b., F.A.C., has been met.

A copy of the Board’s Order may be obtained by contacting: Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3756.

NOTICE IS HEREBY GIVEN THAT ON March 3, 2004, the Board of Physical Therapy Practice received a Petition for Waiver of Rule 64B17-4.003, F.A.C., from Babette Olsen. The Petition requests a waiver from the rule that specifies that a physical therapist assistant applicant by endorsement must pass the national examination.

Comments on this Petition should be filed with: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255.

For a copy of the petition or for more information contact: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

## Section VI

### Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** announces the 2004-2005 Cultural Support Grants Program Grant Panel Meetings, to which all persons are invited. These meetings are subject to cancellation, please call to confirm the meeting date and time.

Dance Grant Panel

DATE AND TIME: May 4, 2004, 9:00 a.m. – conclusion

Music – Vocal Grant Panel

DATE AND TIME: May 5, 2004, 9:00 a.m. – conclusion

Music – Instrumental Grant Panel

DATE AND TIME: May 6, 2004, 9:00 a.m. – conclusion

Community Theatre Grant Panel

DATE AND TIME: May 18, 2004, 9:00 a.m. – conclusion

Folk Arts Grant Panel

DATE AND TIME: May 19, 2004, 9:00 a.m. – conclusion

Literature Grant Panel

DATE AND TIME: May 19, 2004, 1:30 p.m.

Non-Art Museums Grant Panel

DATE AND TIME: May 20, 2004, 9:00 a.m. – conclusion

Media Arts Grant Panel

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

Interdisciplinary, Multidisciplinary, and Discipline Service Grant Panel

DATE AND TIME: May 26, 2004, 9:00 a.m. – conclusion

PLACE: R. A. Gray Building, 500 South Bronough, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2004-2005 Cultural Support Grants Program Grant Panel Meetings.

For more information, please contact: Melissa Ray, Arts Administrator, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6470.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review.

To request special aids or services, contact Division staff 72 hours prior to the above stated schedule, (850)245-6470 or Text Telephone 711.

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The **Department of State, Division of Cultural Affairs** announces the 2004-2005 Cultural Support Grants Program Grant Panel Meetings, to which all persons are invited. These meetings are subject to cancellation, please call to confirm the meeting date and time.

Professional Theatre Grant Panel

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

Sponsor/Presenter Grant Panel

DATE AND TIME: May 12, 2004, 9:00 a.m. – conclusion

Art Museums and Visual Arts Grant Panel

DATE AND TIME: May 13, 2004, 9:00 a.m. – conclusion

PLACE: Harry P. Leu Gardens, 1920 North Forest Avenue, Orlando, Florida 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2004-2005 Cultural Support Grants Program Grant Panel Meetings.

For more information, please contact: Melissa Ray, Arts Administrator, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6470.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review. To request special aids or services, contact Division staff 72 hours prior to the above stated schedule, (850)245-6470 or Text Telephone 711.

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#### DEPARTMENT OF LEGAL AFFAIRS

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited to participate.

DATE AND TIME: March 30, 2004, 10:00 a.m.

Place: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

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The Legislative Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited to participate.

DATE AND TIME: Friday, April 2, 2004, 12:00 Noon

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.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Department of Agriculture and Consumer Services** announces a meeting of the Citrus Production Research Advisory Council.

DATE AND TIME: Tuesday, April 6, 2004, 10:00 a.m.  
PLACE: Highlands County Agricultural Center, 6400 Highway 27, Sebring, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: For the research council to review citrus research projects and to choose which pre-proposals will move forward to full proposals and discuss the replacement of the Scientific Coordinator.

If special accommodations are needed to attend this meeting because of a disability, please contact: Tony Fendrick, (850)488-4366.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Off-Highway Vehicle Recreation Advisory Committee which is open to all interested persons.

DATE AND TIME: Tuesday, April 6, 2004, 8:30 a.m. (CST)  
PLACE: Conference Room at the Comfort Inn, 40 Fort Pickens Road, Pensacola, FL  
GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Boulevard, C25, Tallahassee, FL 32399-1650, (850)414-9852.

**DEPARTMENT OF EDUCATION**

READVERTISEMENT – The Florida Rehabilitation Council announces the following :

MEETING: Florida Rehabilitation Quarterly Council Meeting  
DATE AND TIME: March 22-24, 2004, 8:00 a.m. – 5:00 p.m.  
PLACE: VR Headquarters, Tallahassee, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council at 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397. Any interested parties that need further information may contact Yolanda Manning at 850-245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

READVERTISEMENT – The **Florida Rehabilitation Council** announces the following meeting to which all interested persons are invited.

MEETING: Coordination Committee Mental Health Workgroup  
DATE AND TIME: March 25, 2004, 8:00 a.m. – 4:00 p.m.

PLACE: VR Headquarters, Tallahassee, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

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proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **K-20 Education Safety Partnership** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 30, 2004, 10:00 a.m. – 4:00 p.m.

PLACE: Florida Department of Education, Turlington Building, Room 1703-07, 325 West Gaines Street, Tallahassee, Florida 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the K-20 Education Safety Partnership.

The K-20 Education Safety Partnership welcomes participation from any interested members of the public.

Any person who desires a copy of the proceedings should arrange to tape the meeting. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise Felicia Williams-Elliott or Lorraine Allen, Office of Safe Schools, (850)245-0416, at least five calendar days before the meeting.

#### DEPARTMENT OF COMMUNITY AFFAIRS

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: April 1, 2004, 10:00 a.m.

PLACE: Department of Environmental Protection, 3800 Commonwealth Boulevard, Marjorie and Archie Carr Building, Room 170M, 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, 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: April 1, 2004, 1:30 p.m.

PLACE: Department of Environmental Protection, 3800 Commonwealth Boulevard, Marjorie and Archie Carr Building, Room 170M, 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, 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: April 2, 2004, 10:00 a.m.

PLACE: Department of Environmental Protection, 3800 Commonwealth Boulevard, Marjorie and Archie Carr Building, Room 170M, 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, 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.

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#### DEPARTMENT OF LAW ENFORCEMENT

The **Department of Law Enforcement, Medical Examiners Commission** announces a Medical Examiners Commission Meeting.

DATE AND TIME: Thursday, April 1, 2004, 10:30 a.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, Florida 32812

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.

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, Bureau Chief, Bureau of Standards, 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 Florida **Department of Transportation** announces a public meeting to which all persons are invited:

DATES AND TIME: April 6, 2004, 8:00 a.m. – 11:00 a.m.; April 7, 2004, 8:00 a.m. – 5:00 p.m. (exact meeting times may change within these start and end times and will be posted with the agenda, which will be available as noted below)

PLACE: Florida Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, Florida 32399-0450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Statewide Intermodal Transportation Advisory Council (SITAC) Meeting.

A copy of the agenda may be accessed through the web site at [www.dot.state.fl.us/planning/sitac/](http://www.dot.state.fl.us/planning/sitac/) or be obtained by writing: Florida Department of Transportation, 605 Suwannee Street, MS 28, Tallahassee, Florida 32399-0450 or by calling Vicki Matsumura, (850)414-4800.

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 72 hours before the meeting by contacting: Vicki Matsumura, (850)414-4800.

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The Florida **Department of Transportation**, District 2 announces a public hearing to which all persons are invited.

DATE AND TIME: April 12, 2004, 6:00 p.m.

PLACE: Jack Durrance Auditorium, 12 S. E. 1st Street, Gainesville, Alachua County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the proposed changes to the numbering of the State Highway System in Gainesville, Alachua County, Florida. It is proposed that S. E. 16th Avenue (also known as SR 226), from Archer Road (SR 24) to Williston Road (SR 331), and from Williston Road (SR 331) to University Avenue (SR 26) be designated as SR 24-A Bypass. The proposal is being considered by the Department at the request of the City of Gainesville, as well as the Metropolitan Transportation Planning Organization. This project is being developed in compliance with Titles VI and VIII of the Civil Rights Act.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call telephone number (386)758-3700 or 1(800)749-2967.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Aage Schroder, District Secretary, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, Lake City, Florida 32025.

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

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**STATE BOARD OF ADMINISTRATION**

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 26, 2004, 9:00 a.m.

PLACE: Hermitage Room, Plaza Level, the Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL 32308 (Call in number: (850)488-5776, Suncom 278-5776)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Investment Advisory Council (IAC). The IAC is a six-member advisory council, which reviews the investments made by the staff of the Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under s. 215.444 of the Florida Statutes.

A copy of the agenda may be obtained by writing: State Board of Administration, Attention: Cheryl D. Creel, 1801 Hermitage Boulevard, Suite 600, Tallahassee, Florida 32308, (850)413-1015.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations to attend the meeting is requested to call Dorothy Westwood, (850)488-4406, five days prior to the meeting so that appropriate arrangements can be made.

The **Florida Hurricane Catastrophe Fund**, which is administered by the **State Board of Administration**, announces that the public meeting of the State Board of Administration during which the Florida Hurricane Catastrophe Fund planned to seek permission to file Rules 19-8.010, 19-8.012, 19-8.013, 19-8.029 and 19-8.030, F.A.C., along with the forms incorporated therein, for adoption and to file a Notice of Proposed Rule Hearing with respect to Rule 19-8.028, F.A.C., which was scheduled for March 30, 2004, as published in the Florida Administrative Weekly, Vol. 30, No. 7, on February 13, 2004, has been rescheduled as follows:

DATE AND TIME: April 13, 2004, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida.

**DEPARTMENT OF CITRUS**

The **Department of Citrus** announces an emergency meeting via telephone conference of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, March 10, 2004, 2:00 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and discuss the results of the advertising creative development focus groups.

Please note members of the Florida Citrus Commission will attend by telephone. To assure the public has access to this meeting, the Florida Department of Citrus will have a speakerphone available at the Department of Citrus. Additionally, if there is a member of the public who cannot attend the meeting at the Florida Department of Citrus, but wishes to appear by telephone, they may make arrangements to do so by contacting the Office of the General Counsel, (863)499-2530.

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 31, 2004, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida, 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: April 6, 2004, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 148, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy. (\$1.00 per copy, Statement of Agency Organization and

Operations), by contacting 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, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: April 6, 2004, immediately following the Commission Conference which commences at 9:30 a.m., 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, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\***

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The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 020745-SU – Application for certificate to provide wastewater service in Charlotte County by Island Environmental Utility, Inc.

DATE AND TIME: April 7, 2004, 9:30 a.m.

PLACE: Commission Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The Florida **Public Service Commission** announces customer service hearings in the following docket, to which all interested persons are invited.

Docket No. 020896-WS – Petition by customers of Aloha Utilities, Inc. for deletion of portion of territory in Seven Springs area in Pasco County.

DATE AND TIMES: April 8, 2004, 9:30 a.m. and 4:00 p.m.

PLACE: West Pasco Government Center, County Commission Board Room, Suite 160, 7530 Little Road, New Port Richey, Florida

These hearings will begin as scheduled and will continue until all witnesses have been heard. If no witnesses are present, the hearing may be adjourned. All persons desiring to present testimony are urged to appear at the beginning of the hearing.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit members of the public to give testimony regarding the petition by customers of Aloha Utilities, Inc. for deletion of portion of territory in Seven Springs area in Pasco County. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**EXECUTIVE OFFICE OF THE GOVERNOR**

The **Office of Film and Entertainment** and the Florida Film Advisory Council will convene in a quarterly meeting. This is a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 24, 2004, 1:00 p.m. – Quarterly Meeting

PLACE: The Capitol, 400 S. Monroe St., Suite 2103, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss committee tasks and related general administrative matters of the Advisory Council.

A copy of the agenda may be obtained by writing: Brian Diesselhorst, Executive Assistant, Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Suite 2002, The Capitol, Tallahassee, Florida 32399-0001 or calling (850)410-4765.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

The **Governor’s Commission on Volunteerism and Community Service**, Volunteer Florida announces a meeting to which all persons are invited.

DATE AND TIME: March 29, 2004, 11:30 a.m. – 3:00 p.m.

PLACE: Buena Vista Suites, 8203 World Center Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission business.

A copy of the agenda may be obtained by writing: Gwen Erwin, Volunteer Florida, the Governor’s Commission on Volunteerism and Community Service, 401 South Monroe Street, Tallahassee, FL 32301-2034

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

**REGIONAL PLANNING COUNCILS**

The **Northeast Florida Regional Council**, Personnel, Budget, and Finance Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, April 1, 2004, 8:30 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council Planning** and Growth Management Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, April 1, 2004, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Transportation and Economic Development Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, April 1, 2004, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending transportation and economic development issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, April 1, 2004, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

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The District Six, **Local Emergency Planning Committee** (LEPC), Public Outreach Committee announces a public meeting to which all persons are invited, as follows:

DATE AND TIME: Monday, March 29, 2004, 10:00 a.m.

PLACE: East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Committee Meeting of the District Six, Local Emergency Planning Committee (LEPC).

In the event that a quorum is not present, a workshop will be convened to discuss the business of the Committee.

A copy of the agenda and more information may be obtained by writing: Ms. Teri Hunalp, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, FL 32751, (407)623-1075, Ext. 335.

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The **Tampa Bay Local Emergency Planning Committee**, (LEPC) District VIII, announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 31, 2004, 10:30 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727)570-5151, Ext 33.

Please note that if a person decides to appeal any decision made by the LEPC with respect to any matter considered at the above cited meeting, he/she will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact the Tampa Bay Regional Planning Council, (727)570-5151, within three working days of the meeting.

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The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 5, 2004, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Local Government Comprehensive Plan Amendments for Miami and Miami-Dade County; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for Pompano Beach, Plantation, North Miami Beach and Hollywood; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 9:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

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**WATER MANAGEMENT DISTRICTS**

**CORRECTION FOR THE NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT, GOVERNING BOARD MEETING, MARCH 25, 2004, IN APALACHICOLA AT THE NATIONAL ESTUARINE RESEARCH RESERVE.**

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The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

**GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING**

DATE AND TIME: Tuesday, March 30, 2004, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Committee meetings, Board meeting and public hearing.

**GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING** (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, March 31, 2004, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

**ALAFIA RIVER BASIN BOARD MEETING** (Note: This meeting, scheduled for Thursday, April 1, 2004, 9:30 a.m., has been CANCELLED. The meeting will be rescheduled at a later date.)

**GOVERNING AND BASIN BOARD MEMBERS TOUR OF TAMPA BAY REGIONAL RESERVOIR**

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

PLACE: Tampa Bay Regional Reservoir Construction Site, 12707 S. County Road 39, Lithia, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of reservoir construction site.

**WITHLACOOCHEE RIVER BASIN BOARD MEETING** (Note: This meeting, scheduled for Tuesday, April 6, 2004, at 8:30 a.m., at District Headquarters, 2379 Broad Street, Brooksville, has been CANCELLED. The meeting will be rescheduled at a later date.)

**NORTHWEST HILLSBOROUGH BASIN BOARD MEETING** (Note: This is a change of location from what was originally published in the year-long calendar.)

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

PLACE: Austin Davis Library, 17808 Wayne Road, Odessa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including Basin Board review of Cooperative Funding proposals and associated budgetary implications.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE and TIME: Monday, April 5, 2004, 9:00 a.m. – 5:00 p.m.

PLACE: The South Florida Water Management Headquarters, B-2 Building, 3rd Floor West, Caloosahatchee River Conference Room, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Everglades Technical Oversight Committee (TOC) Meeting.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/org/ema/toc/draftagenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Dr. Garth Redfield, in the Environmental Monitoring and Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, April 6, 2004, 10:00 a.m. – 3:00 p.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Storch Room, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Everglades Technical Oversight Committee (TOC) Meeting.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/org/ema/toc/draftagenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Dr. Garth Redfield, in the Environmental Monitoring and Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: April 14, 2004 and/or April 15, 2004, 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:

Part of the East Coast Buffer Project comprised of two parcels referred to as SFWMD Tract Nos. W9-300-930 and W9-303-960, consisting of approximately 1,288.70 acres and lying in Sections 19 & 30, Township 52 South, Range 39 East within Miami-Dade County, Florida.

Part of the Water Conservation Area project comprised of six parcels referred to as SFWMD Tract Nos. 27-100-050, 27-100-051, 27-100-054, 27-100-058, 27-100-059, and 27-100-060 consisting of approximately 880 acres, and lying in Sections 01, 21, and 32, Townships 52 and 53 South, Ranges 35 and 37 East in Miami-Dade County, Florida.

Part of the Avatar Properties Component Area of the Kissimmee River Pool "A" Project Area comprised of twenty-one parcels referred to as SFWMD Tract Nos. 19-100-003, 19-100-056, 19-100-074, 19-100-079, 19-100-089, 19-100-092, 19-100-093, 19-100-099, 19-100-109, 19-100-110, 19-100-111, 19-100-112, 19-100-113, 19-100-114, 19-100-115, 19-100-116, 19-100-117, 19-100-118, 19-100-119, 19-100-121 and

19-100-122 consisting of approximately 44 acres, and lying in Sections 07 and 12, Township 32 South, Ranges 31 and 32 East in Polk 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 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 one parcel referred to as SFWMD Tract No. 18-201-004, consisting of a total of approximately 18 acres, all in Section 1, Township 28 South, Range 29 East and in Polk 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 ten parcels referred to as SFWMD Tract Nos. 18-001-052 through 18-001-060, 18-001-139 and 18-001-140 consisting of a total of approximately 50 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 four parcels referred to as SFWMD Tract Nos. 18-004-088, 18-004-089, 18-004-090 and 18-004-091, consisting of a total of approximately 905 acres, all in Section 3, Township 30 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of two hundred and twenty-four parcels referred to as SFWMD Tract Nos. 18-500-001 through 18-500-566 and one hundred twelve parcels referred to as SFWMD Tract Nos. 18-600-001 through 18-600-178, all in Section 3, Township 30 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of two parcels referred to as SFWMD Tract No. 18-021-002 and 18-021-007, consisting of a total of approximately 17 acres, 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 Chain of Lakes project comprised of four parcels referred to as SFWMD Tract Nos. 18-029-003, 18-030-003, 18-116-005 and 18-031-002, consisting of a total of approximately 360 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. 19-101-065 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.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract Nos. 19-101-055 and 19-101-056, consisting of a total of approximately 220 acres, in Sections 12 and 13, 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 Nos. 19-102-157 and 19-102-158, consisting of a total of approximately 600 acres, in Sections 25 and 36, Township 35 South, Range 31 East, and in Sections 30 and 31, Township 35 South, Range 32 East, all in Highlands 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, in Sections 01, 02, 03, 04 and 05, Township 36 South, Range 33 East, all in Okeechobee County, Florida.

A copy of the agenda may be obtained at the (1) District Website

(<http://www.sfwmd.gov/gover/GovBaord/webpage/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 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, Department Director, in the Land Acquisition Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7220, West Palm Beach, FL 33406, (561)682-6271.

#### **DEPARTMENT OF MANAGEMENT SERVICES**

The **State Technology Office** announces a public meeting of the Joint Task Force on State Agency Law Enforcement Communications to which all persons are invited.

DATE AND TIME: April 16, 2004, 9:30 a.m.

PLACE: State Technology Office, Shared Resource Center, 2585 Shumard Oak Boulevard, Room 124, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the items in the meeting agenda.

A copy of the agenda may be obtained by writing: Linda Fuchs, State Technology Office, 4030 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950, [linda.fuchs@myflorida.com](mailto:linda.fuchs@myflorida.com).

If a person decided to appeal any decision made by the Joint Task Force with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based.

Any person requiring some accommodation at this hearing because of a physical impairment should call the State Technology Office, (850)922-7435, at least five calendar days prior to the meeting. If you are hearing or speech-impaired, please contact the State Technology Office by using the Florida Relay Service, 1(800)955-8771 (TDD). The conference call number for the meeting is (850)921-5400 or Suncom 291-5400.

The **State Technology Office** announces a public meeting of the Joint Task Force on State Agency Law Enforcement Communications to which all persons are invited.

DATE AND TIME: April 16, 2004, 9:30 a.m.

PLACE: State Technology Office, Shared Resource Center, 2585 Shumard Oak Boulevard, Room 124, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the items in the meeting agenda.

A copy of the agenda may be obtained by writing: Linda Fuchs, State Technology Office, 4030 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950, [Linda.fuchs@myflorida.com](mailto:Linda.fuchs@myflorida.com).

If a person decided to appeal any decision made by the Joint Task Force with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based.

Any person requiring some accommodation at this hearing because of a physical impairment should call the State Technology Office, (850)922-7435, at least five calendar days prior to the meeting. If you are hearing or speech-impaired, please contact the State Technology Office by using the Florida Relay Service, 1(800)955-8771 (TDD). The conference call number for the meeting is (850)921-5400 or Suncom 291-5400.

The **State Technology Office** announces a public meeting of the Florida Region 700 MHz Committee Meeting to which all persons are invited.

DATE AND TIME: May 7, 2004, 10:00 a.m.

PLACE: Adams Mark Hotel, 225 Coast Line Drive, East, Jacksonville, Florida (room location will be listed in the lobby)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the Florida Region 700 MHz Committee (FCC Region 9) agenda. The meeting will take place in conjunction with the Florida APCO chapter meeting in Jacksonville. The primary agenda items include: current status of 700 MHz licensing, the current status of the Florida Region Plan for 700 MHz, an explanation of CAPRAD, annual business duties of the Regional Committee, and election of Officers. A formal agenda will be provided on the day of the meeting. All committee members, potential major system users, frequency coordinators, equipment vendors and other interested parties are invited to attend this session.

For more information contact: Ray Carlson, Vice-Chairman, Florida Region 9/700 Committee, 3228 Gun Club Road, West Palm Beach, FL 33406, (561)688-3514, e-mail: carlsonr@pbso.org.

If you are hearing or speech-impaired, please contact the same office by using the Florida Relay Service, 1(800)955-8771 (TDD).

The **State Technology Office** announces a public meeting of the Florida Region 800 MHz Committee Meeting to which all persons are invited.

DATE AND TIME: May 7, 2004, 8:30 a.m.

PLACE: Adams Mark Hotel, 225 Coast Line Drive, East, Jacksonville, Florida (room location will be listed in the lobby)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the Florida Region 800 MHz Committee (FCC Region 9) agenda. The meeting will take place in conjunction with the Florida APCO chapter meeting in Jacksonville. The primary agenda items include: status of licensing; status of MA channels; approval of next plan amendment; homeland security issues, status of the 800 MHz relocation plan and other items that may arise. A formal agenda will be provided on the day of the meeting.

For more information contact: Ray Carlson, Vice-Chairman, Florida Region 800 Committee, 3228 Gun Club Road, West Palm Beach, FL 33406, (561)688-3514, e-mail: carlsonr@pbso.org.

If you are hearing or speech-impaired, please contact the same office by using the Florida Relay Service, 1(800)955-8771 (TDD).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: March 23, 2004, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, or by phone at (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Florida **Engineers Management Corporation** announces a public telephone conference call to which all persons are invited:

DATE AND TIME: Wednesday, April 14, 2004, 2:00 p.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303 (Conference Call Number: 1(800)659-8290)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion on the upcoming contract with the Department of Business and Professional Regulations.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting to conduct the business of the Board, including committee business which all persons are invited.

DATES AND TIME: Wednesday, April 21, 2004, 8:30 a.m.; continuing Thursday, April 22, 2004, 8:30 a.m. if the business of the Boards is not concluded

PLACE: Hilton Naples & Towers, 5111 Tamiami Trail, North, Naples, Florida 34103

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Rd., Suite 200, Tallahassee, FL 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Natalie Lowe, (850)521-0500.

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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."

The **Florida Center for Solid and Hazardous Waste Management** announces a meeting of the Advisory Board to which all interested persons are invited to participate.

DATE AND TIME: May 14, 2004

PLACE: Orlando, Florida

For more information, contact: (352)392-6264, or visit the Center's web page: [www.flordiacenter.org](http://www.flordiacenter.org).

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#### DEPARTMENT OF HEALTH

The Florida **Board of Medicine**, Finance Committee announces a telephone conference call to be held via meet me number.

DATE AND TIME: Monday, March 29, 2004, 12:00 Noon

PLACE: Contact Florida Board of Medicine, (850)245-4131, for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

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The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: Friday and Saturday, April 2-3, 2004, 8:00 a.m.

PLACE: Meet me Number – Radisson Bahia Mar Beach Resort, 801 Seabreeze Blvd., Ft. Lauderdale, FL 33316, (954)764-2233

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

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The Florida **Board of Medicine**, Expert Witness Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, April 2, 2004, immediately following the Board Meeting

PLACE: Meet me Number – Radisson Bahia Mar Beach Resort, 801 Seabreeze Blvd., Ft. Lauderdale, FL 33316, (954)764-2233

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech

impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

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The Florida **Board of Medicine**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, April 2, 2004, immediately following the Board Meeting

PLACE: Meet me Number – Radisson Bahia Mar Beach Resort, 801 Seabreeze Blvd., Ft. Lauderdale, FL 33316, (954)764-2233

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

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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: Thursday, April 1, 2004, 4:00 p.m.

PLACE: Department of Health, Capital Circle Office Complex, 4052 Bald Cypress Way, Conference Room 110 R, Tallahassee, FL

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, 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.

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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.

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

PLACE: Department of Health, Capital Circle Office Complex, 4042 Bald Cypress Way, Room 301, Tallahassee, FL

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, 1(800)955-8770 (Voice), 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.

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The **Department of Health, Board of Psychology**, Probable Cause Panel announces a meeting to which all persons are invited:

DATE AND TIME: April 15, 2004, 3:00 p.m. or soon thereafter

PLACE: Doubletree Guest Suites, 3050 N. Rocky Point Dr., West, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and reconsideration of cases being heard by the Probable Cause Panel.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Psychology**, Probable Cause Panel, announces a meeting to which all persons are invited:

DATE AND TIME: July 15, 2004, 3:00 p.m. or soon thereafter

PLACE: Sirata Beach Resort, 5300 Gulf Blvd., St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and reconsideration of cases being heard by the Probable Cause Panel.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that

a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Athletic Training** announces an Official Board Meeting. All interested parties are invited to attend at the address below, which is open to the public.

DATE AND TIME: April 16, 2004, 9:00 a.m.

PLACE: Hilton Orlando/Altamonte Springs, 350 South North Lake Blvd., Altamonte Springs, FL 32715, (407)830-1985

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Board of Athletic Training, Department of Health, 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 the 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 at least a week in advance.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Council on Homelessness** announces a series of conference call meetings of its Application & Rulemaking, Barriers and Support Services, Data Collections, Discharge Planning, Supportive Housing Development, and Planning Committees, to which all persons are invited.

COMMITTEE: Application and Rulemaking

DATES AND TIME: Friday, April 2, 2004; May 7, 2004; June 4, 2004, 2:00 p.m. – 3:00 p.m. (1st Friday)

PLACE: Call (850)921-2530, Suncom 291-2530

COMMITTEE: Barriers and Support Services

DATES AND TIME: Tuesday, April 6, 2004; May 4, 2004; June 1, 2004, 2:00 p.m. – 3:00 p.m. (1st Tuesday)

PLACE: Call (850)921-2583, Suncom 291-2583

COMMITTEE: Data Collections

DATES AND TIME: Thursday, April 8, 2004; June 10, 2004, 11:00 a.m. – 12:00 Noon (2nd Thursday)

PLACE: Call (850)414-6477, Suncom 994-6477

DATES AND TIME: Thursday, May 20, 2004, 10:00 a.m. – 11:00 a.m. (2nd Thursday)

PLACE: Call (850)488-5778, Suncom 278-5778

COMMITTEE: Discharge Planning  
 DATES AND TIME: Tuesday, April 27, 2004; May 25, 2004;  
 June 22, 2004, 10:00 a.m. – 11:00 a.m. (4th Tuesday)  
 PLACE: Call (850)487-9580, Suncom 277-9580  
 COMMITTEE: Planning  
 DATES AND TIME: Monday, April 5, 2004; May 3, 2004;  
 June 7, 2004, 3:00 p.m. – 4:00 p.m. (1st Monday)  
 PLACE: Call (850)414-1708, Suncom 994-1708  
 COMMITTEE: Supportive Housing Development  
 DATES AND TIME: Thursday, April 22, 2004; May 27, 2004;  
 June 24, 2:00 p.m. – 3:00 p.m. (4th Thursday)  
 PLACE: Call (850)488-4883, Suncom 278-4883  
 GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 These conference calls will address the committees' continued  
 development of policy recommendations and work tasks to  
 address the Council's Strategic Plan to reduce the number of  
 persons who may be facing homelessness in Florida.  
 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 access this meeting who may be in need of  
 special assistance should contact the Office on Homelessness,  
 (850)922-4691, at least 48 hours in advance of the meeting.

**NAVIGATION DISTRICTS**

The **West Coast Inland Navigation District** announces the  
 following Board of Commissioners meeting to which all  
 interested parties are invited.  
 DATE AND TIME: Friday, March 26, 2004, 10:30 a.m.  
 PLACE: Venice City Hall, 401 West Venice Avenue, Venice,  
 Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To  
 conduct the regular business of the Navigation District.  
 A copy of the agenda for this meeting may be obtained by  
 writing: WCIND, P. O. Box 1845, Venice, FL 34284.  
 No verbatim record will be made of this meeting. Any person  
 wishing to appeal decisions made at this meeting may need to  
 ensure that a verbatim record is made.

The Board of Commissioners of the Florida **Inland  
 Navigation District** announces a public meeting to which all  
 persons are invited.  
 DATE AND TIME: Friday, March 26, 2004, 8:00 a.m.  
 PLACE: The Indian River Plantation Marriott Hotel, 555 N. E.  
 Ocean Boulevard, Stuart, Martin County, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: A  
 meeting of the Board of Commissioners to conduct the regular  
 business of the District. Additionally, the District's Finance  
 and Budget and Property Acquisition and Management  
 Committees will meet.

Please contact: District office, 1314 Marcinski Road, Jupiter,  
 FL 33477, (561)627-3386, for more information.  
 If a person decides to appeal any decision made by the  
 Commission with respect to any matter considered at this  
 meeting, they will need a record of the proceeding, and for  
 such purposes, they may need to ensure that a verbatim record  
 of the proceeding is made, which record includes the testimony  
 and evidence upon which the appeal is based. Any person  
 requiring a special accommodation at this meeting because of a  
 disability or physical impairment should contact the District  
 prior to the meeting.

**FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation**, Elderly Housing  
 Community Loan Program, announces an Application  
 Workshop to which all interested parties are invited:  
 DATE AND TIME: Wednesday, March 31, 2004, 1:00 p.m.  
 (prior to the meeting, interested parties are advised to confirm  
 the meeting date, room and time by calling Florida Housing,  
 (850)488-4197, or checking Florida Housing's web site at  
 www.floridahousing.org)  
 PLACE: Florida Housing Finance Corporation, Ramada Inn  
 North, 2900 North Monroe Street, Tallahassee, Florida 32301  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To  
 review the application process for the 2004 EHCL program.  
 Any person requiring a special accommodation at this meeting  
 because of a disability or physical impairment should contact  
 Laurie Camp, (850)488-4197, at least five calendar days prior  
 to the meeting. If you are hearing or speech impaired, please  
 contact the Corporation using the Florida Dual Party Relay  
 System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).  
 If any person decides to appeal any decision made by the  
 Corporation with respect to any matter considered at this  
 meeting, 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 be made, which record includes the  
 testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a  
 meeting of the Board of Directors to which all interested  
 parties are invited:  
 DATE AND TIME: April 2, 2004, 9:00 a.m. – adjourned  
 Fiscal Committee  
 Guarantee Committee  
 Universal Cycle Committee  
 Multifamily Revenue Bond Committee  
 Board Meeting  
 PLACE: City Hall, Commission Chambers, 300 South Adams  
 St., Tallahassee, FL 32301, (850)891-2065

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider, review, and take action on matters brought to the Fiscal Committee and to consider recommendations made by the Fiscal Committee to the Board.
2. Consider, review, and take action on matters brought to the Guarantee Committee and to consider recommendations made by the Guarantee Program Committee to the Board.
3. Consider, review, and take action on matters brought to the Universal Cycle Committee and to consider recommendations made by the Universal Cycle Committee to the Board.
4. Consider, review, and take action on matters brought to the Multifamily Revenue Bond Committee and to consider recommendations made by the Multifamily Revenue Bond Committee to the Board. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds of pending multifamily issues, which have satisfied the requirements for funding.
5. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
6. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
7. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
8. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
9. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
10. Consideration of policy issues concerning ongoing and upcoming Single-family Bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
11. Consideration of all necessary actions with regard to the Multifamily Bond Program.
12. Consideration of approval of underwriters for inclusion on approved master list and teams.
13. Consideration of all necessary actions with regard to the HOME Rental Program.
14. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
15. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
16. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.

17. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
18. Consideration of all necessary actions with regard to the Home Ownership Programs.
19. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
20. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
21. Consideration of workouts or modifications for existing projects funded by the Corporation.
22. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
23. Consideration of funding additional reserves for the Guarantee Fund.
24. Consideration of audit issues.
25. Evaluation of Professional and Consultant performance.
26. Such other matters as may be included on the Agenda for the April 2, 2004, Board Workshop and Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sheila Freaney, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

**DEPARTMENT OF FINANCIAL SERVICES**

The **Enterprise Resource Planning Integration Task Force** (ERPI TF), of the Florida Financial Management Information System (FFMIS) Coordinating Council, announce the following public meeting to which all persons are invited:

Task Force Meeting

DATE AND TIME: Thursday, April 1, 2004, 10:00 a.m.

PLACE: CFO Conference Room, PL 12, Capitol Building, Tallahassee, Florida

Please Note: The above date, time and place of the meeting are tentative. It may be necessary to reschedule this meeting and additional interim meetings of the Task Force may be required.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss and approve the ERPI Task Force Second Quarterly Report.

Information regarding scheduled times and dates can be sent to: Don Northam, Staff Director, ERPI TF, Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 32399-0352, (850)413-2822, Fax (850)488-7265, e-mail: northamd@dfs.state.fl.us.

The Florida **Board of Funeral and Cemetery Services** announces a public Board Meeting and all persons are invited to attend.

DATE AND TIME: April 15, 2004, 10:00 a.m. – 5:00 p.m.

PLACE: Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

To obtain further information contact: LaTonya Bryant, Administrative Assistant I, Division of Consumer Services, 200 East Gaines St., Tallahassee, FL 32399-0361, (850)413-3039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service, 1(800)955-8771 (TDD), 1(800)955-8770 (Voice), for assistance.

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#### FLORIDA TELECOMMUNICATIONS RELAY

The **Florida Telecommunications Relay, Inc.** announces a regular meeting of the Board of Directors at 1820 E. Park Avenue, Suite 101, Tallahassee, Florida.

DATE AND TIME: Friday, March 19, 2004, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Board of Directors.

A copy of the agenda may be obtained by writing: Mr. James Forstall, Executive Director, 1820 E. Park Avenue, Suite 101, Tallahassee, Florida 32301.

The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

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#### FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

The **Florida Atlantic Research and Development Authority**, Board of Directors will hold its regular meeting to which all interested persons are invited.

DATE AND TIME: March 31, 2004, 8:00 a.m.

PLACE: Conference Room, 1501 S. W. FAU Research Park Blvd., Deerfield Beach, Florida 33441

For a detailed agenda or information, contact: Scott Ellington, Executive Director, 3701 FAU Boulevard, Boca Raton, FL 33431, (561)416-6092.

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#### FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting as follows:

DATE AND TIME: Wednesday, April 7, 2004, 10:00 a.m.

PLACE: Department of Financial Services, 200 E. Gaines Street, Larson Building, Rm. 101B, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors' Meeting.

A copy of the proposed agenda may be obtained by writing: Brenda DeYounks, Florida Comprehensive Health Association, 1210 E. Park Avenue, Tallahassee, Florida 32301, (850)309-1200 or by facsimile (850)309-1222.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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#### TOWN OF LADY LAKE

The **Town of Lady Lake** on behalf of Lake County and through the coordination with the Florida Department of Transportation announces a Public Hearing to which all persons are invited.

DATE AND TIME: Thursday, April 8, 2004, Project information will be on display from 5:00 p.m. – 6:00 p.m. followed by a formal presentation at 6:00 p.m. (involving a project presentation and an opportunity for citizens to make formal statements)

PLACE: Town of Lady Lake, Town Hall Commission Chambers, 409 Fennell Boulevard, Lady Lake, Florida 32159



GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this Hearing is to afford members of the community an opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of the proposed widening improvements to County Road 466. The study corridor extends from the Lake-Sumter County Line east to the intersection of Lemon Street with Lake Griffin Road. This represents a distance of approximately 2.1 miles in length. This study included the evaluation of potential impacts associated with the widening of County Road 466 to improve safety and traffic operations while maintaining and/or enhancing the characteristics and integrity of the surrounding community.

Anyone needing project or Public Hearing information (including the agenda) or special accommodations under the Americans With Disabilities Act of 1990 should write: Ms. Karen Campblin, Public Involvement Coordinator, c/o Glattling Jackson, 33 East Pine Street, Orlando, Florida 32801, or telephone Ms. Campblin, 1(800)496-2768 (toll free), e-mail: [kcampblin@glattling.com](mailto:kcampblin@glattling.com).

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 to Ms. Campblin at the address listed above.

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#### FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meetings:

MEETING: GRF Awards Committee

DATE AND TIME: Monday, April 19, 2004, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or toll free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

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## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

#### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on February 3, 2004, from APA-Engineered Wood Association regarding whether glued laminated timber products manufactured in accordance with ANSI/AITC A190.1, an American national product standard, meet the intent of the Florida Codes and should be exempted from the product approval under the Florida Building Code Product Approval System.

It has been assigned the number DCA04-DEC-034.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on January 30, 2004, from the Building Code Advisory Board of Palm Beach County (BCAB). The petition states that in a residential dwelling attic without designed storage, accessible by a scuttle or pull-down stair only, the Florida Building Code seems to provide conflicting requirements. Specifically, shall the load on bottom chord of metal-plate-connected wood roof trusses be 1) as permitted under FBC Sec. 2309.2.2, ergo 10 psf Total in paragraph B.2.7 of Appendix B of ANS/TPI 1-1995, or is it required to be 2) as specified in Florida Building Code Table 1604.1, which is 10 psf Live Load; if so, is it concurrent with maximum live load?

It has been assigned the number DCA04-DEC-030.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on March 9, 2004, from All Broward Hurricane Panel, Inc., regarding statewide product approval and the need to submit signed and sealed drawings each time it wishes to submit for a permit from a local jurisdiction.

It has been assigned the number DCA04-DEC-051.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

**DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT the Public Employees Relations Commission has received and will consider the following Petition for Declaratory Statement filed by the Government Supervisors Association of Florida, OPEIU, Local 100, AFL-CIO on March 4, 2004.

Case No.: DS-2004-001

The Government Supervisors Association of Florida, OPEIU, Local 100, AFL-CIO (GSAF) requests that the Commission determine whether the classifications of park supervisor and recreation supervisor employed by the City of South Miami are included in the GSAF's white-collar bargaining unit or AFSCME's blue-collar bargaining unit.

A copy of the petition may be obtained by writing: Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

Any person desiring to submit a statement regarding the petition may do so by filing such statement at the above address within 20 days of the date of this publication.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**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

#### PUBLIC NOTICE FOR FOOD SERVICE VENDORS TO REGISTER WITH THE STATE DEPARTMENT OF EDUCATION TO VEND UNITIZED MEALS AND SNACKS TO THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN 2004

In accordance with Title 7 Code of Federal Regulations, Part 225; it is the intent of the Florida Department of Education, Food and Nutrition Management Section, to continue to administer the Summer Food Service Program (SFSP) for the fiscal year 2004.

The primary purpose of the program is to provide breakfast, lunch and/or snacks to economically needy children during periods when public schools are generally closed for summer recess.

Food service vendors who wish to become eligible to participate in the program may write for a vendor registration and guidance package to the address listed below. Successful registration will require copies of the following: A current Florida business license; The most recent health inspection report with no unresolved violations; A completed Summer Food Service Program registration form; Evidence of general liability, product liability and insurance on delivery vehicles. The last date to mail this initial package of information will be Wednesday, March 31, 2004. U.S. Postal date marks or private carrier dates will be used to determine eligibility.

For more information please contact the Food and Nutrition Management Section, Summer Food Service Program for Children, 1(800)504-6609. The contact persons for this registration process are Dave Whetstone and Cherry Parks. The Summer Food Service Program Director is Michelle Morris.

Please direct written inquiries to:

The Florida Department of Education  
Food and Nutrition Management Section  
325 West Gaines Street, Room 1032  
Tallahassee, FL 32399-0400

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#### REQUEST FOR PROPOSAL FVPP-04-MV

Notice is hereby given that Edward Bart, representing the Florida Vehicle Procurement Program (FVPP), University of South Florida, Center for Urban Transportation Research will receive sealed proposals on behalf of agencies within the state of Florida, herein referred to as the "Purchasers" to establish a statewide contract for the manufacture and delivery of the following 2004 model year vehicle types:

	Minimum	Maximum
Modified Van Type Vehicles	0	30

The quantities reflect the immediate and foreseeable needs of agencies within Florida and were determined by using the most recent State of Florida Program of Projects, historical data from previous FVPP contracts, and Agency (s) vehicle replacement schedules. All or part of the quantity of vehicles stated herein may be assigned to other public transit agencies desiring to purchase the same equipment specified in Part 2 of this solicitation. The FVPP reserves the right to reject any and all proposals, or any part of any or all proposals.

Copies of the RFP may be obtained from: Edward Bart, FVPP Project Manager, University of South Florida, Center for Urban Transportation Research, 4202 E. Fowler Ave., CUT 100, Tampa, Florida 33620, or by telephone (813)974-9813. The proposal may also be downloaded from our website at <http://www.cutr.usf.edu/research/fvpp/fvpp3.htm>.

Sealed proposals in original and five (5) copies must be received at the above address (Attn: Edward Bart) not later than 1:00 p.m. (EST), April 8, 2004.

The successful proposer will be required to comply with all Equal Opportunity Laws and Regulations, Buy America Laws, Chapter 287 of the Florida Statutes and other applicable Federal and State regulations.

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#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of North Florida Board of Trustees, a public body corporate, announces that Professional Services in the discipline of Architecture will be required for the project listed below:

Project No. BR-991

Project and Location: Social Sciences Building – University of North Florida, Jacksonville, Florida

The project consists of a new facility of approximately 60,000 square feet consisting of classrooms, offices, labs, and support space for the Social Sciences which is valued at approximately 8.8 million dollars. This new building will house the following departments; the Dean's suite for the College of Arts and Sciences; Political Science and Public Administration, Psychology; Sociology, Anthropology, and Criminal Justice. Blanket professional liability insurance will be required for this project in the amount of \$500,000 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. The most recent version of the Florida Board of Education – Division of Colleges and Universities "Professional Qualifications Supplement" completed by the applicant's office applying for the project. 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 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.

Scoring of minority business enterprise participation will not be considered in the scoring process.

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, descriptive project information, and selection criteria may be obtained by contacting:

Phillip Turner, AIA  
University of North Florida  
4567 St. Johns Bluff Road, South  
Jacksonville, Florida 32224  
(904)620-2016, Fax (904)620-2020

Submittals must be received in the Office of Facilities Planning, JJ Daniel Hall, University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, by 2:00 p.m., local time, on April 16, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### Request for Proposals

The Hernando County School Readiness Coalition, Inc., requests proposals to provide School Readiness System Infrastructure and Other Early Care and Education Services as Established by Florida's School Readiness Act For Fiscal Years 2004-2005 (July 1, 2004 through June 30, 2005)

Release Date: March 4, 2004  
Intent to Apply: March 11, 2004  
Applicants' Conference: March 18, 2004  
Responses Due: 5:00 p.m., April 30, 2004  
(Fax not acceptable)

CONTACT PERSON: Jo-Ann Kay Fuller, Executive Director, Hernando County School Readiness Coalition, Inc., 20154 Cortez Blvd., Brooksville, Florida 34601, (352)797-9141, Fax (352)754-5260, E-mail: hcoalition@cpsi.org

Certified Minority Business Enterprises are encouraged to participate in any Solicitation Conferences which are scheduled. The Coalition reserves the right to reject any and all solicitations or ignore or correct minor irregularities when it is in the best interest of the Coalition.

#### Legal Announcement

##### Request for Applications for Available Funding

The Florida Department of Education, Division of Community Colleges and Workforce Education announces the availability of instructions and forms for preparing project applications for funding under the Adult Education and Family Literacy Act of 1998, (Public Law 105-220).

The proposed due date for applications is projected for May 7, 2004. Follow the guidelines on each individual Request for Proposal/Application (RFP/RFA) as due dates may vary, depending on final approval and web posting date.

Through the competitive review process, eligible applicants are assured direct and equitable access to apply for funds. All federally funded projects must comply with the Steven's Amendment of the Department of Defense Appropriation Act (Section 8136).

Mail applications to:

Sue Wilkinson  
Florida Department of Education  
Bureau of Grants Management  
325 W. Gaines Street, Room 325 B  
Tallahassee, Florida 32399-0400

For application instructions and forms: Internet – <http://www.firn.edu/doe/workforce>; Hardcopy or formats for the disabled;- telephone 1(800)342-9271

#### **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**

##### REQUEST FOR BIDS 03/04-036 LM WELL DRILLING OF APPROXIMATELY 16 MONITOR WELLS IN LAFAYETTE COUNTY

The Suwannee River Water Management District (SRWMD) invites interested contractors to submit sealed bids to drill approximately sixteen (16) monitor wells in Lafayette County. Responses to this request are due at the SRWMD office by 3:00 p.m., April 9, 2004. Requests for the RFB document (RFB #03/04-036 LM) should be directed to:

Gwen Lord, Administrative Assistant  
 Suwannee River Water Management District  
 9225 CR 49  
 Live Oak, FL 32060

(386)362-1001 or 1(800)226-1066 (Florida only)

If you have questions regarding the project, please direct them to: Ron Ceryak, SRWMD, (386)362-1001 or toll free (Florida only) 1(800)226-1066, Fax (386)362-1056.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**FLORIDA HOUSING FINANCE CORPORATION**

Request for Proposals

2004/03 for Military Housing Needs Assessment Services

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide Military Housing Needs Assessment Services to submit proposals for consideration. Written, sealed proposals shall be accepted until 2:00 p.m., Eastern Time, Friday, April 16, 2004, to the attention of Robin Grantham, Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Robin Grantham, (850)488-4197, [robin.grantham@floridahousing.org](mailto:robin.grantham@floridahousing.org).

To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror’s responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/ViewPage.aspx?page=77&p1=1>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

**Section XII  
 Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No.: DCA04-OR-045  
 STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT  
 REGULATIONS ADOPTED BY MONROE COUNTY  
 ORDINANCE NO. 037-2003

**FINAL ORDER**

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On December 3, 2003, the Department received for review Monroe County Ordinance No. 037-2003 which was adopted by the Monroe County Board of County Commissioners on October 15, 2003 (“Ord. 037-2003”). The purpose of Ord. 037-2003 is to amend Section 9.5-316.1, 9.5-316.2 and 9.5-317 of the Monroe County Land Development Regulations. Ord. 037-2003 amends the Floodplain Management Regulations to provide for reorganization, definitions and revisions to regulations regarding residential nonconforming structures and providing for inspections upon the transfer of residential property.

3. Ord. 037-2003 is consistent with the County’s 2010 Comprehensive Plan.

**CONCLUSIONS OF LAW**

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 037-2003 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 037-2003 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

9. Ord. 037-2003 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 037-2003 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_\_ day of March 2004.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Murray Nelson  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Timothy J. McGarry, AICP  
Director, Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

Florida Small Cities CDBG Program  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100  
Telephone: (850)487-3644  
Email: judy.peacock@dca.state.fl.us

Written comments are encouraged, but must be received by the Department prior to April 30, 2004. The document will be finalized and submitted to HUD no later than May 13, 2004. Any person wishing to attend the meeting mentioned above that requires a special accommodation because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs, (850)487-3644, at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department using the Florida Dual Party Relay System, 1(800)922-8771 (TDD).

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 041-2003

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On December 30, 2003, the Department received for review Monroe County Ordinance No. 041-2003 which was adopted by the Monroe County Board of County Commissioners on November 19, 2003 ("Ord. 041-2003"). The purpose of Ord. 041-2003 is to amend Section 9.5-262 of the Monroe County Land Development Regulations. Ord. 041-2003 amends the Residential Density and District Open Space regulations to remove inconsistencies between the Monroe County 2010 Comprehensive Plan and the Land Development Regulations. The ordinance addresses residential density and district open space and the inclusion of density bonuses for affordable and employee housing.
3. Ord. 041-2003 is consistent with the County's 2010 Comprehensive Plan.

PUBLIC NOTICE  
ANNUAL ACTION PLAN FOR  
FEDERAL FISCAL YEAR 2004

The Department of Community Affairs (Small Cities Community Development Block Grant Program), in conjunction with the Florida Housing Finance Corporation (HOME Program), the Department of Children and Families (Emergency Shelter Grant Program), and the Department of Health (Housing Opportunities for Persons with AIDS Program), is in the process of preparing the Annual Action Plan for Federal Fiscal Year 2004.

The State of Florida is required to submit this Annual Action Plan in order to receive federal funding from the U.S. Department of Housing and Urban Development (HUD). The plan covers the specific programs mentioned above. A draft of the Annual Action Plan will be made available to the public for comment on April 1, 2004. The plan will be posted to the Department's website at <http://www.floridacommunitydevelopment.org/Florida-Consolidated-Plan/index.htm>. In addition, the draft will be presented at the Consolidated Plan workgroup meeting to be held on April 1, 2004 at 2:00 p.m. This meeting has been previously announced in the Florida Administrative Weekly. It will take place in Room 180, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL.

Persons interested in obtaining a copy of the draft or attending the meeting mentioned above may wish to contact Judy Peacock at the address listed below:

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 041-2003 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 041-2003 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

9. Ord. 041-2003 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 041-2003 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ \_\_\_\_\_  
Valerie J. Hubbard, Director  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE.



A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 10th day of March 2004.

/s/ \_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Murray Nelson  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Timothy J. McGarry, AICP  
Director, Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

By Hand Delivery or Interagency Mail:  
Jim Quinn, Bureau of State Planning, DCA Tallahassee  
Rebecca Jetton, ACSC Administrator, DCA Tallahassee  
Timothy E. Dennis, Assistant General Counsel, DCA Tallahassee

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STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 043-2003

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FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On January 9, 2003, the Department received for review Monroe County Ordinance No. 043-2003 which was adopted by the Monroe County Board of County Commissioners on November 19, 2003 (“Ord. 043-2003”). The purpose of Ord. 043-2003 is to repeal and re-create Sections 9.5-111 through 9.5-118 of the Monroe County Land Development Regulations. Ord. 043-2003 eliminates requirements of the permit review process that are no longer necessary due to changes in Florida Law. Ord. 043-2003 also recreates these sections of the LDRs by updating them with provisions that allow for private plan reviews and building inspections, requires coordination letters from other state agencies involved in environmental resource permitting, and sets longer time frames for permit application review.
3. Ord. 043-2003 is consistent with the County’s 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).
5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 043-2003 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 043-2003 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

- 1. The Florida Keys Aqueduct and water supply facilities;
- 2. Sewage collection and disposal facilities;
- 6. Federal parks, wildlife refuges, and marine sanctuaries;
- 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
- 8. City electric service and the Florida Keys Electric Co-op

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

9. Ord. 043-2003 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 043-2003 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ \_\_\_\_\_  
 Valerie J. Hubbard, Director  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE.

A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 10th day of March 2004.

/s/ \_\_\_\_\_  
 Paula Ford, Agency Clerk

By U.S. Mail:  
 Honorable Murray Nelson  
 Mayor of Monroe County  
 500 Whitehead Street, Suite 102  
 Key West, Florida 33040

Danny L. Kolhage  
 Clerk to the Board of County Commissioners  
 500 Whitehead Street  
 Key West, Florida 33040

Timothy J. McGarry, AICP  
 Director, Growth Management Division  
 2798 Overseas Highway, Suite 400  
 Marathon, Florida 33050

By Hand Delivery or Interagency Mail:  
 Jim Quinn, Bureau of State Planning, DCA Tallahassee  
 Rebecca Jetton, ACSC Administrator, DCA Tallahassee  
 Timothy E. Dennis, Assistant General Counsel, DCA Tallahassee

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point  
 Franchise Motor Vehicle Dealer in a County of More  
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Island Lincoln Mercury, Inc., intends to allow the establishment of Land Rover Merritt Island as a dealership for the sale of Land Rover(s), at 1850 East Merritt Island Causeway, Merritt Island (Brevard County), Florida, on or after July, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Land Rover Merritt Island are dealer operator(s): Robert Bruce Deardoff, 181 Admirals Way, S., Ponte Vedra Beach, FL 32082; principal investor(s): Robert Bruce and Sandra M. Deardoff, R. Bruce and Sandra M. Deardoff, Trustees of the R. Bruce Deardoff Revocable Trust dated March 25, 2002.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael Coleman, Franchise Development Manager, Island Lincoln Mercury, Inc., 3440 Preston Ridge Road, Suite 600, Alpharetta, GA 30005.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Cagiva USA, Inc., intends to allow the establishment of Ducati Miami as a dealership for the sale of Cagiva and MV Agusta motorcycles, at 2000 Biscayne Blvd., Miami (Dade County), Florida 33137, on or after March 1, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Ducati Miami are dealer operator(s) and principal investor(s): Rolando Santos, 6341 Allison Road, Miami Beach, FL 33141.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Matthew Stutzman, General Manager, Cagiva USA, Inc., 2300 Maryland Rd., Willow Grove, PA 19090.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Big Dog Motorcycles, LLC, intends to allow the establishment of Treasure Coast Harley-Davidson of Stuart, Inc. as a dealership for the sale of Big Dog motorcycles at 4967 S. E. Federal Hwy., Stuart (Martin County), Florida 34997 on or after January 27, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Treasure Coast Harley-Davidson of Stuart, Inc. are dealer operator(s) and principal investor(s): James C. LaBar, 200 Business Park Circle, Suite 101, St. Augustine, FL 32095.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tracy Buer, Sales & Marketing Administrator, Big Dog Motorcycles, LLC, 1520 E. Douglas Avenue, Wichita, KS 67214.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that General Motors Corporation, intends to allow the relocation of Phillips Buick-Pontiac-GMC Truck, Inc., as a dealership for the sale of Buick, Pontiac GMC Light duty truck motor vehicles, from its present location at 3320 Highway 441/27, Fruitland Park, FL 34731, to a proposed location at US Highway 27/441 at the intersection of Grays Airport Road, Fruitland Park (Lake County), Florida 34731, on or after September 1, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Phillips Buick-Pontiac-GMC Truck, Inc. are: dealer operator(s): Larry M. Phillips, 3320 Hwy. 441/27, Fruitland Park, FL 34731; principal investor(s): Larry M. Phillips, 3320 Hwy. 441/27, Fruitland Park, FL 34731 and Mary Grace Small, 3320 Hwy. 441/27, Fruitland Park, FL 34731.

The notice indicates an intent to relocate the franchise in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jody L. Huey, Dealer Contractual Manager, General Motors Corporation, Mail Code 482-A07-C66, 100 GM Renaissance Center, Detroit, MI 48265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Buell Motorcycle Company, intends to allow the establishment of MotorSports of Orlando, LLC d/b/a Buell of Central Florida as a dealership for the sale of Buell motorcycles, at 8155 South Highway 17-92, Fern Park (Seminole County), Florida 32730, on or after March 5, 2004.

The name and address of the dealer operator(s) and principal investor(s) of MotorSports of Orlando, LLC d/b/a Buell of Central Florida are dealer operator(s): John Hamer, 11640 S. W. 64th Avenue, Pincrest, FL 33156; principal investor(s): Rodin Younessi, 7620 Eagle Point Drive, Delray Beach, FL 33446.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Shelly Doolittle, Dealer Development Operations Coordinator, Buell Motorcycle Company, 3700 West Juneau Ave., Milwaukee, WI 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Buell Motorcycle Company, intends to allow the establishment of Ft. Lauderdale Harley-Davidson, Inc. d/b/a Buell Shop of Pompano as a dealership for the sale of Buell motorcycles, at 2900 Center Port Circle, Pompano (Broward County), Florida 33064, on or after April 1, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Ft. Lauderdale Harley-Davidson, Inc. d/b/a Buell Shop of Pompano are dealer operator(s): Bruce Rossmeyer, 421 Ocean Shore Blvd., Ormond Beach, FL 33316; principal investor(s): Terry Taylor, 15 Harborage Isle, Ft. Lauderdale, FL 33316 and Greg Cooke, 6315 N. W. 120th Drive, Coral Springs, FL 33076.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Shelly Doolittle, Dealer Development Operations Coordinator, Buell Motorcycle Company, 3700 West Juneau Ave., Milwaukee, WI 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**CERTIFICATE OF NEED EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Osceola District: 7  
 ID # 0300028 Decision: A Issue Date: 3/5/2004  
 Facility/Project: Florida Hospital Kissimmee  
 Applicant: Adventist Health System/Sunbelt, Inc.  
 Project Description: The temporary addition of 10 inpatient acute care hospital beds  
 Proposed Project Cost: \$0

County: Pinellas District: 5  
 ID # 0300029 Decision: A Issue Date: 3/8/2004  
 Facility/Project: Mease Countryside Hospital  
 Applicant: Trustees of Mease Hospital, Inc.  
 Project Description: Add 19 acute care beds to the existing 189 acute care beds  
 Proposed Project Cost: \$5,000

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF JUVENILE JUSTICE**

The Florida Department of Juvenile Justice (FDJJ) has posted a draft of an emergency policy for review and comment on MyFlorida.com at: <http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>. As an emergency policy, this policy is not subject to the public review and comment timelines and other requirements of FDJJ-1000, Development and Review of Policies.

Direct Care Staff Certification, Re-Certification, and In-Service Training FDJJ-1505 (department-wide policy type B) – establishes a statewide framework for the Department of Juvenile Justice (DJJ) to implement procedures governing the certification, re-certification, and in-service training of direct

care staff in state operated and contracted programs. The provisions of this policy are applicable to all direct care staff, as defined in this policy, within all state operated and contracted DJJ programs, facilities, and probation units. The need exists to establish certification requirements in order to: (1) ensure that all direct care staff in state operated and contracted programs are performing at a minimum standardized level of competency, (2) maintain a safe and secure environment for staff and youth, (3) enhance program effectiveness and (4) provide greater protection to the public through an improved level of services to youth who are alleged to be or who have been found to be delinquent.

The Juvenile Correctional Officer (JCO) and Juvenile Probation Officer (JPO) Certification & Recertification Policy #1500 (effective 3-10-03) and Juvenile Detention Officer (JDO) Certification Policy #9.04 (effective 8-1-00) shall remain in effect and operate in conjunction with this policy through one year from the revised date of this policy. These policies shall only apply to staff hired prior to the revised date of this policy. The purpose of continuing with these policies is to allow contracted and state staff already in progress of obtaining their JCO/JPO/JDO certification to finish out the process. All state and contracted staff hired on or after the revised date of this policy shall comply with the provisions of this policy.

**STATE AND CONTRACTED DIRECT CARE STAFF HIRED ON OR AFTER THE REVISED DATE OF THIS POLICY.** All Juvenile Justice Officers, as defined in this policy, hired on or after the revised date of this policy, must successfully complete all certification training requirements based on an approved curriculum by the Department of Juvenile Justice within 180 days of the date of hire. These staff must successfully complete a minimum of 120 hours of the total certification training hours prior to having contact with and/or exercising direct care, custody, control, and/or supervision of youth.

**CONTRACTED DIRECT CARE STAFF HIRED ON OR AFTER AUGUST 15, 2003.** For contracted direct care staff hired on or after August 15, 2003, there must be documentation that the 120 hours set forth in Quality Assurance Standards have been or will be completed within 180 days of date of hire. These 120 hours must include PAR and CPR/First Aid. Upon completion of the 120 hours, these staff will be considered certified pursuant to this policy. (This paragraph does not apply to staff already officer certified through DJJ). This paragraph shall sunset 180 days from the effective date of this policy.

**CONTRACTED DIRECT CARE STAFF HIRED PRIOR TO AUGUST 15, 2003.** Contracted direct care staff hired prior to August 15, 2003, must successfully complete PAR and CPR/First Aid by August 15, 2004. Upon completion of the provisions in this paragraph, these staff will be considered certified pursuant to this policy. (This paragraph does not apply to staff already officer certified through DJJ).

Staff who are not considered direct care staff are not governed by this policy unless so required in writing by the Administrator, the Department's Regional Director, or higher authorities. These staff members typically include, but are not exclusively limited to, Administrators and other non-direct care staff in management positions, administrative staff, mental health and medical staff, volunteers, maintenance/janitorial staff, food service staff, education staff, and clerical staff.

Please note that unlike other postings, this policy is being posted for a single 10 working day review and comment period. The closure date for submission of comments on this policy is April 1, 2004. Note: The 10 working day review and comment period commences with the publication of this notice in the FAW. Responses to comments received will be posted during the review period to the extent possible.

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#### DEPARTMENT OF HEALTH

On March 3, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Leslie Kathleen, R.N., license number RN 2051292. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On March 3, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the certificate of Sandra Lazarre, C.N.A., license number 0101000014260. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On March 3, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Charles Logan, Ph.D., license number PY 3667. This Emergency Restriction Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### FLORIDA HOUSING FINANCE CORPORATION

##### ELDERLY HOUSING COMMUNITY LOAN PROGRAM NOTICE OF FUNDING AVAILABILITY (NOFA)

The Florida Housing Finance Corporation ("Florida Housing") announces a funding cycle for the Elderly Housing Community Loan Program.

It is anticipated that approximately \$1,080,000 in EHCL funding will be available to eligible developments that meet application criteria. Funding will be awarded in accordance with Rule Chapter 67-32, Florida Administrative Code (F.A.C.).

For more information on opening and closing dates of the application periods or for additional information on the EHCL Program including Rule Chapter 67-32, F.A.C., please access Florida Housing's website at [www.floridahousing.org](http://www.floridahousing.org) or contact Robert Dearduff, (850)488-4197. If you are hearing or speech impaired, please contact Florida Housing using the dual Party Relay System, 1(800)955-8770 or 1(800)955-8771.

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#### DEPARTMENT OF FINANCIAL SERVICES

##### NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following application.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., April 9, 2004:

##### APPLICATION TO MERGE

Constituent Institutions: First Choice Credit Union, West Palm Beach, Inc., West Palm Beach, Florida, and City Employees Credit Union, West Palm Beach, Florida

Resulting Institution: First Choice Credit Union

Received: February 27, 2004

The Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at [http://www.dbf.state.fl.us/banking/cu\\_expansion.html](http://www.dbf.state.fl.us/banking/cu_expansion.html).

##### EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Gulf States Credit Union, Post Office Box 945110, Maitland, Florida 32794-5110

Expansion Includes: Select Employee Group

Received: February 27, 2004

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**VISIT FLORIDA**

**ADVERTISING MATCHING GRANTS  
PROGRAM APPLICATIONS**

VISIT FLORIDA, 661 E. Jefferson Street, Tallahassee, Florida 32301, is accepting application for the 2003-2004 Advertising Matching Grants Program. Application packages may be obtained by writing VISIT FLORIDA at the address listed above, attention: Advertising Matching Grants Program, by faxing a request to "Advertising Matching Grants Program" at (850)224-2938, or by calling Bennie Strange at (850)488-5607, (Ext. 319), or by e-mailing a request to bstrange@flausa.com. VISIT FLORIDA reserves the right to reject any or all applications.

Application Due Date and Time is Friday, April 18, 2003, 5:00 p.m.

All applications received after 5:00 p.m. on Friday, April 18, 2003, will be returned to the applicant.

Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice), 1(800)955-8771 (TDD).

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**MINORITY CONVENTION GRANTS  
PROGRAM APPLICATIONS**

VISIT FLORIDA, 661 E. Jefferson Street, Tallahassee, Florida 32301, is accepting application for the 2003-2004 Minority Convention Grants Program. Application packages may be obtained by writing VISIT FLORIDA at the address listed above, attention: Minority Convention Grants Program, by faxing a request to "Minority Convention Grants Program" at (850)224-2938, or by calling Bennie Strange at (850)488-5607, Ext. 319, or by e-mailing a request to bstrange@flause.com. VISIT FLORIDA reserves the right to reject any or all applications.

Application Due Date and Time is Friday, April 11, 2003, 5:00 p.m.

All applications received after 5:00 p.m. on Friday, April 11, 2003, will be returned to the applicant.

Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice), 1(800)955-8771 (TDD).

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**CULTURAL HERITAGE AND  
NATURE TOURISM GRANTS  
PROGRAM APPLICATIONS**

VISIT FLORIDA, 661 E. Jefferson Street, Tallahassee, Florida 32301, is accepting application for the 2003-2004 Cultural Heritage and Nature Tourism Grants Program. Application packages may be obtained by writing VISIT FLORIDA at the address listed above, attention: Cultural Heritage and Nature Tourism Grants Program, by faxing a request to "Cultural Heritage and Nature Tourism Grants Program" at (850)224-2938, or by calling Clarissa Otero, (850)488-5607, Ext. 363, or by e-mailing a request to cotero@flausa.com. VISIT FLORIDA reserves the right to reject any or all applications.

Application Due Date and Time is Friday, April 18, 2003, 5:00 p.m.

All applications received after 5:00 p.m. on Friday, April 18, 2003, will be returned to the applicant.

Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice), 1(800)955-8771 (TDD).

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

					Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
RULES FILED BETWEEN March 1, 2004 and March 5, 2004					67-21.008	3/1/04	3/21/04	29/52	
					67-21.009	3/1/04	3/21/04	29/52	
					67-21.010	3/1/04	3/21/04	29/52	
Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	67-21.011	3/1/04	3/21/04	29/52	
					67-21.012	3/1/04	3/21/04	29/52	
					67-21.013	3/1/04	3/21/04	29/52	
					67-21.014	3/1/04	3/21/04	29/52	
					67-21.015	3/1/04	3/21/04	29/52	
					67-21.016	3/1/04	3/21/04	29/52	
					67-21.017	3/1/04	3/21/04	29/52	
					67-21.018	3/1/04	3/21/04	29/52	
					67-21.019	3/1/04	3/21/04	29/52	
					67-48.001	3/1/04	3/21/04	29/52	
					67-48.002	3/1/04	3/21/04	29/52	30/6
					67-48.004	3/1/04	3/21/04	29/52	30/6
					67-48.005	3/1/04	3/21/04	29/52	30/6
					67-48.006	3/1/04	3/21/04	29/52	
					67-48.007	3/1/04	3/21/04	29/52	
					67-48.009	3/1/04	3/21/04	29/52	
					67-48.0095	3/1/04	3/21/04	29/52	
					67-48.010	3/1/04	3/21/04	29/52	30/6
					67-48.0105	3/1/04	3/21/04	29/52	
					67-48.012	3/1/04	3/21/04	29/52	
					67-48.013	3/1/04	3/21/04	29/52	
					67-48.014	3/1/04	3/21/04	29/52	30/6
					67-48.015	3/1/04	3/21/04	29/52	
					67-48.017	3/1/04	3/21/04	29/52	
					67-48.018	3/1/04	3/21/04	29/52	
					67-48.019	3/1/04	3/21/04	29/52	
					67-48.020	3/1/04	3/21/04	29/52	
					67-48.0205	3/1/04	3/21/04	29/52	
					67-48.021	3/1/04	3/21/04	29/52	
					67-48.022	3/1/04	3/21/04	29/52	
					67-48.023	3/1/04	3/21/04	29/52	
					67-48.025	3/1/04	3/21/04	29/52	
					67-48.026	3/1/04	3/21/04	29/52	
					67-48.027	3/1/04	3/21/04	29/52	
					67-48.028	3/1/04	3/21/04	29/52	
					67-48.029	3/1/04	3/21/04	29/52	
					67-48.030	3/1/04	3/21/04	29/52	
					67-48.031	3/1/04	3/21/04	29/52	
					67-21.002	3/1/04	3/21/04	29/52	30/6
					67-21.003	3/1/04	3/21/04	29/52	30/6
					67-21.0035	3/1/04	3/21/04	29/52	30/6
					67-21.004	3/1/04	3/21/04	29/52	
					67-21.0041	3/1/04	3/21/04	29/52	
					67-21.0045	3/1/04	3/21/04	29/52	
					67-21.005	3/1/04	3/21/04	29/52	
					67-21.006	3/1/04	3/21/04	29/52	
					67-21.007	3/1/04	3/21/04	29/52	