

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

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Animal Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Importation of Animals	5C-3
RULE TITLES:	RULE NOS.:
Definitions	5C-3.001
General Requirements and Limitations	5C-3.002
Equidae	5C-3.003
Cattle	5C-3.004
Goats or Sheep	5C-3.005
Swine	5C-3.007
Dogs or Domestic Cats	5C-3.009
Cervidae	5C-3.011
Domestic Fowl Poultry, Poultry Products and Ratites	5C-3.012

**PURPOSE AND EFFECT:** The purpose and effect of this rule is to specify, detail, and clarify the importation requirements by species for animals and certain animal products into Florida from other states.

**SUBJECT AREA TO BE ADDRESSED:** This rule proposes modifications and updates in the general requirements, definitions, and species-specific requirements, tests and documentation by complying with the current national disease status regarding interstate animal transportation, animal movement, and disease control.

**SPECIFIC AUTHORITY:** 585.002(4), 585.08(2)(a) FS.

**LAW IMPLEMENTED:** 534.081, 585.08(1),(2)(a), 585.11(1),(2), 585.145(1),(2), 585.16 FS.

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

**TIME AND DATE:** 4:00 p.m., September 17, 2004

**PLACE:** The Mayo Bldg., Conference Room #316, 407 S. Calhoun St., Tallahassee, FL

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Dr. Cesar Ruiz, Vet. Manager, Bureau of Animal Disease Control, Division of Animal Industry, Rm. 333, 407 S. Calhoun St., Tallahassee, FL 32399-0800, (850)410-0900, Fax (850)410-0957

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 5C-3.001 Definitions.

For the purpose of this chapter the following words shall have the meaning indicated:

(1) Accredited Veterinarian. A veterinarian licensed in the state of origin and approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA, APHIS) to perform certain functions of federal and cooperative state-federal programs in accordance with the provisions of Title 9 Code of Federal Regulations (9 CFR) § 160 - § 162 (2004).

(2) Administrator. The Administrator, of the United States Department of Agriculture, Animal and Plant Health Inspection Service, (USDA, APHIS), or any person authorized to act for the Administrator.

(3) Animal. Any equine, bovine, goat, sheep, swine, domestic cat, dog, poultry, ostrich, rhea or emu, or other domesticated beast or bird. The term "animal" shall include wild or game animals whenever necessary to effectively control or eradicate dangerous transmissible diseases or pests.

(4)(2) Approved All-Class Market. A livestock market approved by the Administrator pursuant to 9 CFR Part (§) 71.20 (2004), where breeding, feeding, and slaughter swine are received, handled and released sold in accordance with Federal interstate regulations and applicable state regulations; and released in accordance with 9 CFR § 71 (2004), § 78 (2004), and § 85 (2004) provisions of these Program Standards.

(3) Approved Feeder Pig Market. A livestock market approved by the Administrator where only feeder pigs that meet the following criteria are accepted for sale, in accordance with Federal interstate regulations and applicable provisions of these Program Standards:

(a) All swine must originate in a qualified pseudorabies negative herd; or

(b) All swine must originate from a State that has achieved Pseudorabies Eradication Program status of Stage III, IV, or V; or

(c) All swine must originate in a pseudorabies monitored feeder pig herd; or

(d) All swine are found negative to an official pseudorabies test conducted 30 days or less prior to presentation at the market.

(4) Approved Quarantined Feedlot. Premises under the supervision and control of the state veterinarian, where infected or exposed animals are fed and from which the animals are moved directly to a recognized slaughtering establishment or directly through one or more slaughter markets and then directly to a recognized slaughtering establishment in compliance with the provisions of the Department.

(5) Approved Slaughter Market. A livestock market approved by the Administrator pursuant to 9 CFR § 71.20 (2004) ~~where that accepts and releases only shipments of slaughter swine are received, handled and released;~~ in accordance with applicable ~~s~~State and Federal regulations and 9 CFR § 71 (2004), § 78 (2004), and § 85 (2004). ~~No swine may be released from an approved slaughter market unless consigned directly to another approved slaughter market, a recognized slaughtering establishment for immediate slaughter, or a quarantined feedlot.~~

(6) Authorized Representative. ~~An employee of the state or federal government, or a licensed veterinarian, licensed and accredited by the USDA, who is authorized to conduct animal disease control and eradication activities authorities of the state of origin, or a regulatory veterinarian employed by the USDA or by the state of origin.~~

(7) Avian Influenza (AI) or Exotic Newcastle Disease (END)-Affected State. Any state in which High Path Avian Influenza subtype H5 or H7 or END virus has been diagnosed in poultry within the last 90 days prior to importation. Domestic Animal. Any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry, ostrich, rhea or emu, or other domesticated beast or bird. The term "animal" shall include wild or game animals whenever necessary to effectively control or eradicate dangerous transmissible diseases or pests which threaten the agricultural interests of the state.

(8) Cleaned and Disinfected. Free of organic matter and disinfected with an approved agent.

(9) Commercial Production Swine. Swine that have been continuously managed with adequate facilities and practices to prevent exposure to either transitional or feral swine and so recognized by state animal health officials.

(10) Division. The Division of Animal Industry of the Florida Department of Agriculture and Consumer Services.

(11)(8) Domestic Fowl. Any member of the Class Aves that is propagated or maintained under control of a person for commercial, exhibition or breeding purposes, or as pets.

(12) Feral Swine. Swine that are free-roaming.

(13)(9) Import, Imported, Importation. The movement of animals into the ~~s~~State of Florida, from another state, United States (U.S.) possession, or foreign country.

(14)(10) National Poultry Improvement Plan (NPIP). A cooperative state-federal-industry program for prevention and control of certain hatchery-disseminated diseases and for improvement of poultry and poultry products as provided in 9 CFR ~~C.F.R.~~ § 145 (2004 1993) and § 147 (2004 1993).

(15)(11) Official Certificate of Veterinary Inspection (OCVI). A legible certificate made on an official form from the state of origin or from the USDA, issued by an authorized representative, and approved by the chief animal health livestock regulatory official of the state of origin.

(16) Official Individual Identification. A unique individual identification that is secure, traceable, and capable of carrying unique numbers from a central repository; including, but not limited to: official USDA ear tags that conform to the alphanumeric National Uniform Eartagging System, flank tattoo, tail web or ear tattoo, or lip tattoo using the National Uniform Tag code number assigned by USDA to the state of origin, or official leg or wing band, or any electronic identification device with a unique number that is recorded in a single central database, or other USDA-approved identification device that conforms to the alphanumeric National Uniform Eartagging System, or biometrics, or the digital image or notarized photograph of the animal signed by the licensed accredited veterinarian or notary public, drawing, or other forms of identification developed through technology in which natural physical marks such as signalments are recorded and/or documented. It may bear the valid premises identification used in conjunction with the producer's livestock production numbering system to provide a unique identification number. An owner's private brand or tattoo, even though permanent and registered in the state of origin, is not an acceptable individual animal identification for the purposes of entry into Florida.

(17) Poultry. Chickens, turkeys, quail, pheasants, chukars, peafowl, guineas, ratites and waterfowl.

(18)(12) Poultry and Eggs for Hatching Purposes. A specific designation of those species of domestic fowl and the qualified eggs produced by these that are eligible for testing and qualification under the supervision of the NPIP including, but not limited to, chickens, turkeys, waterfowl, exhibition poultry and game birds. The term also includes other domestic fowl used for commercial, exhibition or breeding purposes or as pets.

(19) Poultry Products. Hatching eggs, chicks, poults, table eggs, litter, and offal but does not include processed poultry meat for human consumption.

(13) Prior Authorization. All domestic animals, infected with or exposed to any infectious or communicable disease, except animals moving directly to slaughter, must have prior authorization by the State Veterinarian for importation.

(20)(14) Prior Permission. ~~Written or verbal authorization by the Division prior to importation into Florida. An authorization number~~ Prior permission must be obtained and shown on the OCVI accompanying the animals ~~from the State Veterinarian or representative of the Division for all swine, domestic fowl, cervidae, and cattle from Class B Brucellosis states for movement into the state, except animals which are consigned directly to a recognized slaughtering establishment. The prior permission may be either written permission from the Division or a prior permission number issued by telephone by the Division.~~

~~(21)~~(15) Recognized Slaughtering Establishment. A slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), or equivalent state meat or federal inspection program.

~~(22)~~ Restricted. Animals that are quarantined, infected with, or exposed to any infectious or communicable disease.

~~(23)~~(16) Specifically Approved Livestock Market. A stockyard, livestock market, buying station, concentration point or any other premises under state or federal veterinary supervision where livestock are assembled for sale or sale purposes and which has been approved by the Administrator USDA as provided in 9 CFR § 71.20 (2004) C.F.R. § 76.18 (1993).

~~(24)~~ Transitional Swine. Swine that have been, or have had the potential to be, exposed to feral swine.

~~(25)~~ USDA. United States Department of Agriculture.

~~(26)~~ Vesicular Stomatitis (VS)-Affected State. Any state in which VS virus serotypes New Jersey or Indiana have been diagnosed within the last 60 days prior to importation.

~~(17)~~ VS Form 1-27 (Dec 80), Permit for Movement of Restricted Animals. A USDA form which is issued by a USDA representative, state representative or accredited veterinarian and which is required to accompany certain animals for movement to provide identification and health information on those animals.

~~(18)~~ VS Form 9-3 (Oct 88), Report of Sales of Hatching Eggs, Chicks and Poults. A USDA form which is issued by a USDA representative, state representative or accredited veterinarian and which is required to accompany NPIP approved poultry and eggs for hatching purposes for movement into the state.

~~(27)~~(19) Forms and Materials. Title 9 CFR C.F.R. § 71 (2004), § 71.20 (2004), § 78 (2004), § 85 (2004), § 145 (2004 1993), and § 147 (2004 1993), § 160 - § 162 (2004), and the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) § 76.18 (1993); VS Form 1-27 (Dec 80), Permit for Movement of Restricted Animals and VS Form 9-3 (Aug 95 Oct 88), Report of Sales of Hatching Eggs, Chicks, and Poults are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2)(a) FS. Law Implemented 585.08(2)(a), 585.145(1),(2) FS. History—New 6-29-62, Amended 2-5-85, Formerly 5C-3.01, Amended 9-6-89, 3-23-94, 6-4-95, \_\_\_\_\_.

#### 5C-3.002 General Requirements and Limitations.

(1) OCVI Required. Domestic Animals imported into the state must be accompanied by an OCVI unless exempted by this rule. The OCVI must be attached to the waybill or be in the possession of the driver of the vehicle or person otherwise in charge of the animals. The OCVI must accompany the animals to their final destinations in Florida.

(a) All information required on the OCVI must be fully completed by the issuing veterinarian and must include the following:

1. The name and address of the consignor;
2. The name and address of the consignee;
3. The point of origin and premises identification, if assigned by state officials in the state of origin;
4. The point of destination;
5. The date of examination;
6. The number of animals examined;
7. The official individual permanent identification number of each animal; and the name or registered brand or tattoo number;
8. The sex, age, and breed of each identified animal;
9. Test results and herd or state status on certain diseases as specified in this chapter;
10. Prior permission number, if required;
11. A statement by the issuing veterinarian that the animals identified on the OCVI are free of signs of infectious or communicable disease; and
12. For Equidae only, the establishment or premises at which the horse was examined, body temperature at examination, and color and markings or digital image.

(b) A copy of the OCVI, ~~approved by the chief animal health official of the state of origin,~~ must be forwarded immediately to the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 S. Calhoun St., Tallahassee, FL Florida 32399-0800.

(c) The OCVI will be void after 30 days except that OCVI for Equidae may be extended as provided in subsection 5C-3.003(5)(6), F.A.C.

~~(2) Proof of Ownership~~ Prior authorization and prior permission.

~~(a) Prior authorization.~~ All domestic animals, infected with or exposed to any infectious or communicable disease, except animals moving directly to slaughter, must have prior authorization by the State Veterinarian for importation.

~~(b) Prior permission.~~ Prior permission must be obtained from the State Veterinarian or representative of the Division for all swine, domestic fowl, cervidae, and dogs or domestic cats originating in areas under quarantine for rabies for movement into the state, except animals which are consigned directly to a recognized slaughtering establishment. The prior permission may be either written permission from the Division or a prior permission number issued by telephone by the Division.

~~(3) Animals entering the state without an OCVI or otherwise entering the state in violation of the provisions of this chapter shall be stopped by an agent, servant, or employee of the Department or by any law enforcement officer of the State of Florida or any subdivision of the state. Any person,~~

~~firm, or association having charge, custody, or control of animals imported in violation, will remove the animals from the state as directed by the Division.~~

~~(4) Animals being transported within the state.~~

~~(a) Animals which are not required to have an OCVI for importation, as exempted by this rule, and animals being transported totally within the state must be accompanied by a document signed by the owner or agent as evidence of ownership or authority for possession of the transported animals or a notarized affidavit of authority to transport.~~

These documents must disclose:

~~(a)1-~~ The name and address of the consignor,

~~(b)2-~~ The name and address of the consignee,

~~(c)3-~~ The point of origin,

~~(d)4-~~ The point of destination, and

~~(e)5-~~ A description of the animals sufficient to identify them for any and all purposes.

~~(b) Cattle which are test eligible for brucellosis must be accompanied by evidence that the cattle originate from a Class Free Area or a Certified Brucellosis Free Herd or a VS Form 4-33 (APR 81) as evidence of meeting the test requirements for movement as described in subsection 5C-6.0032(4), 5C-6.0033(4), or 5C-6.0034(4), F.A.C.~~

~~(c) Equidae must be accompanied by the original or a laboratory certified copy or a notarized copy of a VS Form 10-11 (APR 90) as evidence of a negative equine infectious anemia test within the previous 12 months.~~

(3) Restricted Animals. All restricted animals must have prior permission for importation into the state or to be transported within the state.

(4) Importation for Slaughter. Animals imported into the state for slaughter must be consigned directly to a recognized slaughtering establishment and must be slaughtered within 10 days after arrival at their destination.

(5) Vesicular Stomatitis.

(a) Certification for Vesicular Stomatitis (VS). All hoofed animals, including horses, ruminants, swine, exotic and wild hoofed animals, originating from a VS-affected state must be accompanied by an OCVI which includes the following statement: "All animals susceptible to Vesicular Stomatitis (VS) identified and included in this OCVI for shipment have been examined and found to be free from clinical signs and vectors of VS and have not been exposed to VS virus and have not been within 10 miles of a VS-infected premises within the last 30 days." Documentation must also accompany the animals to show that the animals have been tested and found negative to an approved test for VS within the previous 10 days.

(b) Prior permission. Animals originating from a VS-affected state will require prior permission.

(6) Violations. Animals entering the state in violation of the provisions of this chapter shall be stopped by an agent, or employee of the Division or by any FDACS law enforcement officer of the state of Florida or any subdivision of the state. Any person, firm, or association having charge, custody, or control of animals imported in violation of this rule will remove the animals from the state as directed by the Division.

~~(5) Forms and Materials. USDA APHIS VS Forms 4-33 (APR 81) and 10-11 (APR 90) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.~~

Specific Authority 585.002(4), 585.08(2)(a) FS. Law Implemented 534.081, 585.11(1),(2), 585.145(1),(2), 585.16 FS. History—New 6-29-62, Amended 2-5-85, Formerly 5C-3.02, Amended 9-6-89, 3-23-94, 6-4-95, \_\_\_\_\_.

5C-3.003 Equidae.

(1) OCVI Required. An OCVI must accompany all Equidae imported into the state except the following:

(a) Equidae consigned directly to a veterinary medical treatment facility for emergency medical care and placed under quarantine at the medical facility until it recovers and exits the state recognized slaughtering establishment, or

(b) Equidae accompanied by an Equine Event Extension (DACS-09051) (8/04), Equine Interstate Passport Card (DACS-09207) (8/04), or equivalent, of consigned directly to a veterinary medical treatment facility for emergency medical care. The animal will be placed under quarantine at the medical facility until it recovers and exits the state of origin, signed by the State Veterinarian or chief animal health official as provided in subsection 5C-3.003(5), F.A.C.

(2) Prior Permission. Prior permission must be obtained for the following:

(a) Equidae consigned directly to a veterinary medical treatment facility imported for emergency medical care treatment without an OCVI, and

(b) Equidae imported from a state or U.S. possessions where Equine piroplasmiasis is endemic; or

(c) Equidae imported into the state from countries where Contagious Equine Metritis (CEM) is endemic.

(3) Equine Infectious Anemia (EIA) Test.

(a) All Equidae imported into the state must be accompanied by evidence of an official negative EIA serologic test within 12 months prior to importation, except the following:

1. Foals under six months of age accompanied by their dam which has met the EIA test requirements, and

2. Equidae exempted from the OCVI requirement under paragraph 5C-3.003(1)(a) or (b), F.A.C. above.

(b) The EIA test information must be recorded on the OCVI, Equine Event Extension (DACS-09051) (8/04), Equine Interstate Passport Card (DACS-09207) (8/04), or equivalent.

of the state of origin signed by the State Veterinarian or chief animal health official as provided in subsection 5C-3.003(5), F.A.C., and must include the following:

1. The date of the test;
2. The result of the test;
3. The name of the testing laboratory; and
4. The laboratory accession number.

(4) Equine Piroplasmiasis Test Requirements:

(a) All Equidae imported from states or U.S. possessions where Equine piroplasmiasis is endemic must be accompanied by evidence of a negative official test for both *Babesia caballi* and *Babesia equi* as approved by the USDA within 30 days prior to importation have a prior permission number recorded on the accompanying OCVI. This number can be obtained from the Division by telephone.

(b) All Equidae from states or U.S. possessions, where equine piroplasmiasis is endemic must be accompanied by evidence of a negative official complement fixation (CF) test for both *Babesia caballi* and *Babesia equi*.

(b)(e) All Equidae meeting the above requirements for importation will be quarantined upon arrival at their destination. The Equidae will remain under quarantine until such time as negative official CF tests for *B. caballi* and *B. equi* are conducted at the owner's expense not less than 30 days nor more than 60 days after importation.

(c) Equidae which test positive for *B. caballi* or *B. equi* will remain under quarantine, with all treatment and related costs at the owner's expense, until:

- (i) The animal is treated by a Florida licensed and accredited veterinarian and is negative on retesting; or
- (ii) Is returned to the point of origin under VS Form 1-27 (JUN 89 Dec 80); or
- (iii) Is euthanized and disposed of by methods approved by the Division; or
- (iv) Is moved directly to a recognized slaughtering establishment under VS Form 1-27 (JUN 89 Dec 80).

(5) Immediate Slaughter Equidae:

(a) Equidae not known to be infected with EIA may be imported for slaughter purposes without restriction if each animal is "S" branded on the left side of the neck, and is consigned directly to a recognized slaughtering establishment.

(b) Equidae infected with or known to be exposed to EIA may be imported for slaughter purposes if accompanied by VS Form 1-27 (Dec 80) consigning the animals directly to a recognized slaughtering establishment.

1. Reactor animals must be permanently identified prior to importation, using the National Uniform Tag Code number as provided in 9 C.F.R. § 75.4(a) (1993), applied as a lip tattoo, or as a visible brand on the left side of the neck. The letter "A" is preceded by the assigned state number and followed by an individual identification number.

2. Exposed animals must be identified prior to importation by a lip tattoo or by a visible brand on the left side of the neck. The letter "A" is preceded by the assigned state number but no individual identification number is required.

(5) Equine Event Extension or Equine Interstate Passport Card. Equine Event Extension (DACS-09051) (8/04), or Equine Interstate Passport Card (DACS-09207) (8/04), or equivalent, will be issued to certify the existence of an official negative EIA test within the previous 12 months and a valid Florida Official Equine Certificate of Veterinary Inspection. This card will be valid for up to six months provided that:

(6) Special Event Extension. Upon written request to the Division, the expiration of a Florida OCVI Equine will be extended up to six months provided that:

(a) The purpose is solely to allow routine interstate movement between Florida and other states that have mutually agreed to recognize such Equine Event Extension (DACS-09051) (8/04), or Equine Interstate Passport Card (DACS-09207) (8/04), or equivalent, to equine events such as horse shows or meets, races, trail rides, or fox hunts in the states of Georgia and Alabama; and

(b) Florida, Georgia and Alabama have mutually agreed to recognize such extensions by the other two states; and

(b)(e) The OCVI includes all other information required by subsections 5C-3.002(1) and 5C-3.003(3), F.A.C.; and

(c)(d) The new expiration date will not be later than the expiration date of the EIA test; and-

(d)(e) An Equine Event Extension (DACS-09051) (8/04), or Equine Interstate Passport Card (DACS-09207) (8/04), or equivalent, This special event extension does not supersede or replace the requirements of any given event; and-

(e)(f) An Equine Event Extension (DACS-09051) (8/04), or Equine Interstate Passport Card (DACS-09207) (8/04), or equivalent, new special event extension will not be issued for an owner, owner's agent, or horse which has been the subject of cancellation of an Equine Event Extension (DACS-09051) (8/04), or Equine Interstate Passport Card (DACS-09207) (8/04), or equivalent a special event extension which the Department has cancelled.

(f) An Equine Event Extension (DACS-09051) (8/04) or Equine Interstate Passport Card (DACS-09207) (8/04) may be applied for by submitting an Application for Equine Event Extension or Equine Interstate Passport Card (DACS-09078)(8/04) to the Division of Animal Industry, Florida Department of Agriculture & Consumer Services, 407 S. Calhoun St., Mayo Building, Tallahassee, Florida 32399-0800, Fax: (850)410-0957; or through the Department's Licensing, Permits and Registration website: <http://www.doacs.state.fl.us/onestop/ai/aiinst.html>.

(6) Brucellosis. Equidae which are positive to a brucellosis test or which show evidence of "poll evil" or "fistulous withers" whether draining or not, will not be allowed to enter the state for any purpose.

(7) Forms Materials. Equine Event Extension (DACS-09051) (08/04), and Equine Interstate Passport Card (DACS-09207) (08/04), Title 9 C.F.R. § 75.4(a) (1993) are hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 S. Calhoun St., Tallahassee, FL 32399-0800. USDA APHIS VS Form 1-27 (JUN 89) is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—Amended 11-21-65, 6-26-66, 3-1-72, 10-15-73, 3-17-76, 9-14-82, 2-5-85, Formerly 5C-3.03, Amended 9-6-89, 3-23-94, 6-4-95, \_\_\_\_\_.

5C-3.004 Cattle.

(1) OCVI Required. All cattle imported must be accompanied by an OCVI except the following:

- (a) Steers;;
- (b) Spayed heifers;;
- (c) Cattle consigned directly to specifically approved livestock markets; and

(d) ~~Non-restricted and restricted~~ Cattle consigned directly to ~~approved quarantined feedlots or to~~ recognized slaughtering establishments.

(2) Other Requirements and Limitations, General.

(a) Restricted cattle must have prior permission and be accompanied by VS Form 1-27 (JUN 89 Dec 80);

(b) Cattle known to be infected with paratuberculosis (Johne's Disease) shall ~~may~~ not be imported except to a recognized slaughtering establishment or to a specifically approved livestock market for sale to a recognized slaughtering establishment.

(c) Testing.

~~(3) Dairy Cattle.~~

1(a) Tuberculosis Test.

~~a.1-~~ A tuberculosis test is not required for importation provided that the cattle originate from an Accredited Tuberculosis-Free Herd or State. The herd accreditation number or state status must be listed on the OCVI.

b.2- A negative tuberculosis test is required within 30 days prior to importation for cattle over 6 months of age that originate from a state or herd that is not an Accredited Tuberculosis-Free Herd or State provided the cattle:

- ~~a. Originate from a Modified Accredited State;~~
- ~~b. Are over six months of age; and~~
- ~~c. The herd of origin is not under quarantine.~~

2.(b) Brucellosis Test.

~~a.1-~~ A brucellosis test is not required for importation provided that the cattle:

(i)a- Originate from a Certified Brucellosis-Free Herd or Brucellosis Class-Free State or Area; or;

~~(ii)b-~~ Are official calfhood vaccinates under 18 months of age, or are steers or spayed heifers Originate from a Class A State and

- ~~(i) Are under 18 months of age; or~~
- ~~(ii) Are official calfhood vaccinates under 20 months of age; and~~

~~(iii) Originate from non-quarantined herds which have had a negative test within 12 months of importation.~~

~~2. Other cattle which originate from a Class A State may be imported provided that the cattle:~~

- ~~a. Are from herds not under quarantine; and~~
- ~~b. Have had A negative brucellosis test is required within 30 days prior to importation for cattle not exempted in sub-subparagraph 5C-3.004(2)(c)2.a., F.A.C., and which originate from a state or area not recognized as a Brucellosis Class-Free State or Area under the provisions of 9 CFR § 78 (2004).~~

c. The herd certification number or state status must be listed on the OCVI.

~~(e) Brucellosis Vaccination. All female cattle four months of age or over must be officially calfhood vaccinated to be qualified for entry into the state unless destined for immediate slaughter or to a quarantined feedlot.~~

~~(4) Beef Cattle.~~

~~(a) Tuberculosis Test. A tuberculosis test is not required for importation provided that the OCVI indicates that the cattle:~~

~~1. Originate from an Accredited Tuberculosis-Free Herd or State; or~~

~~2. Originate from a Modified Accredited State and the herd is not under quarantine.~~

~~3. Other cattle over six months of age, not meeting the above requirements must have a negative test for tuberculosis within 30 days prior to importation.~~

~~(b) Brucellosis Test.~~

~~1. A brucellosis test is not required for importation provided that the cattle:~~

~~a. Originate from a Certified Brucellosis-Free Herd or a Class Free State;~~

~~b. Originate from a Class A State and~~

- ~~(i) Are under 18 months of age; or~~
- ~~(ii) Are official calfhood vaccinates under 24 months of age; and~~

~~(iii) Originate from non-quarantined herds which have had a negative test within 12 months of importation.~~

~~2. Other cattle which originate from a Class A State may be imported provided that the cattle:~~

- ~~a. Are from herds not under quarantine; and~~
- ~~b. Have had a negative brucellosis test within 30 days prior to importation.~~

~~(5) Feeder Cattle.~~

~~(a) Steers and spayed heifers may enter the state without restriction. Evidence of ownership or authority to transport the animals as provided in subsection 5C-3.002(5), F.A.C., must accompany the shipment.~~

~~(b) Cattle for feeding purposes, that are not steers or spayed heifers, may enter without the OCVI or tests if consigned directly to a quarantined feedlot; otherwise, the cattle must meet the requirements for breeding cattle.~~

~~(c) Restricted cattle must be accompanied by VS Form 1-27 (Dec 80).~~

~~(6) Immediate Slaughter Cattle. Cattle for immediate slaughter may be imported without an OCVI or tests if consigned directly to a recognized slaughtering establishment. The cattle must be slaughtered within 10 days after arrival at their destination. Evidence of ownership or authority to transport the animals as provided in subsection 5C-3.002(5), F.A.C., must accompany the shipment.~~

~~(3)(7) Rodeo Bulls.~~

~~(a) Tuberculosis Test. A negative tuberculosis No test is required within 12 months prior to importation.~~

~~(b) Brucellosis Test.~~

~~± Rodeo bulls performing in rodeo events; may be imported without tests provided the bulls are not changing ownership and are under 18 months of age; or individual bulls are negative to a brucellosis test within 12 months prior to importation.~~

~~(c)2- Rodeo bulls imported for other purposes other than performing in rodeo events must meet the requirements for importation in subsections 5C-3.004(1) and (2), F.A.C of breeding cattle.~~

~~(4) Prior Permission. Prior permission shall be required for all cattle originating from states with less than Tuberculosis Accredited-Free State or Brucellosis Class-Free State classifications.~~

~~(5) Forms. VS Form 1-27 (JUN 89) and 9 CFR. § 78 (2004) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.~~

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—Amended 3-22-63, 8-20-64, 9-23-65, 7-25-66, 11-15-67, 3-1-68, 3-12-70, 7-1-70, 9-1-72, 4-5-77, 7-1-79, 7-1-80, 9-30-80, 8-9-81, 9-14-82, 6-26-83, 2-5-85, Formerly 5C-3.04, Amended 9-6-89, 3-23-94, 6-4-95,\_\_\_\_\_.

5C-3.005 Goats or Sheep.

(1) OCVI Required. All goats or sheep imported into the state, except goats or sheep consigned directly to recognized slaughtering establishments, must be accompanied by an OCVI. The OCVI must include the following:

(a) The official individual permanent identification of each animal as required in 9 CFR § 79.2 (2004) and § 79.3 (2004) and the Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-066, October 1, 2003; and

~~(b) A statement that each goat or sheep other than dairy goats and immediate slaughter goats, is free of the clinical signs of the diseases; caseous lymphadenitis, contagious ecthyma (Orf), chlamydial keratoconjunctivitis, scabies, scrapie, and contagious footrot; or (c) A statement that each sheep is free of clinical signs of the diseases contagious footrot, chlamydial keratoconjunctivitis, contagious ecthyma (Orf), and scabies.~~

~~(2) Testing Requirements for Dairy Goats Over Six Months of Age.~~

~~(a) Tuberculosis Test. Dairy goats over 6 months of age The animal must originate from an Accredited Tuberculosis-Free Herd, or have had a negative tuberculosis test within 90 days prior to importation.~~

~~(b) Brucellosis Test. Dairy goats over 6 months of age The animal must originate from a Certified Brucellosis-Free Herd, or have had a negative brucellosis test within 90 days prior to importation.~~

~~(c) A statement that each animal is free of clinical signs of the diseases caseous lymphadenitis, contagious ecthyma (Orf), chlamydial keratoconjunctivitis, and contagious footrot.~~

~~(3) Immediate Slaughter Goats or Sheep.~~

~~(a) Goats or sheep older than 18 months of age must have an official individual identification as required in 9 CFR § 79.2 (2004) and § 79.3 (2004), and the Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-066, October 1, 2003 for immediate slaughter may be imported without an OCVI or tests if consigned directly to a recognized slaughtering establishment. The goats or sheep must be slaughtered within 10 days after arrival at their destination. Evidence of ownership or authority to transport the animals as provided in subsection 5C-3.002(5), F.A.C., must accompany the shipment.~~

~~(b) Evidence of ownership or authority to transport the animals as provided in subsection 5C-3.002(2), F.A.C., must accompany the shipment.~~

~~(c) The goats or sheep will be moved directly to a recognized slaughter establishment.~~

~~(5) Materials. 9 CFR § 79.2 (2004), § 79.3 (2004), and the Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-066, October 1, 2003 are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.~~

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—New 6-29-62, Amended 2-5-85, Formerly 5C-3.05, Amended 9-6-89, 3-23-94, 6-4-95,\_\_\_\_\_.

5C-3.007 Swine.

(1) OCVI Required. All swine imported into the state, except swine consigned directly to a recognized slaughtering establishment, must be accompanied by an OCVI.

(2) Prior Permission. Prior permission is required for a All swine imported originating from any state with less than a Validated Brucellosis-Free State, or Pseudorabies Stage IV or V (Pseudorabies-Free) State status or Transitional swine from any state, except swine consigned directly to a recognized slaughtering establishment, must have a prior permission number issued by the Division. The prior permission number must be shown on the OCVI accompanying the swine.

~~(3) Isolation and Quarantine. All swine imported into the state, except swine consigned directly to a recognized slaughtering establishment, must be quarantined upon arrival at their destination and must be held in isolation from all other swine on the premises for a period of not less than 30 days after importation. This requirement also applies to exhibition swine returning to Florida from other states.~~

~~(3)(4) Breeding, Exhibition and Pet Swine.~~

(a) Brucellosis Test. Swine imported for breeding, exhibition or pet purposes must:

1. Originate from herds not known to be infected with or exposed to brucellosis and be accompanied by proof of a negative brucellosis serologic test conducted within 30 days prior to importation, or

2. Be commercial production swine that originate directly from a Validated Brucellosis-Free State; or

~~3. Originate directly from a Validated Brucellosis-Free Herd or State. The Brucellosis-Free Herd number and the date of expiration or state status must be listed on the OCVI.~~

~~3. Breeding swine imported into the state must be retested and be negative to a brucellosis test prior to being added to the resident herd. The test will be conducted at the owner's expense not less than 30 days and not more than 60 days after importation.~~

(b) Pseudorabies Tests. Swine entering the state for breeding, exhibition or pet purposes must:

1. Originate from a herd not known to be infected with or exposed to pseudorabies and be accompanied by proof of a negative pseudorabies serologic test conducted within 30 days prior to importation; or

2. Originate from a Qualified Pseudorabies-Negative (QN) Herd; or

3. Be commercial production swine that originate directly from ~~Be shipped directly from the farm of origin in a Pseudorabies Stage IV or V (Pseudorabies-Free) State; or~~

~~4. Originate from a Qualified Pseudorabies-Negative Herd or have passed a negative pseudorabies serologic test within 30 days prior to sale at an approved all-class market and be released under state quarantine for isolation and retest at the owner's expense in 30 to 60 days.~~

~~(4)(5) Feeder Swine.~~

(a) Brucellosis Test. Swine imported for feeder purposes must originate from herds not known to be infected with or exposed to brucellosis.

(b) Pseudorabies Tests. Swine imported for feeder purposes must:

1. Originate from herds not known to be infected with or exposed to pseudorabies and be accompanied by proof of a negative pseudorabies serologic test conducted within 30 days prior to importation; or

2. Originate from a Qualified Pseudorabies-Negative (QN) Herd; or

3. Originate from a Pseudorabies-Monitored Feeder Pig (MFPH) Herd; or

4. Be commercial production swine that originate directly from shipped directly from the farm of origin in a Pseudorabies Stage III, IV, or V (Pseudorabies-Free) State; or

~~5. Be sold at an approved all-class market or approved slaughter market and imported for feeding in an approved quarantined feedlot; or~~

~~6. Be sold at an approved feeder pig market and imported for feeding without restrictions.~~

~~(5)(6) Immediate Slaughter Swine.~~

(a) Commercial Production Swine not known to be infected with or exposed to brucellosis or pseudorabies may enter the state without restrictions provided they are:

1. Consigned directly to an approved slaughtering establishment; or

2. Consigned directly to an approved slaughter market or an approved all-class market and then directly to another approved slaughter market or to a recognized slaughtering establishment.

(b) Transitional swine and swine known to be infected with or exposed to pseudorabies or brucellosis must have prior permission and be accompanied by VS Form 1-27 (JUN 89) and may be imported provided the swine are consigned directly to a recognized slaughtering establishment. Swine for immediate slaughter may be imported without an OCVI or tests if consigned directly to a recognized slaughtering establishment. The swine must be slaughtered within 10 days after arrival at their destination.

(c) Evidence of ownership or authority to transport the animals as provided in subsection Section 5C-3.002(2)(5), F.A.C., must accompany the shipment.

~~(a) Swine not known to be infected with or exposed to brucellosis or pseudorabies may enter the state without restrictions provided they are:~~

~~1. Consigned directly to an approved slaughtering establishment; or~~

~~2. Consigned directly to an approved slaughter market or an approved all-class market and then directly to another approved slaughter market or to a recognized slaughtering establishment or an approved quarantined feedlot; or~~  
~~3. Consigned directly to an approved slaughter market and then to an approved quarantined feedlot.~~



~~(b) Swine known to be infected with or exposed to pseudorabies or brucellosis must have prior authorization and be accompanied by VS Form 1-27 (Dec 80), and may be imported provided the swine are:~~

~~1. Consigned directly to a recognized slaughtering establishment; or~~

~~2. Consigned directly to no more than two approved slaughter markets and then directly to a recognized slaughtering establishment.~~

~~(c) The carrier transporting infected or exposed slaughter swine must be cleaned and disinfected before it is used within the following 30 days to transport non-slaughter swine or feedstuff.~~

~~(6) Forms, VS Form 1-27 (JUN 89) is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.~~

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—Amended 3-24-65, 11-7-67, 6-20-68, 1-1-71, 3-1-72, 8-4-77, 2-5-85, 10-23-85, Formerly 5C-3.07, Amended 9-6-89, 3-23-94.

#### 5C-3.009 Dogs or Domestic Cats.

(1) OCVI Required. All dogs or domestic cats imported into this state, except dogs or domestic cats imported for exhibition purposes only and that will remain in the state less than six months, as provided in subsection 5C-3.009(3), F.A.C., below must be accompanied by an OCVI stating that they are:

(a) Free from signs of any infectious or communicable disease;

(b) Did not originate within an area under quarantine for rabies; and

(c) Not known to have a history of exposure to a rabies-infected animal prior to importation.

(2) Rabies Vaccination. Dogs and domestic cats 3 months of age and older transported into the state must have a current rabies vaccination with a USDA-approved rabies vaccine.

(3)(2) Prior Permission. Dogs or domestic cats originating from areas under quarantine for rabies must have prior permission from the Department as provided in subsection paragraph 5C-3.002(3)(2)(a), F.A.C.

~~(3) Exemption. Dogs or domestic cats imported for exhibition purposes only, and that will remain in the state less than six months, may be imported without an OCVI. Evidence of ownership or authority to transport the animals as provided in subsection 5C-3.002(5), F.A.C., must accompany the shipment.~~

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—New 6-29-62, Amended 2-5-85, Formerly 5C-3.09, Amended 9-6-89, 3-23-94, 6-4-95.

#### 5C-3.011 Cervidae.

(1) OCVI Required. All cervidae imported into the state, except cervidae consigned directly to a recognized slaughtering establishment, must be accompanied by an OCVI. The OCVI must list the official individual permanent identification of each animal, and the date and results of any required test as provided in Rule 5C-26.005, F.A.C.

(2) Prior Permission. All cervidae imported into the state, except cervidae consigned directly to a recognized slaughtering establishment, must have prior permission and meet the requirements of Chapter 5C-26, F.A.C. The prior permission number can be obtained from the Division by telephone and must be shown on the OCVI accompanying the animals.

#### ~~(3) Tuberculosis Test.~~

~~(a) Cervidae from an Accredited Tuberculosis Free Herd. No test is required for cervidae which originate from an Accredited Tuberculosis Free herd. The statement of herd status must be recorded on the OCVI accompanying the cervidae.~~

~~(b) Cervidae Not Affected or Exposed. Cervidae not known to be affected with or exposed to tuberculosis may be imported if they:~~

~~1. Originate from a herd which has undergone a negative test of all eligible animals within the past 12 months, and the animals to be imported have been classified negative to an official tuberculosis test, accomplished within 90 days prior to importation; or~~

~~2. Have been classified negative to two tuberculosis tests conducted not less than 90 days apart; the second test was conducted within 90 days prior to importation; and the animals were isolated from all other members of the herd during the testing period.~~

~~(4) Brucellosis Test. All cervidae six months of age or older must have a negative brucellosis test within 90 days prior to importation. The brucellosis test must be recorded on the OCVI accompanying the Cervidae.~~

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—New 3-23-94, Amended

#### 5C-3.012 Domestic Fowl, Poultry, Poultry Products and Ratites.

(1) OCVI Required. All domestic fowl, poultry and eggs for hatching purposes imported into the state, unless exempted by this rule, must be accompanied by an OCVI. Poultry and hatching eggs classified under provisions of the NPIP may substitute VS Form 9-3 (AUG 95 Oct 88), Report of Sales of Hatching Eggs, Chicks and Poults, for the OCVI. Racing pigeons that are transported out of the state for racing purposes in a sealed crate(s) and reenter the state with unbroken seals or poultry consigned directly to a recognized slaughtering establishment are exempt from the OCVI importation requirements.

(2) Prior Permission. Prior permission is required for importation of all domestic fowl and poultry and eggs for hatching purposes except:

(a) Poultry consigned directly to a recognized slaughtering establishment;

~~(b) Poultry and eggs for hatching purposes passing through the state for transshipment to foreign countries;~~

~~(b)(e) Individual exotic and pet birds;~~

~~(c)(d) Exhibition birds originating in NPIP participating flocks in Florida and are returning to the state; and~~

~~(e) Backyard domestic fowl as described in subparagraph 5C-3.012(3)(d)7., F.A.C.~~

(3) Pullorum Typhoid Test; exemptions.

~~(a) No test is required to import poultry or eggs for hatching purposes originating from flocks classified under provisions of the NPIP as Pullorum-Typhoid Clean or from flocks that have met comparable standards of the poultry disease control authority of the state of origin.~~

~~(a)(b) An official negative test for Pullorum-Typhoid is required within 30 days of importation for poultry or on the flock from which hatching eggs originate that do not meet the requirements in paragraph 5C-3.012(3)(b)(a), F.A.C.~~

~~(c) An official negative test for pullorum typhoid conducted on the flock from which hatching eggs originate is required within 30 days of importation of hatching eggs that do not meet the requirements of paragraph 5C-3.012(3)(a), F.A.C.~~

~~(b)(d) Exemptions to the test requirements. No tests is are required for the following:~~

~~1. Importing poultry or eggs for hatching purposes originating from flocks classified under provisions of the NPIP as Pullorum-Typhoid Clean or from flocks that have met comparable standards of the poultry disease control authority of the state of origin;~~

~~2. Quail, pheasants, pigeons and other birds used strictly for hunting purposes and which are consigned directly to a Florida Fish and Wildlife Conservation Commission-licensed hunting preserve;~~

~~3.2- Racing pigeons entering the state for release for return to state of origin;~~

~~4.3- Ratites;~~

~~5.4- Waterfowl imported for exhibition purposes;~~

~~6.5- Exotic birds or other pet birds;~~

~~7.6- Exhibition birds originating from NPIP-participating flocks in Florida returning to the state. These birds must be accompanied by proof of a valid NPIP flock testing record indicating that the flock test was conducted within the previous 12 months or proof of a valid NPIP participant card current within the past 12 months; or and~~

~~8.7- Poultry consigned directly to a recognized slaughtering establishment.~~

~~(4)7- Small B backyard poultry flocks. These birds that are not used for commercial, breeding, or exhibition purposes, entering the state without prior permission. These birds must be quarantined to their destination and must remain in quarantine until they birds are found to be negative to an official Pullorum-Typhoid test and any other tests required by the State Veterinarian. The tests will be conducted by an authorized representative of the Department, or are determined not to be a threat to other poultry in the state.~~

~~(4) Immediate Slaughter Poultry. Poultry for immediate slaughter may be imported without an OCVI or tests if consigned directly to a recognized slaughtering establishment. The poultry must be slaughtered within 10 days after arrival at their destination.~~

~~Evidence of ownership or authority to transport the animals as provided in subsection 5C-3.002(5), F.A.C., must accompany the shipment.~~

~~(5) Importations from an Avian Influenza (AI) or Exotic Newcastle Disease (END)-Affected State.~~

~~(a) Approval. All domestic fowl, live poultry or poultry products from an AI- or END-affected state(s) will be considered for approval by the State Veterinarian on a case-by-case basis following a risk assessment.~~

~~(b) Documentation. Poultry or poultry products must originate from a flock that is NPIP AI Clean and the shipment is accompanied by a VS Form 9-3 (AUG 95), or VS Form 1-27 (JUN 89), or OCVI indicating poultry or poultry product originates from an AI- or END-negative flock, listing the description of birds, test date, test results, and the name of testing laboratory.~~

~~(c) Prior permission. All domestic fowl, live poultry or poultry products originating from AI- or END-affected states will require prior permission.~~

~~(d) Quarantine. All domestic fowl, poultry or poultry products originating from AI- or END- affected states will remain under quarantine at destination for a period of time not less than 14 days and will be subject to inspection by an authorized representative.~~

~~(e) Quarantine Area. No domestic fowl, live poultry or poultry products originating from a quarantine area may enter Florida.~~

~~(f) Purpose of Movement. No domestic fowl or poultry can enter Florida from an AI- or END-affected state for the purpose of being offered for sale, exchange or exhibition, or any market channel.~~

~~(g) Containers for Shipment. Chicks or hatching eggs approved for import into Florida must be transported in new, disposable containers. Chicks may be transported in non-disposable containers if protocol for clean and disinfect and reuse is approved by the Division. All shipments will be required to be sealed at origin and seal broken by an authorized representative at destination. A statement verifying these~~

requirements must be included on a VS Form 9-3 (AUG 95), VS Form 1-27 (JUN 89), or OCVI. Disposable containers must be properly disposed of at point of destination.

(h) Domestic Fowl, Poultry or Poultry Products Originating from Florida. Domestic fowl, poultry or poultry products originating from Florida that have been transported into an AI- or END-affected state will not return to Florida until the above requirements in subsection 5C-3.0012(5), F.A.C., have been met.

(i) Chicks or Eggs. No chicks or eggs originating from a hatchery that received eggs from a positive AI or END flock within 90 days may enter Florida.

(j) Vehicles. All vehicles associated with transporting domestic fowl, poultry or poultry products from AI- or END-affected states must be clean and disinfected prior to loading poultry or poultry products. In addition, the loaded vehicle shall have tires and undercarriage clean and disinfected after leaving premises and prior to entry into Florida. A statement verifying compliance to the requirement must be included on VS Form 9-3 (AUG 95), VS Form 1-27 (JUN 89), or OCVI or other applicable document. Vehicles will be inspected by FDACS at destination to ensure compliance.

(k) Restrictions. The restrictions specified in subsection 5C-3.0012(5), F.A.C., will remain in effect for a period of 90 days from last date an AI or END premises was depopulated.

(6)(5) Containers for Shipment. All imported domestic fowl, poultry, and eggs for hatching purposes must be shipped in new or properly cleaned and disinfected reusable containers.

(7) Forms. VS Form 9-3 (AUG 95), Report of Sales of Hatching Eggs, Chicks and Poults, and VS Form 1-27 (JUN 89), are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—New 3-23-94, Amended

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Pseudorabies	5C-21
RULE TITLES:	RULE NOS.:
Definitions	5C-21.002
General Requirements and Limitations	5C-21.010
Vaccination, Approval and Procedures	5C-21.011
Procedures for Control and Eradication of Pseudorabies	5C-21.012
Pseudorabies Quarantine, Release Procedures and Disposition of Swine	5C-21.013
Herd Programs, Classification	5C-21.014
Feral Swine Transitional Swine, Movement and Test Requirements	5C-21.015

PURPOSE AND EFFECT: The purpose and effect of this rule is to specify and delineate the guidelines for the implementation of the National Pseudorabies Eradication Program for all domestic and feral swine populations in Florida. By incorporating these guidelines and modifications, the State of Florida should be able to fulfill the requirements to attain Stage V in which a state is declared pseudorabies free in the national program.

SUBJECT AREA TO BE ADDRESSED: This rule proposes modifications and updates in the general requirements, definitions, procedures for control and eradication, and requirements for commercial production, transitional, and feral swine populations to fit the particular idiosyncrasies of such industries in the state.

SPECIFIC AUTHORITY: 585.002(4), 585.08(2) FS.

LAW IMPLEMENTED: 570.0705, 585.002(5), 585.01, 585.08(1), 585.08(3), 585.09, 585.11, 585.11(1),(2), 585.145, 585.145(1), 585.145(1),(2), 585.16, 585.17, 585.20, 585.21, 585.23, 585.40 FS.

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

TIME AND DATE: 3:00 p.m., September 17, 2004

PLACE: The Mayo Bldg, Conference Room #316, 407 S. Calhoun St., Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dr. Cesar Ruiz, Vet. Manager, Bureau of Animal Disease Control, Division of Animal Industry, Rm. 333, 407 S. Calhoun St., Tallahassee, FL 32399-0800, (850)410-0900, Fax (850)410-0957

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-21.002 Definitions.

(1) Accredited Veterinarian. A veterinarian licensed in the state of origin and approved by the ~~Deputy~~ Administrator, United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA, APHIS) to perform certain functions of federal and cooperative state-federal programs in accordance with the provisions of Title 9 Code of Federal Regulations (9 CFR) § 160 - § 162 (2004 4998).

(2) Administrator. The Administrator of USDA, APHIS, or any person individual authorized to act for the Administrator.

(3) Approved Game Reserve. A premises containing game animals intended for hunting which complies with the requirements of a Quarantined Feedlot under 9 CFR § 85.1 (2004) also meeting the following criteria:

(a) Operates under a written herd health plan that is approved by the State Veterinarian;

~~(b) Is surrounded by fencing adequate to reasonably prevent both the escape of enclosed animals and unsolicited additions of animals outside of the enclosure;~~

~~(c) Accepts swine of unknown disease status;~~

~~(d) Collects blood and/or tissue samples from swine at the time of kill and submits the samples for testing in an official laboratory;~~

~~(e) Allows swine to leave the facility only when they are killed or sold through direct-to-slaughter-only trade channels, or transported to another Approved Game Reserve.~~

~~(4)(3) Approved All-Class Market. A livestock market approved by the Administrator pursuant to 9 CFR § 71.20 (2004) where breeder, feeder, and slaughter swine are received, handled and released in accordance with Federal interstate regulations and applicable state regulations and 9 CFR § 71 (2004), § 78 (2004), and § 85 (2004) assembled for sale or sale purposes.~~

~~(5)(4) Approved Differential Pseudorabies Test. Any test for the diagnosis of pseudorabies that:~~

- ~~(a) Can distinguish vaccinated swine from infected swine;~~
- ~~(b) Is produced under license from the Secretary of Agriculture with indications for use in the Cooperative State-Federal-Industry Pseudorabies Eradication Program; and~~
- ~~(c) Is conducted in a laboratory approved by the Administrator.~~

~~(6) Approved Feral Swine Holding Facility. A temporary holding facility for captured feral swine prior to being slaughtered, moved directly to slaughter, or moved to an Approved Game Reserve. Such facility must be inspected and approved annually. Approved Feeder Pig Market. A livestock market approved by the Administrator that accepts only feeder pigs that meet the following criteria:~~

- ~~(a) Originate from a qualified pseudorabies negative herd; or~~
- ~~(b) Originate from a pseudorabies monitored feeder pig herd; or~~
- ~~(c) Originate from a state/area that has achieved a pseudorabies program status of Stage III, IV, or V; or~~
- ~~(d) Have been found negative to a pseudorabies test conducted 30 days or less before presentation at the market.~~

~~(7)(6) Approved Pseudorabies Vaccine. A G-1 deleted, gene altered pseudorabies vaccine approved licensed by USDA and approved by the State Veterinarian for use in the State.~~

~~(8)(7) Approved Slaughter Market. A livestock market approved by the Administrator pursuant to 9 CFR § 71.20 (2004) where slaughter swine are received, handled, and released in accordance with applicable state regulations and 9 CFR § 71 (2004), § 78 (2004), and § 85 (2004) that accepts only slaughter swine.~~

~~(9)(8) Area Veterinarian-in-Charge (AVIC). The veterinary official of USDA, APHIS who is assigned by the Administrator to supervise and perform animal health work in the state/area.~~

~~(10)(9) Brucellosis. An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. Breeding Herd. All swine on a premises that are six months of age or older, and are used or intended for use for reproduction.~~

~~(11)(40) Commercial Production Swine Herd. A swine herd approved and recognized by the Division that has been continuously managed with adequate facilities and practices to prevent exposure to either transitional or feral swine. These herds meet or exceed the requirements of a Pseudorabies Monitored Feeder Pig Herd, a Validated Brucellosis Herd, and a Qualified Pseudorabies Negative Herd, provided that after the initial qualifying test, an appropriate percentage of the herd is tested monthly or quarterly as specified in The Pseudorabies Eradication Program Standards, APHIS 91-55-071, November 1, 2003, The Swine Brucellosis Control/Eradication Uniform Methods & Rules, APHIS 91-55-042, April 1998, and 9 CFR § 78.1 & § 85.1 (2004). Breeding Swine. Boars, sows, and gilts used or intended for reproductive purposes.~~

~~(12) Commercial Production Swine Herd Management Plan. A written herd management and testing agreement between the Division and the herd owner which must be renewed annually.~~

~~(13)(11) Common Ground. The ground, area, building, and equipment commonly shared by any specific group of livestock.~~

~~(14)(12) Dealer. Any person who engages in the business of buying or selling swine in commerce, either for their own account or as an employee or agent of the seller or buyer or any person who engages in the business of buying or selling swine in commerce on a commission basis. The term shall not include persons who buy or sell swine only as part of their own breeding and feeding operation or who receive swine exclusively for immediate slaughter on their own premises and who are not otherwise engaged in the business of buying, selling, trading, or negotiating transfer of swine.~~

~~(15) Department. The Florida Department of Agriculture and Consumer Services.~~

~~(16)(14) Direct Shipment of Feral or Transitional Swine. Movement of feral or transitional swine without unloading en route, and without contact with infected or exposed livestock swine of lesser pseudorabies status.~~

~~(17)(15) Division. The Division of Animal Industry of the Department.~~

~~(16) Domestic Swine. Swine which have been maintained in a controlled environment for reproductive or feeding purposes.~~

~~(18)(17) Exposed Livestock. All susceptible livestock that have been in contact with an animal infected with pseudorabies, including all susceptible livestock in a known~~

infected herd. Susceptible livestock other than swine that have not been exposed to a clinical case of pseudorabies for the last ten consecutive days shall no longer be considered to be exposed.

~~(18) Farm of Origin. A premises on which swine were born or on which they have resided for at least 90 consecutive days immediately prior to movement.~~

~~(19) Feeder Swine. Swine intended to be fed for weight gaining purposes and eventual slaughter.~~

~~(19)(20) Feral Swine. Swine that are have lived all (wild) or any part (feral) of their lives as free-roaming animals.~~

~~(20) Feral Swine Dealer. Any person that traps, buys, sells, or trades feral swine and is registered with the Division.~~

~~(21) Herd. Any group of livestock maintained on common ground for any purpose or two or more groups of livestock under common ownership or supervision geographically separated but which have an interchange of animals without regard to whether the animals are infected with or exposed to pseudorabies.~~

~~(22) Herd Cleanup Clean-Up Plan. A written, mandatory plan to eliminate pseudorabies from a swine herd which is:~~

~~(a) Developed by a pseudorabies epidemiologist or other designated state or federal representative in consultation with the herd owner and, when requested by the owner, the owner's veterinary practitioner; and is approved by the Division.~~

~~(b) Accepted by the owner, the owner's veterinary practitioner when requested by the owner, and the pseudorabies epidemiologist;~~

~~(c) Approved by the State Veterinarian; and~~

~~(d) Approved by the AVIC.~~

~~(23) Immediate Community. All premises within 2 miles radius of the perimeter boundary of the quarantined feedlot or affected herd.~~

~~(24) Individual Identification. A unique cartag approved by the USDA, APHIS and the State Veterinarian, or unique ear notches or ear tattoos that are recorded in a purebred registry.~~

~~(23)(25) Isolation. Separation of individual swine by a physical barrier in a manner that assures one pig does not have access to the body, excrement, or discharges of another pig; does not share a building with a common ventilation system; and is not within ten feet of another pig.~~

~~(26) Known Affected Herd. A herd which includes any swine which have been designated as infected with pseudorabies by a pseudorabies epidemiologist.~~

(24) Official Individual Identification. A unique individual identification that is secure, traceable, and capable of carrying unique numbers from a central repository; including, but not limited to: official USDA eartags that conform to the alphanumeric National Uniform Eartagging System, ear tattoo, using the National Uniform Tag code number assigned by USDA to the state of origin, or any electronic identification device with a unique number that is recorded in a single central

database, or other USDA-approved identification device that conforms to the alphanumeric National Uniform Eartagging System. It may bear the valid premises identification used in conjunction with the producer's livestock production numbering system to provide a unique identification number. An owner's private brand or tattoo, even though permanent and registered in the state of origin, is not an acceptable individual animal identification for the purposes of entry into Florida.

~~(25)(27) Official Random-Sample Test (95/10). A sampling procedure utilizing a pseudorabies serologic test or an approved differential pseudorabies test, which provides a 95 percent probability of detecting infection in a herd in which at least 5 40 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises is considered to be a herd and must be sampled as provided in the Program Standards, follows:~~

~~(a) Less than 100 swine — test 25 swine;~~

~~(b) 100 — 200 swine — test 27 swine;~~

~~(c) 201 — 999 swine — test 28 swine; or~~

~~(d) 1,000 swine and over — test 29 swine.~~

~~(28) Official Random Sample Test (95/5). A sampling procedure utilizing a pseudorabies serologic test or an approved differential pseudorabies test, which provides a 95 percent probability of detecting infection in a herd in which at least 5 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises is considered to be a herd and must be sampled as follows:~~

~~(a) Less than 100 swine — test 45 swine;~~

~~(b) 100 — 200 swine — test 51 swine;~~

~~(c) 201 — 999 swine — test 57 swine; or~~

~~(d) 1,000 swine and over — test 59 swine.~~

~~(26)(29) Owner. The owner of the animal or herd or the owner's authorized representative or agent.~~

~~(30) Permit. A document which authorizes movement of pseudorabies infected, exposed or vaccinated swine and which is issued by a state or federal representative.~~

~~(27)(31) Program Standards. The requirements for the pseudorabies eradication program as provided in USDA APHIS publication, "Pseudorabies Eradication, State-Federal-Industry Program Standards", APHIS 91-55-071044, November 1, 2003 (1998).~~

~~(28)(32) Pseudorabies. The contagious, infectious, and communicable disease of livestock and other animals also known as Aujeszky's disease, mad itch, or infectious bulbar paralysis.~~

~~(29)(33) Pseudorabies Epidemiologist. A state or federal veterinarian designated by the State Veterinarian and the USDA, APHIS AVIC to investigate and diagnose pseudorabies in livestock.~~

~~(34) Pseudorabies Monitored Feeder Pig Herd (MFPH). A swine breeding herd that is determined negative by a pseudorabies serologic test and which has been sampled and tested during the previous 12 months at the following rate:~~

- ~~(a) 10 swine or less — test entire herd;~~
- ~~(b) 11-35 swine — test 10 swine; or~~
- ~~(c) 36 swine and over — test 30 percent of herd or 30 swine, whichever is less.~~

~~(35) Pseudorabies Monitored Vaccinated Feeder Pig Herd (MVFPH). A swine breeding herd, not known to be infected with pseudorabies, that has been vaccinated with an approved pseudorabies vaccine and has been determined negative by an approved differential pseudorabies test during the previous 12 months with the following specific sampling and testing criteria:~~

- ~~(a) 10 swine or less — test entire herd;~~
- ~~(b) 11-35 swine — test 10 swine; or~~
- ~~(c) 36 swine and over — test 30 percent of herd or 30 swine, whichever is less.~~

~~(36) Pseudorabies Serologic Test. Any test to determine the presence or absence of pseudorabies antibodies, approved by the Administrator for diagnosis of pseudorabies in non-vaccinated swine, conducted in a laboratory approved by the Administrator, and listed in 9 CFR 85.1 (1998).~~

~~(30)(37) Pseudorabies Test. Any official test used for the diagnosis of pseudorabies approved by the Division Administrator, and conducted in an approved laboratory. Approved tests are approved by the Administrator, and listed in 9 CFR § 85.1 (2004 1998).~~

~~(38) Pseudorabies Vaccinates. Any swine which have been vaccinated with an approved pseudorabies vaccine and which are identified by a state approved numbered pink cartag.~~

~~(39) Qualified Pseudorabies Negative Gene Altered Vaccinated Herd. A Qualified Pseudorabies Negative herd in which all swine in the herd over six months of age are vaccinated with an approved pseudorabies vaccine.~~

~~(40) Qualified Pseudorabies Negative Herd. A swine breeding herd, used primarily to produce replacement stock, that has been subjected to an official pseudorabies serological test of all swine over six months of age plus a number of progeny equal to 20 percent of the breeding swine population of the herd, and that all swine were negative to test.~~

~~(31)(41) Quarantine. A legally directed isolation of animals or defined geographic areas to prevent the spread of disease or pests.~~

~~(32)(42) Quarantined Feedlot. A premises under supervision and control of a state or federal representative at which pseudorabies infected or exposed swine are fed and from which swine are moved directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment.~~

~~(43) Quarantined Herd. A herd under supervision and control of a state or federal representative in which pseudorabies infected or exposed swine are bred, reared, or fed and from which swine are moved directly to a recognized slaughtering establishment, a quarantined feedlot, or directly through no more than two approved slaughter markets and then directly to a recognized slaughtering establishment or quarantined feedlot.~~

~~(33)(44) Recognized Slaughtering Establishment. A slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or equivalent state meat inspection program state or federal inspection.~~

~~(34) Risk Assessment. An epidemiologic analysis completed by a state or federal representative, and approved by the Division that evaluates the probability for exposure to swine of unknown disease status.~~

~~(35)(45) Segregate. To maintain a group of swine separate from another group of swine in such a manner as to prevent physical contact between swine of the two groups.~~

~~(46) Stages(s). The phases of the pseudorabies eradication program as prescribed in the Program Standards and consisting of the following:~~

- ~~Stage I — Preparation~~
- ~~Stage II — Control~~
- ~~Stage III — Mandatory Herd Cleanup~~
- ~~Stage V — Free Stage IV — Surveillance~~

~~(36)(47) State or Federal Representative. A full-time employee of USDA, APHIS approved by the Area Veterinarian-in-Charge; or a full-time employee of the Department approved by the State Veterinarian, who conducts work for the state-federal cooperative program in pseudorabies eradication.~~

~~(37)(48) State Swine Health Pseudorabies Advisory Committee. An advisory committee appointed by the State Veterinarian which is composed of representatives of swine producers and swine organizations within the state, licensed accredited veterinarians, general farm organizations, livestock markets, recognized slaughtering establishments, animal scientists, and state and federal regulatory officials.~~

~~(38)(49) State Veterinarian. The Director of the Division of Animal Industry, Florida Department of Agriculture and Consumer Services.~~

~~(39)(50) Susceptible Livestock. Swine, cattle, sheep, and goats.~~

~~(40) Transitional Swine. Swine that have been, or have had the potential to be, exposed to swine of unknown status, including feral swine.~~

~~(41)(51) Materials, Pseudorabies Eradication, State-Federal-Industry Program Standards, APHIS 91-55-071044, November 1, 2003, 9 CFR § 160 - § 162 (2004 1998), The Swine Brucellosis Control/Eradication Uniform Methods & Rules, APHIS 91-55-042, April 1998, and 9 CFR §~~

71 (2004), 9 CFR § 85 (2004), 9-CFR-85.1 (1998) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 570.0705, 585.01, 585.08(1), 585.11, 585.145(1) FS. History—New 5-17-87, Amended 10-23-94, 9-2-99, \_\_\_\_\_.

#### 5C-21.010 General Requirements and Limitations.

(1) ~~Owner Cooperation Required.~~ With notice from the Department, the owner of any swine must present the swine for testing and other procedures required in this chapter, and provide the necessary facilities and personnel to assist the state or federal representative in conducting these tests and procedures.

(2) ~~Official Individual Identification.~~ All swine presented for testing must have official individual identification be individually identified by a unique eartag approved by the AVIC and the State Veterinarian or by ear notches or ear tattoos that are recorded in a purebred registry.

(3) ~~Cooperation with USDA, APHIS.~~ The Department shall cooperate with the USDA, APHIS in implementing the Pseudorabies Eradication, State-Federal-Industry, Program Standards as specified in APHIS 91-55-071, November 1, 2003. ~~The Department shall cooperate with the USDA, APHIS in implementing the Program Standards and may recognize states/areas within the state and outside the state as pseudorabies free or low prevalence states/areas meeting the following criteria:~~

(a) ~~All counties whose pseudorabies eradication status is in the same stage must be contiguous;~~

(b) ~~There shall be no more than two stages in any state at any given period of time;~~

(c) ~~Only Stages II and III and Stages III and IV combinations of status shall be permitted within a state; and~~

(d) ~~The surveillance system required for Stages III and IV must differentiate between animals or herds from areas with different status.~~

(4) State Swine Health Pseudorabies Advisory Committee; responsibilities. The State Veterinarian is authorized to establish the State Swine Health Pseudorabies Advisory Committee. The committee shall act in an advisory capacity to the State Veterinarian regarding the control and eradication of swine diseases pseudorabies. Responsibilities of the committee include but are not limited to:

(a) ~~Providing information to the swine industry about the pseudorabies eradication program;~~

(b) ~~Reviewing pseudorabies eradication program activities and making recommendations to the State Veterinarian and, as appropriate, consulting with state officials in the areas of program funding, implementation of intrastate and interstate regulations, and program progress; and~~

~~(c) Maintaining liaison with other states and with the National Pseudorabies Eradication Program via the National Pork Producers Council, Livestock Conservation Institute, and USDA, APHIS;~~

~~(5) Notification of the immediate community of pseudorabies infected herds and quarantined feedlots.~~

~~(a) State or federal representatives shall notify swine herd owners in the immediate community within 30 days after a Notice of Quarantine AI 30 (Rev. 3-94) is issued for a swine herd for pseudorabies, and within 30 days after the Release of Quarantine, AI-28 (Rev. 3-94) is issued.~~

~~(b) State or federal representatives shall notify swine herd owners in the immediate community within 30 days when the State Veterinarian grants approval for a quarantined feedlot, and within 30 days of the termination of such approval.~~

~~(5)(6) Herd Cleanup Clean-Up Plan, mandatory.~~

(a) When pseudorabies has been discovered in a swine herd, the owner shall enter into a Herd Clean-Up Plan with the Department within 90 days of receiving Notice of Quarantine, DACS-09030 Rev. 05/17/2001 AI 30 (Rev. 3-94).

(b) The Department and the pseudorabies epidemiologist shall monitor the progress of the herd and coordinate testing and surveillance activities in the surrounding area as determined by epidemiological evidence to detect and prevent the spread of the disease.

(c) Modifications to the original Herd Cleanup Clean-Up Plan are accepted with full agreement of the pseudorabies epidemiologist or his designee, the herd owner, and the owner's veterinary practitioner when requested by the owner, and upon approval by the Division State Veterinarian.

(d) If the herd owner fails or refuses to enter into an agreement to establish a Herd Cleanup Clean-Up Plan, the Department shall immediately initiate enforcement action against the owner as provided in Section 585.007, F.S. Section 5C-21.017, F.A.C.

~~(6)(7) Quarantined Feedlots.~~

(a) ~~Permit. Quarantined feedlots will be established only upon approval issue of a permit by the State Veterinarian.~~

~~1. An application for permit shall be submitted to the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, Post Office Box 6710, Tallahassee, Florida 32314.~~

~~2. The application for permit must be accompanied by a fee of \$100, paid by certified check or money order made payable to the Florida Department of Agriculture and Consumer Services.~~

~~3. The permit shall expire June 30 of each year and must be renewed prior to expiration. A fee of \$100 must be paid for annual renewal of each permit.~~

~~4. The permit renewal shall be denied if an application is pending for a qualified pseudorabies negative herd or a pseudorabies monitored feeder pig herd within 2 miles.~~

~~5. The permit fee, less \$10.00 to cover cost of processing, shall be refunded if the permit is denied. The owner of a quarantined feedlot must be registered with the Department as a licensed swine dealer. The swine dealer licensing fee shall be waived for all quarantined feedlot owners.~~

~~(b) Location, restrictions:~~

~~1. Quarantined feedlots shall not be permitted within 2 miles of a qualified pseudorabies negative herd or a pseudorabies monitored feeder pig herd.~~

~~2. All swine maintained on the same premises or on other farms under the same management as a quarantined feedlot shall be under quarantine.~~

~~3. All swine owners within a 2 miles radius of the proposed location of a quarantined feedlot shall be notified prior to the issuance of a quarantined feedlot permit.~~

~~4. Swine on the premises must be maintained in isolation from other susceptible livestock.~~

~~(c) Animals, restrictions and identification:~~

~~1. All swine entering a quarantined feedlot must be individually identified as provided in Rules 5C-21.002(19) and 5C-21.010(2), F.A.C.~~

~~2. Boars and bred females are not eligible to enter or to be maintained in a quarantined feedlot.~~

~~3. Infected or exposed swine that die must be buried, incinerated, or rendered upon discovery or be placed in leak proof containers until they are buried, incinerated, or rendered.~~

~~4. All swine must be moved from a quarantined feedlot directly to a recognized slaughtering establishment, or directly through no more than one approved slaughter market and then directly to a recognized slaughtering establishment.~~

~~(d) Recordkeeping, requirements. Records of swine entering or leaving a quarantined feedlot must be kept for a minimum of two years and must be made available upon request by a state or federal representative.~~

~~(7)(8) Materials. Notice of Quarantine, DACS-09030 Rev. 05/17/2003, AI 30 (Rev. 3-94), Release of Quarantine, AI 28 (Rev. 3-94), and Application for Pseudorabies Quarantined Feedlot Permit, DACS-09081 (eff. 9/94) Pseudorabies Eradication, State-Federal-Industry, Program Standards as specified in APHIS 91-55-071, November 1, 2003, are hereby incorporated by reference. Copies of DACS-09030 may be obtained from the Florida Department of Agriculture, Division of Animal Industry, Room 329, Tallahassee, Florida 32399-0800. Copies of the Program Standards may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.~~

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 570.0705, 585.002(5), 585.08(1), 585.11, 585.145(1),(2), 585.23, 585.40, 585.17 FS. History—New 10-23-94, Amended 9-2-99, \_\_\_\_\_.

5C-21.011 Vaccination, Approval and Procedures.

(1) Approval. No person shall produce, distribute, sell, or use any pseudorabies vaccine for the immunization of any swine in the state unless such vaccine is an approved pseudorabies vaccine.

(2) Vaccination of swine for pseudorabies shall be authorized provided:

(a) Prior approval is given by the State Veterinarian;

(b) Only an approved pseudorabies vaccine is used;

(c) Vaccination is performed by or under the direct supervision of an accredited veterinarian or a state or federally employed veterinarian;

(d) Vaccinated animals are permanently identified by an official individual identification numbered eartag approved by the State Veterinarian; and

(e) Vaccine is used only in pseudorabies infected, exposed, or high-risk herds as determined and recommended by a pseudorabies epidemiologist.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.11(1),(2), 585.20, 585.21, 585.145 FS. History—New 10-23-94, Amended 9-2-99, \_\_\_\_\_.

5C-21.012 Procedures for Control and Eradication of Pseudorabies.

(1) Negative Test Required.

(a) All swine moved within the state sows and boars sold at livestock markets for return to the farm must be tested and be negative to a pseudorabies serologic test within 30 days prior to movement unless exempted by this rule return to the farm.

(b) All swine sold, offered for sale or exhibition, except for slaughter, must have evidence of a negative pseudorabies serologic test which has been conducted within the previous 30 days.

(2) Exemptions to negative test requirements. A negative test is not required for swine that:

(a) Originate directly from in a Commercial Production Swine qualified pseudorabies negative Hherd; or

(b) Are consigned directly to a recognized slaughtering establishment; or Originate in a qualified pseudorabies negative gene altered vaccinated herd; or

(c) Are consigned directly to an Approved Game Reserve Are under six months of age and originate in a pseudorabies monitored feeder pig herd; or

(d) Are consigned directly to an Approved Feral Swine Holding Facility Are under six months of age and originate in a pseudorabies monitored vaccinated feeder pig herd; or

(e) Are shown or exhibited at a slaughter-class only event Originate directly from a farm of origin in a Stage IV or V state or area; or



(f) ~~Are sold at an approved all-class market or an approved slaughter market for feeding in a quarantined feedlot. Are sold at an approved all-class market or an approved slaughter market for feeding in a quarantined feedlot; or~~

(g) ~~Are sold at an approved feeder pig market for feeding without restriction.~~

(3) Area Testing.

(a) Pseudorabies H~~er~~d T~~e~~sting.

1. All swine herds in the state are subject to test as required by the Division must be tested pseudorabies serologic test of breeding animals.

2. Subject to the availability of funds, initial testing required for establishing a Commercial Production Swine Herd shall be conducted at state expense until Stage IV is achieved. At that time, all expenses for conducting the testing required for maintenance of a pseudorabies monitored feeder pig herd shall be the responsibility of the owner.

3. All herds determined to have swine positive to a pseudorabies test shall be quarantined.

(b) Circle T~~e~~sting. An official random-sample test, is required of all swine herds within a 2 mile radius of positive herds. Herd tests consisting of a representative sample, as described in subsection (3)(a)1. above, are required of all swine herds within a 2 mile radius of affected herds. All herds determined to have swine positive to a pseudorabies test shall be quarantined.

(4) Surveillance T~~e~~sting.

(a) ~~All sows and boars slaughtered at a recognized slaughtering establishment shall be tested for pseudorabies and shall be identified back to the person consigning the swine to the slaughtering establishment farm of origin. Any herd to which pseudorabies positive swine are traced shall be placed under quarantine.~~

(b) First point of concentration testing.

1. All sows and boars sold at livestock markets and swine buying stations, other than those sold for immediate slaughter, must be tested and be negative to a pseudorabies serologic test within 30 days prior to or on arrival.

2. Herds to which pseudorabies positive swine are traced shall be placed under quarantine.

(5) Disposition of Swine.

(a) All positive animals must be isolated immediately.

(b)(a) Subject to the availability of funds, the Division department shall indemnify and reimburse the owner of pseudorabies positive swine reactor animals, not to exceed the sum of \$35.00 per animal, if it is shown that:

1. The swine were positive animals have reacted to a pseudorabies test;

2. The swine animals were maintained in strict isolation from the date of reaction to the positive test until slaughtered;

3. The swine animals were slaughtered within 15 days of the date of reaction to the positive test;

4. The premises were cleaned and disinfected within 15 days of the date of the removal of all positive reactor animals.

(c)(b) All sows in infected breeding herds must be tested prior to or at farrowing and all positive sows removed from the herd for slaughter or isolation for slaughter within 15 days after weaning. All boars must be tested quarterly and all positives removed from the herd for slaughter or isolation for slaughter within 15 days after test results are reported.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(3), 585.09, 585.145(1),(2), 585.11(1),(2), 585.20 FS. History--New 10-23-94, Amended 9-2-99, \_\_\_\_\_

5C-21.015 Feral Swine Transitional Swine, Movement and Test Requirements.

(1) Breeding Purposes. Feral swine or transitional swine may be moved for breeding purposes, must be negative to a pseudorabies test conducted within 30 days prior to movement and, must be segregated from all commercial production swine until found negative to a second pseudorabies test, which is conducted 60 days after the first test only for immediate slaughter. Movement to hunting preserves or game farms is not considered as movement to slaughter.

(2) Natural Habitat Removals. The person who removes feral swine from their natural habitat is responsible for satisfying the test and permit requirements for movement as required by the Division in this section. Feral swine moved to hunting reserves or game farms, or for exhibition, breeding, or feeding, must be from qualified pseudorabies negative herds, or be found negative to a pseudorabies serologic test conducted within 30 days prior to movement.

(3) Feral Swine Dealers Registration. Feral Swine Dealers are required to be registered with the Division and must keep records of all transactions, dealing with feral swine, listing names, addresses, telephone numbers (when available), dates, and the total number of animals. Feral swine moved for breeding purposes, in addition to meeting the requirements in (2) above, must be segregated from all domestic swine and be found negative to two pseudorabies serologic tests conducted at least 60 days apart.

(4) The person who removes the feral swine from their natural habitat is responsible for satisfying the test and permit requirements for movement in this section.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.11(1),(2), 585.145(1),(2), 585.16 FS. History--New 10-23-94, Amended 9-2-99, \_\_\_\_\_

5C-21.018 Commercial Production Swine Herd Requirements.

A swine herd may be approved and recognized as a Commercial Production Swine herd by fulfilling the following requirements:

(1) Submission of a written request by a swine herd owner to the Division for a herd to be considered for recognition as a Commercial Production Swine herd;

(2) Successful completion of a Risk Assessment;

(3) Completion of negative herd test for pseudorabies and brucellosis, as specified in the Pseudorabies Eradication Program Standards, APHIS 91-55-071, November 1, 2003, and The Swine Brucellosis Control/Eradication, Uniform Methods & Rules, APHIS 91-55-042, April 1998, with subsequent annual negative herd tests (An owner may elect to substitute monthly or quarterly testing in lieu of annual testing to meet this requirement);

(4) Completion of a Commercial Production Swine Herd Management Plan; and

(5) Periodic inspections of swine, facilities, practices and records, as determined necessary by State or Federal representatives.

(6) Materials, Pseudorabies Eradication Program Standards, APHIS 91-55-071, November 1, 2003, and The Swine Brucellosis Control/Eradication, Uniform Methods & Rules, APHIS 91-55-042, April 1998, are hereby incorporated by reference. Copies of them may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002, 585.08 FS, Law Implemented 585.11, 585.145, 585.16 FS, History-New \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Agricultural Water Policy**

RULE CHAPTER TITLE: Best Management Practices for Agricultural Producers Within the Suwannee River Water Management District  
RULE CHAPTER NO.: 5M-7

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

SUBJECT AREA TO BE ADDRESSED: The purpose of this workshop is to review a draft rule that recognizes site specific USDA/NRCS Conservation Plans as approved Best Management Practices (BMPs) for agricultural producers within the geographic boundaries of the Suwannee River Water Management District. In addition, the draft rule establishes record keeping requirements and procedures for landowners and leaseholders to submit a Notice of Intent to Implement BMPs to the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy.

SPECIFIC AUTHORITY: 403.067(7)(d) FS.

LAW IMPLEMENTED: 403.067(7)(d) FS.

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

TIME AND DATE: 7:00 p.m. – 8:30 p.m., September 28, 2004

PLACE: Gilchrist County Commission Board Room, 210 South Main Street, Trenton, FL 32693

TIME AND DATE: 7:00 p.m. – 8:30 p.m., September 30, 2004  
PLACE: Suwannee River Water Management District, Headquarters, 9225 County Road 49, Live Oak, FL 32060

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

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: General Provisions  
RULE NO.: 6A-4.002

PURPOSE AND EFFECT: The purpose of the rule development is to update citations to reflect the new statutory numbering system in the school code and to make technical changes to delete obsolete language to comply with current language in statute. The effect is an up-to-date rule.

SUBJECT AREA TO BE ADDRESSED: Certification general provisions.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400, (850)245-9661.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beverly Gregory, Department of Education, Room 201, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0431

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Degrees, Programs, and Credits  
RULE NO.: 6A-4.003

PURPOSE AND EFFECT: The purpose of the rule development is to update citations to reflect the new statutory numbering system in the school code and to make technical changes to comply with current language in statute. The effect is an up-to-date rule.

SUBJECT AREA TO BE ADDRESSED: Certification information relating to degrees, programs, and college credits.  
 SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400, (850)245-9661.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beverly Gregory, Department of Education, Room 201, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0431

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Florida Educator’s Certificates with Academic, Administrative, Degreed Vocational, and Specialty Class Coverages  
 RULE NO.: 6A-4.004

PURPOSE AND EFFECT: The purpose of the rule development is to update citations to reflect the new statutory numbering system in the school code and to make changes to comply with current language in statute including new timelines for fingerprinting for certificate issuance. The effect is an up-to-date rule in alignment with law.

SUBJECT AREA TO BE ADDRESSED: Requirements for issuance of temporary and professional educator certificates.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400, (850)245-9661.

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

Gregory, Department of Education, Room 201, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0431

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Renewal and Reinstatement of a Professional Certificate  
 RULE NO.: 6A-4.0051

PURPOSE AND EFFECT: The purpose of the rule development is to update citations to reflect the new statutory numbering system in school code rewrite, to make technical changes to comply with current language in statute, and to add the new provision for the banking of excess credit and inservice in the teaching of reading for renewal of a certificate. The effect is an up-to-date rule.

SUBJECT AREA TO BE ADDRESSED: Certificate renewal and reinstatement requirements.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.585 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.585 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400, (850)245-9661.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beverly Gregory, Department of Education, Room 201, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0431

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Rehabilitation Provider Qualifications  
 RULE NO.: 6A-22.002

PURPOSE AND EFFECT: The changes being proposed are being made as a result of comments received by the Joint Administrative Procedures Committee.

SUBJECT AREA TO BE ADDRESSED: Rehabilitation Provider requirements under Section 440.491(7), Florida Statutes.

SPECIFIC AUTHORITY: 440.491(7) FS.

LAW IMPLEMENTED: 440.491(7) 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400, (850)245-9661

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-22.002 Rehabilitation Provider Qualifications.

(1) No change.

(2) Applicants applying for renewal shall submit a non-refundable twenty-five (25) dollar biennial renewal fee, and a signed, typed and completed qualified rehabilitation provider application on form DWC-96 and a copy of current certification and applicable licensure.

(a) Attendance at a ~~Department sponsored or approved~~ qualified rehabilitation provider workshop conducted by the Department within the prior two (2) years is required before the initial application and also before each renewal.

(b) No change.

(3) through (4) No change.

(5) Employees of the Department, ~~other public agencies and private agencies receiving federal or state funds to provide reemployment services~~ are exempt from the requirements of subsections 6A-22.002(2) and (3), F.A.C.

Specific Authority 440.491(7) FS. Law Implemented 440.491(7) FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.002, Amended 5-5-04, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE TITLE: Campus/Security Police Department

RULE NO.: 6D-12.002

PURPOSE AND EFFECT: This rule establishes the guidelines for the Campus Security/Police Department of the Florida School for the Deaf and the Blind and shows that the Policies and Procedures Manual of the Department have been revised.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Campus Security/Police Policies and Procedures Manual.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4), 1002.36(8)(f) FS.

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

TIME AND DATE: 9:00 a.m., September 25, 2004

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE TITLE: Human Resource Management and Development

RULE NO.: 6D-16.002

PURPOSE AND EFFECT: This rule establishes the guidelines for the Human Resource Management and Development Department of the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Human Resource Management and Development Manual.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4), 1002.36(4)(f)5. FS.

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

TIME AND DATE: 9:00 a.m., September 25, 2004

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE CHAPTER TITLE: Communications Services Tax

RULE TITLE: Substitute Communications Systems

RULE NO.: 12A-19.036

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend Rule Chapter 12A-19, F.A.C., by creating a new Rule 12A-19.036, F.A.C., addressing the application of communications services taxes to the costs of operating a substitute communications system.

**SUBJECT AREA TO BE ADDRESSED:** The subject areas to be addressed are the identification of systems subject to tax as substitute communications systems and the identification and proration of taxable costs of operating substitute communications systems.

**SPECIFIC AUTHORITY:** 202.15, 202.26(3)(a),(c), 213.06(1) FS.

**LAW IMPLEMENTED:** 202.11(1),(16), 202.12(1), 202.125, 202.15, 202.19(7), 203.01(1) FS.

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

**TIME AND DATE:** 9:30 a.m., September 24, 2004

**PLACE:** Meeting Room A, Florida Department of Law Enforcement, Tampa Bay Regional Operations Center, 4211 N. Lois Avenue, Tampa, Florida

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830.

Persons with hearing or speech impairments may contact the Department using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS:** Thomas Butscher, Senior Attorney, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4710, e-mail: butschet@dor.state.fl.us

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

**DEPARTMENT OF TRANSPORTATION**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Florida's Highway Guide	
Sign Program	14-51
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Purpose	14-51.010
Definitions	14-51.011
Trailblazing Signs	14-51.012
Sign Evaluation Process	14-51.013
General Criteria	14-51.014
Supplemental Guide Signs	14-51.020
General Service Signs	14-51.021
Supplemental Guide Signs	14-51.030
General Service Signs	14-51.031
Exclusions	14-51.040
Criteria for Unincorporated Areas	14-51.041
Sign Characteristics	14-51.042
Customized Place Name Signs	14-51.043

**PURPOSE AND EFFECT:** The 13 new rules in this chapter, with its four part structure, is to replace the manual currently incorporated by reference in Rule 14-15.015, F.A.C. When these new rules are adopted, Rule 14-15.015, F.A.C., will be repealed.

**SUBJECT AREA TO BE ADDRESSED:** The 13 new rules will replace the manual incorporated by reference under Rule 14-16.015, F.A.C., which will be repealed.

**SPECIFIC AUTHORITY:** 316.0745 FS.

**LAW IMPLEMENTED:** 316.0745 FS.

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

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

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

14-51.010 Purpose.

(1) This rule chapter will provide for a system of supplemental guide signing that will perform the following functions:

(a) Inform and guide motorists to the needed signed facilities and services.

(b) Improve traffic flow at interchanges or intersections near destinations that generate a large volume of traffic.

(c) Establish criteria for the erection of supplemental guide signs and general service signs.

(2) This rule chapter follows the requirements for supplemental guide signs and general service signs as stated in Sections 2D, 2E, 2F, and 2H of the Manual on Uniform Traffic Control Devices.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New \_\_\_\_\_.

14-51.011 Definitions.

As used in this rule chapter, the following words and phrases shall have the following meanings.

(1) "Applicant" means the person or entity seeking permission for a sign under this rule chapter.

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

(3) “Guide Sign” means a sign that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information.

(4) “Limited Access Facility” means as defined in Section 334.03(13), Florida Statutes.

(5) “Manual on Uniform Traffic Control Devices (MUTCD)” is a federal publication, which is incorporated by reference under Rule 14-15.010, F.A.C., and is used to establish the uniformity of traffic control devices, such as sign placement, color of sign backgrounds and letters, and sign messages. The Department has adopted the use of this manual in order to provide a uniform system of traffic control devices on the State Highway System.

(6) “Non-Limited Access Facility” means an arterial or collector road as these terms are defined in Sections 334.03(1) and (4), Florida Statutes, respectively, and which is not a limited access facility.

(7) “Place Name Sign” means a sign identifying the geographic boundary of a city or county, lying on or along a road on the State Highway System.

(8) “Rural Interchange” means a grade separated intersection between streets or roadways outside the limits of any urban or urbanized area, as such areas are defined both in Sections 334.03(32) and (36), Florida Statutes. Where either the immediate right of way of a limited access facility or the right of way of an intersecting roadway is within the boundary of an urban or urbanized area, the interchange or intersection shall be considered urban.

(9) “Sign” means any traffic control device that is intended to communicate specific information to road users through a word or symbol legend. Signs do not include traffic control signals, pavement markings, delineators, or channelization devices.

(10) “Supplemental Guide Sign” means a sign placed or erected to provide information regarding destinations accessible from an interchange, other than places shown on the standard interchange signing. The standard guide signs are called “exit direction” signs. These signs usually contain information about the route number, nearest cities, and sometimes the local street name. The purpose of a supplemental guide sign is to provide direction to destinations for motorists unfamiliar with the local area.

(11) “Tourist Attraction” means facilities that principally provide recreation, amusement, or leisure activities to the general public, with the majority of its visitors not residing in the immediate area of the attraction, and traveling over 100 miles to enjoy what the facility offers. Tourist attractions are publicly or privately owned, but derive the major portion of their income from these non-resident visitors.

(12) “Trailblazers” means signs erected at strategic locations, usually along major urban arterials in conjunction with the signing of a major destination, tourist attraction, or general service facility on a limited access facility.

(13) “Unincorporated Area” means as defined in Section 153.53(1), Florida Statutes.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New \_\_\_\_\_.

#### 14-51.012 Trailblazing Signs.

(1) The use of a distance “countdown” system on trailblazer signs for destinations which are five miles or more from the interchange or intersection is highly recommended. The use of the distance “countdown” system for destinations five miles or less from the exit, is to be considered when a motorist could drive through highly developed areas, or through a “Y” intersection, or multiple strip developments to reach the destination. The use of the “countdown” distance system will be based upon specific site/area conditions.

(2) The purpose of trailblazer signs is to provide direction and confirmation to the motorist that the right decision has been made.

(3) These signs shall provide the distance or direction to the nearest or most convenient point of access. These signs shall match the color scheme or symbol as found on the limited access facility.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New \_\_\_\_\_.

#### 14-51.013 Sign Evaluation Process.

(1) Sign requests shall be evaluated according to the following criteria. Requests originate from city or county resolution, official representatives of schools or universities, and representatives of tourist attractions or businesses.

(2) Upon receiving a written request, the Department will determine whether:

(a) The written request concerns an eligible destination or service.

(b) The trip generation meets or exceeds the criteria. Are there seasonal considerations or is there significant rapid growth projected?

(c) The existing guide and supplemental guide signing contain adequate space for additional sign legend.

(d) The proposed design, location, materials, and support structure fully comply with the Department’s Design Standards.

(e) The addition of the sign for the subject destination or service provides a benefit to the motoring public.

(3) The written request shall provide data to support the trip generation of the proposed destination. It shall also provide data to support the function of the facility (e.g., tourist attraction, shopping center) to determine which set of criteria from Table 1, Criteria for Signing Destinations on Limited Access Facilities, and Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities, will apply. If support data is not supplied, the Department will require an engineering study to validate the written request.

(4) If the written request complies with these criteria the District Traffic Operations Engineer shall approve the sign installation subject to space availability.

(5) If a request for supplemental guide signing is received, but the interchange has the maximum number of destinations, then the request shall be denied. So long as the signed destination is in business, the Department will not replace it with a new destination, even if it has a higher number of annual trips.

(6) Occasionally, simultaneous applications for guide signing are received. Recalling that the intent of guide signing is to provide guidance for motorists who are not familiar with the route or area, the following shall be considered:

(a) Highest preference will be given to destinations that would attract a larger number of trips from distances greater than 100 miles.

(b) The likelihood that the destination will continue to generate a high number of trips or if there are seasonal characteristics.

(c) Local government recommendations.

(d) The development of a regional signing plan, with the cooperation of local government and the tourism industry organizations.

(7) Supplemental guide sign destinations are subject to a four year review cycle to verify that the trip generation characteristics are consistent with Department signing goals. This review will confirm that at least mid-way through the life of the sign panel (approximately seven to eight years) an opportunity will exist to make sign changes.

(8) Table 1, Criteria for Signing Destinations on Limited Access Facilities and Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities, are mandatory criteria. The criteria will assist the District Traffic Operations Engineer when determining which destination will be signed for on both limited and non-limited access facilities.

Table 1 – Criteria for Signing Destinations on Limited Access Facilities

Type of Destination	Criteria	Guidelines			
		Major Metro Areas <sup>1</sup>	Urban Areas <sup>2</sup>	Rural Areas <sup>3</sup>	
State and National Parks, and State Forest Recreational Areas	Miles from Interchange	15	15	15	
Private Colleges and Universities	Number of Trips Generated Annually <sup>c</sup>	900,000 <sup>a</sup> 1,200,000 <sup>b</sup>	550,000 <sup>a</sup> 750,000 <sup>b</sup>	300,000 <sup>a</sup> 450,000 <sup>b</sup>	
	Miles from Interchange	15	15	15	
	Military Bases	Number of Trips Generated Annually <sup>c</sup>	5,000,000	4,000,000	3,000,000
Veteran's Administration (VA) Hospitals	Miles from Interchange	10	10	10	
	Arenas, Auditoriums, Amphitheaters, Civic Centers, Convention Halls, Stadiums, Major Tourist Attractions (Fairgrounds, Amusement Parks, Zoos, etc.)	Number of Trips Generated Annually <sup>d</sup>	200,000	165,000	135,000
	Miles from Interchange <sup>4</sup>	5	5	5	
Historical, Cultural, or Recreational Attractions, Historic Districts	Number of Trips Generated Annually <sup>d</sup>	100,000	100,000	100,000	
	1 Over 50,000 population.				
2 5,000 to 49,999 population.					
3 Under 5,000 population.					
4 The distance may be increased 1/2 mile for each 10 percent over the minimum requirement listed to a maximum of 2 times the maximum distance listed.					
a Annual Trips = Number of Enrolled Students (who physically attend classes on campus) X 1.5 (college or university without dormitories, each student equals 1.5 trips) X Number of semesters per year X Number of weeks per semester X 5 days per week. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.					
b Annual Trips = Number of Enrolled Students (who physically attend classes on campus) X 2.0 (college or university with dormitories, each student equals 2 trips) X Number of semesters per year X Number of weeks per semester X 5 days per week. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.					
c One employee or military personnel equals 0.9 trips. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.					
d Trip: a single or one-direction vehicle movement either to or away from the traffic generator.					



Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--  
New \_\_\_\_\_.

14-51.014 General Criteria.

(1) Supplemental guide signs for other than recreational, historical, or cultural facilities shall be white on green in color. Signs for recreational, historical, or cultural facilities shall be white on brown in color. If there is an existing white on green supplemental guide sign in place, a combination sign consisting of white on green and white on brown shall be used with the colors separated by a common white border.

(2) Signing for a destination with a limited period of operation shall be displayed only during those periods of operation, and only if the generator meets the suggested annual attendance criteria referenced in Table 1, Criteria for Signing Destinations on Limited Access Facilities, or Table 4, Criteria for Signing Destinations on Non-limited Access Facilities. If occasional off-season usage exceeds 25 percent of the annual attendance rate for most of the year, the signs may be displayed permanently. Pari-mutuels exhibit distinct seasons and qualify based on the criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.). The purpose of displaying these signs only during periods of operation is to aid the motorist who would not be aware of when the seasonally operated destination is open. This would prevent unnecessary trips to a closed facility.

(3) Signing for major short term events, e.g., golf and tennis tournaments, boat and auto shows, that will attract a significant number of non-residents, shall be permitted based on the criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.). Either Static or Changeable Message Signs (CMS) shall be erected no more than three days before, nor remain more than three days after, the signed event. Sign costs, such as design, installation, maintenance, and removal of the signing should be paid by the applicant. Both Static and CMS signing will be installed through the Department's permit process. CMS devices shall only be used for traffic control, devoid of advertisements. CMS devices shall be certified by the Department for use on the State Highway System, and only used during the time of the event with a generic message. All applicable Department clear recovery zone requirements shall be met and short-term event signing cannot interfere with visibility/effectiveness of existing traffic control devices. The purpose of allowing signs for special events is to facilitate the management of traffic for the event. Also, a facility may hold multiple events during the year, and motorists will be looking for information with the special event's name.

(4) In no case shall information relating to destinations, motorist services, and multi-modal facilities be displayed on a supplemental guide sign until trailblazer signing has been installed. This is important in order to eliminate confusion to motorists. Trailblazer signs not only provide direction to the motorist, but confirmation that they have taken the correct turn to go to the selected destination.

(5) When there are more qualified destinations than can be signed, local government recommendation as to the facilities to be signed will be considered. If local government has no preference, the destinations that create the greatest traffic demand shall be signed, subject to standards specified in the following sections.

(6) No supplemental guide signs for destinations shall be erected prior to approval by the District Traffic Operations Engineer.

(7) Supplemental guide signs shall not be installed where such signing interferes with the function of traffic control devices and shall not impair visibility or violate minimum spacing distances listed in Table 2, Minimum Spacing Distances for Signs. In order to prevent subjecting motorists to too much information, there is a need to establish a priority in sign installation. This priority is contained in Section 2A.16 of the MUTCD. The descending order of priority for sign installation is regulatory (white signs), warning (yellow signs), exit direction and supplemental (green signs), general service (blue signs), and historical, recreational, and cultural (brown signs).

<u>Table 2 – Minimum Spacing Distances for Signs</u>	
<u>Speed (mph)</u>	<u>Minimum Spacing Distance (feet)</u>
<u>30-35</u>	<u>200</u>
<u>35-45</u>	<u>250</u>
<u>50-60</u>	<u>300</u>
<u>60-70 (Interstate)</u>	<u>800</u>

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--  
New \_\_\_\_\_.

PART 2 GUIDE SIGNS ON LIMITED ACCESS FACILITIES.

14-51.020 Supplemental Guide Signs.

(1) General.

(a) Florida Farm Wineries qualify for signing as defined by Section 599.004, Florida Statutes. Signs shall be installed based on space availability.

(b) Signing for regional malls or shopping centers (1,000,000 square feet or more) will be approved when safety or operational problems can be attributed to unclear directions and when the criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.) are met. The safety and operational problems shall be documented and affect both site destined and other traffic.

(c) State-funded community college, vocational/technical center, or university main campus are eligible for signing. Satellite campuses are eligible, if the curriculum allows students to obtain an Associate of Arts (AA) degree or higher without attending the main campus.

(d) Private colleges and universities that meet the trip generation referenced in Table 1, Criteria for Signing Destinations on Limited Access Facilities, are eligible for signing. Private universities with existing signs will be allowed to retain their signs, so long as they remain active, because they were signed for before these criteria were developed.

(e) Schools which are licensed by the Department of Education's Commission for Independent Education are not eligible for signing, unless they meet trip generation criteria referenced in Table 1, Criteria for Signing Destinations on Limited Access Facilities.

(f) Signing for multi-modal transportation facilities is considered supplemental guide signing, except for those which qualify as a general service. Multi-modal facilities are airports (air carrier and general aviation), seaports (passenger and cargo), rail terminals, intercity bus, parking lots, garages, and Park and Ride. A signing plan for multi-modal facilities must be submitted.

(g) Veterans' Hospitals which are designated as the regional treatment center for veterans are eligible for signing on limited access facilities.

(h) Medical facilities which have regional, statewide, or national significance, that provide, by advance appointment, specialized surgery or treatment of human diseases are eligible for signing on limited access facilities. The installation of these signs is beneficial to the motorists unfamiliar with the area who have been referred to these facilities, and who must travel distances greater than 100 miles to receive treatment.

(i) The criteria referenced for destinations listed in Table 1, Criteria for Signing Destinations on Limited Access Facilities, are used to determine which destination will be signed for on limited access facilities. A more detailed explanation is shown in the Sign Evaluation Process (Rule 14-51.013, F.A.C.).

(j) As stated in subparagraph 14-85.004(10)(h)6., F.A.C., of the Logo Sign Program, if a destination qualifies for a business logo in the attraction category, it shall not be displayed on an existing supplemental guide sign. If the destination wants to apply and is approved for a business logo in the attraction category, it will be removed from the supplemental guide sign.

(2) Standards.

(a) As specified in the MUTCD, not more than one supplemental guide sign shall be erected at each interchange approach.

(b) As specified in the MUTCD, not more than two supplemental destinations shall be signed at any one interchange approach. Each supplemental guide sign shall contain no more than two destinations, with no more than three lines of legend, excluding exit numbers or exit directions.

(c) Each destination shall be signed only once in each direction. This limit is necessary due to the high number of destinations that qualify for supplemental guide signing.

(d) Signs for destinations shall be located in advance of the interchange that is the most practical route to the facility. Local government recommendations on the most practical route will be considered. It is important to note that there may not be space available at the exit with the most direct route.

(e) "DOWNTOWN" signs shall meet the following criteria in order to be considered for supplemental guide signing:

1. "DOWNTOWN" signs will only be considered for the largest core city of an urban area population of 50,000 or more.

2. The limited access facility must traverse the incorporated limits of the city under consideration and have multiple exits for each direction of travel. This is necessary due to the high number of destinations that qualify for supplemental guide signing.

3. The urban guide signing concept, as specified in Section 2E.06 of the MUTCD, shall be in effect.

4. A distinct central business district shall exist. Strip development business centers shall not qualify.

5. Only one such sign will be permitted for each direction of travel. The sign shall be erected in advance of the most direct route to the downtown core. This is necessary due to the high number of destinations that qualify for supplemental guide signing.

(f) Trailblazers shall not be erected on the mainline portion of limited access facilities. Trailblazers are used to provide direction and confirmation to motorists. Their size does not provide enough time for a motorist to read and comprehend the information contained on the sign, at such locations.

(g) Except as otherwise specified in Rule 14-85.004, F.A.C., Logo Sign Program, and other areas of this section, the name of the operating agency, community group, or enterprise shall not appear in the legend of any supplemental guide sign, or attached to it.

(h) Major metropolitan area airports and major seaport passenger facilities are considered prime destinations and are eligible for signing.

(i) Signing for general aviation will not be allowed. This prohibition is based on the fact that tourists looking for the major commercial airports can be confused by general aviation signing, thinking the destination is the commercial aviation airport.

(3) Guidelines.

(a) Supplemental guide signs shall not be installed in advance of freeway-to-freeway interchanges. Interchanges between freeways are major decision points; therefore, the sign messages shall only contain the route shield, cardinal direction, and the name of the next control city on that route.

(b) Supplemental guide signs shall be installed in advance of freeway-to-spur interchanges if the spur serves a local community.

(c) Recreational, cultural, and historical attractions or historical districts shall meet the trip generation criteria in Table 1, Criteria for Signing Destinations on Limited Access Facilities and the following specific criteria in order to be eligible for signing:

1. The recreational, cultural, and historical attraction or historical district shall be identified by name on either the current Official Florida Transportation Map or other state published/sponsored guides or books, and/or other State Historic Signing Programs, e.g., Wildlife Signing Program. Identification on local city maps does not qualify an attraction for interstate signing.

2. Cultural and historical attractions or historical districts must be located within 15 miles of the limited access facility and provide easy access for motorists and ample all-weather (surface treated) parking. The attractions or districts are publicly or privately owned, but shall be operated on a non-profit basis and be open to the general public year-round for sign eligibility. Examples include forts, battlegrounds, plantations, archeological or geological sites, art galleries, and museums.

3. Historical attractions and historical districts shall be listed in the National Register of Historic Places.

4. Recreational attractions are major facilities located within 15 miles of the limited access facility corridor which provide easy access for motorists, ample all-weather parking areas, and several recreational activities such as picnicking, camping, hiking, swimming, fishing, or boating. Examples include public recreational facilities, state forest recreation areas, and wildlife refuges. Recreational attractions shall be operated on a non-profit basis.

The above requirements are necessary due to the fact that a high number of destinations qualify for signing.

(d) The criteria referenced in Table 1, Criteria for Signing Destinations on Limited Access Facilities, shall be used to determine which destination to sign for on new interchanges, or to determine which destination to add to an existing supplemental guide sign, with an existing destination.

(e) Unincorporated areas shall meet the criteria as shown in Rule 14-51.040, F.A.C., Place Name Signs, in order to qualify for signing. This requirement is necessary due to the high number of named places and limited space available for signing.

(f) Airports shall qualify for signing on limited access facilities when they are served regularly by scheduled airlines. The airport symbol shall also be used with the airport name.

(g) Deep water public cargo, or passenger ports (for Port Authority Locations) shall be eligible for signing.

(h) Rail Terminals shall qualify for signing on limited access facilities when they are Intercity Rail (Amtrak, Commuters, etc.). They shall be ICC, PSC Certified, or Department approved, and provide regularly scheduled passenger service and have parking spaces for patron use.

(i) Park and Ride areas shall qualify for signing on limited access facilities when they are governmentally owned and operated as part of a car pool, van pool, or other public transportation program. The facility shall have parking spaces for patron use.

(4) Destinations for Which Signing Shall Not Be Provided. Except as provided in Rule 14-85.004, F.A.C., Logo Sign Program or General Services, signing shall not be provided for the following destinations shown in Table 3, Destinations for Which Signing Shall Not Be Provided on Limited Access Facilities. These restrictions are necessary due to the high number of destinations that qualify for supplemental guide signing, and the low number of motorists who are unfamiliar with the area and who are going to these destinations.

Specific Authority 316.0745 FS, Law Implemented 316.0745 FS, History—  
New \_\_\_\_\_.

<u>Table 3 – Destinations for Which Signing Shall Not Be Provided on Limited Access Facilities</u>	
<u>Businesses</u>	<u>Chamber of commerce, Television/Radio Station, Theaters, Motels/Hotels/Inns, Travel Trailer Parks, Industrial Parks and Plants, Shopping Centers (less than 1,000,000 square feet).</u>
<u>Cemeteries</u>	<u>Local, State, Public, Private.</u>
<u>Community Facilities</u>	<u>Libraries, Churches, Subdivisions, Mixed Use Facilities.</u>
<u>Governmental</u>	<u>Research/Experimental, Courthouses, Drivers' License Centers, Jails, Civil Defense Facilities, Maintenance Facilities, Power Plants.</u>
<u>Schools</u>	<u>K through 12, Seminaries.</u>
<u>Historical</u>	<u>Homes/buildings/Public and Privately Owned Facilities operated for Profit, Heritage Trails.</u>
<u>Medical</u>	<u>Mental Facilities, Research Facilities, Sanitariums, Infirmaries/Treatment Centers, Non-Hospital Veteran's Facilities, County/Fraternal/Nursing Homes, Retirement Facilities, Humane Facilities, Hospital (not qualified under Motorist Services).</u>
<u>Military</u>	<u>Sites/Detachments, Armories, Arsenal.</u>
<u>Recreation/Conservation</u>	<u>Country Clubs/Golf courses, Fish Hatcheries, Game Farms, Tree Nurseries/Arboretums, Points of Interest, Camps (Scout, Church, 4-H, Youth, YMCA/YWCA) Nature Trails.</u>

14-51.030 General Service Signs.

General service signing is used when such services are infrequent, and not within sight of the interchange.

(1) General Criteria.

(a) Requests for general service signing (except Logo signing) shall be directed to the District Traffic Operations Engineer.

(b) Signing for general services is considered supplemental to overall signing.

(c) General service signs, including signing for state agency buildings, have a white legend on blue background, except for multi-modal facilities.

(d) The name of the operating agency, community, group, individual, or enterprise shall not appear on the service sign, except for state agency buildings, and other facilities meeting the criteria established in this rule chapter.

(e) Symbol signs for Hospital, Airport, Amtrak, Greyhound, Cruise-based Seaports, and Commuter Rail can be used in urban or rural areas, when they qualify based on criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.).

(f) Tourist Information Centers will use word legend signs. The results of an International Signing Study showed that the international tourist understood the word message more than the "i" or "?" symbol.

(g) In no case shall signing be erected that would function primarily as advertisements for businesses.

(h) Signs for a Hospital shall be erected on the State Highway System in advance of the interchange which provides the most practical route to that facility when the hospital facility has an emergency room open 24 hours each day, 7 days a week. Where more than one hospital meeting the criteria is available from any one interchange, only the hospital located closest to the exit point shall be signed or trailblazed. The purpose of the Hospital sign is to provide direction to motorists in need of immediate medical services.

(i) Tourist Information Center signs will be erected on the State Highway System when:

1. The signing requests are received from local government; and
2. The destination provides continuous service for a minimum of eight hours a day, seven days a week; and
3. The destination is operated exclusively by a non-profit organization, or is approved by local government to operate as a tourist information center; but
4. if the Tourist Information Center is operated on a seasonal basis, the signs shall be removed during the off season.

(j) In no case shall information relating to general services be displayed until trailblazer signing has been installed to direct motorists from the exit to the service.

(2) Standards.

(a) Except as otherwise specified in Rule 14-85.004, F.A.C., Logo Sign Program, where logo signs are utilized, general signs shall not be used. Signing for general services off the Department's right of way will not be provided when those services are conveniently located off an interchange.

(b) Except as otherwise specified in Rule 14-85.004, F.A.C., Logo Sign Program, only symbol signs will be used to advise of the availability of Gas, Food, Lodging, Camping, Hospital, and Phone on rural limited access facilities. Symbol signs for Hospital can be used in urban areas based on criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.).

(c) When three or fewer of these services are available at a given interchange and it is unlikely that more than three services will be provided in the near future, the symbol signs denoting these services will be appended to the advance guide sign. At locations where the "NEXT EXIT 00 MILES" panel is attached to the advance guide sign, the symbol service signs will be appended to the exit direction sign. If four or more services are available at an interchange or are anticipated in the near future, it will be necessary to install a supplemental roadside sign denoting the available services by symbols, with the bottom line of copy reading "NEXT RIGHT" or the interchange exit number.

(3) Guidelines. Each general service sign has its own set of criteria that must be met in order for signing to be provided on limited access facilities:

(a) Gas.

1. Service station facility is located within 1 mile of the exit ramp terminal;
2. Is open for continuous service a minimum of 16 hours each day, 7 days a week;
3. Provides vehicle services including fuel and oil;
4. Provides public rest rooms; and
5. Has a telephone available for public use.

(b) Food.

1. A restaurant facility is located within 1 mile of the exit ramp terminal;
2. Serves a complete meal and is open for continuous service a minimum of 14 hours each day, 7 days a week;
3. Provides public rest rooms;
4. Has a telephone available for public use; and
5. Is licensed as meeting the requirements of the Florida Department of Business Regulation, Division of Hotels and Restaurants, and the local County Health Department.

(c) Lodging.

1. The lodging facility is located within 1 mile of the exit ramp terminal;
2. Is equipped with 20 or more units for rent;
3. Has a telephone available for public use; and
4. Is licensed as meeting the requirements of Florida Department of Business Regulations, Division of Hotels and Restaurants, and the local County Health Department.

(d) Camping.

1. The camping facility is located within 5 miles of the exit ramp terminal;

2. Is equipped with a minimum of 25 rental camp sites;

3. Is equipped with indoor sanitary toilet and bathing facilities;

4. Has a telephone available for public use; and

5. Is licensed as meeting the requirements of the local County Health Department.

(e) Signs for a Hospital will be erected in rural and urban areas in advance of an interchange when:

1. The hospital facility is located not more than 10 miles from the exit ramp terminal; and

2. In the event a hospital meets the criteria, but another hospital is closer by continuing along the limited access facility to another exit, the first hospital will not be signed for.

(f) Signs for a Tourist Information Center will be erected when the center is located on a direct route from the limited access highway and not more than 1 mile from the exit ramp;

(g) Telephone symbol signs will be erected when:

1. The telephone is a public telephone available for use 24 hours a day, 7 days a week; and

2. Is located within the immediate interchange area, not more than 1/2 mile from the interstate or exit ramp; and the immediate interchange is located in an isolated rural area.

3. Signs denoting Telephone shall not be installed in advance of interchanges where Gas, Food, Lodging, or Camping is identified since a criterion for signing for these services includes the availability of a telephone for public use.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History—New \_\_\_\_\_.

### PART III GUIDE SIGNS ON NON-LIMITED ACCESS FACILITIES

#### 14-51.030 Supplemental Guide Signs.

##### (1) General.

(a) Florida Farm Wineries qualify for signing as defined by Section 599.004, Florida Statutes. Signs shall be installed at the nearest state highway intersection based on space availability.

(b) Signing for regional malls or shopping centers (1,000,000 square feet or more) will be approved when safety or operational problems can be attributed to unclear directions and when the criteria established in the Sign Evaluation

Process (Rule 14-51.013, F.A.C.) are met. Safety and operational problems shall be documented and affect both site destined and other traffic.

(c) A state-funded community college, vocational/technical center, or university main campus are eligible to request signing. Satellite campuses are eligible if the curriculum allows students to obtain an Associate of Arts (AA) degree or higher without attending the main campus.

(d) Private colleges and universities that meet the trip generation referenced in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities are eligible for signing. Private universities with existing signs will be retained so long as they remain active, because they were signed for before these criteria were developed.

(e) Schools licensed by the Department of Education's Commission for Independent Education are not eligible for signing unless they meet trip generation criteria referenced in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities.

(f) Signing for multi-modal transportation facilities is considered supplemental guide signing, except for those which qualify as a general service.

(g) Multi-modal facilities are airports (air carrier and general aviation), seaports (passenger and cargo), rail terminals, intercity bus, parking lots, garages, and Park and Ride.

(h) A signing plan for multi-modal facilities must be submitted.

(i) Veterans' Hospitals which are designated as the regional treatment center for veterans are eligible to be signed for on non-limited access facilities.

(j) Medical facilities which provide, by advance appointment, specialized surgery or treatment of human diseases are eligible for signing on non-limited access facilities. The installation of these signs would be helpful to the motorists unfamiliar to the area who have been referred to these facilities, and must travel distances greater than 100 miles to receive treatment.

(k) The criteria referenced for destinations listed in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities are used to determine which destination will be signed for on non-limited access facilities. A more detailed explanation is shown in the Sign Evaluation Process (Rule 14-51.013, F.A.C.).

Table 4 – Criteria for Signing Destinations on Non-limited Access Facilities

Type of Destination	Criteria	Guidelines		
		Major Metro Areas <sup>1</sup>	Urban Areas <sup>2</sup>	Rural Areas <sup>3</sup>
State Colleges and Universities	Nearest State Highway System Juncture			
Private Colleges and Universities	Number of Trips Generated Annually <sup>c</sup>	900,000 <sup>ad</sup> 1,200,000 <sup>bd</sup>	550,000 <sup>ad</sup> 750,000 <sup>bd</sup>	300,000 <sup>ad</sup> 450,000 <sup>bd</sup>
Private Vocational/Technical Schools	Number of Trips <sup>4</sup> Generated Annually	675,000 <sup>d</sup>	550,000 <sup>d</sup>	300,000 <sup>d</sup>
Military Bases	Number of Trips <sup>4</sup> Generated Annually <sup>c</sup>	5,000,000 <sup>c</sup>	4,000,000 <sup>c</sup>	3,000,000 <sup>c</sup>
Arenas, Auditoriums, Amphitheaters, Civic Centers, Convention Halls, Stadiums, Major Tourist Attractions (Fairgrounds, Amusement Parks, Zoos, etc.)	Number of Trips <sup>4</sup> Generated Annually	37,500 trips plus 3,750 per mile of distance from intersection		
State and National Parks, and State Forest Recreational Areas	Nearest Intersection to the State Highway System			
Youth Camps (YMCA, Scouts, etc.)	Signing only in rural areas, with facilities for 50 persons minimum on an overnight basis and in operation for at least 6 months of the year.			
Institutions and Medical Facilities	Minimum of 500 beds. Nearest State Highway System Exit			
Downtown	There must be a clear central core commonly considered the downtown area that is located on an intersecting road a maximum of 3 miles off the state road.			
Drivers License	Nearest Intersection only.			
State Agency Buildings	Number of Trips <sup>4</sup> Generated Annually	260,000	100,000	1,500
1. Over 50,000 population (Section 334.03, Florida Statutes).				
2. 5,000 to 49,999 population (Section 334.03, Florida Statutes).				
3. Under 5,000 population.				
4. Trip: a single or one-direction vehicle movement either to or away from the traffic generator.				
a. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) X 1.5 (college or university without dormitories, each student equals 1.5 trips) X Number of semesters per year X Number of weeks per semester X 5 days per week. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.				
b. Annual Trips = Number of Enrolled Students (who physically attend classes on campus) X 2.0 (college or university with dormitories, each student equals 2 trips) X Number of semesters per year X Number of weeks per semester X 5 days per week. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.				
c. One employee or military personnell equals 0.9 trips. Figures based on AASHTO'S 2001 Selection of Supplemental Guide Signs for Traffic Generators.				
d. Trip: a single or one-direction vehicle movement either to or away from the traffic generator.				

(2) Standards.

(a) Not more than six qualifying destinations, including cities, shall be signed at any intersection approach. These qualifying destinations shall be indicated on not more than 2 separate signs, with no more than three lines of legend on each sign. This limit is necessary due to the limited availability of Department right of way to install signs, and the need to provide enough time for the motorist to read and comprehend the sign messages.

(b) If there are three destinations to be signed at a given intersection, all three destinations shall be included on one sign.

(c) Signs for destinations shall be located in advance of the intersecting roadway that is the most direct and/or desirable route to the facility. Local government recommendations on the most desirable route will be considered. This is necessary because the most direct route may have roadway safety features that are less desirable than the longer route.

(3) Guidelines.

(a) Any state or national park, or state forest open to the public. Advance mileage signs for these parks are eligible for signing. Sign panels must be provided by the park. Advance signs shall be located no more than 10 miles from park entrance.

(b) "DOWNTOWN" signs shall meet the following criteria in order to be considered for supplemental guide signing.

1. "DOWNTOWN" signs will be considered for cities with a population of 5,000 or more.

2. The non-limited access facility route shall traverse the city limits.

3. A distinct central business district must exist. Strip development business centers shall not qualify.

4. Only one such sign will be permitted for each direction of travel. This requirement is necessary in order to provide the most practical route to the central business district.

(c) The criteria referenced in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities, shall be used to determine which destination to add to an existing supplemental guide sign, with an existing destination.

(d) Unincorporated areas shall meet the criteria as shown in Rule 14-51.041, F.A.C., Place Name Signs, in order to qualify for signing. This requirement is necessary due to the high number of named places and limited space available for signing.

(e) Recreational, historical, or cultural attractions funded by federal, state, or local governments are eligible for signing. Such attractions shall meet the following specific criteria in order to qualify for signing:

1. Historical attractions shall be listed in the National Register of Historic Places and be open to the general public year round. City historical areas or districts shall be officially declared by either city or county resolution in order to qualify for signing.

2. Cultural attractions shall be open to the general public year round.

3. Signs for such facilities shall be limited to the nearest intersection to the State Highway System juncture.

4. Recreational attractions are operated on a non-profit basis and include multiple activities such as picnicking, camping, hiking, swimming, fishing, or boating.

5. The recreational, historical, or cultural attraction is identified by name on state published/sponsored guides or books, and/or other State Historic Signing Programs, e.g., Wildlife Signing Program, Canoe Trail Signing Program. The above requirements are necessary due to the high number of destinations that qualify for supplemental guide signing.

(f) Signs shall be installed to identify parking areas for state or local recreational trails only. These signs are for traffic control purposes only, and are not intended for advertisement.

(g) Small businesses that are under contract with the United States Post Service (USPS) to provide their services are eligible for signing. In order to qualify for signing they shall have a contract with the USPS and provide a confirmation letter from the USPS along with their written request for signing. The signs shall be green background with white lettering and have the appropriate directional arrow.

(h) Requests for destination signing by local government agencies shall be approved through the Department's permit process. The Department shall allow local government to fabricate and install these supplemental guide signs pursuant to Department direction. Signs for the following facilities shall be erected at the intersection nearest the facility based on locations for these signs that do not interfere with official traffic control devices:

1. Post Offices, including contract USPS referenced above.

2. Libraries.

3. Recycling Drop-Off Centers.

4. Courthouses.

5. Publicly-owned Vocational/Technical Schools that meet criteria established in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities.

6. Parks.

7. High Schools.

8. Tax Collectors.

9. Chamber of Commerce.

- 10. Animal Shelters.
- 11. City/Town Halls.
- 12. Landfills.
- 13. Bus and Rail Stations.
- 14. National Veterans Cemeteries.

(i) Parking lots and garages shall qualify for signing if they are governmentally owned and open to the public, with non-reserved parking spaces, and not more than one mile from the intersection. The green and white "P" parking symbol sign shall be used without the name of the parking facility.

(j) Rail Terminals shall qualify for signing when they meet the following criteria:

1. Intercity rail (Amtrak, Commuters, etc.) shall be ICC, PSC Certified, or Department approved, and provide regularly scheduled passenger service and have parking spaces for patron use.

2. Intra-urban rail shall be approved by the Department, provide regularly scheduled service, and have parking spaces for patron use.

(k) Signing for an intercity bus service shall consist of the standard use of local bus stop signs.

(l) Signing for an intracity bus service shall only include a Greyhound bus station and/or bus stop. The purpose of the Greyhound symbol sign is to assist motorists who are trying to locate a bus station which is inside a building.

(m) Seaports, deep water public cargo, or passenger ports (for Port Authority Locations) qualify for signing on Controlled Access Facilities.

(n) Airports qualify for signing when the following criteria are met:

1. Air carrier airports are those which are served regularly by scheduled airlines. The airport symbol shall also be used with the airport name.

2. General Aviation (open to public use) signs are allowed in each direction along the State Highway System in advance of an intersecting roadway which provides direct access to the airport property. Signing shall be limited to an intersection within three miles of the airport.

(4) Destinations for Which Signing Shall Not Be Provided on Non-Limited Access Facilities. Except as provided in Rule 14-85.004, F.A.C., Logo Sign Program, or Rule 14-51.021, F.A.C., General Services, signing shall not be provided for the following destinations shown in Table 5, Destinations For Which Signing Shall Not Be Provided on Non-Limited Access Facilities. The restrictions are necessary due to a high number of destinations that qualify for supplemental guide signing.

Businesses	Television/Radio Station, Theaters, Motels/Hotels/Inns, Travel Trailer Parks, Industrial Parks and Plants, Shopping Centers (less than 1,000,000 square feet).
Cemeteries	Local, State, Public, and Private.
Community Facilities	Civic Groups (Kiwanis, Lions, Rotary, etc.), Churches, Subdivision, Mixed Use Facilities.
Government	Local and Regional Political Offices.
Schools	K through 9.
Medical	Infirmaries, Treatment Centers, County, Fraternal or Nursing Homes, Retirement Facilities.
Recreation/Conservation	Water and Soil Conservation District Boundaries, Recreation Centers (Community Centers, Swimming Pools, Baseball/Softball Fields, Tennis Courts, etc.), Country Clubs, Golf Courses, Tree Nurseries/Arboretums.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New \_\_\_\_\_.

14-51.031 General Services Signs.

General service signing is used when the subject services are infrequent, and not within sight of the intersection.

(1) General.

(a) Requests for general service signing (except Logo signing) shall be directed to the District Traffic Operations Engineer.

(b) Signing for general services is considered supplemental to overall signing.

(c) General service signs, including signing for state agency buildings, have a white legend on blue background, except for multi-modal facilities.

(d) The name of the operating agency, community, group, individual, or enterprise shall not appear on the service sign, except for state agency buildings, and other facilities meeting the criteria established in this section.

(e) Symbol signs for Hospital, Airport, Amtrak, Greyhound, Cruise-based Seaports, and Commuter Rail is allowed in urban or rural areas, by the District Traffic Operations Engineer based on criteria established in the Sign Evaluation Process (Rule 14-51.013, F.A.C.).

(f) Tourist Information Centers will use word legend signs. The results of an International Signing Study showed that the international tourist understood the word message more than the "i" or the "?" symbols.

(g) In no case shall signing be erected that would function primarily as advertisements for businesses.



(h) The purpose of the hospital sign is to provide direction to motorists in need of immediate medical services. When requested, signs for a Hospital shall be erected on the State Highway System in advance of the intersection which provides the most practical route to that facility when:

1. The hospital facility has an emergency room open 24 hours each day, 7 days a week. Where more than one hospital meeting the criteria is available from any one intersection, only the hospital located closest to the exit point shall be signed or trailblazed, and;

2. The criteria referenced in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities are met.

(i) Tourist Information Center signs qualify for signing on the State Highway System when:

1. The signing request is received from local government; and

2. The center gives continuous service for a minimum of eight hours a day, seven days a week; and

3. The center is operated exclusively by a non-profit organization or are approved by local government to operate as a Tourist Information Center; but

4. If the Tourist Information Center is operated on a seasonal basis, the signs shall be removed during the off season. If the Tourist Information Center sign is approved under the criteria referenced above, it shall be installed under the Department's permit process by local government.

(j) In no case shall information relating to general services be displayed until trailblazer signing has been installed to direct motorists from the intersection to the service.

(2) Standards.

(a) Not more than one sign with a directional arrow for a particular service shall be displayed, in each direction, in advance of the intersection to the facility. Signs for these services shall only be located in advance of the intersecting road which is the most direct and best route to the facility.

(b) Driver license, police, sheriff, and highway patrol stations that are open 24 hours are eligible for signing.

(c) Hospitals are eligible for signing when the hospital is located not more than three miles from an intersection (other than trailblazing from a limited access facility).

(d) Tourist Information Centers are eligible for signing when the center is located not more than one mile from the state highway.

(3) Guidelines.

(a) Boat Ramp and Camping signs are eligible for signing in advance of intersecting roads with direct access to the facility provided that it is located not more than one mile from the state highway.

(b) Signing will be provided to state agency buildings which large numbers of the general public access. The sign panels will be supplied by the applicant and installed by Department Maintenance forces where space allows on the

State Highway System. The applicant will also supply replacement panels when necessary. The sign will be installed adjacent to the building on the State Highway System. If the building is located more than one mile from the state highway, then the sign will be placed at the nearest intersection, and such trailblazing signs to the destination will be supplied by the applicant. Signing will be provided to those state agency buildings where the need for directional information based on emergency situations, such as emergency evacuation shelters, permits, and/or a state gas facility, is necessary. All other state agency buildings shall meet the following criteria:

1. The number of non-employee trips generated by the building shall meet the criteria established in Table 4, Criteria for Signing Destinations on Non-Limited Access Facilities.

2. Meeting space for a minimum of 30 people.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--  
New \_\_\_\_\_.

#### PART IV PLACE NAME SIGNS.

##### 14-51.040 Exclusions.

(1) Place name signs other than for geographic boundaries of counties or municipalities shall not be erected on non-limited access facilities or freeways.

(2) Place name signs for other governmental boundaries such as water management, school, and fire districts, shall not be erected on the State Highway System.

(3) Place name signs shall not normally be installed for urban subdivisions unless they appear on the full size Official Florida Transportation Map (not on the urban area enlargements).

(4) "Exiting" or "Leaving" place name signs shall not be permitted.

(5) Overhead signs/structures shall not be permitted.

(6) Place name sign requests originated by organizations or persons other than the local government shall not be considered.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--  
New \_\_\_\_\_.

##### 14-51.041 Criteria for Unincorporated Areas.

(1) If an unincorporated area appears on the Official Florida State Transportation Map, signing shall be provided by the Department upon request by the county.

(2) Place name signs for an unincorporated area not appearing on the current Official Florida State Transportation Map will be eligible upon written request of the county. Such requests shall be accompanied by evidence supporting reasonable need.

(3) There shall be clearly identifiable localized development in the area that is significantly more intensive than encountered on the state highway approaches to the community.

(4) The community must lie on or along the State Highway System.

(5) Horizontal/vertical curves of the roadway restrict advance notice to motorists approaching the community.

(6) The community is a county seat or has historical, cultural, educational places of interest, or major tourist attractions which are not separately signed.

(7) A post office, railroad station, water tower, or similar structure bearing the place name exists in the community.

(8) The county has installed or agreed to install place name signs on its roads traversing the area.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New \_\_\_\_\_.

14-51.042 Sign Characteristics.

(1) Place name signs shall have a white legend on a green rectangular background.

(2) Place name signs shall be reflectorized and shall conform to the MUTCD standards and specifications for guide signs and general information signs.

(3) Sign information shall normally be limited to the name of the place, except for a Logo representing a special award.

(4) Only one sign shall be permitted in each approach direction. The signs shall be located at, or in proximity to, the geographical boundary of the county or municipality.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New \_\_\_\_\_.

14-51.043 Customized Place Name Signs.

(1) Customized treatment shall be considered only for municipal limits and counties on state highways other than limited access facilities.

(2) Place name signs located off the state highway right of way shall conform to Section 479.16(12), Florida Statutes.

(3) The preferred location of customized place name signs is off the state highway right of way, where increased lateral clearance can be used. In such instances the property owner's permission is required. When additional right of way is not available, the Department will authorize placement of the sign within state highway right of way. Sufficient lateral clearance is particularly important for custom place name signs due to nonstandard designs and sizes.

(4) The sign and structure or other treatment shall be located, at or in proximity to, the geographical boundary of the county or municipality in the approach direction only.

(5) The proposed installation will not interfere in any manner with other traffic control devices in the area.

(6) Existing city limit or county boundary signs, and/or nonofficial signs or structures, at or near the location shall be removed.

(7) All signs and supporting structures shall be designed, constructed, and installed to meet the Department's clear zone and safety criteria including breakaway features. The design shall be signed and sealed by a Professional Engineer registered in the State of Florida.

(8) Sign size and lettering shall be appropriate for driver readability without decreasing speed.

(9) Sign information shall be limited to the name of the city or county or logo, the words "Welcome To," and where applicable, a regional designation or phrase.

(10) The sign and structure shall be completely devoid of any commercial advertising or the name of any political candidate and be of such design and color as to be in good taste and aesthetically pleasing.

(11) The primary location for custom place name signs shall be along the roadside behind curb and gutter sections. Medians will only be considered if other roadside locations, either on or off state highway rights of way, are not possible.

(12) Installations in any median shall meet the Department's appropriate clear zone and safety criteria. Signs shall not be installed in both the median and roadside at a given location.

(13) Displays shall be fixed. Neither flashing or colored lights, nor changeable messages, shall be used. However, customized treatment, including interior or exterior illumination, is allowable. In the absence of lighting, signs shall be reflectorized.

(14) Upon approval of a customized place name sign request, the Department and the local government shall execute an agreement providing for the local government to install and maintain the customized sign/sign supports and all landscaping and shrubbery associated with the installation, as well as to defray the cost of any electrical energy necessary for operation of the sign display. The agreement shall clearly indicate that the Department reserves the right to have the installation modified or removed from the state highway right of way.

Specific Authority 316.0745 FS. Law Implemented 316.0745 FS. History--New \_\_\_\_\_.

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

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE:	RULE NO.:
Placement of Inmates into Community Release Programs	33-601.606

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify provisions related to placement of community custody inmates in work release centers.

SUBJECT AREA TO BE ADDRESSED: Community release programs.

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.606 Placement of Inmates into Community Release Programs.

(1) No change.

(2) Eligibility and Ineligibility Criteria.

(a) No change.

(b) In order to be eligible for community release programs an inmate must:

1. through 5. No change.

6. The Secretary of the Florida Department of Corrections, or his designee who shall be the Assistant Secretary for Institutions, shall have the authority to place an inmate who is in community custody at any work release center regardless of time constraints for the purpose of a specialized work detail or program.

(3) through (5) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 3-14-01, Amended 9-2-01, 3-19-02, 11-18-02, 5-31-04, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Permissible Items for Visitors

RULE NO.: 33-601.725

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to increase from \$25 to \$50 the amount of cash that may be brought in by visitors to purchase items from visiting park canteens or vending machines.

SUBJECT AREA TO BE ADDRESSED: Inmate visiting.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

(a) through (c) No change.

(d) Up to ~~\$50.00~~ ~~\$25.00~~, in \$1.00, ~~and~~ \$5.00, ~~\$10.00 and~~ ~~\$20.00~~ denominations only or silver change, per visitor, regardless of age, to purchase snacks and beverages from visiting park canteens or vending machines. All snacks and beverages shall be purchased and consumed in the visiting area. A small wallet or pouch may be used for containing the bills and any change received from the canteen or vending purchases.

(e) through (2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Close Management

RULE NO.: 33-601.800

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate unnecessary language and to clarify provisions relating to canteen purchases, restriction of exercise, and educational and program opportunities.

SUBJECT AREA TO BE ADDRESSED: Close management.

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:

- 33-601.800 Close Management.
- (1) through (9) No change.
- (10) Conditions and Privileges in CM Units.
- (a) through (f) No change.
- (g) Canteen Items.

1. Inmates in CMI and II, following 30 days in close management status and having no major rule violations during this period, will be allowed to make canteen purchases through canteen order once per week unless restricted by disciplinary action. Inmates in CMI and II will be allowed to purchase up to five non-food items and five food items. In making this determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three security pens counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item.

2. Inmates in CMIII, following 30 days in close management status and having no major rule violations during this period, will be allowed to make canteen purchases through canteen order once each week unless restricted by disciplinary action. Inmates in CMIII will be allowed to purchase up to five non-food items and ten food items. In making the determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three packages of cookies count as three items, not one item.

3. No change.

4. CM inmates who submit an order for canteen items and then refuse delivery shall be subject to disciplinary action and loss of canteen privileges.

(h) No change.

(i) Legal Access – An inmate in close management will have access to his or her personal legal papers and law books and have correspondence access with the law library. Access to the law library will be obtained through delivery of research materials to an inmate’s cell, and access to visits with research aides. Although the inmate may not be represented by an attorney at any administrative hearing under this rule, access to an attorney or aide to that attorney will be granted for legal visits at any reasonable time during normal business hours. Indigent inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent will be allowed to purchase paper and envelopes from the canteen

for this purpose ~~by completing Form DC6-251, CMI and II Canteen Order, or Form DC6-252, CMIII Canteen Order,~~ within the stated time frames. ~~Forms DC6-251 and DC6-252 are incorporated by reference in subsection (19) of this rule.~~ Typewriters or typing services are not considered required items and will not be permitted in close management cells. Inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader). An inmate who is provided an auxiliary aid shall also be allowed access to a research aide for the purpose of preparing legal documents, legal mail, and filing grievances.

(j) through (l) No change.

(m) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the wellness specialist or the close management officer shall provide the inmate with an in-cell exercise guide and document such on the Close Management Daily Record of Segregation, Form DC6-229A. However, an exercise schedule shall be implemented to ensure a minimum of six hours per week (two hours three days per week) of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. Such exercise periods shall be documented on Form DC6-229A. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in this rule, or if the inmate has pending a disciplinary hearing for a major rule violation as defined in this rule. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on the Close Management Daily Record of Segregation, Form DC6-229A. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him that will accomplish the need for exercise and take into account the particular inmate’s limitations. Close management inmates shall be allowed equal access to outdoor exercise areas with exercise stations.

(n) No change.

(11) Programs and Privileges in Close Management Units.

(a) through (c) No change.

(d) CMIII. In addition to the programs provided above for CM I inmates, and those privileges outlined in subparagraphs (11)(b)1.-4. of this rule, the following privileges are authorized:

1. CM III inmates will be entitled to:

a. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMIII inmates shall be eligible to receive one two-hour contact personal visit by appointment after completing 30 days in close management status and having no major rule violations during this period.

b. CMIII inmates shall be subject to placement on non-contact status as outlined in Rule 33-601.735, F.A.C.

c. If found guilty of a major rule violation ~~disciplinary infraction~~ while assigned to CM III, the inmate is eligible to be considered for visits 14 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed.

d. The inmate is eligible to receive one two-hour contact personal visit by appointment after each subsequent 14 day period with no major rule violations during this period unless security or safety concern would preclude a visit. The warden will determine the level of supervision and restraint required.

2. through 3. No change.

4. CMIII inmates shall be provided with at least the same opportunities for educational and program participation as provided to CMII inmates.

(12) through (18) No change.

(19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (h) No change.

~~(i) Form DC6 251, CMI and II Canteen Order, effective date April 8, 2004.~~

~~(j) Form DC6 252, CMIII Canteen Order, effective date April 8, 2004.~~

(k) through (n) renumbered (i) through (l) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 2-1-01, Amended 12-16-01, 4-8-04, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Inmate Telephone Use  
 RULE NO.: 33-602.205  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that inmates are not allowed to place business telephone numbers or cell phone numbers on their telephone lists.  
 SUBJECT AREA TO BE ADDRESSED: Inmate telephone use.  
 SPECIFIC AUTHORITY: 944.09 FS.  
 LAW IMPLEMENTED: 20.315, 944.09 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.205 Inmate Telephone Use.

(1) No change.

(2) Inmate telephone procedures will be conducted as follows:

(a) To initiate telephone privileges, inmates shall complete Form DC6-223, Inmate Telephone Agreement and Number List. Each inmate is limited to no more than 10 names and numbers of persons he or she wishes to access. Inmates shall not be allowed to telephone any person not on this list except as outlined in paragraph (3)(a) and subsection (4) of this rule. Inmates shall not make three-way telephone calls nor make calls to numbers on the list which are then transferred to other telephone numbers. Inmates shall not be allowed to include business telephone numbers or cell phone numbers on the list.

(b) The reception center classification staff shall compile the inmate calling list through use of Form DC6-223, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 shall become part of the inmate’s permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 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, FL 32399-2500. The effective date of this form is February 4, 2003.

(c) through (15) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03, 12-30-03, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Northwest Florida Water Management District**  
 RULE CHAPTER TITLE: Consumptive Uses of Water  
 RULE CHAPTER NO.: 40A-2  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to amend the existing rule to require all withdrawals for bottled water purposes to apply for an Individual Water Use Permit, extend the expiration date for General Water Use Permits, and clarify rule language and intent. Withdrawals for bottling purposes are typically located proximal to springs. The revisions will allow for a more detailed review of bottled water withdrawals and provide the public an opportunity for input into the permitting process. The simplification and clarification of the rule language will allow the public to more easily understand the rule and its application.

SUBJECT AREA TO BE ADDRESSED: Amendments to Chapter 40A-2, F.A.C., addressing the permitting of withdrawals for bottling purposes, expiration of General Water Use Permits, and clarification of rule language.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171, 373.216 FS.

LAW IMPLEMENTED: 373.103(1), 373.118, 373.171, 373.216, 373.219, 373.223, 373.226 FS.

A PUBLIC WORKSHOP WILL BE HELD AT THE TIMES, DATE AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 a.m. (ET), October 11, 2004

PLACE: Northwest Florida Water Management District, 81 Water Management Drive, Governing Board Conference Room, Havana, Florida 32333-4712

TIME AND DATE: 2:00 p.m. (CT), October 11, 2004

PLACE: City Council Chambers, 2898 Green Street, Marianna, Florida 32446

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Terri Peterson, Northwest Florida Water Management District, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, (850)539-2777 (Fax)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS ANTICIPATED TO BE AVAILABLE SEPTEMBER 20, 2004.

**DEPARTMENT OF THE LOTTERY**

RULE CHAPTER TITLE: Personnel Employee Performance  
Evaluations

RULE CHAPTER NO.: 53-17

RULE TITLES: Statement of Policy  
Procedures

RULE NOS.: 53-17.001  
53-17.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the Lottery's rules regarding employee performance evaluations, including the title of Chapter 53-17, F.A.C., and implement in permanent rule form the provisions set forth in Emergency Rule 53ER04-41, *Personnel Performance Excellence Program*.

SUBJECT AREA TO BE ADDRESSED: The Lottery's Personnel Performance Excellence Program.

SPECIFIC AUTHORITY: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLE: Continuing Education Renewal Requirements  
PURPOSE AND EFFECT: To consider changes to continuing education renewal requirements, and conduct a workshop on the rule to that end.

RULE NO.: 61-20.508

SUBJECT AREA TO BE ADDRESSED: Continuing Education requirements for renewal of licenses.

SPECIFIC AUTHORITY: 468.4315(2), 468.4336, 468.4337 FS.

LAW IMPLEMENTED: 455.2124, 468.4336, 468.4337 FS.

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, Friday, October 8, 2004

PLACE: The Florida Mall Hotel, 1500 Sand Lake Road, Orlando, Florida 32809

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Council's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Council's office using the Florida Dual Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Regulatory Council of Community Association Managers, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE TITLE: Continuing Education Requirements for  
Renewal for Certificateholders  
and Registrants

RULE NO.: 61G6-9.004

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements for Renewal for Certificateholders and Registrants.

SPECIFIC AUTHORITY: 120.52(15), 120.54(1), 455.2124, 489.507(3) FS.

LAW IMPLEMENTED: 455.2124, 489.513(3), 489.517(3) FS. IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, Executive Director, Board of Electrical Contractors Licensing, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

**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**

**Division of Administration**

RULE TITLES:	RULE NOS.:
Scope	63F-9.001
Definitions	63F-9.002
County Responsibility for Pretrial Secure Detention	63F-9.003
State Funding for Fiscally Constrained Counties	63F-9.004
Appeal Procedure	63F-9.005

PURPOSE AND EFFECT: The proposed rule is intended to implement newly created Section 985.2155, Florida Statutes, governing the shared responsibility of counties and the state for juvenile detention.

SUBJECT AREA TO BE ADDRESSED: Standards and procedures for apportioning and collecting counties’ responsibility for pretrial secure detention costs.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.2155 FS.

LAW IMPLEMENTED: 985.2155 FS.

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

TIME AND DATE: 9:00 a.m. – 5:00 p.m., Tuesday, September 28, 2004

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: [clyde.benedix@dj.j.state.fl.us](mailto:clyde.benedix@dj.j.state.fl.us)

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

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLES:	RULE NOS.:
Mediation	64B7-30.005
Notice of Noncompliance	64B7-30.006

PURPOSE AND EFFECT: The Board proposes to review the existing language in these rules to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Mediation and notice of noncompliance.

SPECIFIC AUTHORITY: 120.695, 456.073(3), 456.078, 480.035(7) FS.

LAW IMPLEMENTED: 120.695, 456.073(3), 456.078 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399.

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

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

PURPOSE AND EFFECT: The Board proposes the development of amendments to clarify requirements for office surgery registrations.

SUBJECT AREA TO BE ADDRESSED: Clarifications to requirements for office surgery registration.

SPECIFIC AUTHORITY: 458.309(1),(3) FS.

LAW IMPLEMENTED: 456.069, 456.072(1)(cc), 458.309(3) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT:

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

(1) Registration.

(a) Every Florida licensed physician who holds an active Florida license and performs Level II surgical procedures in Florida with a maximum planned duration of more than five (5) minutes ~~or longer~~ or any Level III office surgery, as fully defined in Rule 64B8-9.009, F.A.C., shall register with the Department of Health Board of Medicine. It is the physician's responsibility to ensure that every office in which he or she performs Levels II or III surgical procedures as described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned.

(b) In order to register an office for surgical procedures, the physician must comply with the Department's Rule 64B-4.003, F.A.C., and provide documentation to support compliance with Rule 64B8-9.009, F.A.C., provide to the Board of Medicine, his or her name, mailing address, Florida license number, and a list of each office where the covered surgical procedures are going to be performed by the physician. The list shall also include each office name, address, telephone number, and level of surgery being performed at that location by the physician; and if more than one physician is practicing at that location, a list of all physicians and levels of surgery being performed must be provided. The list shall also include the name of each physician assistant, ARNP and CRNA involved in the office surgery or anesthesia; copies of any protocols necessary for the supervision of any ARNP or CRNA; and any transfer agreements with local hospitals. In addition, the physician shall submit a statement of compliance with Rule 64B8-9.009, F.A.C., "Standard of Care for Office Surgery", and, if applicable, Section 456.0375, F.S., "Registration of certain clinics; requirements; discipline; exemption," when registering with the Department.

(c) The physician must immediately notify the Department Board Office, in writing, of any changes to the registration information.

(d) The registration shall be posted in the office.

(2) through (3) No change.

Specific Authority 458.309(1),(3) FS. Law Implemented 456.069, 456.072(1)(cc), 458.309(3) FS. History--New 5-15-00, Amended 9-18-01, 8-5-03, 9-1-03,\_\_\_\_\_

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Approval of Physician Office Accrediting Organizations  
 RULE NO.: 64B8-9.0092

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to remove the Florida Academy of Cosmetic Surgery, Inc., from the list of accrediting entities.

SUBJECT AREA TO BE ADDRESSED: Removal of the Florida Academy of Cosmetic Surgery, Inc., from the list of accrediting entities.

SPECIFIC AUTHORITY: 458.309(3) FS.

LAW IMPLEMENTED: 458.309(3) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.0092 Approval of Physician Office Accrediting Organizations.

(1) through (6) No change.

~~(7) Board approved accrediting agency or organizations include Florida Academy of Cosmetic Surgery, Inc.~~

Specific Authority 458.309(3) FS. Law Implemented 458.309(3) FS. History--New 3-9-00, Amended 3-25-02,\_\_\_\_\_

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Standards for the Delivery of Anesthesia in Certain Practice Settings  
 RULE NO.: 64B8-9.0093

PURPOSE AND EFFECT: The Board proposes the development of a rule to address the appropriate standards and guidelines for the delivery of Level II or Level III anesthesia outside of hospital settings, ambulatory surgery centers, or office surgery settings.

SUBJECT AREA TO BE ADDRESSED: Appropriate delivery of anesthesia in certain practice settings.

SPECIFIC AUTHORITY: 458.309, 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(v) FS.



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

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

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE TITLES: Citations Mediation  
 RULE NOS.: 64B11-4.005 64B11-4.006

PURPOSE AND EFFECT: The Board proposes to review the existing language in these rules to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Citations and mediation.

SPECIFIC AUTHORITY: 456.077, 456.078, 468.204 FS.

LAW IMPLEMENTED: 456.077, 456.078, 456.072 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: All Permits – Labels and Labeling of Medicinal Drugs  
 RULE NO.: 64B16-28.108

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

SUBJECT AREA TO BE ADDRESSED: Requirements for the labeling of dispensed drugs.

SPECIFIC AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022(1), 465.186 FS.

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

64B16-28.108 All Permits – Labels and Labeling of Medicinal Legend Drugs —All Permits.

Each container of medicinal drugs dispensed shall have a label or shall be accompanied by labeling. Drug Distribution System (All Permits): Each container of medicinal drugs dispensed shall have a label affixed thereon and shall be accompanied by appropriate labeling as provided by these rules.

(1) Definitions. The label of each unit dose dispensed in finished dosage form as part of any unit dose system shall satisfy all of the requirements of Section 499.007(12)(b), F.S., and paragraph 64F-12.006(1)(a), F.A.C.

(a) “Controlled substance” means any substance named or described in Schedules II-V of Section 893.03, Florida Statutes.

(b) “Customized medication package” means a package that:

1. Is prepared by a pharmacist for a specific patient.
2. Is a series of containers.
3. Contains two (2) or more solid oral dosage forms.

(c) “Labeling” means a label or other written, printed, or graphic material upon an agent or product or any of its containers, wrappers, drug carts, or compartments thereof, as well as a medication administration record (MAR) if a medication administration record is an integral part of the unit dose system.

(d) “Radiopharmaceutical” means any substance defined as a drug in Section 201(g)(1) of the Federal Food, Drug and Cosmetic Act which exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any of those drugs intended to be made radioactive. This includes nonradioactive reagent kits and nuclide generators which are intended to be used in the preparation of any such substance, but does not include drugs which are carbon-containing compounds or potassium-containing compounds or potassium-containing salts which contain trace quantities of naturally occurring radionuclides.

(e) “Serial number” means a prescription number or other unique number by which a particular prescription or drug package can be identified.

(2) The label affixed to each container dispensed to a patient shall include: In addition to the foregoing, all medicinal drugs dispensed in a unit dose system by any pharmacist shall be accompanied by labeling. The term labeling, for the purpose of this paragraph, shall mean all labels and other written, printed, or graphic material upon an agent or product or any of its containers, wrappers, drug carts, or compartments thereof, as well as the medication administration record if said medication administration record is an integral part of the unit dose system. This requirement that each act of dispensing be accompanied by labeling will be satisfied if, to the extent not included on the label, the following conditions are met:

(a) Name and address of the pharmacy. The system indicates clearly the name of the resident or patient and the prescription number or other means utilized for readily retrieving the medication order; the directions for use; the prescriber name.

(b) Date of dispensing. In the event a medication administration record (MAR) is used as an integral part of the system, the said MAR must be attached to or kept on or in the unit dose system when delivering or administering drugs to patients.

(c) Serial number. In the case of a Class I Institutional pharmacy, or a Class II Institutional pharmacy which, within the scope of its practice, services only the inpatients of a nursing home as defined in Section 400.021(5), F.S., the name of the dispensing pharmacy.

(d) Name of the patient or, if the patient is an animal, the name of the owner and the species of animal.

(e) Name of the prescriber.

(f) Name of the drug dispensed (except where the prescribing practitioner specifically requests that the name is to be withheld).

(g) Directions for use.

(h) Expiration date.

(i) If the medicinal drug is a controlled substance, a warning that it is a crime to transfer the drug to another person.

(3) The label on the immediate container of a repackaged product or a multiple unit prepackaged drug product shall include: Medication Administration Record (MAR)

(a) Brand or generic name. In the event that a Class I Institutional pharmacy or a Class II Institutional pharmacy which, within the scope of its practice services only the inpatients of a nursing home as defined in Section 400.021(5), F.S., elects to utilize a medication administration record (MAR) as an integral part of the unit dose system for the purpose of satisfying this rule, then upon the initial dispensing of an order the said MAR labeling must be prepared or reviewed and approved by the pharmacy practitioner, policies and procedures shall define how subsequent reproductions of

MAR labeling of the initially dispensed order shall be reviewed. Said MAR must be attached to or kept on or in the unit dose system when delivering or administering drugs to residents or patients.

(b) Strength. In a Class II Institutional pharmacy, there shall be a policy and procedure for a quality assurance review of the MARS by a pharmacist not less than every thirty (30) days.

(c) Dosage form.

(d) Name of the manufacturer.

(e) Expiration date.

(f) Lot number:

1. Manufacturer’s lot number, or

2. Number assigned by the dispenser or repackager which references the manufacturer’s lot number.

(4) A medicinal drug dispensed in a unit dose system by a pharmacist shall be accompanied by labeling. The requirement will be satisfied if, to the extent not included on the label, the unit dose system indicates clearly the name of the resident or patient, the prescription number or other means utilized for readily retrieving the medication order, the directions for use, and the prescriber’s name. A unit dose system shall provide a method for the separation and identification of drugs for the individual resident or patient. In those unit dose systems where the supply of medication exceeds a 48-hour dosage regimen, the drugs must be separated by the name of the patient and by category, i.e., drug product, time of administration, or nursing shift.

(5) A unit dose system shall provide a method for the separation and identification of drugs for the individual resident or patient. Customized Patient Medication Packages: The Board finds that customized patient medication packages, prescription containers for the dispensing of multiple medicinal drugs in a single container unit, may lead to improved patient compliance. The use of customized patient medication packages is allowed where:

(a) The consent of the patient or the patient’s agent has been secured; and

(b) The use of the customized patient medication package is in accordance with the standards set forth for these packages in Chapter 661 of the United States Pharmacopeia. These standards are hereby incorporated by reference into this rule, effective 7-12-93.

(6) A customized patient medication package may be utilized if:

(a) The consent of the patient or the patient’s agent has been secured, and,

(b) The label includes:

1. Name, address and telephone number of the pharmacy.

2. Serial number for the customized medication package and a separate serial number for each medicinal drug dispensed.

3. Date of preparation of the customized patient medication package.

4. Patient's name.

5. Name of each prescriber.

6. Directions for use and any cautionary statements required for each medicinal drug.

7. Storage instructions.

8. Name, strength, quantity and physical description of each drug product.

9. A beyond use date that is not more than 60 days from the date of preparation of the customized patient medication package but shall not be later than any appropriate beyond use date for any medicinal drug included in the customized patient medication package.

(c) The customized patient medication package can be separated into individual medicinal drug containers, then each container shall identify the medicinal drug product contained.

(7) The label affixed to the immediate outer container shield of a radiopharmaceutical shall include:

(a) Name and address of the pharmacy.

(b) Name of the prescriber.

(c) Date of the original dispensing.

(d) The standard radiation symbol.

(e) The words "Caution Radioactive Material."

(f) Name of the procedure.

(g) Prescription order number.

(h) Radionuclide and chemical form.

(i) Amount of radioactivity and the calibration date and time.

(j) Expiration date and time.

(k) If a liquid, the volume.

(l) If a solid, the number of items or weight.

(m) If a gas, the number of ampules or vials.

(n) Molybdenum 99 content to the United States Pharmacopeia (UPS) limits.

(o) Name of the patient or the words "Physician's Use Only."

(8) The label affixed to the immediate inner container of a radiopharmaceutical to be distributed shall include:

(a) The standard radiation symbol.

(b) The words "Caution Radioactive Material."

(c) Radionuclide and chemical form.

(d) Name of the procedure.

(e) Prescription order number of the radiopharmaceutical.

(f) Name of the pharmacy.

(9) The labeling on a carton or package containing a medicinal drug or product dispensed from an Extended Scope Renal Dialysis (ESRD) pharmacy shall include:

(a) "Use as Directed" statement.

(b) The name and address of the person to whom the products will be delivered.

(c) Name of the prescriber.

(d) Name and address of the ESRD pharmacy location from which the products were shipped.

(e) Prescription number.

(f) Any special instructions regarding delivery dates or locations.

(g) Beyond use date or, if the medicinal drug or product is dispensed in an unopened sealed package, the manufacturer's expiration date.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.022(1), 465.186 FS. History—Amended 5-19-72, Repromulgated 12-18-74, Amended 10-10-78, 9-18-84, 1-20-85, Formerly 21S-1.13, Amended 10-2-88, Formerly 21S-1.013, Amended 7-31-91, 10-1-92, 4-19-93, 7-12-93, Formerly 21S-28.108, 61F10-28.108, 59X-28.108, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE:

RULE NO.:

Automated Pharmacy System – Long-Term

Care, Hospice, or Prison

64B16-28.607

PURPOSE AND EFFECT: The Board proposes to review a new rule to determine whether necessary.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule provides definitions and sets forth the requirements for automated pharmacy systems supplying pharmacy services to long-term care, hospice, or state correctional institutions.

SPECIFIC AUTHORITY: 465.0155 FS.

LAW IMPLEMENTED: 465.019, 465.0195, 465.026 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED 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, IF AVAILABLE, IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE:

RULE NO.:

Disciplinary Guidelines

64B32-5.001

PURPOSE AND EFFECT: To update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.079, 468.365(4) FS.

LAW IMPLEMENTED: 456.072, 468.365 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: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-5.001 Disciplinary Guidelines.

- (1) through (2) No change.
- (3)(a) through (bb) No change.

<p><u>(cc) Testing positive in a pre-employment or employer ordered drug screen.</u> <u>(456.072(1)(z), E.S.)</u></p>	<p><u>First Offense</u></p>	<p><u>From six months probation with conditions and referral to PRN to revocation and a fine from \$500 to \$2,000.</u></p>
	<p><u>Second Offense</u></p>	<p><u>From one year probation with conditions and referral to PRN to revocation and a fine from \$1,000 to \$10,000.</u></p>

- (4) through (6) No change.

Specific Authority 456.079, 468.365(4) FS. Law Implemented 456.072, 468.365 FS. History—New 4-29-85, Formerly 21M-37.01, 21M-37.001, Amended 1-3-94, Formerly 61F6-37.001, 59R-74.001, 64B8-74.001, Amended 5-5-02, \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program Office**

RULE TITLE: Need  
 RULE NO.: 65A-4.208

PURPOSE AND EFFECT: The proposed rule amendment provides that the only exception for a minor child to live with a parent(s) or caretaker relative, as it relates to Temporary Cash Assistance (TCA)/Temporary Assistance for Needy Families (TANF) eligibility, applies to a minor child with a child (teen parent) in accordance with state and federal laws and regulations as specified in Emergency Rule 65AER04-1, F.A.C. The court in Manuel v. DCF, held that the agency’s placement of children with adult non-relatives satisfied the criteria in Section 414.095(2)(a)4., F.S., for purposes of the children’s eligibility for TCA/TANF benefits or services. TANF laws and regulations do not authorize the expenditure of TCA/TANF funds to serve children placed with adult non-relatives. The only exception is for teen parents who have suffered or might suffer harm in the home of a parent, legal

guardian, or relative and it is in the best interest of the teen parent and/or child to live in “alternative living arrangement approved by the state” (45 CFR 233.107(e)(3)). This is also the only exception allowed under the State TANF Plan.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides that an exception for a minor child to live with a parent or caretaker relative for TCA eligibility applies only to a teen parent. It also designates that the determination of an approved living arrangement for the teen parent is made by the Economic Self-Sufficiency specialist in accordance Section 414.095(15)(c)2., F.S., and 45 CFR 233.107(e)(3).

SPECIFIC AUTHORITY: 414.095(19), 414.45 FS.

LAW IMPLEMENTED: 414.095 FS.

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

TIME AND DATE: 2:00 p.m., September 27, 2004

PLACE: 1317 Winewood Boulevard, Building 3, Room 470, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, (850)921-0253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65A-4.208 Need.

- (1) No change.
- (2) For temporary cash assistance (TCA), the following individuals are included in the assistance group:

(a) The minor child for whom assistance is requested, who must provided the child meets all non-financial TCA temporary cash assistance eligibility criteria, including residing with a parent or an adult caretaker relative in accordance with 45 CFR 233.90(c)(v)(A) and Section 414.095(2)(a) and (b) and (15)(b) and (c), F.S. The only exception to living with a parent or adult caretaker relative applies to a minor child with a child (teen parent) who has suffered harm or might suffer harm in the home of a parent, legal guardian, or relative and it is in the best interest of the teen parent and/or child to reside in an alternative living arrangement. The Economic Self-Sufficiency (ESS) specialist must determine that the alternative living arrangement is an approved setting in accordance with 45 CFR 233.107(e)(3) and Section 414.095(15)(c)2., F.S.

(b) through (c) No change.

(3)(a) No change.

(b) A 16-18 year old who is not in school and who refuses to participate in the TCA temporary cash assistance employment and training program unless good cause exists for

non-participation in the employment and training program or school prescribed in Rule ~~65A-4.2131~~ ~~65A-1.521~~, F.A.C., dated August 1997.

(4) through (9) No change.

Specific Authority ~~414.095(19)~~, 414.45 FS. Law Implemented ~~414.095(2)(b),(5) FS. History--New 1-11-98, Amended \_\_\_\_\_.~~

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Electronic Data Interchange (EDI)	69L-56
RULE TITLES:	RULE NOS.:
Forms and Instructions	69L-56.001
Definitions	69L-56.002
Proof of Coverage (POC) Electronic Filing Requirements	69L-56.100
Technical Requirements for POC EDI Transactions	69L-56.110
Cancellation or Non-Renewal of Workers' Compensation Insurance	69L-56.200
Electronic Filing Time Periods for Policy Information	69L-56.210
Technical Requirements for Voluntary Claims EDI Transmissions	69L-56.300
Electronic Supplement to the First Report of Injury	69L-56.310
Insurer Responsibilities Where Third Party Vendor Services are Utilized	69L-56.500

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: Rule 69L-56.001, F.A.C., is being amended to identify forms required for Electronic Data Interchange (EDI) transmissions of Proof of Coverage and Claims information with the Division. Rule 69L-56.002, F.A.C., is being amended to add new definitions pertinent to filing Claims and Proof of Coverage (POC) information electronically with the Division. Rule 69L-56.100, F.A.C., is being amended to identify the specific electronic form equivalents for POC filings and to promulgate a new edition of the Florida Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, and a new edition of the IAABC EDI Implementation Guide for Proof of Coverage. Rule 69L-56.200, F.A.C., is being created to move the insurer's requirements for cancellation of workers' compensation insurance from Rule 69L-6.008 to this rule, and to add new cancellation requirements for when the insured requests the cancellation of a policy. Rule 69L- 56.210, F.A.C., is being created to move the requirements for insurers to electronically provide policy information from Rule 69L-6.014, F.A.C., to this rule, and to add the filing requirements for when the insured requests the cancellation of a policy. Rule 69L-56.300, F.A.C., is being created to identify the technical filing requirements for Claims transmissions, which are currently being submitted electronically on a voluntary basis by an insurer. Rule 69L-56.310, F.A.C., is being created to identify the requirements for reporting additional First Report of Injury

information via the Electronic Supplement to the First Report of Injury format. Rule 69L-56.500, F.A.C., is being added to establish that an insurer remains responsible for the penalties and fines that may result from any untimely electronic filings by its third party vendor.

SPECIFIC AUTHORITY: 440.185(7), 440.42(3), 440.591, 440.593, 627.4133(4) FS.

LAW IMPLEMENTED: 440.185, 440.42(3), 440.591, 440.593, 627.4133(4) 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., September 28, 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda Yon, EDI Coordinator, Office Of Data Quality and Collection, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1702, e-mail: yonl@dfs.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-56.001 Forms and Instructions.

(1) The following forms are incorporated herein by reference and adopted for use in filing Proof of Coverage (POC) and Claims Electronic Data Interchange (EDI) ~~transmissions to submissions with~~ the Division. All of the forms may be obtained from the Division of Workers' Compensation at its website, <http://www.fldfs.com/wc/edi.html> ~~www2.myflorida.com/les/wc/~~, or by sending a request to the Division of Workers' Compensation, Office of Data Quality & Collection Bureau of Information Management, 200 East Gaines Street, Tallahassee, Florida 32399-4226.

(a) ~~DFS-F5-DWC-EDI-1, "EDI Trading Partner Profile" (08/01/2004) DWC Form POCEDI-1: "POC EDI Production Profile" (3/02).~~

(b) ~~DFS-F5-DWC-EDI-2, "EDI Trading Partner Insurer/Claim Administrator ID List" (08/01/2004) DWC Form POCEDI-2: "POC EDI Trading Partner Agreement" (3/02).~~

~~(2) The following form is incorporated herein by reference and adopted for use in filing both POC and CLAIMS EDI submissions with the Division:~~

~~(c) DFS-F5-DWC-EDI-3, DWC Form EDI-3: "EDI Transmission Profile-Sender's Specifications" (08/01/2004 3/02).~~

~~(d) DFS-F5-DWC-EDI-4, Secure Socket Layer (SSL)/File Transfer Protocol (FTP) Instructions (08/01/2004).~~

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.593 FS. History—New 3-5-02, Formerly 38F-56.001, 4L-56.001, Amended \_\_\_\_\_.

69L-56.002 Definitions.

When used in this chapter, the following terms have the following meanings:

(1) "Acknowledge" or "acknowledgement" means a response provided by the Division to communicate the acceptance or rejection of an electronic transaction sent to the Division. An acknowledgement returned by the Division will reflect the assignment of an acknowledgment code of "Transaction Accepted (TA)" if the transaction was accepted by the Division or "Transaction Rejected (TR)" if the transaction was rejected by the Division. If a transaction was assigned an acknowledgement code of "Transaction Accepted (TA)", the date the transaction was received by the Division will be used in determining whether an electronic form equivalent was timely filed with the Division.

~~(2)(4)~~ "Batch" means a set of records containing one header record, one or more detailed transactions, and one trailer record.

(3) "Claim Administrator" means a "Claims-Handling Entity" as defined in Rule 69L-3, F.A.C., that is electronically sending its data directly to the Division.

(4) "Days" means calendar days, unless otherwise noted.

(5) "Department" means the Department of Financial Services.

~~(6)(2)~~ "Division" means the Division of Workers' Compensation.

~~(3) "Domestic Insurer" is one formed under the laws of this state pursuant to Section 624.06(1), F.S. An individual self-insurer authorized by Section 440.38, F.S., and headquartered in this state will be considered a Domestic Self-Insurer for the purposes of this rule chapter.~~

~~(7)(4)~~ "Electronic Data Interchange" (EDI) means a computer to computer exchange of business transactions in a standardized electronic format.

~~(8)(5)~~ "Electronic Form Equivalent" means the transmission of information sent in Division-approved electronic formats as specified in this rule, instead of otherwise required paper documents. Division-approved electronic formats include nationally standardized International Association of Industrial Accident Boards and Commissions (IAIABC). Electronic form equivalents do not include information sent transmission by facsimile, file data attached to electronic mail, or computer-generated paper forms.

(9) "File" or "Filed" means a transaction has been received by the Division and assigned an acknowledgement code of "Transaction Accepted (TA)".

~~(6) "Foreign Insurer" is one formed under the laws of any state, district, territory, or commonwealth of the United States other than this state, pursuant to Section 624.06(2), F.S. An individual self-insurer authorized by Section 440.38, F.S., and headquartered outside this state will be considered a Foreign Self-Insurer for purposes of this rule chapter.~~

(10) "FROI" means the "IAIABC Release 1 First Report of Injury (148)" format adopted by the IAIABC. The "FROI" is located on pages "4-13" and "4-14" in the IAIABC EDI Implementation Guide for First, Subsequent, Acknowledgement Detail, Header, & Trailer Records, Release 1, February 15, 2002, which is incorporated herein by reference. A copy of the guide may be found at [www.iaabc.org/EDI/implementation\\_guide\\_index.htm](http://www.iaabc.org/EDI/implementation_guide_index.htm).

~~(11)(7)~~ "Header Record" means the first record of a that precedes each batch. The header record shall uniquely identify identifies a sender, as well as the date and time a batch is prepared, and the transaction set within the batch.

~~(12)(8)~~ "IAIABC" means the International Association of Industrial Accident Boards and Commissions ([www.iaabc.org](http://www.iaabc.org)), which and is a professional trade association comprised of state workers' compensation regulators and insurance representatives.

(13) "Insurer Code #" is defined in Chapter 69L-3, F.A.C.

(14) "Jurisdiction Designee Received Date" means the date on which a third party vendor received Proof of Coverage data from an insurer who is not submitting their electronic Proof of Coverage data directly with the Division. This date shall be used in place of the date the Division received electronic Proof of Coverage data for purposes of calculating the effective date of the cancellation or non-renewal and timely filings of electronic Proof of Coverage data.

~~(15)(9)~~ "Maintenance Type Code" (MTC) is an IAIABC code that defines the specific purpose of individual claims transactions within the batch being sent transmitted, i.e., a code that represents the type of filing being sent electronically (For example: IP = initial payment, 04 = denial).

~~(16)(40)~~ "Sender" means the claim administrator, insurer, or third party vendor that is sending submitting electronic filings to the Division.

(17) "SROI" means the "IAIABC Release 1 Subsequent Report of Injury (A49)" format adopted by the IAIABC. The "SROI is located on pages "4-15" and "4-16" in the IAIABC EDI Implementation Guide for First, Subsequent, Acknowledgement Detail, Header, & Trailer Records, Release 1, February 15, 2002.

~~(18)(44)~~ "Third Party Vendor" means an entity acting as a submission agent or vendor on behalf of an insurer, service company or third party administrator, that has been authorized to electronically send required data to the Division an agent

~~that an insurer has contracted with to submit required electronic filings on its behalf, and has been authorized to submit EDI transactions to the Division. Third party vendors shall include service companies, third party administrators, and managing general agents that have been authorized to submit EDI transactions to the Division.~~

(19) “Trading Partner” means an entity exchanging data electronically with the Division.

(20)(12) “Trailer Record” means the last record that designates the end of a batch of transactions. It shall provide a count of transactions contained within the batch, not including the header and trailer transactions.

(21)(13) “Transaction” is one record within a batch which intended to communicate a particular electronic form equivalent” an event.

(22) “Transaction Accepted (TA)” means an acknowledgement code assigned by the Division to represent that a transaction was sent to the Division and passed required edits.

(23) “Transaction Rejected (TR)” means an acknowledgement code assigned by the Division to represent that a transaction was sent to the Division and did not pass required edits.

(24)(14) “Transmission” consists of one or more batches sent to or received by the Division or a trading partner during a communication session.

(25)(15) “Triplicate Code” is a series of three two-digit numeric codes that define the specific purpose of individual records in a Proof of Coverage transmission, i.e., new policy, renewal, endorsement, or cancellation or non-renewal. It is a combination of the Transaction Set Purpose Code, Transaction Set Type Code and Transaction Set Reason Code as defined in Section 7 of the IAIABC Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, May 1, 2002 November 1, 2001, which is herein incorporated herein by reference in this rule. A copy of the guide manual may be found at [www.iaiaabc.org/EDI/implementation\\_guide\\_index.htm](http://www.iaiaabc.org/EDI/implementation_guide_index.htm).

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.593 FS. History—New 3-5-02, Formerly 38F-56.002, 4L-56.002, Amended \_\_\_\_\_.

#### 69L-56.100 Mandate of Proof of Coverage (POC) Electronic Filing Requirements EDI.

(1) Effective March 1, 2002, every insurer authorized to insure employers in the State of Florida, except for individual self-insurers approved under Section 440.38, F.S., shall file policy information electronically to the Division rather than by filing on paper forms previously required by Rule 69L-6.014, F.A.C.

(a) Every insurer shall send to the department transmit by electronic data interchange electronic policy information for Certificates of Insurance, Endorsements, Reinstatements, Cancellations and Non-Renewals pursuant to the filing time periods in Rule 69L-6.210, F.A.C all required data elements. Such policy information shall be sent in accordance with the “EDI Trading Partner Requirements” set forth in Section 2 through 6 of specified in the Florida Division of Workers’ Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, July 2004 November 2001, which is herein incorporated herein by reference in this rule. A copy of the manual may be obtained from the Division of Workers’ Compensation at its website, [www2.myflorida.com/les/we/](http://www2.myflorida.com/les/we/) <http://www.fldfs.com/wc/edi.html>, or by sending a request to the Division of Workers’ Compensation, Bureau of Information Management Office of Data Quality & Collection, 200 East Gaines Street, Tallahassee, Florida 32399-4226. The Division will not accept an electronic transaction that fails to comply with the “EDI Trading Partner Requirements” in Section 2 through 6 in this manual. The insurer shall send electronic transmissions submissions either directly to the Division or through an authorized third party vendor.

(2) Electronic form equivalents of Proof of Coverage data Forms shall be sent in the Proof of Coverage formats national standard, adopted by the IAABC and located on pages “5-7” and “5-8” of The insurer or third party vendor shall utilize the IAABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, May 1, 2002 November 1, 2001 to implement Florida workers’ compensation proof of coverage data electronically.

(3) If an insurer is unable to report all or part of the data elements required pursuant to this section, by the time frame indicated in Rule Chapter 69L-6, F.A.C., the insurer shall submit a request for a variance in accordance with Section 120.542, F.S., by sending an e-mail to the Division at [pocedi@wepost.fdes.state.fl.us](mailto:pocedi@wepost.fdes.state.fl.us). The variance shall state the specific reasons the terms of the mandate cannot be achieved, and shall also identify the length of the extension needed to comply with the electronic reporting requirements specified in the rule.

(a) At least 24 hours before the insurer or third party vendor sends its first transmission to the Division, the

(4) All insurers or third party vendors shall send submit to the Division in an email addressed to [pocedi@dfs.state.fl.us](mailto:pocedi@dfs.state.fl.us), their profile information using the following forms adopted in Rule 69L-56.001, F.A.C.: as an attachment in an e-mail to [pocedi@wepost.fdes.state.fl.us](mailto:pocedi@wepost.fdes.state.fl.us) DWC Form POCEDI, “POC EDI Production Profile,”

1. “EDI Trading Partner Profile.” DFS-F5-DWC-EDI-1 (08/01/2004), and

2. “EDI Trading Partner Insurer/Claim Administrator ID List”, DFS-F5-DWC-EDI-2 (08/01/2004), and

3. “EDI Transmission Profile – Sender’s Specifications.” DFS-F5-DWC-EDI-3 (08/01/2004), no later than one month prior to the effective date of the POC mandate.

(b) The insurer or third party vendor shall report changes to its profile information at least 24 hours before sending transactions containing new profile-related information. The insurer or third party vendor shall report the new profile information by emailing a revised “EDI Trading Partner Profile”, DFS-F5-DWC-EDI-1 (08/01/2004), and if applicable, the “EDI Trading Partner Insurer/Claim Administrator ID List”, DFS-F5-DWC-EDI-2 (08/01/2004), to the Division at [pocedi@dfs.state.fl.us](mailto:pocedi@dfs.state.fl.us).

(c) If the insurer suspends the use of a third party vendor and begins sending its electronic Proof of Coverage data directly to the Division, the insurer shall, at least 24 hours prior to the effective date of this change, email a revised “EDI Transmission Profile – Sender’s Specifications,” DFS-F5-DWC-EDI-3 (08/01/2004), to the Division at [pocedi@dfs.state.fl.us](mailto:pocedi@dfs.state.fl.us).

(d) If the insurer changes third party vendors, the insurer shall, at least 24 hours prior to the effective date of the change, send an email to the Division at [pocedi@dfs.state.fl.us](mailto:pocedi@dfs.state.fl.us) to report the name of the new vendor and effective date on which POC transactions will be sent by the new vendor.

The POC EDI Production Profile shall include:

(a) Name and Federal Employer Identification Number (FEIN) of any third party vendor submitting proof of coverage data on behalf of an insurer.

(b) Name of the insurer and all subsidiary companies in the insurer’s corporate structure.

(c) The Federal Employer Identification Numbers (FEIN’s) for all entities.

(d) Estimated volume of proof of coverage transactions for the current calendar year and whether volume is expected to substantially increase or decrease during the following calendar year.

(e) Insurer or third party vendor if applicable, EDI business and technical contact persons with telephone numbers and e-mail addresses. Once filed, the insurer or third party vendor shall report any changes to its POC EDI Production Profile to the Division.

(5) The electronic cancellation shall include the minimum information required to identify the transmission as a cancellation for a specific policy, referenced in the Florida Proof of Coverage (POC) Element Requirement Table contained within the Florida Division of Workers’ Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, November 2001 which is hereby incorporated by reference in this rule.

Specific Authority 440.591, 440.593(5), 440.185(7) FS. Law Implemented 440.593 FS. History–New 3-5-02, Formerly 38F-56.100, 4L-56.100, Amended

69L-56.110 Technical Requirements for POC EDI Transactions.

(1) In order to send Every insurer or third party vendor shall be authorized by the Division to submit Proof of Coverage data forms electronically to the Division, the insurer or third party vendor shall complete upon completion of the testing requirements set forth in Section 1 of the Florida Division of Workers’ Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual July, 2004 this rule chapter. Each transmission for Test, Pilot or Production purposes shall be in the correct IAIABC format (PC1-Insured Record format and PC2-Employer Record) format located on pages “5-7” and “5-8” of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, May 1, 2002.

(2) Each transmission shall contain the following as set forth on pages “5-6” and “5-8” in described in the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, May 1, 2002 November 1, 2001:

(a) Header Record.

(b) One or more transactions – PC1, PC2 (See “Transaction Overview, Carrier-Insurer Submits” column located on pages “6-7” through “6-12” of the guide).

(c) Trailer Record.

(3)(2) Header records shall include the following information:

(a) Correct Receiver FEIN for the State of Florida: 59-6001874.

(b) “Receiver Postal Code” for the State of Florida: 323994226 as indicated in the EDI Transmission Profile– Receiver Specifications, located in the Florida Division of Workers’ Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, November 2001.

(c) Sender Identifier. The Sender Identifier shall consist of Correct sender FEIN for the insurer’s or third party vendor’s FEIN and Postal Code as reported on Form DFS-F5-DWC-EDI-3, EDI Transmission Profile – Sender’s Specifications.

(d) “Sender Postal Code” as indicated in DWC Form EDI 3 “EDI Transmission Profile – Sender Specifications.”

(4)(3) POC EDI transmissions may be sent on a daily basis, and shall be sent via secured File Transfer Protocol (FTP). Effective March 1, 2005, electronic transmissions of Proof of Coverage data required pursuant to this rule, shall be sent to the Division using Secure Socket Layer/File Transfer Protocol (SSL/FTP) with a client software program to accomplish SSL/FTP uploads and downloads capable of the AUTH SSL method of certificate negotiation. SSL/FTP



transmissions shall be implemented by the EDI trading partner in accordance with DFS-F5-DWC-EDI-4, Secure Socket Layer (SSL)/File Transfer Protocol (FTP) Instructions (08/01/2004).

(5)(4)(a) Transmissions sent Monday through Saturday: In order for a transmission sent Monday through Saturday to be processed as received by the Division and acknowledged the same day the transmission was sent, the insurer or third party vendor shall send the transmissions by 9:00 p.m., Eastern Standard Time, Monday through Saturday. Transmissions received after 9:00 p.m., Eastern Standard Time, Monday through Saturday shall be processed as received by the Division and acknowledged the next business day after the transmission was sent.

(b) Transmissions sent Sunday: In order for a transmission sent on Sunday to be processed as received by the Division on Sunday, the insurer or third party vendor shall send the transmission by 4:00 p.m., Eastern Standard Time, Sunday. Transmissions received by 4:00 p.m. Eastern Standard Time will be acknowledged on Monday. Transmissions received after 4:00 p.m. Eastern Standard Time, Sunday, shall be processed as received by the Division on Monday and acknowledged on Monday.

(6)(5) Effective March 1, 2005, to send submit data electronically to the Division's FTP Internet web site, the insurer or third party vendor shall have the following capabilities:

(a) Computer access to the Internet,

(b) Compression Software to read and write encrypted ZIP files, and

(b)(e) A Secure Socket Layer/File Transfer Protocol (SSL/FTP) Client FTP Transfer Software Program to accomplish SSL/FTP uploads and downloads, in accordance with Form DFS-F5-DWC-EDI-4 (08/01/2004).

(7)(6) Transmissions shall be sent using the flat file PC1 and PC2 formats located on pages "5-7" and "5-8" of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, May 1, 2002 November 1, 2001.

(7) Formats of data elements shall match format specifications established by the IAIABC.

(8) During test and pilot transmissions, the "Test-Production Indicator" in the Header record shall be set to "T." Beginning with authorized production transmissions, the "Test-Production Indicator" shall be set to "P."

(9) All insurers or third party vendors shall have the capability to receive and process the Division's IAIABC POC EDI Acknowledgement Transaction, which is a "variable length" record.

(10) The meaning of the data elements reported to the Division under this section shall match the definitions established in Section 7 of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, May 1, 2002.

shall be utilized when reporting data elements to the Division November 1, 2001. If not, the insurer or third party vendor shall conform to the IAIABC standard data definition(s).

(11) The insurer or third party vendor shall send the PC1 and PC2 transactions required in Rule 69L-56.210, F.A.C., in accordance with the information appearing in the "Carrier-Insurer Submits" column in the "Proof of Coverage Transaction Overview" document, located on pages "6-7" through "6-12" of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, May 1, 2002. When required, both a PC1 and PC2 shall be sent to report POC EDI filings. If the PC2 transaction filing is required and rejected, both the PC1 and PC2 transactions shall be re-sent re-submitted together in the same transmission. The Division will not "hold" a PC1 transaction record in anticipation of the return of a corrected corresponding PC2 transaction.

(12) The insurer or third party vendor's business and technical contacts shall have e-mail system capabilities that to support Word, Excel, or PDF attachments from the Division receipt of zipped files with attachments of at least 2 Megabytes.

(13) The insurer or third party vendor shall utilize anti-virus software to screen out and clean any viruses on all electronic transmissions, prior to sending transmissions submission to the Division. The insurer or third party vendor shall maintain the anti-virus software with the most recent anti-virus update files from the software provider. If the insurer or third party vendor sends a transmission that contains a virus which prevents the Division from processing the transmission, the transmission will not be considered as having been received by the Division.

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.593 FS. History--New 3-5-02, Formerly 38F-56.110, 4L-56.110, Amended \_\_\_\_\_.

69L-56.200 Cancellation or Non-Renewal of Workers' Compensation Insurance.

(1) Except for cancellation for nonpayment of premium or cancellation or non-renewal at the request of the insured, an insurer shall not cancel or non-renew any workers' compensation insurance policy, contract of insurance, or renewal until at least 30 days have elapsed after the insurer has electronically filed a cancellation or non-renewal with the Division, either directly or through a third party vendor. When an insurer files an electronic cancellation or non-renewal directly with the Division for any reason other than non-payment of premium or when cancellation or non-renewal is requested by the insured, the 30-day notice period shall be calculated from the first day following the date on which the electronic cancellation or non-renewal was filed with the Division. If the insurer files an electronic cancellation or non-renewal through a third party vendor for any reason other than non-payment of premium or when cancellation or

non-renewal is requested by the insured, the 30-day notice period shall be calculated from the first day following the "Jurisdiction Designee Received Date".

(2)(a) For any workers' compensation insurance policy, contract of insurance, or renewal with a policy effective date prior to October 1, 2003, an insurer shall not cancel or non-renew the policy for non-payment of premium until and unless 30 days have elapsed after the insurer has electronically filed with the Division or through a third party vendor a cancellation or non-renewal. When an insurer files an electronic cancellation or non-renewal directly with the Division, the 30-day notice period shall be calculated from the first day following the date on which the electronic cancellation or non-renewal was filed with the Division. If the insurer files an electronic cancellation or non-renewal through a third party vendor, the 30-day notice period shall be calculated from the first day following the "Jurisdiction Designee Received Date".

(b) For any workers' compensation insurance policy, contract of insurance, or renewal with a policy effective date on or after October 1, 2003, an insurer shall not cancel or non-renew the policy for non-payment of premium until and unless the insurer has mailed notification of the cancellation or non-renewal to the employer at least 10 days prior to the effective date of the cancellation or non-renewal. Notification to the Division is not required to cancel or non-renew a workers' compensation insurance policy, contract of insurance, or renewal for non-payment of premium. However, the insurer shall advise the Division of the cancellation or non-renewal due to non-payment of premium in accordance with the electronic filing time periods for policy information set out in subsections 69L-56.210(5) and (6), F.A.C.

(3) If an insured requests cancellation or non-renewal of any workers' compensation insurance policy, contract of insurance or renewal, the cancellation or non-renewal shall be effective on the date the insurer sends the cancellation or non-renewal to the insured. Notification to the Division is not required to cancel or non-renew a workers' compensation insurance policy, contract of insurance, or renewal when cancellation or non-renewal is requested by the insured. However, the insurer shall advise the Division of the cancellation or non-renewal requested by the insured in accordance with the electronic filing time periods for policy information set out in subsections 69L-56.210(7), F.A.C.

(4) If a policy has been re-written by the same insurer for the same employer with the same effective date and has been electronically filed with the Division, the earlier policy may be cancelled by the insurer the same day the earlier policy became effective. The insurer shall electronically file a cancellation or non-renewal directly with the Division or through a third party vendor and serve a copy of the notice of cancellation or non-renewal upon the employer in person or by mail, stating therein the reason for such cancellation or non-renewal.

Specific Authority 440.185(7), 440.42(3), 440.591, 440.593(5), 627.4133(4) FS. Law Implemented 440.185(7), 440.42(3), 440.593, 627.4133(4) FS. History--New \_\_\_\_\_.

#### 69L-56.210 Electronic Filing Time Periods for Policy Information.

Pursuant to Section 440.593(1), F.S., the Division may establish different deadlines for filing required reports electronically than are otherwise required when reporting information by other means. Accordingly, notwithstanding the deadlines for filing policy information by other means as set forth in Section 440.185(7), F.S., an insurer, other than an individual self-insurer approved under Section 440.38, F.S., must electronically file the following information in accordance with the provisions of this rule, and shall have received an acknowledgement code of "Transaction Accepted" (TA)" by the Division within the following deadlines:

(1) Within thirty days after the effective date of any workers' compensation insurance policy, contract of insurance, or renewal, every insurer shall send the electronic Certificate of Insurance.

(2) Within thirty days after the effective date of each endorsement to any workers' compensation insurance policy, contract of insurance, or renewal, every insurer shall send the electronic Notice of Endorsement.

(3) Within thirty days after the effective date of each reinstatement to a cancelled workers' compensation insurance policy, contract of insurance, or renewal, every insurer shall send the electronic Notice of Reinstatement.

(4) Within thirty days prior to the cancellation or non-renewal of any workers' compensation insurance policy, contract of insurance, or renewal, other than a cancellation for non-payment of premium or when cancellation or non-renewal is requested by the insured, every insurer shall send the electronic cancellation or non-renewal.

(5) Within thirty days prior to the cancellation of any workers' compensation insurance policy, contract of insurance, or renewal with a policy effective date prior to October 1, 2003, that is being cancelled for non-payment of premium, every insurer shall send the electronic cancellation (Triplicate Code 00-41-59).

(6) Within ten days prior to the cancellation of any workers' compensation insurance policy, contract of insurance, or renewal with a policy effective date on or after October 1, 2003, that is being cancelled for non-payment of premium, every insurer shall send the electronic cancellation (Triplicate Code 00-41-59).

(7) Within ten days after the cancellation or non-renewal of any workers' compensation insurance policy, contract of insurance, or renewal for which an insured has requested cancellation or non-renewal, the insurer shall send the electronic cancellation or non-renewal to the Division. The electronic cancellation or non-renewal shall contain Triplicate Codes with Transaction Set Type Codes 42 & 60 pursuant to

the "Transaction Overview" document, located on pages "6-7" through "6-12" IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2, May 1, 2002.

(8) An insurer shall not cancel or non-renew a workers' compensation insurance policy, contract of insurance, or renewal for underwriting reasons represented by Triplicate Code "00-60-64" until and unless 30 days have elapsed after the insurer has electronically sent a cancellation or non-renewal to the Division directly or through a third party vendor.

Specific Authority 440.185(7),(9), 440.42(3), 440.591, 440.593(5), 627.4133(4) FS. Law Implemented 440.185(7),(9), 440.42(3), 440.593, 627.4133(4) FS. History--New \_\_\_\_\_.

#### 69L-56.300 Technical Requirements for Voluntary Claims EDI Transmissions.

(1) Effective March 1, 2005, as a voluntary alternative to paper filing pursuant to Chapter 69L-3, F.A.C., insurers may elect to make electronic transmissions of the First Report of Injury or Illness (Form DFS-F2-DWC-1), Claim Cost Report (Form DFS-F2-DWC-13), and the Division-approved electronic format for reporting the employee's 8th day of disability and claim administrator's knowledge of the 8th day of disability (Electronic Supplement to the First Report of Injury transaction) required in Chapter 69L-3, F.A.C., shall be sent to the Division using only the following transmission methods:

(a) Advantis Value Added Network (VAN), or

(b) Secure Socket Layer/File Transfer Protocol (SSL/FTP) using a client software program to accomplish SSL/FTP uploads and downloads in accordance with Form DFS-F5-DWC-EDI-4 (08/01/2004). SSL/FTP transmissions shall be implemented by the claim administrator in accordance with instructions posted on the Division's web site at <http://www.fldfs.com/wc/edi.html>.

(2) Effective March 1, 2005, voluntary electronic transmissions of the First Report of Injury or Illness (DFS-F2-DWC-1), and the Claim Cost Report (DFS-F2-DWC-13), shall be sent to the Division using the First Report of Injury (FROI) / 148 flat file transaction set, and the Subsequent Report (SROI) / A49 flat file transaction set, described in the IAIABC EDI Implementation Guide for First, Subsequent, Acknowledgement Detail, Header, & Trailer Records, Release 1, February 15, 2002. The claim administrator shall not send transmissions containing files in the ANSI 148 format to the Division on or after March 1, 2005.

(3)(a) Each voluntary FROI transmission shall contain at least one batch in the FROI format located pages "4-13" and "4-14" in the IAIABC EDI Implementation Guide for First, Subsequent, Acknowledgement Detail, Header, & Trailer Records, Release 1, February 15, 2002. Each voluntary SROI transmission shall contain at least one batch in the SROI format located on pages "4-15" and "4-16" in the guide.

(b) Each batch shall contain only one of the following transaction types:

1. First Report of Injury (FROI/148 transaction), or
2. Subsequent Report of Injury (SROI/A49 transaction)

(c) A batch shall contain the following as set forth on pages "4-11" through "4-19" in the IAIABC EDI Implementation Guide for the First, Subsequent, Acknowledgement Detail, Header, & Trailer Records, Release 1, February 15, 2002:

1. Header Record.
2. One or more transactions – FROI's or SROI's.
3. Trailer Record.

(d) Header records shall include the following information:

1. Receiver FEIN for the State of Florida: 596001874.
2. Receiver Postal Code for the State of Florida: 323994226.
3. Sender Identifier. The Sender Identifier shall consist of the claim administrator's FEIN and Postal Code as reported on Form DFS-F5-DWC-EDI-3, EDI Transmission Profile – Sender's Specifications.

(4) To voluntarily report the electronic equivalent of a DFS-F2-DWC-1 for which total compensability of the claim has not been denied, the claim administrator shall send to the Division both the FROI and SROI within the processing timeframes set out in subsection 69L-56.310(5), F.A.C., below. If either the FROI or SROI contain an error that results in the rejection of one of the transactions, both the FROI and SROI shall be rejected and the claim administrator shall re-send both the corrected FROI and SROI to the Division within the processing timeframes referenced in the aforementioned rule above, in order for the two transactions to be processed together. The Division will only pair for processing purposes, FROI's and SROI's that are received by the Division on the same day.

(5)(a) Transmissions sent Monday through Saturday: In order for a transmission sent Monday through Saturday to be processed as received by the Division the same day the transmission was sent, the claim administrator shall send voluntary Claims EDI transmissions by 9:00 p.m., Eastern Standard Time, Monday through Saturday. Transmissions received by 9:00 p.m., Eastern Standard Time, will be acknowledged the next business day after Division receipt and processing. Transmissions received after 9:00 p.m., Eastern Standard Time, Monday through Saturday, shall be processed as received by the Division the day after the transmission was sent, and will be acknowledged the next business day after Division receipt and processing.

(b) Transmissions sent Sunday: In order for a transmission sent on Sunday to be processed as received by the Division on Sunday, the claim administrator shall send voluntary Claims EDI transmissions by 4:00 p.m., Eastern Standard Time, Sunday. Transmissions received by 4:00 p.m., Eastern

Standard Time, Sunday will be acknowledged on Tuesday. Transmissions received after 4:00 p.m., Eastern Standard Time, Sunday shall be processed as received by the Division on Monday and will be acknowledged on Tuesday.

(6) During the test and pilot phases, the "Test-Production Indicator" in the Header record shall be set to "T". After the claim administrator has been approved by the Division to send transmissions in production status, the "Test-Production Indicator" shall be set to "P".

(7) The claim administrator shall have the capability to receive and process IAIABC Claims EDI AK1 Acknowledgement transactions and shall update its database with the Division's Agency Claim Number (ACN) provided on the EDI AK1 Acknowledgement transactions for each successfully filed transaction.

(8) Formats and meaning of data elements voluntarily reported via EDI to the Division under this section shall match format specifications and data element definitions established in the IAIABC Implementation Guide for First, Subsequent, Acknowledgement Detail, Header, & Trailer Records, Release 1, February 15, 2002.

(9) The claim administrator's business and technical contacts shall have email system capabilities that support Word, Excel, or PDF attachments from the Division of at least 2 Megabytes.

(10) The claim administrator or other third party vendor shall utilize anti-virus software to screen out and clean any viruses on all electronic transmissions prior to sending transmissions to the Division. The claim administrator or other third party vendor shall maintain anti-virus software with the most recent anti-virus update files from the software provider. If the insurer or third party vendor sends a transmission that contains a virus which prevents the Division from processing the transmission, the transmission will not be considered as having been received by the Division.

Specific Authority 440.591, 440.593 FS. Law Implemented 440.593 FS. History--New \_\_\_\_\_.

69L-56.310 Electronic Supplement to the First Report of Injury.

If the electronic form equivalent of the DFS-F2-DWC-1, First Report of Injury or Illness, is voluntarily sent via EDI with Claim Type "L" (Became Lost Time, a.k.a., Medical Only to Lost Time), the claim administrator shall report the employee's 8th day of disability and the claim administrator's knowledge of the 8th day of disability as required in Rule 69L-3.0045 F.A.C., using the electronic format approved by the Division and adopted by reference in this rule. The claim administrator shall obtain the electronic format, "Electronic Supplement to

the First Report of Injury (DWC-1) Transaction (August 2004)", from the Division's web site at [www.fldfs.com/wc/edi.html](http://www.fldfs.com/wc/edi.html).

Specific Authority 440.591, 440.593 FS. Law Implemented 440.593 FS. History--New \_\_\_\_\_.

69L-56.500 Insurer Responsibilities Where Third Party Vendor Services are Utilized.

If an insurer contracts with a third party vendor to electronically send transactions to the Division on the insurer's behalf, or uses a third party vendor's software product for electronically sending transactions to the Division, the insurer shall remain responsible for the timely filing of electronic form equivalents and any penalties and fines that may result from untimely electronic filings.

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.20(8)(b), 440.593 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLE: Refunds RULE NO.: 69O-196.010

PURPOSE AND EFFECT: To delete the requirement that premium finance companies (PFC's) notify insureds and agents of the amount of unearned premium.

SUBJECT AREA TO BE ADDRESSED: Refunds.

SPECIFIC AUTHORITY: 624.308, 627.848 FS.

LAW IMPLEMENTED: 624.307(1), 627.7283, 627.832(1), 627.838, 627.840, 627.848, 627.849 FS.

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

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

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

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

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

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

## Section II Proposed Rules

### DEPARTMENT OF COMMUNITY AFFAIRS

#### Florida Communities Trust

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida Forever Program	9K-7
RULE TITLES:	RULE NOS.:
Purpose	9K-7.001
Definitions	9K-7.002
General Requirements and Eligibility Standards	9K-7.003
Submission of Application and Application Materials	9K-7.004
Communications to the Governing Board	9K-7.005
Project Evaluation Criteria	9K-7.007
Project Approval	9K-7.009
Modification to the Project Boundary	9K-7.010
Preparation and Acceptance of the Management Plan	9K-7.011
Annual Stewardship Report Requirement	9K-7.013

PURPOSE, EFFECT AND SUMMARY: To improve Florida Communities Trust's efficiency in administering Florida Forever Funds and ensure the rules are user-friendly for the customers.

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: 380.507(11) FS.

LAW IMPLEMENTED: 120.55(1)(a)4., 259.105, 380.501-.515 FS.

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

TIME AND DATE: 10:00 a.m., October 11, 2004

PLACE: Department of Community Affairs, Room 310M, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Grant Gelhardt, Environmental Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1704, SunCom 292-1704, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Grant Gelhardt, Environmental Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1704, Suncom 292-1704

THE FULL TEXT OF THE PROPOSED RULES IS:

#### 9K-7.001 Purpose.

This rule chapter sets forth the procedures that must be followed for grant applications for Florida Forever funds awarded by Florida Communities Trust. The purpose of the program is to provide grants to local governments and non-profit environmental organizations for the acquisition of community-based projects, urban open spaces, parks and greenways to implement local government comprehensive plans.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History—New 5-27-01, Repromulgated 5-20-02, Amended \_\_\_\_\_.

#### 9K-7.002 Definitions.

(1) through (6) No change.

(7) “Declaration of Restrictive Covenants”, formerly known as the “Grant Award Agreement”, means a recordable document that states all conditions to be placed on the Project Site upon its conveyance to the Recipient using Trust Funds.

(7) through (11) renumbered (8) through (12) No change.

~~(12) “Grant Award Agreement” means a recordable document that states all conditions to be placed on the Project Site upon its conveyance to the Recipient using Trust Funds.~~

(13) through (15) No change.

(16) “Inholding” means a parcel(s) that is within or adjacent to publicly owned conservation or recreation lands that when acquired will assist in completing the overall project boundary and improve management of the adjacent publicly owned lands. The parcel(s) is relatively small in comparison with the overall publicly owned lands.

(16) through (23) renumbered (17) through (24) No change.

(25) “Neighborhood Recreation Center” means a small community oriented building, generally up to 15,000 square feet, used primarily by one or more adjacent neighborhoods. The center could provide facilities for activities such as, indoor recreational programs, after school programs, summer programs, yoga classes, dance classes, or art and craft classes.

(24) through (28) renumbered (26) through (30) No change.

~~(31)~~(29) “Project Costs” means the total of all eligible costs associated with the Acquisition of the Project Site in accordance with this rule chapter and Chapter 9K-8, F.A.C., and may include the cost of the following items: purchase price for Acquisition of all or a portion of the Project Site; certified survey containing an adequate legal description of the Project Site; any assessment or examination essential and necessary to

determine Project Site boundary; appraisal report(s) and appraisal review of the Project Site; title report and title insurance premium; reasonable real estate fees or commissions paid by the Recipient for Acquisition and environmental site assessment(s) performed pursuant to Rule 9K-8.012, F.A.C.

~~(31)(30)~~ No change.

~~(32)(31)~~ "Project Site" means the specific area(s), defined by a boundary map or legal description and Certified Survey, where Trust funds are proposed in an Application to be used for all or a portion of the Acquisition. Project Site may include non-contiguous areas, so long as connectivity through other public ownership (excluding road right-of-ways and water bodies unless parcels are directly across from each other) is demonstrated and the non-contiguous areas are part of a unified scheme of development and management, or the project includes non-contiguous parcels that are part of a local government adopted listed species habitat or riverine corridor protection plan. For listed species habitat protection plans, all parcels are required to be within two miles of each other. For riverine corridor protection plans all parcels are required to be within five miles of each other.

(32) through (33) renumbered (33) through (34) No change.

~~(35)(34)~~ "Recreational Trail System" means a network of land-based trails and adjacent support parcels connecting parks, schools, residential and commercial or retail areas for recreation and authorized alternative modes of transportation such as bicycling, walking, running, skating, and horseback riding. A Recreational Trail System shall consist of trail separated from the road and shall not include sidewalks or bike lanes on the road.

~~(36)(35)~~ No change.

~~(37)(36)~~ "Reimbursement Acquisition" means the entire Project Site or remaining portion of the Project Site will be acquired by the Applicant through a voluntarily-negotiated transaction after the application deadline and within the terms of the Grant Contract within 18 months after the Application deadline.

(37) through (41) renumbered (38) through (42) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 5-27-01, Amended 5-20-02,\_\_\_\_\_.

9K-7.003 General Requirements and Eligibility Standards. The following constitutes the general procedures for the Florida Forever Program of the Florida Communities Trust.

(1) Application Form. Application Form FCT-3 FF-2 (eff. \_\_\_\_\_ 5-20-02) is prescribed for use with these rules and is incorporated by reference. Applications for funding must be submitted on Application Form FCT-3 FF-2. Applicants may only submit one Application Applicant Form per Project Site. A copy, or instructions for receiving the Application Form in an electronic format, may be obtained by writing to the

~~Executive Director~~, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, or by calling (850)922-2207 SunCom 292-2207).

(2) No change.

(3) All Project Sites shall be open to the public.

(4) Eligible Applicants:

(a) Local Governments;

(b) Nonprofit Environmental Organizations.

(5) Current Applications: If any Applicant has three or more active Grant Contracts at the time of the project selection meeting, the Applicant shall not be funded for additional grant Applications until one or more of the active Grant Contracts are closed.

~~(6)(3)~~ Limitation of Awards.

(a) The total amount of any Award or combination of Awards applied for by any Local Government(s) or Nonprofit Environmental Organization(s) under any Application(s) or Partnership Application(s) for any project(s) shall not exceed ten percent of the total Florida Forever Funds as advertised available for Awards in the Notice of Application Period announcing the cycle. All award(s) for Partnership Applications shall, for purposes of calculation of award limitations, be divided equally among the Local Government(s) or Nonprofit Environmental Organization(s) or;

(b) Any Applicant that submits only one application for a preacquired project may apply for up to fifteen percent of the total Florida Forever Funds as advertised available for Awards in the Notice of Application Period announcing the cycle.

~~(7)(4)~~ No change.

~~(8)(5)~~ Eligible Sources of Match. The Applicant's eligible sources of Match may include, but are not limited to, the following sources: Local Government funds; Nonprofit Environmental Organization funds; state or Federal grants or loans; private cash donations; real property owned by the Applicant or donated to the Applicant by a party other than the Applicant; or, in advance of negotiations, an owner's commitment to the value of a bargain sale or donation of all or part of the purchase price of the Project Site. Any real property owned by the Applicant must be acquired through a Voluntarily-Negotiated Transaction within 24 months prior to, or 24 months after, the Application deadline. Additionally, any real property utilized as a Match shall be included in the Application, shall be considered part of the Project Site and shall be subject to all restrictions placed on the Project Site. Applicants may not use funds from the Florida Forever Trust Fund for any part of the Match. For any Match, Applicant may use funds generated by a Local Government, Nonprofit Environmental Organization, state or federal grants or loans; private cash donations, or the commitment by the owner(s) in advance of negotiations of the value of a bargain sale or donation of all or part of the purchase price of the Project Site. Applicants may not use funds from the Florida Forever Trust

~~Fund for any part of any local Match. Real property owned by the Applicant or donated by a party other than the Applicant may be an eligible source for a Match, provided that any real property owned by the Applicant has been acquired, by the Applicant through a Voluntarily Negotiated Transaction, within 24 months prior to or after the Application deadline. Further, any real property utilized by an Applicant as a Match must be included in the Application, shall be considered part of the Project Site and shall be subject to the same conditions that are placed on the remainder of the Project Site.~~

~~(9)(6)~~ No change.

~~(10)(7)~~ Site Management. Each Applicant is required to provide a Management Plan as outlined in this rule chapter. To ensure that future management funds will be available for the management of the site in perpetuity pursuant to Section 259.105, F.S., and Chapter 380, Part III, F.S., the Applicant shall be required to provide the Trust with Reasonable Assurance that they have the financial resources, background, qualifications and competence to manage the Project Site in perpetuity in a reasonable and professional manner. Where the Application or Partnership Application does not include at least one Local Government, the Trust shall: ~~require the Recipient to post a performance or other bond in an amount sufficient to insure performance by the Recipient that the Project Site shall be reasonably and professionally managed in perpetuity; require the Recipient to establish an endowment or other fund in an amount equal to ten percent of the project cost sufficient to insure that the Project Site shall be reasonably and professionally managed in perpetuity performance; require a guaranty or pledge by a the Local Government, the Water Management District, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, or the Florida Department of Environmental Protection in whose jurisdiction the Project Site is located, which shall require the Local Government, the Water Management District or the State agency to take over the responsibility for management of the Project Site in the event the Nonprofit Environmental Organization is unable to; and require the Local Government, to be a named co-signer on the Grant Award Agreement; or require such other assurances as the governing board may deem necessary to adequately protect the public interest.~~

Specific Authority 380.507(11) FS. Law Implemented 120.55(1)(a)4., 259.105, 380.505-.515 FS. History--New 5-27-01, Amended 5-20-02, \_\_\_\_\_.

9K-7.004 Submission of Application and Application Materials.

(1) Applications must be submitted by mail or delivery to the ~~Executive Director~~, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. To be timely submitted, Applications must be received on or before the published Application deadline.

(2) No change.

(3) Applications must be transmitted with an original signature cover letter on Applicant's letterhead, signed by the appropriate representative, official or administrator, binding the Applicant to fulfill the commitments made in the Application, and identifying identify the employee of the local government or representative of the Nonprofit Environmental Organization that will act as the key contact between the Trust and the Applicant(s), and contain a statement, written by the Local Government having jurisdiction over the Project Site, that the proposed uses of the Project Site will be consistent with the Local Comprehensive Plan.

(4) through (5) No change.

~~(6) All applications must be submitted on To receive consideration by the Trust, all applicants must submit a completed Application Form FCT-3 FF-2, and provide the following information as exhibits to the Application:~~

(7) The following exhibits shall be provided:

(a) through (e) No change.

(f) Natural Communities map of an appropriate scale that depicts the Natural Communities on the Project Site, utilizing the Florida Natural Areas Inventory or other appropriate classification system and providing the approximate acreage of the various Natural Communities.

(g) through (m) No change.

(n) If the Applicant is a Nonprofit Environmental Organization which anticipates being designated as the management entity pursuant to subsection 9K-7.003(7), F.A.C., evidence that the Nonprofit Environmental Organization has the financial resources, background qualifications and competence existing to manage the Project Site in perpetuity or in cooperation with a Local Government as outlined in subsection 9K-7.003(7), F.A.C.

(o) If applicable, a signed statement from the owner(s) of the top priority parcels referenced in subsection 9K-7.004(7), F.A.C., indicating their willingness to consider an offer to purchase their parcel(s).

(p) If a Project Site is Pre-acquired, the applicant shall provide copies of a signed closing statement for each Pre-acquired parcel. If a closing statement is not available at the time of the application submittal then a copy of the contract for each of the Pre-acquired parcels shall be provided and a copy of the closing statements shall be provided within 14 days after the application deadline.

~~(8)(7)~~ If applicable, provide an Acquisition Plan that lists the priority parcels and the general order of Acquisition.

~~(8) If applicable, a signed statement from the owner(s) of the top priority parcels referenced in subsection 9K-7.004(7), F.A.C., indicating their willingness to consider an offer to purchase their parcel(s).~~

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.508, 380.510 FS. History--New 5-27-01, Amended 5-20-02, \_\_\_\_\_.

9K-7.005 Communications to the Governing Board.

After an Application has been submitted for funding under the conditions described herein, all communications to the Governing Board of the Trust regarding any Application under consideration shall be in writing and mailed or delivered to the ~~Trust Executive Director~~ for distribution to all members of the Governing Board or be presented in writing or orally to the Governing Board at the ranking and selection meeting.

Specific Authority 380.507(11) FS. Law Implemented 380.508 FS. History—New 5-27-01, Repromulgated 5-20-02, Amended.

9K-7.007 Project Evaluation Criteria.

The evaluation of Applications shall be based on the criteria set forth in this rule chapter and in Application Form ~~FCT-3 FF-2~~. Trust staff will be responsible for evaluating Applications and recommending point scores to the Governing Board. Trust staff shall utilize the information contained in the Application (including exhibits) and all information obtained during its review of the Application for scoring recommendations to the Governing Board. Personnel from other state agencies, regional planning councils, water management districts, and other public and private groups may assist the Trust staff in project evaluation as requested by Trust staff on an application-by-application basis. Unless otherwise noted, an Application shall receive all the points assigned to a particular criterion if the criterion is met; no partial scores will be given for a criterion. If a criterion does not apply to the proposed Project Site, the Applicant should state “No” in the response to the criterion.

(1) Furtherance of specified general standards (points may be awarded based on the following criteria):

(a) Designation of Parcels:

1. through 2. No change.

(b) Phased Project. The proposed project is a continuation of a previous project that was selected for ~~Trust trust~~ funding such that it constitutes a Phased Project (5 points).

(c) Providing a greater share of the Match. The Applicant is committed to:

1. No change.

2. Provide a Match between 50 percent to ~~54~~ 59 percent of the Project Costs (20 points); or

3. Provide a Match for ~~55~~ 60 percent or more of the Project Costs (25 points).

(d) No change.

(e) Innovative Acquisition. The proposed project provides for alternatives to the Acquisition of fee interests in land ~~through the acquisition of, such as Acquisition of less than fee interest of the Project Site through~~ conservation easements (5 points).

(f) Inholdings. The proposed project acquires inholdings within or adjacent to existing publicly owned conservation or recreation lands (5 points). ~~Multiple benefits. The Acquisition of the Project Site furthers the purpose(s) of a recent (within~~

~~the last 10 years) or proposed purchase of adjacent conservation or Outdoor Recreation lands by other federal, state, local, or nonprofit agencies (5 points).~~

(g) Neighborhood access. The project site is accessible by an existing sidewalk or will be connected to an adjacent sidewalk within the next 2 years (5 points).

(2) Furtherance of Outdoor Recreation, natural and cultural resources (points may be awarded based on the following criteria):

(a) Providing Outdoor Recreation or open space. The Project Site provides for Outdoor Recreation or open space:

1. Provides Outdoor Recreation areas or open space adjacent to other publicly-owned upland areas, such as existing parks, museums, schools, libraries, or public affordable housing ~~complexes or transit stations~~ (5 points);

2. Provides two or more resource-based Outdoor Recreation facilities, such as a nature trail, picnic pavilion, fishing pier, wildlife observation platform, canoe ~~dock launch, boardwalk~~ or camping area (5 points).

3. Provides two or more user-oriented Outdoor Recreation facilities on the Project Site or on adjacent publicly owned lands within 1,000 feet of the Project Site, such as playgrounds, basketball courts, tennis courts, bocci ball courts, shuffleboard courts, or volleyball courts ~~or fitness trail~~ (5 points);

4. Provides access facilities to an open water a shoreline or beach, such as a fishing pier, observation platform, dock or dune walkover, and managed for recreation uses (5 points);

5. No change.

(b) Providing Greenway Greenways and Recreational Trail Systems. The Project Site provides for new or enhanced ecological corridor Greenways or land-based Recreational Trail Systems (points may be awarded based on the following criteria):

1. through 2. No change.

3. Enhances or connects existing local, regional or statewide network of existing ecological corridors Greenways (5 points);

4. Furthers a locally-adopted ecological corridor Greenway or land-based Recreational Trail System plan (5 points).

(c) No change.

1. Provides interpretive kiosk or interpretive signs that which educates visitors about the natural environment or unique history of the Project Site (5 points);

2. Provides at least ~~12~~ 24 environmental or historical education classes or programs per year at the Project Site conducted by trained educators or resource professionals (5 points);



3. Includes a staffed Neighborhood Recreation Center, nature center or museum building that which provides, year-round educational classes or programming ~~concerning the natural environment or unique history of the area~~ (5 points).

(d) Protecting natural and biological resources. The Project Site protects natural and biological resources (points may be awarded based on the following criteria):

1. No change.

2. Contains habitat identified by the Florida Natural Inventory as a Priority 1 or 2 habitat area as shown on the FNAI Potential Habitat for Rare Species map. Contains one or more Natural Communities identified by the Florida Natural Areas Inventory as “imperiled” or “critically imperiled” (5 points);

3. through 4. No change.

(e) No change.

(f) Water quality. The Project Site provides for the protection or enhancement of water quality (points may be awarded based on the following criteria):

1. The proposed project will improve the quality of surface waters or address current flooding problems occurring on, ~~or~~ adjacent or in close proximity to the Project Site by installing stormwater facilities that provide wildlife habitat and/or open space in a park like setting ~~the elimination of existing pollution sources, removal of impervious surfaces, or other means~~ (5 points);

2. No change.

3. The proposed Project Site will protect Class I Waters ~~waters~~ as identified by the Department of Environmental Protection, or the Project Site is located within a locally-designated wellfield protection zone (5 points).

(g) No change.

(3) Furtherance of Community Planning (points may be awarded based on the following criteria):

(a) Local Comprehensive Plan. Acquisition of the Project Site will assist the Local Government in furthering the Local Comprehensive Plan directives. When used in this part, the term “furthered” means that proposed project(s) will assist the Local Government in realizing the objectives or policies of the Local Comprehensive Plan. For each criterion that is furthered by an objective or policy of the Local Government Plan, the objective or policy number is to be cited in the response to the criterion and a copy of the objective or policy, and any associated exhibits or documents, shall be included as an exhibit as provided in this rule chapter. If the Project Site is located entirely in one jurisdiction, the Local Comprehensive Plan of the jurisdiction shall be evaluated for scoring purposes. If the Project Site is located in two or more jurisdictions, the Local Comprehensive Plan of each jurisdiction shall be compared for compatibility and evaluated for scoring purposes and if either each jurisdiction’s Local Comprehensive Plan is must be furthered then for points shall to be awarded. Points may be awarded based on the following criteria:

1. through 2. No change.

3. Provides new or enhanced public access to water bodies or and saltwater beaches (5 points).

4. through 5. No change.

6. Provides for coordination between the Local Government(s) and other federal, state and local agencies or non-profit organizations in acquiring or managing natural areas or open space (5 points).

7. through 9. No change.

10. Provides for the redevelopment of Directs development to a locally designated urban infill, urban redevelopment or downtown revitalization area as defined in Section 163.3164, F.S. (5 points).

(b) Hazard Mitigation. The proposed project furthers hazard mitigation (points may be awarded based on the following criteria):

1. All or a portion of the project site is located in Provides recreational opportunities and open space areas that direct residential and commercial development away from a Coastal High Hazard Area or a 100-year flood plain (5 points).

2. through 3. No change.

(c) through 8. No change.

9. Within an area subject to an adopted rate of growth ordinance, that has been approved by the Department of Community Affairs (5 points).

10. Within or adjacent to a state or federally designated area, not identified elsewhere in the Application criteria, that is intended to protect or restore natural resources, such as a spring protection zone, the Aquatic Preserve, the National Estuarine Research Reserve National Estuary Program, the Marine Sanctuary, and the American Heritage River boundaries (5 points).

(4) The proposed project furthers and exemplifies “project excellence.” Up to 10 points, based on issues not adequately addressed by the evaluation criteria established in this rule such as whether the proposed project exhibits strong community-based support, possesses exemplary characteristics, assists an otherwise disadvantaged community, or voluntarily helps resolve land use conflicts and issues in a manner that was not adequately addressed by the criteria established in this rule chapter.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History—New 5-27-01, Amended 5-20-02, \_\_\_\_\_.

9K-7.009 Project Approval.

(1) Following the ranking and selection of Applications described above but prior to approval, the Trust staff shall conduct site visits or other investigations. If such visits or investigations reveal undisclosed facts or erroneous evaluation conclusions, the Trust staff shall adjust the final score and ranking accordingly report such findings to the Governing Board. The Trust shall impose conditions based on Applicant representations and findings from site visits and other

investigations. Applicants will be advised of the conditions prior to Trust approval and completion of the Grant Contract. Any conditions imposed on the Applicant must be met prior to receiving Project Plan approval. Further, the Trust shall have the right to alter the ranking of Applications based on the site visit or investigation findings.

~~(2) Following the ranking and selection meeting and the Trust staff's site visits as set forth in subsection 9K-7.009(1), the Trust shall publish a Final Notice of Project Approval and Funding in the Florida Administrative Weekly that shall list all the Applications considered and the funding status of each. The Trust shall publish a Final Notice of Project Approval and Funding in the Florida Administrative Weekly that shall list all Applications considered, and the amount of funding approved for each selected project.~~

~~(3) Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust may request an administrative proceeding pursuant to Section 120.57, F.S.~~

~~(3)(4) No change.~~

~~(4)(5) The established time frame for funding approval shall be for a period not to exceed 12 months. Approval shall be evidenced by a fully executed Grant Contract between the Trust and the Recipient. When the established time frame has expired and an approved project has not received Project Plan approval, the project shall be terminated and Trust funds committed to the project shall then be committed to other approved Applications. The Trust may extend the Grant Contract beyond the established time frame if the Recipient demonstrates that significant progress is being made toward Project Plan approval or that extenuating circumstances warrant an extension of time. All requests for extensions shall be made in writing to the Trust Executive Director, prior to the expiration of the established time frame, fully explaining the reason for the delay and why the extension is necessary.~~

~~(6) through (7) renumbered (5) through (6) No change.~~

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History--New 6-25-01, Amended 5-20-02,\_\_\_\_\_.

9K-7.010 Modification to the Project Boundary.

Modifications to the boundary of a Project Site selected for approval will be considered by the Trust on a case-by-case basis. Requests to modify the project boundary shall be submitted to the Trust within 12 months of the approval of the Grant Contract. Requests for boundary amendments received after said deadline shall not be considered unless an exception is granted by the Trust Executive Director based upon the demonstration of good cause. Good cause shall be based on whether the boundary modification is necessary to the successful development and management of the Project Site. The following procedures are established to guide the submission and review of boundary modification requests.

(1) through (4) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History--New 6-25-01, Amended 5-20-02,\_\_\_\_\_.

9K-7.011 Preparation and Acceptance of the Management Plan.

(1) Prior to release of Florida Forever Funds for a project, the Recipients shall submit a Management Plan for approval by the Trust. Phased Projects or additions to Trust funded projects can be combined into existing Management Plans. The Management Plan shall, which is intended to explain how the Project Site will be managed to further the purposes of the project and meet the terms and conditions of the Grant Contract, shall include the following:

~~(a) An introduction containing the project name, location and other background information relevant to management.~~

~~(b) The stated purpose for acquiring the Project Site as proposed in the Application and a prioritized list of management objectives.~~

~~(c) The identification of known natural resources including natural communities, listed plant and animal species, soil types, surface and groundwater characteristics.~~

~~(d) A detailed description of all proposed uses including existing and proposed physical improvements and the impact on natural resources.~~

~~(e) A detailed description of proposed restoration or enhancement activities, if any, including the objective of the effort and the techniques to be used.~~

~~(f) A scaled site plan drawing showing the project site boundary, existing and proposed physical improvements and any natural resource restoration or enhancement areas.~~

~~(g) The identification and protection of known cultural or historical resources and a commitment to conduct surveys prior to any ground disturbing activity, if applicable.~~

~~(h) A description of proposed educational displays and programs to be offered, if applicable.~~

~~(i) A description of how the management will be coordinated with other agencies and public lands, if applicable.~~

~~(j) A schedule for implementing the development and management activities of the Management Plan.~~

~~(k) Cost estimates and funding sources to implement the Management Plan.~~

(2) through (4) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History--New 6-25-01, Amended 5-20-02,\_\_\_\_\_.

9K-7.013 Annual Stewardship Report Requirement.

(1) Each award to a Recipient shall include a condition that, after Acquisition of the Project Site, a stewardship report is required from the Recipient for a period lasting at least five years from completion of all site improvements and restoration activities identified in the approved Management Plan. The stewardship report is intended to verify that conditions imposed at the time the award was made are being followed and to monitor the stewardship and use of the property. The

stewardship report shall be due ~~on January 30~~ of each year and include discussion of the following items for the year being reported:

- (a) ~~All work completed;~~
- (b) ~~All program activities conducted;~~
- (c) ~~Description of how the project protects and maintains natural resources and the results of all monitoring reports;~~
- (d) ~~Listing of gross revenues for the year, such as all fees, concessions, sales and other revenues received;~~
- (e) ~~Description of all easements, concessions and leases in effect for all or any portion of the year;~~
- (f) ~~Description of all physical improvements and activities that are behind schedule and a listing of revised start and completion dates for each improvement and activity;~~
- (g) ~~Listing of all funding sources allocated or received for management activities;~~
- (h) ~~Listing of all development and management costs expended for the year; and~~
- (i) ~~Listing of all revisions needed to the approved Management Plan and including all appropriated supporting materials as attachments.~~

(2) Once the project is fully developed as outlined in the approved Management Plan, the ~~The~~ stewardship report requirement for Preservation 2000 Program and Florida Forever Program projects may be phased out as follows:

(a) To initiate the ~~three~~ five year phase-out of the stewardship report requirement, the Recipient shall provide the following:

1. through 4. No change.

(b) Upon the Trust's acceptance of the Recipient's statement of completion, and timely submission of ~~three~~ five consecutive stewardship reports that have met the requirements of this rule chapter, the Trust may suspend the stewardship report requirement if the Recipient has demonstrated that the terms and conditions of the Declaration of Restrictive Covenants Grant Award Agreement and the approved Management Plan made are being followed. After suspension of the stewardship report requirement, if the Trust finds that the terms and conditions of the Declaration of Restrictive Covenants Grant Award Agreement are not being followed, the stewardship report requirement shall be reimposed for an additional two years.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History--New 6-25-01, Amended 5-20-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Grant Gelhardt, Environmental Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1704, Suncom 292-1704

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kathy Baughman McLeod, Community Program Manager, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1710

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Communities Trust**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Land Acquisition Procedures With Florida Forever Program	9K-8
RULE TITLES:	RULE NOS.:
Election by Recipient of Titleholder and Negotiating Entity; Rules Governing Acquisitions; Title	9K-8.004
Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price	9K-8.007
Preparation and Acceptance of Project Plans	9K-8.011
Examination for Hazardous Materials Contamination	9K-8.012
Closing	9K-8.014

PURPOSE, EFFECT AND SUMMARY: To improve Florida Communities Trust's efficiency in administering Florida Forever Funds and ensure the rules are user-friendly for the customers.

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: 380.507(11) FS.

LAW IMPLEMENTED: 259.105, 380.501-.515 FS.

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

TIME AND DATE: 10:00 a.m., October 11, 2004

PLACE: Department of Community Affairs, Room 310M, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Caroline Sutton, Community Program Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1707, SunCom 292-1707, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the

Department of Community Affairs using the Florida Dual Party System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Caroline Sutton, Community Program Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1707, Suncom 292-1707

THE FULL TEXT OF THE PROPOSED RULES IS:

9K-8.004 Election by Recipient of Titleholder and Negotiating Entity; Rules Governing Acquisitions; Title.

(1) through (3) No change.

(4) If a Pre-acquired or Reimbursement Acquisition, title vests in the Recipient and Recipient will provide notification that Recipient's acquisition procedures were followed. If Recipient has no such procedures, the Recipient may follow the Acquisition procedures outlined in this rule chapter.

(5)(4) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 5-27-01, Amended 5-20-02,\_\_\_\_\_.

9K-8.007 Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price.

(1) through (5) No change.

(6) The Trust shall compare the Maximum Approved Purchase Price with the cost to purchase the land as estimated in the Application. If that estimated cost is greater than the Maximum Approved Purchase Price, the Trust shall reduce the amount of the Award by a letter of notice to the Recipient an amendment to the Grant Contract.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 5-27-01, Amended 5-20-02,\_\_\_\_\_.

9K-8.011 Preparation and Acceptance of Project Plans.

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

(g) Additional documentation as may be requested by the Trust as Reasonable Assurance that the Recipient will be able to fulfill its obligations under the Grant Contract, the Declaration of Restrictive Covenants Grant Award Agreement, and Chapter 9K-7, F.A.C.

(2) through (3) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.507(11), 380.508, 380.510 FS. History--New 5-27-01, Amended 5-20-02, 12-9-03,\_\_\_\_\_.

9K-8.012 Examination for Hazardous Materials Contamination.

(1) All sites acquired with funds from the Florida Forever Trust Fund shall be examined for hazardous materials contamination within 90 45 days before closing.

(2) through (5) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 5-27-01, Amended\_\_\_\_\_.

9K-8.014 Closing.

(1) No change.

(2) The ~~Trust Executive Director~~ shall have the authority to modify the Purchase Agreement previously approved by the Trust to extend the time for option exercise, closing date, submittal deadlines or any other time limit relating to such agreement. The ~~Trust Executive Director~~ shall also have the authority to execute or modify all documents necessary for the implementation of Trust action, such as the Purchase Agreement, letter of notification of exercise of option, leases, easements, legal descriptions, deeds, assignments, and other miscellaneous agreements and affidavits, provided the modification does not change the substance nor the scope of Trust approval, and provided the document executed or modified was either approved by the Trust or contemplated by Trust approval. Any changes in the purchase price to be paid to the Seller(s) not contemplated by the terms of the Purchase Agreement must be approved by the Trust. An extension or modification may only be made under the terms of the Purchase Agreement, or with the Seller's agreement.

(3) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 5-27-01, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Caroline Sutton, Community Program Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1707, Suncom 292-1707

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kathy Baughman McLeod, Community Program Manager, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1710

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Salary Incentive Program	11B-14
RULE TITLES:	RULE NOS.:
Definitions	11B-14.001
General Program Provisions	11B-14.002
Authorized Salary Incentive Payments	11B-14.003
Annual Salary Incentive Compensation Report	11B-14.005
PURPOSE AND EFFECT: Clarifies definitions, revises forms, and clarifies existing rule language.	

SUMMARY: Updates rule definitions; revises Commission forms; updates rule references; and makes clarification and grammar modifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.22(2)(h), 943.22(i) FS.

LAW IMPLEMENTED: 943.22 FS.

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

TIME AND DATE: 1:00 p.m., September 28, 2004

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD Number (850)656-9597.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

#### 11B-14.001 Definitions.

For the purpose of this rule chapter, the definitions of “employing agency,” “law enforcement officer,” “correctional officer,” “correctional probation officer,” and “Commission,” pursuant to Section 943.10, F.S., and the definitions of “community college degree or equivalent,” “bachelor’s degree,” and “accredited college or university or community college,” pursuant to Section 943.22, F.S., shall be deemed controlling. The definition of “law enforcement officer” also includes those elected officers who, pursuant to Section 943.253, F.S., choose to participate in the Salary Incentive Program. In addition, for the purpose of this rule chapter, the term “officer” is limited to include “law enforcement officer,” “correctional officer,” or “correctional probation officer,” pursuant to Section 943.10(14), F.S. Further, in order to provide effectively for the administration of the Salary Incentive Program, certain additional definitions are necessary, therefore, the following words or phrases shall have these meanings:

(1) “Career Development Training Course” means ~~any~~ course in the Commission-approved Career Development Training Program ~~that approved by the Commission and~~ consists of advanced or technical training related to promotion to a higher rank or position pursuant to Section 943.17(1)(c), F.S.

(2) “Federal or Private Training” means a Commission-approved training program ~~that enhances approved by the Commission to enhance~~ an officer’s knowledge, skills, and abilities for the job performed and is approved by the Commission for salary incentive payment. Commission-approved Federal or Private Training Programs are listed in subsection 11B-14.002(4)(3), F.A.C.

(3) “Advanced Training Course” means a course in the Commission-approved Advanced Training Program ~~that approved by the Commission,~~ which enhances an officer’s knowledge, skills, and abilities for the job performed, pursuant to Section 943.17(1)(b), F.S.

(4) No change.

(5) “Officer” means an individual who meets the statutory requirements pursuant to Section Chapter 943.13, F.S.

(6) through (8) No change.

(9) For Commission-approved Basic Recruit and Advanced Training Program Courses, ~~advanced training eourses~~ the terms “successfully completed,” ~~and~~ “successfully complete,” ~~and~~ “pass” are defined in subsection 11B-35.001(7), F.A.C., as being denoted with a “Pass” on the Training Report, form CJSTC 67, revised February 7, 2002, ~~hereby incorporated by reference,~~ or for federal or private training programs, a letter from the agency head attached to the Certificate of Completion that confers the successful completion of a federal or private training program.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History—New 8-19-72, Repromulgated 1-5-75, Amended 1-13-81, 5-16-83, 9-1-83, 1-7-85, Formerly 11B-14.01, Amended 7-13-87, 9-3-87, 12-13-92, 1-2-97, 7-7-99, 11-5-02, \_\_\_\_\_.

#### 11B-14.002 General Program Provisions.

(1) Section 943.22, F.S., establishes the Salary Incentive Program requirements for continued professional development of a full-time officer who is eligible to receive maximum aggregate monthly salary incentive payments in the amount of \$130 for completion of Commission-approved Advanced and Career Development Training Program Courses, Federal or Private Training Programs, Educational Training, and Commission-approved ~~the~~ Law Enforcement Basic Recruit Training Programs pursuant to Section 943.22(2)(a), F.S.

(2) Career Development Training Program Courses, as defined in subsection 11B-14.001(1), F.A.C., and Advanced Training Program Courses, as defined in subsection 11B-14.001(3), F.A.C., ~~and~~ that have been successfully completed, as defined in subsection 11B-14.001(9), F.A.C., by eligible officers, shall be verified by the training center director or ~~the training center director’s~~ designee, as defined in

paragraph 11B-21.005(8)(a), F.A.C. To verify successful completion of a ~~Commission-approved~~ ~~an approved~~ Advanced or Career Development Training Program, Course and to authorize salary incentive payments, a Training Report, form CJSTC-67, revised May 6, 2004, hereby incorporated by reference, shall be electronically transmitted to Commission staff through the Commission's ATMS.

(3) Pursuant to Section 943.17, F.S., Commission staff shall award 40 hours of advanced training credit for each 40 hours of criminal justice executive or management training successfully completed and approved by the Commission. Eligible officers who request to receive salary incentive payments for programs listed in paragraphs (4)(a)-(v) below, shall submit to Commission staff a written request from the officer's agency administrator and submit a copy of the officer's Certificate of Completion that indicates the hours completed. ~~The following federal or private training has been approved by the Commission and is recognized for advanced training that enhances an officer's knowledge, skills, and abilities for the job performed. Individuals successfully completing federal or private training shall submit documentation to Commission staff for a determination of course completion eligibility entitling the individual to salary incentive payments, however, the cost of these courses are not approved for expenditure from the Criminal Justice Standards and Training Trust Fund Officer Training Monies pursuant to Rule Chapter 11B-18, F.A.C.:~~

(4) ~~The following Commission-approved federal or private training is recognized as training that enhances an officer's knowledge, skills, and abilities for the job performed. Individuals successfully completing federal or private training shall submit documentation to Commission staff for determination of course completion eligibility entitling the individual to receive salary incentive payments. However, the cost is not approved for expenditure from the Criminal Justice Standards and Training Trust Fund Officer Training Monies pursuant to subsection 11B-18.0053(3), F.A.C.: Full-time officers are eligible to receive training and educational salary incentive payment based on their date of certification, provided the officer notifies the agency of his or her eligibility to receive salary incentive payments.~~

<u>Federal or Private Training</u>	<u>Code</u>	<u>Hours</u>
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(a) through (v) No change.

(5) Training Salary Incentive Payments.

(a) Full-time officers are eligible to receive training salary incentive payment based on their date of certification, provided the officer notifies the agency of his or her eligibility to receive salary incentive payments. The date of eligibility for salary incentive payments shall be determined by:

1. Determined by the ~~The~~ date of "successful completion," defined in subsection 11B-14.001(9), F.A.C., of a Commission-approved training course, ~~pursuant to subsection 11B-14.001(9), F.A.C.,~~ indicated on the Training Report form

CJSTC-67, ~~which has been~~ issued by a Commission-certified training school, or the date of certification, whichever is later; ~~or:~~

2. Determined by the ~~The~~ date indicated on a Commission-approved training Certificate(s) of Completion, or the date of certification, whichever is later; ~~and:~~

3. No change.

(b) through (c) No change.

(d) Salary incentive monies for Commission-approved Advanced Training Program Courses are transferable from one discipline to another.

(6) Educational Salary Incentive Payments.

(a) No change.

~~To claim eligibility for educational salary incentive payment, an officer shall provide the employing agency an official transcript(s) issued by the institution conferring the degree, or providing academic credit for successful completion of courses.~~

~~(b)(e)~~ The employing agency is responsible for ensuring that the documents submitted for educational salary incentive payments are authentic and accurately reflect the credit given for academic courses successfully completed by the officer, and shall submit or electronically transmit to Commission staff through the Commission's ATMS ~~to Commission staff,~~ a completed Higher Education for Salary Incentive Report, form CJSTC-63, revised May 6, 2004, ~~February 7, 2002,~~ hereby incorporated by reference.

~~(c)(d)~~ Educational salary incentive payments shall begin on or after the date of notice of eligibility indicated on the transcript approval or the date of certification, whichever is later, pursuant to Section 943.22(2)(f), F.S., and no other date shall be used to calculate educational ~~training~~ salary incentive payments.

~~(d)(e)~~ The employing agency shall obtain an official sealed transcript directly from the educational institution conferring the degree, or providing the academic credit for successful completion of courses. The employing agency shall not forward the transcript to Commission staff.

(7) through (11) No change.

(12) Workers' compensation. An officer that is paid while on workers' compensation is entitled to salary incentive payments in the same proportion as a paid salary, pursuant to Section 943.22(2)(h), F.S.

(13) No change.

(14) Sheriffs eligible to qualify for special qualification salary, pursuant to Sections 943.253, F.S., and 145.071, F.S., are authorized to ~~may~~ request salary incentive payment pursuant to Section 943.22(2)(d), F.S., and shall be entitled to salary incentive payment under the programs provided in subsection (3) of this rule section. However, any executive or management courses completed to satisfy the requirements of Section 145.071, F.S., regarding special qualification salary for sheriffs, shall not be credited for salary incentive payments.

Documentation shall be provided to sheriffs, by Commission staff, that verifies Commission staff shall provide sheriffs with documentation that verify the number of hours credited for salary incentive payments pursuant to Section 943.22(2)(d), F.S., and the number of hours credited toward continuing education pursuant to Section 145.071(2)(c), F.S.

(15) All forms referenced in this rule chapter may be obtained on the following web site: [http://www.fdle.state.fl.us/cjst/rules\\_and\\_forms/index.html](http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html) or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History--New 10-16-78, Amended 9-11-79, 1-13-81, 5-16-83, 1-7-85, Formerly 11B-14.02, Amended 7-13-87, 9-3-87, 5-23-88, 5-14-92, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02,\_\_\_\_\_.

11B-14.003 Authorized Salary Incentive Payments.

Full-time law enforcement, correctional, and correctional probation officers satisfying the certification requirements of Section Chapter 943.13, F.S., who are not excluded from eligibility pursuant to Section 943.22(4), F.S., shall be eligible to participate in the Salary Incentive Program.

(1) No change.

(2) Pursuant to Sections 943.22(2)(b) and (c), F.S., the maximum amount of educational salary incentive payments an officer may receive shall be limited to \$80 each month for a bachelor or higher degree. Full-time officers who possess an associate degree or equivalent, or a higher degree from an accredited post-secondary institution, are eligible for educational salary incentive payments. ~~However~~, state officers whose job specifications require a four-year degree are not eligible to receive educational salary incentive payment pursuant to Section 943.22(2)(e), F.S. Pursuant to Section 943.22, F.S., the employing agency is responsible for verifying that the accrediting association is recognized.

(3) Section 943.22(1)(c), F.S., defines an associate college degree or equivalent as “graduation from an accredited community college or successful completion of 60 semester hours or 90 quarter hours and eligibility to receive an associate degree.” To qualify for educational salary incentive payment, a letter from the awarding institution shall be submitted to the employing ~~criminal justice~~ agency, defined in Section 943.10, F.S., stating that the hours completed by the officer are equivalent to a two-year degree and would qualify the officer for a degree if the institution had a two-year degree program.

(4) Pursuant to Section 943.22(2)(d), F.S., officers shall receive the sum of \$20 each month for each successfully completed 80-hour unit of Commission-approved Advanced or Career Development Training, which has been verified by the employing agency, defined in Section 943.10, F.S., agency

through the Commission’s ATMS. Commission staff shall recognize, only once, the successful completion of any specific training course for salary incentive payment.

(5) The maximum amount of salary incentive payments an officer is entitled to receive each month is based on the completion of the following Commission-approved training:

Commission-approved Training	Maximum Salary Incentive Payment
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(a) No change.

(b) Career Development Training

<u>Program</u> Courses on or before June 30, 1985	\$120 maximum
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Advanced Training <u>Program</u> Courses on or after July 1, 1985	Federal or Private Training
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(c) through (d) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History--New 9-11-79, Amended 1-13-81, 5-16-83, 9-1-83, 4-26-84, 1-7-85, Formerly 11B-14.03, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02,\_\_\_\_\_.

11B-14.005 Annual Salary Incentive Compensation Report.

(1) Employing agencies, defined in Section 943.10(4), F.S., shall be responsible for the correct salary incentive payments to full-time officers pursuant to Section 943.22(2)(j), F.S., and shall annually submit to the Commission a Salary Incentive Compensation Report that contains information relative to compensation of full-time officers pursuant to Section 943.22(2)(i), F.S.

(2) Salary incentive courses successfully completed by an officer are reported on the Annual Salary Incentive Compensation Report and are denoted by a code that corresponds with the course code reported by a Commission-certified training school, defined in Section 943.10(16), F.S., or a code that corresponds with federal or private training.

(3) The active Commission-approved Advanced Training Program Courses ~~advanced training courses~~ approved for salary incentive payments are listed in subsection 11B-35.006(2)(4), F.A.C.

(4) The following inactive Advanced Training Program Courses ~~advanced training courses~~ were eligible for salary incentive payments for the dates as indicated:

<u>Course Title</u>	Course Code	Course Hours	Inactive Date
Field Training Officer	051	40	7/1/02
<del>40 hours</del>			

Specific Authority 943.03(4), 943.12(1), 943.22(2)(i) FS. Law Implemented 943.22 FS. History--New 11-5-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

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

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

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: Criminal Justice Standards and Training Trust Fund

RULE CHAPTER NO.: 11B-18

RULE TITLES: Operational Definitions

RULE NOS.: 11B-18.003

Regional Training Areas

11B-18.004

Establishment of Regional Training Councils

11B-18.005

Development of Budgets

11B-18.0052

Officer Training Monies Budget and Expenditure Categories

11B-18.0053

Development of Officer Training Monies

Budgets and Required Reports

11B-18.0071

Areas of Responsibility

11B-18.008

Criminal Justice Standards and Training Commission Fiscal Program Audits and Instruction and Facility Evaluations

11B-18.010

PURPOSE AND EFFECT: Clarifies rule language, creates a new Commission form, clarifies membership criteria, and revises audit procedures.

SUMMARY: Revises operational definitions; revises voting requirements for regional training councils; updates agency list of eligible support personnel allowed to use trust funds; creates Commission form CJSTC-311; makes grammatical and clarification modifications; revises the requirements for reporting operating capital outlay; and revises the fiscal program audit process regarding letter of censures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1),(2), 943.25(2),(4),(5),(b) FS.

LAW IMPLEMENTED: 943.12(5), 943.25, 943.25(4),(5) FS.

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

TIME AND DATE: 1:00 p.m., September 28, 2004

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD Number (850)656-9597.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-18.003 Operational Definitions.

For the purpose of this rule chapter, the definitions of "Auxiliary Law Enforcement Officer," "Auxiliary Correctional Officer," "Auxiliary Correctional Probation Officer," "Commission," "Correctional Officer," "Correctional Probation Officer," "Criminal Justice Training School," "Commission staff," "Program," "Employing Agency," "Law Enforcement Officer," "Officer," "Part-time Law Enforcement Officer," "Part-time Correctional Officer," "Part-time Correctional Probation Officer," "Private Criminal Justice Training School," "Public Criminal Justice Training School," "Support Personnel," and "Training Center Director," pursuant to Section 943.10, F.S., shall apply. The operational definitions are as follows:

(1) "Advanced Training Program" means Commission-approved courses that are curriculum approved by the Commission that is limited to training that enhances courses enhancing an officer's knowledge, skills, and abilities for the job an officer performs pursuant to Section 943.17(1)(b), F.S.

(2) through (4) No change.

(5) "Criminal Justice Standards and Training Trust Fund" means "Officer Training Monies" appropriated by the Legislature to provide Commission-approved Advanced and Specialized Training Program Courses for law enforcement, correctional, and correctional probation officers pursuant to Section 943.25(2), F.S.

(6) through (21) No change.

(22) "Advanced Training Course" on or after July 1, 1985, means a Commission-approved course in the Advanced Training Program Course approved by the Commission that enhances an officer's knowledge, skills, and abilities for the



job performed, pursuant to Section 943.17(1)(b), F.S., and for the purpose of this rule chapter, ~~means shall means~~ Commission-approved ~~T~~training Program Courses.

(23) "Commission-certified training school" ~~means shall mean~~ a training school pursuant to Section 943.10(16), F.S.

(24) "Training funded with Officer Training Monies" ~~means Commission-approved Advanced and Specialized Training Program Courses funded in whole or in part with Officer Training Monies.~~

(25) "Student fees funded with Officer Training Monies" ~~means payment for tuition, lab fees, and other related fees, for Commission-approved Advanced and Specialized Training Program Courses that have been approved by a community college or school district.~~

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.25(4) FS. (Supp. 1998). History--New 1-13-81, Amended 7-28-82, 1-26-83, 1-7-85, 1-28-86, Formerly 11B-18.03, Amended 7-13-87, 5-23-88, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02,\_\_\_\_\_.

11B-18.004 Regional Training Areas.

For the purposes of Officer Training Monies activities, there are established the following sixteen regional training areas:

(1) through (12) No change.

(13) Region XIII.

(a) No change.

(b) Commission-certified training school within Region XIII: Broward Community College Criminal Justice Institute of Public Safety and Broward Sheriff's Office Institute for Criminal Justice Studies.

(14) through (16) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History--New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02,\_\_\_\_\_.

11B-18.005 Establishment of Regional Training Councils.

(1) through (4) No change.

(5) Each Local Regional Training Council shall be comprised of the following:

(a) through (b) No change.

(c) Not more than three members representing Commission-certified training schools. Members representing Commission-certified training schools shall be training center directors.

(d) A single Commission-certified training school, correctional agency, or law enforcement agency shall not have more than two voting members, one representative unless, in the view of the Commission, the addition of other representatives from the same agency does not adversely impact the representative nature of the Regional Training Council.

(e) through (g) No change.

(6) through (7) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.25(5) FS. History--New 1-13-81, Amended 7-28-82, 1-7-85, (7),(8) Transferred to 11B-18.051, Formerly 11B-18.05, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02,\_\_\_\_\_.

11B-18.0052 Development of Budgets.

(1) through (3) No change.

(3) All forms referenced in this rule may be obtained on the following web site: [http://www.fdle.state.fl.us/cjst/rules\\_and\\_forms/index.html](http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html) or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(4),(5)(b) FS. Law Implemented 943.25 FS. History--New 1-13-81, Amended 7-28-82, 1-26-83, 1-7-85, Formerly 11B-18.052(2)(a),(b), Amended 1-28-86, 7-13-87, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02,\_\_\_\_\_.

11B-18.0053 Officer Training Monies Budget and Expenditure Categories.

(1) through (2) No change.

(3) Category II, Training Expenses. Each region shall not budget less than 80% of the total regional allocation of Officer Training Monies for the purpose of delivering regional Commission-approved Advanced Training Courses and Specialized Training Program Courses.

(a) Criminal justice officers and support personnel, pursuant to Section 943.10, F.S., are authorized to expend Officer Training Monies to attend Advanced Training Courses and Specialized Training Program Courses delivered through a Commission-certified training school, provided that the support personnel does not displace a certified officer. The Criminal Justice Standards and Training Commission has further authorized the following personnel to attend courses funded with Officer Training Monies:

1. through 3. No change.

4. Department of Banking and Finance, Office of Financial Investigations, on a space available basis, provided a Florida officer is not displaced.

(b) Officer Training Monies, pursuant to subsection 11B-18.003(24) or (25), F.A.C., shall be expended for Commission-approved Advanced Training Courses and Specialized Training Program Courses set forth in Rules 11B-35.006 and 11B-35.007, F.A.C., and shall not be used for reoccurring expenses incurred by a Commission-certified training school.

(c) Each training region shall offer Commission-approved Advanced Training Courses and Specialized Training Program Courses funded with Officer Training Monies, to officers within its respective region, prior to accepting officers or support personnel from other regions.

(d) No change.

(e) If ~~Commission-approved~~ Advanced Training Courses and Specialized Training Program Courses are funded with Officer Training Monies, the training and room or board costs may not be assessed against the officer, support personnel, or their employing agency, pursuant to Section 943.25(6), F.S. If an officer is not employed or appointed by an employing agency of Florida, the officer may attend a course funded with Officer Training Monies, provided the officer pays for all training costs associated with course attendance, pursuant to Section 943.25(6)(b), F.S. Reimbursement of these costs, excluding out-of-state tuition, shall be deposited in the Commission-certified training school's Officer Training Monies account.

(4) Category III, Operating Capital Outlay Expenses. Each region shall not budget more than 15% of the total regional allocation to purchase items that are non-consumable and non-expendable. Category III Operating Capital Outlay Expenses fall into the following categories:

(a) "Expense" Operating Capital Outlay. Expense operating capital outlay purchases that cost less than \$500 with a life expectancy of one year or more, shall be limited to items purchased that are required for delivery of ~~Commission-approved~~ Advanced Training Courses and Specialized Training Program Courses. Officer Training Monies shall not be used for training school expenditures used to fulfill the certification and recertification requirements of Rule 11B-21.005, F.A.C.

(b) No change.

(c) Operating Capital Outlay property purchased for use other than for the direct support of ~~Commission-approved~~ Advanced Training Program Courses pursuant to Rule 11B-35.006, F.A.C., and Specialized Training Program Courses pursuant to Rule 11B-35.007, F.A.C., are not appropriate purchases.

(d) No change.

(e) Operating Capital Outlay Property shall not be disposed of or transferred without prior notification to and approval by Commission staff. An Operating Capital Outlay Property Disposal Request, form CJSTC-311, created May 6, 2004, hereby incorporated by reference, shall be completed and submitted to Commission staff when disposing or transferring Operating Capital Outlay Property.

1. Usable Operating Capital Outlay Property. Usable Disposal of all usable property shall be offered to other Commission-certified training schools in Florida prior to selling or disposing of the property. To transfer Operating Capital Outlay Property from one training school to another, the transferring training school shall forward to Commission staff a completed form CJSTC-311, which shall be signed by the training center director a letter identifying the property, the value of the item, purchase date, present physical location, and proposed transfer location. The training center director and Regional Training Council Chairman shall sign the letter.

2. ~~Obsolete or Unusable~~ Operating Capital Outlay Property. A Commission-certified training school shall notify Commission staff on form CJSTC-311, in writing to request disposal of obsolete property. A written verification of the condition of the property shall be included. Commission staff shall physically view the property and approve the written verification of the condition of the property prior to disposal or trading of the property. Obsolete property may be traded for credit on the purchase of new property. Money received from the disposal of property purchased with Officer Training Monies shall be returned to Commission staff for deposit into the Criminal Justice Standards and Training Trust Fund.

3. No change.

(f) Audit of Operating Capital Outlay ~~Property~~. Operating Capital Outlay ~~Property~~ purchased by a Commission-certified training school, using Officer Training Monies, shall be made available to Commission staff and inventoried during the audit for the fiscal year the property was purchased.

1. No change.

2. ~~Annual audits shall be completed and submitted to Commission staff by October 1 each year.~~ Commission staff is authorized to ~~may also~~ conduct spot inventories, on demand, of items purchased with Officer Training Monies.

3. through 5. No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(2),(4),(5) FS. Law Implemented 943.25 FS. History--New 11-5-02, Amended.

11B-18.0071 Development of Officer Training Monies Budgets and Required Reports.

(1) Operating Budget. No later than February 1 of each year, the Officer Training Monies Operating Budget, form CJSTC-310, revised February 7, 2002, hereby incorporated by reference, shall be submitted to Commission staff by each Regional Training Council and shall reflect the region's proposed operating budget for the upcoming fiscal year, beginning July 1 and ending June 30 of the next year, based on the Officer Training Monies available and projected for the region pursuant to subsection 11B-18.0052(1), F.A.C. The region shall also include a request to expend the previous year's accrued interest pursuant to subsection (5) of this rule section. Each Regional Training Council is responsible for including in its approved budget, the Criminal Justice Standards and Training Commission's priority budget issues as they relate to the training needs of the region. The region's projected annual operating budget shall list items in order of priority within each budget category as set forth in Rule subsections 11B-18.0053(1) and (2), F.A.C. A region that fails to meet the required deadline, or fails to receive an extension of the submission deadline from Commission staff, shall forfeit the opportunity to propose an operating budget for the region and Commission-certified training schools for that fiscal year. Officer Training Monies forfeited by a region due to noncompliance with the February 1 deadline shall be

distributed to other regions in the state based on the statewide distribution formula set forth in subsection 11B-18.0052(2), F.A.C.

(2) Budget Amendment and Programmatic Change. The Officer Training Monies Programmatic Change and Budget Amendment, form CJSTC-302, revised February 7, 2002, hereby incorporated by reference, shall be used by a Commission-certified training school through its Regional Training Council to reflect changes to its annual operating budget.

(a) through (c) No change.

(3) No change.

(4) Year-End Fiscal Report. Each Regional Fiscal Agent shall submit to Commission staff a completed Officer Training Monies Year-End Fiscal Report, form CJSTC-301, revised February 7, 2002, hereby incorporated by reference, reporting all expenditures, to include a list of all Operating Capital Outlay ~~Property~~ purchased pursuant to subsection 11B-18.0053(4), F.A.C. The report shall be filed by October 30 of each year and shall include interest earned for the previous fiscal year ending June 30.

(a) No change.

(b) Unencumbered Officer Training Monies. Officer Training Monies not expended and not encumbered on June 30, shall be reported on form CJSTC-301 and filed by a training school on or before October 30 of each year. The training school shall attach a check or warrant payable to the Criminal Justice Standards and Training Trust Fund in the amount equal to the unexpended unencumbered funds for the year.

(5) Interest Earned. A training school may deposit Officer Training Monies in interest bearing accounts based on the authority granted by the State Comptroller. Interest earned shall be expended consistent with Category II and Category III expenditures set forth in subsections 11B-18.0053(3) and (4), F.A.C., and are not subject to the distribution formula. A separate operating budget for accrued interest shall be submitted by the Regional Training Councils. The training school shall report interest earned and corresponding expenditures to Commission staff on the following forms:

(a) The Officer Training Monies Semi-annual Expenditure Report; form CJSTC-300, pursuant to subsection 11B-18.0071(3), F.A.C., submitted to Commission staff no later than 45 days after the end of the two reporting periods of June 30 and December 31, shall include a report of all expenditures made during the interest budget period the interest was accrued. Interest earned by a training school shall be expended by June 30 of the year the Commission approved the expenditure. Interest earned shall ~~can~~ not be encumbered, and if not expended, shall be returned to the Commission no later than 90 days following June 30, which is the close of the fiscal year.

(b) No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(4),(5) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-1-81, 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.071, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, \_\_\_\_\_.

11B-18.008 Areas of Responsibility.

With regard to the Criminal Justice Standards and Training Trust Fund Officer Training Monies, the following entities shall have responsibilities outlined in subsections ~~paragraphs~~ (1)-(3) of this rule section.

(1) through (2) No change.

(3) The responsibilities of ~~the~~ Commission-certified training schools are to:

(a) through (d) No change.

(e) Begin training courses, for which Officer Training Monies are expended, funded with Officer Training Monies on or before June 30 of the current fiscal year.

(f) through (g) No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(5) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-1-81, 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.08, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, \_\_\_\_\_.

11B-18.010 Criminal Justice Standards and Training Commission Fiscal Program Audits and Instruction and Facility Evaluations.

Commission staff conducts a fiscal and program audit and instruction and facility evaluation of training schools within each region. The audit and instruction facility inspection performed by Commission staff shall establish a comprehensive analysis of training schools to ensure compliance with Chapter 943, F.S., and Rule Chapter 11B-18, F.A.C.

(1) through (4) No change.

(5) Failure to respond to, and continued non-compliance with applicable Florida Statutes and Commission rules shall result in punitive action by the Criminal Justice Standards and Training Commission to include:

(a) When training schools fail to respond in writing to the audit, Commission staff shall write a letter of concern to the training center director requesting a written response to the audit to the administrative head of the training school requesting a written response to the audit. Copies of the letter shall be sent to the administrative head of the agency or entity, fiscal agent, and the regional chairperson.

(b) No change.

(c) Continued failure for three years to comply with Chapter 943, F.S., and Rule Chapter 11B-18, F.A.C., shall result in the Commission writing a letter of censure to the administrative head of the entity and to the training center director training school requesting a written plan for compliance with applicable Florida Statutes and Commission rules.

(d) If compliance is not achieved by following paragraphs (5)(a)-(c) of this rule section, the Commission shall take disciplinary action pursuant to the disciplinary guidelines set forth in Rule 11B-21.018, F.A.C.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(4),(5) FS. Law Implemented 943.12(5) FS. History--New 11-5-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

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

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

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Information Systems**

RULE CHAPTER TITLE: Criminal History Records  
RULE CHAPTER NO.: 11C-6

Dissemination Policy  
RULE TITLE: Retention of Applicant Fingerprints

PURPOSE AND EFFECT: Creation of the rule is required by statute. The rule specifies the manner in which applicant fingerprints will be retained by the Department of Law Enforcement.

SUMMARY: Specifies manner in which applicant fingerprints submitted for criminal history background checks will be retained in the Applicant Fingerprint Retention and Notification Program, searched against incoming arrest fingerprints, notification given to the submitting agency when a match is found, and in which the submitting agency will be charged for this service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1012.32(3), 1012.465, 1012.56 FS.

LAW IMPLEMENTED: 1012.32(3), 1012.465, 1012.56 FS.

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

TIME AND DATE: 1:00 p.m., September 28, 2004

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting: Donna Hunt, (850)410-8615, TDD Number (850)656-9597.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Wright, Bureau Chief, User Services Bureau, Criminal Justice Information Services, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

THE FULL TEXT OF THE PROPOSED RULE IS:

CRIMINAL HISTORY RECORDS  
DISSEMINATION POLICY

11C-6.010 Retention of Applicant Fingerprints.

(1) The Florida Department of Law Enforcement shall enter and retain in the Automated Fingerprint Identification System (AFIS) the applicant fingerprints submitted for state and national criminal history checks by agencies having statutory authorization, as indicated in the Law Implemented section below, to participate in the Applicant Fingerprint Retention and Notification Program (AFRNP) for current and prospective employees, contractors, volunteers, and persons seeking to be licensed or certified.

(2) Such applicant fingerprints shall be submitted on paper or in a digitized format for entry into AFIS, and shall be retained in the AFRNP database, in such a manner as to be distinct from the criminal history record database.

(3) Agencies submitting applicant fingerprints in accordance with the authorizing statute, as indicated in the Law Implemented section below, shall notify individual applicants of the requirements of participation in the AFRNP.

(4) When the subject of fingerprints submitted for retention under this program is identified with fingerprints from an incoming Florida arrest, as confirmed by fingerprint comparison, the Department shall immediately advise the agency which submitted the applicant fingerprints of the arrest in writing. Arrests made in other states or by the federal government will not result in notification, as access to these arrests is restricted by federal law. The information on arrests for these applicants in other states and by the federal government is available only upon a fingerprint submission to the Federal Bureau of Investigation.

(5) The annual fee for participation in the AFRNP shall be \$6 per individual record retained.

(6) The initial entry of an applicant's fingerprints into the AFRNP database must be accompanied by a state and national criminal history records check. There is no additional fee for the first year of participation in the program. For each succeeding year, the \$6 per record annual fee will be charged.

(7) Governmental agencies will be charged this fee in one of two ways according to the agency's preference:

- (a) Annually in advance on October 1; or
- (b) Annually in advance on the anniversary of the individual applicant's initial entry into the program.
- (8) As a condition of participation in the AFRNP, the agency must inform the Department in writing and receive written confirmation from the Department of all persons with retained fingerprints who are no longer employed, licensed, certified, or otherwise associated with the agency in order that such persons may be removed from the AFRNP database. With respect to any person previously entered in the database for whom the Department does not receive notification of removal by September 29 in the case of the first billing option above at paragraph (7), or by two days prior to the anniversary date in the case of the second billing option, the annual fee must be paid.

Specific Authority 1012.32(3), 1012.465, 1012.56 FS. Law Implemented 1012.32(3), 1012.465, 1012.56 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Booth, Assistant General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Martha Wright, Bureau Chief, User Services, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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

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

**DEPARTMENT OF LAW ENFORCEMENT**  
**Division of Local Law Enforcement Assistance**

RULE TITLES:	RULE NOS.:
Definitions	11D-8.002
Approval of Breath Test Methods and Instruments	11D-8.003
Approval of Alcohol Reference Solution and Sources	11D-8.0035
Approval of Dry Gas Standards Source	11D-8.0036
Department Inspection and Registration of Breath Test Instruments	11D-8.004
Agency Inspection of Breath Test Instruments	11D-8.006
Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures	11D-8.007
Agency Retention of Records	11D-8.0075
Breath Test Operator and Agency Inspector	11D-8.008
Qualifications for Instructors	11D-8.010
Blood Alcohol Permit – Analyst	11D-8.013
Denial, Revocation, and Suspension of Permits	11D-8.015
Forms	11D-8.017

PURPOSE AND EFFECT: Revisions to the above rules are necessary to address new instrumentation for use in Florida and recent developments in the field of alcohol testing.

SUMMARY: Revisions to Chapter 11D-8, F.A.C., pertain to the regulation and implementation of Florida's implied consent and alcohol testing program. The revisions govern definitions based on scientific and common usage; standards for issuance and regulation of permits; evaluation and approval of breath and blood alcohol analysis methods; approval, use, and inspection of breath test instruments and records; and training requirements and qualifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

LAW IMPLEMENTED: 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS.

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

TIME AND DATE: 1:00 p.m., September 28, 2004

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting: Donna Hunt, at (850)410-8615, TDD Number (850)656-9597.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

THE FULL TEXT OF THE PROPOSED RULES IS:

11D-8.002 Definitions.

(1) Acceptable Range – ~~means~~ the results of alcohol reference solutions ~~agency or department inspections~~ and dry gas standard analyses which fall within the following ranges at each alcohol vapor concentration: 0.05 g/210L range is 0.045 to 0.055 g/210L; 0.08 g/210L range is 0.075 to 0.085 g/210L; 0.20 g/210L range is 0.190 to 0.210 g/210L; or the Alcohol Reference Solution gas chromatographic results which fall within the following ranges: 0.0605 g/100mL range is 0.0586

to 0.0623 g/100mL; 0.0968 g/100mL range is 0.0938 to 0.0997 g/100mL; 0.2420 g/100mL range is 0.2347 to 0.2492 g/100mL.

(2) through (9) No change.

(10) Analyst – a person who has been issued a ~~Blood Analyst~~ permit by the Department to conduct blood alcohol analyses.

(11) through (12) No change.

(13) Authorized Repair Facility – an entity authorized by the breath test instrument manufacturer to service and repair such breath test instrument.

(14) through (19) No change.

(20) Dry Gas Standard – a standard consisting of a mixture of alcohol and gas which produces a known alcohol vapor concentration used to verify the calibration of a breath test instrument.

(21) through (23) No change.

(24) Permit – when issued by the Department, certifies that the holder has met all necessary qualifications, remains in full compliance with these rules and is authorized to perform all related duties. A permit is issued only to a qualified applicant and remains valid and in full effect until determined otherwise by the Department. ~~An inactive permit remains valid, but the permit holder is not authorized to perform duties related to the permit until satisfaction of the applicable requirements.~~

(25) through (26) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-6-99, 7-29-01, 11-5-02,\_\_\_\_\_.

11D-8.003 Approval of Breath Test Methods and Instruments.

(1) No change.

(2) The Department approves breath test methods and new instrumentation to ensure the accuracy and reliability of breath test results. The Department has approved the following breath test instrumentation instrument(s) for evidentiary use: CMI, Inc. Intoxilyzer 5000 Series – including any or all instruments using one of the following programs: 5000 Basic Software Program; Florida Software Program; R-Software Program; and CMI, Inc. Intoxilyzer 8000 using software evaluated approved by the Department in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. March 2004 2002.

(3) No change.

~~(4) The determination to evaluate an evidentiary breath test instrument for use in the State of Florida will be made by the Department. Upon notification by the Department that an evidentiary breath test instrument will be evaluated, the instrument's manufacturer shall submit the following to the Department:~~

~~(a) The method of analysis upon which the instrument is based;~~

~~(b) The instrument's model designation;~~

~~(c) At least two (2) instruments for evaluation and a certificate of calibration for each instrument;~~

~~(d) A description of the instrument;~~

~~(e) The operator's/technician's manual;~~

~~(f) A schematic design and a mechanical drawing of the instrument;~~

~~(g) The instrument's maintenance manual, if published;~~

~~(h) Any accessories and materials necessary to use the instrument for breath testing;~~

~~(i) The maximum and minimum temperatures at which the instrument provides accurate results;~~

~~(j) The name and description of the software used.~~

(4)(5) A Department inspection performed in accordance with Rule 11D-8.004, F.A.C., validates the approval, accuracy and reliability of an evidentiary breath test instrument manufacturer whose instrument has been previously approved by the Department shall notify the Department in writing prior to making any modification or adding a new option to such instrument. The Department shall evaluate such modifications or options to an approved breath test instrument and determine whether they affect the instrument's method of analysis or analytical reliability.

(5)(6) The Department shall conduct evaluations for approval of new instrumentation under subsections (4) and (5) in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. March 2004 2002.

(6)(7) The availability or approval of new instruments, software, options or modifications does not negate the approval status of previously approved instruments, software, options or modifications.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02,\_\_\_\_\_.

11D-8.0035 Approval of Alcohol Reference Solution and Sources.

(1) The Department shall approve a source of alcohol reference solution for use by agencies in the State of Florida. The source approved by the Department shall be an entity that manufactures alcohol reference solutions and meets the following requirements:

(a) The source must prepare alcohol reference solution, and be capable of producing a minimum batch volume of 800 bottles, each containing at least 500 milliliters, to produce the following vapor alcohol concentrations: 0.05 g/210L, 0.08 g/210L, and 0.20 g/210L using only distilled or deionized water;

(b) The source must use reagent grade or U.S.P. grade ethanol in the preparation of the alcohol reference solution;

~~(e) The source must be capable of producing a minimum batch volume of 800 bottles, each containing at least 500 milliliters, to produce the following vapor alcohol concentrations: 0.05 g/210L, 0.08 g/210L, and 0.20 g/210L;~~

~~(b)(4) The source must have performed and documented tests that demonstrate that the alcohol reference solutions are reliable for at least two years from the date of manufacture.~~

(2) The Department shall approve each lot of alcohol reference solution prior to distribution for use in Florida.

(a) No change.

(b) The Department shall notify the source that the approved lots may be distributed for use in Florida, and shall issue a Certificate of Assurance, FDLE/ATP Form 32 – Rev. March 2001. ~~Upon a determination by the Department that a lot of alcohol reference solution fails to meet the requirements for approval, the Department shall notify the source approved by the Department.~~

(3) through (4) No change.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 7-6-99, Amended 7-29-01,\_\_\_\_\_.

11D-8.0036 Approval of Dry Gas Standards Source.

(1) The Department shall approve a source of dry gas standards for use by agencies in the State of Florida. The source approved by the Department shall be an entity that manufactures dry gas standards and meets the following requirements:

(a) The source must produce dry gas standards which are traceable to comply with specifications of the National Institute of Standards and Technology.

(b) Each dry gas standard lot ~~eylinder~~ produced by the source must be certified by the source as to its contents and ~~vapor~~ alcohol concentration.

(c) The source must be capable of producing a minimum of 300 ~~800~~ cylinders of dry gas standard during a thirty day period at an ~~a~~ vapor alcohol concentration of 0.08 g/210L.

(d) No change.

~~(e) The Department shall verify using infrared spectroscopy or another scientifically accepted method the vapor alcohol concentration in a minimum of ten sample eylinders of dry gas standard produced by the source. Ten (10) analyses will be performed on each sample cylinder of dry gas standard using an approved breath test instrument. All analytical results must fall within the dry gas standard acceptable range. The calibration of the breath test instrument shall be verified prior to analysis of the dry gas standards by obtaining two results of alcohol reference solution concentrations of 0.05 g/210L, 0.08 g/210L, and 0.20 g/210L.~~

(2) Dry gas standard cylinders produced by the approved source must not be used in agency or Department inspections beyond ~~within two years of the expiration date of manufacture.~~

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 11-5-02, Amended\_\_\_\_\_.

11D-8.004 Department Inspection and Registration of Breath Test Instruments.

(1) The Department shall register and inspect a breath test instrument prior to such instrument being initially placed into evidentiary use by an agency. The inspection validates the instrument's approval for evidentiary use, and the registration denotes an instrument approved pursuant to these rules and shall reflect the registration date, the owner of the instrument, the instrument serial number, the manufacturer, and the model designation. A new registration is required to reflect a change of ownership of an evidentiary instrument.

(2) Registered breath test instruments shall be inspected by the Department at least once each calendar year, and must be accessible to the Department for inspection. Any evidentiary breath test instrument returned from an authorized repair facility shall be inspected by the Department prior to being placed in evidentiary use. The inspection validates the instrument's approval for evidentiary use.

(3) Department inspections shall be conducted in accordance with Department Inspection Procedures FDLE/ATP Form 35 – Rev. March 2004 ~~2002~~ for the Intoxilyzer 5000 Series, or Department Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 36 – March 2004 ~~2002~~ for the Intoxilyzer 8000.

(4) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02,\_\_\_\_\_.

11D-8.006 Agency Inspection of Breath Test Instruments.

(1) Evidentiary breath test instruments shall be inspected by an agency inspector at least once each calendar month. The agency inspection shall be conducted in accordance with Agency Inspection Procedures FDLE/ATP Form 16 – Rev. March 2004 ~~2002~~ for the Intoxilyzer 5000 Series, or Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 – March 2004 ~~2002~~ for the Intoxilyzer 8000.

(2) through (3) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02,\_\_\_\_\_.

11D-8.007 Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures.

(1) Evidentiary breath test instruments shall only be accessible to a person issued a valid permit by the Department and to persons authorized by ~~in the presence of~~ a permit holder. This section does not prohibit agencies from sending an instrument to an authorized repair facility.

(2) through (5) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History--New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02,\_\_\_\_\_.

11D-8.0075 Agency Retention of Records.

(1) Each agency shall maintain the following records for at least three years from the last entry date: agency inspection reports and agency inspection print cards, breath test logs, and breath test instrument repair records. The breath test instrument registration shall be retained by an agency for at least three years after the instrument is removed from evidentiary use. Dry gas standard certificates of analysis shall be retained by an agency for at least three years after receipt.

(2) The above records shall be accessible to the Department upon request. At least once each calendar month each agency shall electronically transmit to the Department all breath tests conducted on that agency's Intoxilyzer 8000 evidentiary breath test instruments.

(3) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 322.63(3), 327.354(3) FS. History--New 7-29-01, Amended 11-5-02,\_\_\_\_\_.

11D-8.008 Breath Test Operator and Agency Inspector.

(1) Qualifications for Breath Test Operator Permit – An applicant for a breath test operator permit must meet the following qualifications:

(a) through (b) No change.

(c) Present employment by an agency, or the Department; ~~or documentation from an agency head certifying that the person will be employed or authorized by the agency to conduct breath tests or agency inspections;~~

(d) No change.

(e) Submit to the Department a complete written ~~or electronic~~ application and proof ~~copies of the certificate of course~~ completion, examination results, proficiency testing documentation and proof of age upon successful completion of the breath test operator course, but no later than ninety days after completion. ~~The applicant shall also provide the above documentation to the applicant's employing agency.~~

(2) Qualifications for Agency Inspector Permit – An applicant for an agency inspector permit must meet the following qualifications:

(a) through (b) No change.

(c) Submits to the Department a complete written ~~or electronic~~ application and proof ~~copies of the certificate of course~~ completion, examination results and proficiency testing documentation upon successful completion of the agency inspector course, but no later than ninety days after completion. ~~The applicant shall also provide the above documentation to the applicant's employing agency.~~

(d) Present employment by an agency or the Department.

(3) Breath Test Operators and Agency Inspectors must satisfy continuing education requirements in order to maintain valid permits, ~~and must provide proof of compliance to their employing agencies.~~ Continuing education requires successful completion of the applicable Commission-approved Renewal Course by June 30 following the fourth ~~four (4) year~~ permit anniversary date, and during each subsequent four-year cycle. Successful completion of the Commission-approved Agency Inspector Course or Agency Inspector Renewal Course also satisfies an Agency Inspector's breath test operator continuing education requirements.

(4) Any Breath Test Operator or Agency Inspector who fails to satisfy the continuing education requirements shall not perform any duties authorized by the permit, ~~and such permit shall become inactive~~ until successful completion of the applicable renewal ~~basic~~ course in ~~subsection (1)(d) or (2)(b)~~ above. Any permit that remains inactive under this section for more than three (3) months shall be revoked.

(5) ~~A breath test operator or agency inspector must notify the Department in writing of any change of employment within thirty days of such change.~~

(5)(6) Permits to conduct breath tests and inspect breath test instruments issued pursuant to former Rule 11D-8.008, F.A.C., shall remain valid until such permits expire or otherwise become invalid in accordance with those rules.

(6)(7) Agency Inspectors are responsible for compliance with Chapter 11D-8, F.A.C., rules governing agency custody, care, and inspection of breath test instruments and related records.

(7)(8) Any breath test operator or agency inspector who fails to successfully complete the Commission-approved renewal course shall not perform any duties authorized by the permit until successful completion of the Commission-approved renewal course if within the continuing education cycle, or Commission-approved basic course if beyond the continuing education cycle.

(8) Members of the Department's Alcohol Testing Program who instruct Commission-approved breath test courses may use such course instruction to satisfy their continuing education requirements under this section.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History--New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02,\_\_\_\_\_.

11D-8.010 Qualifications for Instructors.

(1) No change.

(2) Unless exempted by the Commission, at least once every four years each breath test instructor must successfully complete the Commission-approved breath test instructor certification renewal course in order to remain qualified for a breath test instructor certification. Successful completion of the Commission-approved breath test instructor certification course or breath test instructor certification renewal course satisfies that person's agency inspector and breath test operator



continuing education requirements. Each breath test instructor must also successfully complete all Department breath test instructor update courses.

(3) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02,\_\_\_\_\_.

11D-8.013 Blood Alcohol Permit – Analyst.

(1) No change.

(2) Qualifications for blood analyst permit – To qualify, the applicant must meet all of the following requirements:

(a) Department approval of analytical procedure(s). All proposed analytical procedures will be reviewed and a by the Department. ~~The determination of approval will be made by the Department after considering the recommendation made by the reviewer(s);~~

(b) through (d) No change.

(3) The department shall approve gas chromatographic analytical procedures and enzymatic analytical procedures based on alcohol dehydrogenase which meet the following requirements:

(a) through (b) No change.

(c) A statement of the ~~Employs~~ a concentration range over which the procedure is calibrated ~~with documentation supporting that the calibration is linear over the stated range.~~ The calibration curve must be linear over the stated range ~~employ a standard less than 0.04 g/100mL and a standard greater than 0.20 g/100mL;~~

(d) Uses a new or existing calibration curve. The new calibration curve must be generated using at least three (3) standards of different alcohol concentrations: ~~one at 0.05 g/100mL or less, one between 0.05 and 0.20 g/100mL (inclusive) and one at 0.20 g/100mL or higher,~~ and must be verified using at least a minimum of two (2) controls; ~~one (1) control containing alcohol at 0.05 g/100mL or less and one at 0.20g/100mL or higher.~~ The existing calibration curve must be verified using a minimum of two (2) controls containing alcohol, ~~one at 0.05 g/100mL or less and one at 0.20g/100mL or higher;~~

(e) Includes the analysis of an a blank, alcohol-free control, and the analysis of a whole blood or serum control. The whole blood or serum control may be used to satisfy the control requirement(s) in subsection (d);

(f) through (g) No change.

(4) through (5) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(b),(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 4-1-94, 2-1-95, 1-1-97, 11-5-02,\_\_\_\_\_.

11D-8.015 Denial, Revocation, and Suspension of Permits.

(1) Notwithstanding an applicant’s qualifications, the Department shall deny an application for an original permit where the applicant:

(a) through (c) No change.

(d) Had the permit previously revoked under section (3) below.

(2) The Department is authorized to suspend any permit ~~for a period of six months~~ for any of the following reasons:

(a) through (c) No change.

(3) The Department is authorized to revoke any permit for any of the following reasons:

(a) through (c) No change.

(d) Performing the duties of a breath test operator, agency inspector, ~~breath test instructor,~~ or analyst with knowledge that the applicable permit is suspended or in violation of continuing education requirements.

(e) No change.

(4) through (6) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02,\_\_\_\_\_.

11D-8.017 Forms.

The following forms referenced in these rules are hereby incorporated by reference:

FDLE/ATP Form 13 – Breath Test Log – Effective January 1997.

FDLE/ATP Form 14 – Breath Test Result Affidavit – Revised March 2002.

FDLE/ATP Form 16 – Agency Inspection Procedures – Revised March 2004 ~~2002~~.

FDLE/ATP Form 24 – Agency Inspection Report – Revised March 2001.

FDLE/ATP Form 32 – Certificate of Assurance – Revised March 2001.

FDLE/ATP Form 34 – Instrument Evaluation Procedures – Revised March 2004 ~~2002~~.

FDLE/ATP Form 35 – Department Inspection Procedures – Revised March 2004 ~~2002~~.

FDLE/ATP Form 36 – Department Inspection Procedures – Intoxilyzer 8000 – March 2004 ~~2002~~.

FDLE/ATP Form 37 – Operational Procedures – Intoxilyzer 8000 – March 2004 ~~2002~~.

FDLE/ATP Form 38 – Breath Alcohol Test Affidavit – Intoxilyzer 8000 – March 2004 ~~2002~~.

FDLE/ATP Form 39 – Agency Inspection Procedures – Intoxilyzer 8000 – March 2004 ~~2002~~.

These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS. History--New 10-31-93, Amended 2-1-95, 1-1-97, 9-29-01, 11-5-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rafael Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Ramage, General Counsel, Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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

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

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

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Inmate Trust Fund

RULE NO.: 33-203.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: implement HB 1875, which amends Section 944.516, F.S., to allow the department to charge inmates an administrative processing fee for banking services; and to increase the deposit amount that requires a hold before funds are available.

SUMMARY: The proposed rule provides for a \$4.00 administrative processing fee for banking services and increases from \$300.00 to \$400.00 the deposit amount that requires a hold before funds are available.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.516, 945.091 FS.

LAW IMPLEMENTED: 57.085, 717, 944.09, 944.516, 945.091, 945.214 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the department with respect to money received for the personal use or benefit of inmates:

(a) through (g) No change.

(h) Pursuant to Section 944.516, F.S., each inmate shall be charged an administrative processing fee of \$4.00 per month for banking services.

(2)(a) All monies (cashiers checks, money orders, or certified bank drafts only; no cash or personal checks allowed) that are mailed to the Bureau of Finance and Accounting, Inmate Trust Fund Section, for an inmate shall be initially deposited in the Inmate Trust Fund. Funds must be mailed with the completed deposit form and made payable to the Inmate Trust Fund and include the inmate's name and DC number. Once the deposit is posted to the inmate's account, a receipt will be printed at the institution and provided to the inmate. Funds will become available for the inmate's use within ten working days after receipt by the Bureau of Finance and Accounting, Inmate Trust Fund Section, in Tallahassee. Every effort shall be made to have funds available sooner. Any money order, cashiers check, or certified bank draft in the amount of ~~\$400~~ ~~\$300~~ or higher posted to an inmate's account will have a ten day hold placed on the funds. After ten days the funds will be available for the inmate's use. Deposits mailed to institutional or other department addresses other than the Bureau of Finance and Accounting, Inmate Trust Fund Section will be returned to the sender. In order to deposit the funds the sender shall complete Form DC2-303, Inmate Trust Fund Deposit Form. Form DC2-303 is hereby incorporated by reference. This form may be obtained from any institution, facility, or by requesting in writing from the Bureau of Finance and Accounting, Inmate Trust Fund Section, Centerville Station, P. O. Box 12100, Tallahassee, Florida 32317-2100, or 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 13, 2003. Other items found in the incoming mail will be returned to the sender and will not be forwarded to the inmate.

(b) through (12) No change.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 57.085, 717, 944.09, 944.516 945.091, 945.215 FS. History--New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, 10-20-03,\_\_\_\_\_.



Reference Intakes of the Food and Nutrition Board are hereby incorporated by reference. A copy of the ~~Recommended Dietary Allowances~~ or the Dietary Reference Intakes may be obtained from the Bureau of Institutional Field Support Services, Food Service Section, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~The effective date of the Revised Recommended Dietary Allowances is January 18, 1989. The Dietary Reference Intakes were copyrighted in 2001.~~

(a) through (e) No change.

(4) Sanitation.

(a) All food service areas shall meet the standards of the Food Hygiene State Sanitary Code, Department of Health, Chapter 64E-11, F.A.C. Food and beverages shall not be consumed in food preparation areas.

(b) Personnel assigned to food service shall meet the standards set by the Food Hygiene State Sanitary Code, Department of Health Rule 64E-11.005, F.A.C.

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

~~1. Writing instructions for the operation and cleaning of the physical plant, equipment and utensils. Instructions shall be in compliance with the State Sanitary Code, Department of Health Rule 64E-11.005, F.A.C.~~

~~2. Preparing a frequency chart for the regular periodic cleaning of the physical plant, equipment and utensils, and ensuring that cleaning is done according to the frequency chart; and~~

~~3. Daily inspection of the food service areas, including the recording of the temperatures of coolers, freezers, dishwashers, and hot tap water.~~

~~(d) Weekly sanitation inspections of food service areas shall be performed by a person or team assigned by and reporting to the warden.~~

~~(5) Maintenance of Equipment. The person in charge of the maintenance department shall prepare a schedule for periodic, preventative maintenance of the physical plant and equipment. The preventative maintenance program shall include inspection, lubrication, replacement of parts as necessary, and any other maintenance to extend equipment life as suggested by manufacturer's instructions. The person in charge of food service will ensure that equipment is utilized properly, abuse of equipment is minimized, and that sanitation standards are maintained. It will be the responsibility of the person in charge of maintenance to ensure that the preventative maintenance program operates effectively. He or she will maintain a file on each piece of major equipment denoting when and what was done and at what cost.~~

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

(7) through (8) renumbered (5) through (6) No change.

~~(9) National Child Nutrition Program.~~

~~(a) It is the intent of the department that all institutions that qualify will participate in the National Child Nutrition Program. To qualify, an institution will have a sufficient number of offenders qualified to be NCNP participants so that adequate revenues will be generated to offset the costs associated with implementing program requirements.~~

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

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS.; Child Nutrition Act of 1966, 42 USC § 1773; Richard B. Russell National School Lunch Act, 42 USC § 1751 et seq. History--New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tina Hayes

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 29, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: August 13, 2004

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Cash Meals and Special Group Meals  
RULE NO.: 33-204.005  
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from the rule.  
SUMMARY: Instructions for documenting receipt of free meals are being deleted from the rule.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-204.005 Cash Meals and Special Group Meals.

(1) The cost of meals for employees or volunteers shall be borne by the individual being provided with the meal, except as provided in subsection (2) of this section. Employees or

volunteers served meals shall be charged the predetermined amount as designated in the current food services contract approved by the Department of Corrections for all meals. Meals shall be purchased with cash and the employee or volunteer will sign a "Daily Meal Roster", DC2 406, to indicate a meal was purchased and consumed by them. Persons eligible for free meals will be identified on the Daily Meal Roster by noting the words "no charge" next to the individual's signature. Form DC2-406 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, FL 32399-2500. The effective date of this form is May 21, 2000.

(2) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Formerly 33-30.005, Amended 5-21-00, 6-26-03, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tina Hayes

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Early Termination of Supervision

RULE NO.: 33-302.111

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

SUMMARY: Unnecessary language is being deleted from the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.111 Early Termination of Supervision.

(1) No change.

(2) ~~In order for an officer to request an~~ ~~Once a recommendation for early termination of supervision from the sentencing or releasing authority, approval must be obtained from the officer's~~ ~~is approved by a supervisor, the circuit administrator, a request must be sent to the State Attorney's Office, and the victim, if applicable requesting their approval.~~

~~(a) If the offense involved a victim, the officer will request the State Attorney's Office to obtain the victim's consent to the early termination. The Recommendation to Early Terminate Probation or Community Control, Form DC3-272, or a letter that contains the information required in Form DC3-272, shall be forwarded to the State Attorney's office, citing the officer's justification for an early termination of supervision. Form DC3-272 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 11-26-01.~~

~~(b) If the State Attorney's office denies the request, or the victim opposes the early termination, the officer shall notify the offender that the department will not proceed with the early termination recommendation. The officer shall not disclose a victim's objection to the offender.~~

~~(3) If the State Attorney's Office approves the recommendation, and the victim does not oppose the early termination, the officer shall prepare an Order Terminating Probation, Form DC3-257, and a letter to the judge outlining the offender's history of supervision and reasons for recommending the early termination. Form DC3-257 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 6-29-03.~~

~~(4) If the State Attorney's office is unable to contact the victim, the officer shall attempt to contact the victim by telephone or by certified letter to provide the victim with an opportunity to have input on the offender's early termination request. If no response is received from the victim, this shall be reported to the judge in the officer's letter.~~

~~(3)(5) The officer shall notify the offender of the judge's decision upon receipt of the judge's response, and if the petition for early termination is granted, the officer will provide the offender with a copy of Form DC3-257. If the offender was adjudicated guilty, the officer shall review the restoration of civil rights process with the offender. The officer and the offender shall sign and date Form NH-027, Notification of Restoration of Civil Rights Review Process. In~~

~~addition to Form DC3-257, the officer shall provide the offender with a termination of supervision letter and Form NH1-027. Form NH1-027 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 6-29-03.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 11-26-01, Amended 6-29-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Beth Atchison  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2004

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Inmate Death Notification Process  
PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal is to eliminate language that is unnecessary or duplicative of statutes.

RULE NO.: 33-602.112

SUMMARY: A rule addressing notification responsibilities in the event of an inmate death is being repealed as the provisions are either found in statute or constitute internal management memoranda.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 406.50-.54 FS., Article 37 of the Vienna Convention on Consulate Relations

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.112 Inmate Death Notification Process.

Specific Authority 944.09 FS. Law Implemented 406.50-.54 FS., Article 37 of the Vienna Convention on Consulate Relations. History--New 10-8-76, Amended 9-24-81, Formerly 33-3.009, Formerly 33-401.301, Amended 3-25-02, 9-9-03, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tina Hayes  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2004

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Holding Cells  
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify provisions related to conditions of holding cell use and maintenance of records and to delete unnecessary language.

RULE NO.: 33-602.224

SUMMARY: The proposed rule eliminates unnecessary provisions concerning location of holding cells, deletes obsolete language concerning initiation of holding cell logs, and requires that inmates placed in holding cells in conjunction with medical or mental health care not be left unattended at any time.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.224 Holding Cells.

(1) No change.

(2) ~~Holding cells may be constructed in medical areas, security buildings, confinement areas, dormitories and other areas that the warden determines will enhance the physical security of the institution.~~ All holding cells must be in compliance with the following ~~design~~ requirements:

(a) through (f) No change.

(3) No change.

(4) A holding cell log will be maintained at the holding cell location ~~initiated any time an inmate is placed in the holding cell for a period exceeding 30 minutes.~~ Each institution will be responsible for using the Holding Cell Log, Form DC6-208, to record the reasons for placement in the cell, the length of time held in cell, and the record of frequent

checks. Form DC6-208 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is 2-3-00.

(5) through (8) No change.

(9) An inmate who is placed in a holding cell in response to a medical or mental health emergency or while awaiting admission to a medical or mental health unit shall not be left unattended at any time. Inmates declaring a medical or psychological emergency while in a holding cell shall not be left unattended at any time. Medical personnel shall be notified immediately. Medical personnel attending to an inmate in a holding cell will sign the holding cell log. If no log has been initiated, the information will be documented on the housing unit log. If the holding cell is in an area that does not have a housing unit log, a notation will be made on the control room log.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 2-3-00, Amended 8-7-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tina Hayes

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Intermediate Care Facility for the Developmentally Disabled Services, ICF/DD

RULE NO.:

59G-4.170

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Intermediate Care Facility for the Developmentally Disabled Services (ICF/DD) Coverage and Limitations Handbook, as revised October 2003. The revised handbook contains changes required by the Health Insurance Portability and Accountability Act (HIPAA). Information relating to Specialized ICF/DDs has been deleted. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Intermediate Care Facility for the Developmentally Disabled Services (ICF/DD) Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Intermediate Care Facility for the Developmentally Disabled Services (ICF/DD) Coverage and Limitations Handbook, as revised October 2003. The revised handbook contains changes

required by the Health Insurance Portability and Accountability Act (HIPAA). Information relating to Specialized ICF/DDs has been deleted. The current handbook was adopted in rule July 2000.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.913 FS.

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

TIME AND DATE: 10:00 a.m. – 11:00 a.m., Monday September 27, 2004

PLACE: 2727 Mahan Dr., Building #3, Conference Room “C”, Tallahassee, FL

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.170 Intermediate Care Facility for the Developmentally Disabled Services, ICF/DD.

(1) No change.

(2) All Intermediate Care Facility for the Developmentally Disabled (ICF/DD) Services providers enrolled in the Medicaid program must comply with the Florida Medicaid Intermediate Care Facility for the Developmentally Disabled (ICF/DD) Services Coverage and Limitations Handbook, October 2003 July 2000, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Institutional 021, September 1996, which is incorporated by reference in Rule 59G-4.200, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) through (11) No change.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.913 FS. History--New 8-31-76, Amended 1-1-77, 10-16-77, 7-7-81, 4-12-83, 1-12-84, 7-2-84, 7-1-85, Formerly 10C-7.49, Amended 7-19-88, 6-4-92, 5-11-93, Formerly 10C-7.049, Amended 11-27-95, 10-4-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Karen Henderson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Payment Methodology for ICF/MR-DD Services in Publicly Owned and Publicly Operated Facilities

RULE NO.: 59G-6.040

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Intermediate Care Facilities for the Mentally Retarded and the Developmentally Disabled (ICF/MR-DD) Facilities publicly owned and publicly operated Reimbursement Plan (the Plan) payment methodology.

The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX ICF/MR-DD Services in Publicly Owned and Publicly Operated Facilities Reimbursement Plan (the Plan) payment methodology.

1. In accordance with Chapter 2004-344, Laws of Florida (SB 1064, 2004-05 Florida Legislature) Section 7(6), COST REPORTS – For any Medicaid provider submitting a cost report to the agency by any method, and in addition to any other certification, the following statement must immediately precede the dated signature of the provider’s administrator or chief financial officer on such cost report: “I certify that I am familiar with the laws and regulations regarding the provision of health care services under the Florida Medicaid program, including the laws and regulations relating to claims for Medicaid reimbursements and payments, and that the services identified in this cost report were provided in compliance with such laws and regulations.”

2. Change from “Health Care Financing Administration (HCFA)” to “Centers for Medicare and Medicaid Services (CMS).”

3. Updates to Code of Federal Regulation (CFR), Florida Administrative Code (FAC), and Florida Statute references.

SUMMARY: Certification of cost reports and updates to regulatory references.

SUMMARY OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: 9:00 a.m., September 27, 2004

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert C. Butler, Bureau Chief, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106-B, Tallahassee, Florida 32308, (850)414-2759

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.040 Payment Methodology for ICF/MR-DD Services in Publicly Owned and Publicly Operated Facilities. Reimbursement to participating ICF/MR-DD facilities for services provided shall be in accord with the Florida Title XIX ICF/MR-DD Reimbursement Plan for Publicly Owned and Publicly Operated Facilities, Version VIII, Effective Date ~~March 14, 1999~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to Deputy Secretary for Medicaid Reimbursement, Agency for Health Care Administration, Mail Stop 8 P. O. Box 12400, Tallahassee, Florida 32308 ~~17-2400~~.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 7-1-85, Amended 2-25-86, Formerly 10C-7.491, Amended 11-19-89, 8-14-90, 12-26-90, 9-17-91, 1-27-94, Formerly 10C-7.0491, Amended 11-15-94, 3-14-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert C. Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Butler

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2004

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Payment Methodology for County Health Departments

RULE NO.: 59G-6.090

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate the following changes to the Florida Title XIX County Health Department Reimbursement Plan:

1. In accordance with Chapter 2004-344, Laws of Florida (SB 1064, 2004-05, Florida Legislature) Section 7(6), COST REPORTS – For any Medicaid provider submitting a cost report to the agency by any method, and in addition to any other certification, the following statement must immediately precede the dated signature of the provider’s administrator or chief financial officer on such cost report: “I certify that I am familiar with the laws and regulations regarding the provision of health care services under the Florida Medicaid program, including the laws and regulations relating to claims for Medicaid reimbursements and payments, and that the services identified in this cost report were provided in compliance with such laws and regulations.”



2. Editorial updates to Florida Statute, Florida Administrative Code, and Code of Federal Regulation references.

SUMMARY: Requires a signed certification of cost reports and updates to regulatory references.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., September 27, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.090 Payment Methodology for County Health Departments.

Reimbursement to participating county health departments for services provided shall be in accordance with the Florida Title XIX County Health Departments Reimbursement Plan Version IV ~~III July 21, 2002~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 6-3-93, Formerly 10P-6.090, Amended 7-21-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Butler

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2004

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Medicaid Contracts for Prepaid Health Plans  
 RULE NO.: 59G-8.100

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Payment Methodology for Participating Medicaid Managed Health Care Plans, effective July 1, 2004, to provide the following changes based on House Bill 1843, 2004-2005 Florida Legislature.

The Agency is amending the rule to:

1. Revise the methodology regarding trend factors;
2. Revise fee-for-service (FFS) base for groups enrolled for part of a year;
3. Update discount factors applied to FFS base.
4. Revise methodology for administrative load consideration.

SUMMARY: The proposed amendment to rule number 59G-8.100 revises payment methodology for participating Medicaid managed health care plans.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.9124, 409.919 FS.

LAW IMPLEMENTED: 409.9124(1) 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: 2:00 p.m., September 28, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.100 Medicaid Contracts for Prepaid Health Plans.

(1) through (16) No change.

(17) Payment Methodology for Covered Services. Capitation payment rates are calculated annually by the agency based on historical fee-for-service expenditures adjusted forward to the contract period. The agency shall not pay more for a defined scope of services to a defined number of enrollees under a capitation arrangement than the projected cost of providing those same services on a fee-for-service basis. The payment methodology, entitled "Agency for Health Care Administration, Payment Methodology for Participating Medicaid Managed Health Care Plans", July 2004~~2~~, is incorporated herein by reference.

(18) through (24) No change.

Specific Authority 409.9124, 409.919 FS. Law Implemented 409.9124(1) FS. History--New 3-9-81, Amended 7-9-84, Formerly 10C-7.524, Amended 4-5-89, Formerly 10C-7.0524, Amended 8-4-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Robert Butler  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Robert Butler  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE TITLE: Exemption from Licensure Renewal Provisions for Spouses of Members of the Armed Forces of the United States  
RULE NO.: 61G14-12.003

PURPOSE AND EFFECT: The proposed rule is intended to address an exemption from licensure renewal provisions for spouses of members of the Armed Forces.

SUMMARY: The proposed rule sets forth an exemption from licensure renewal provisions for spouses of members of the Armed Forces.

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

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

SPECIFIC AUTHORITY: 310.185(1), 455.02(2) 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: Anthony Spivey, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-12.003 Exemption from License Renewal Provisions for Spouses of Members of the Armed Forces of the United States.

(1) As used in this rule, the following definitions shall apply:

(a) "Pilot" shall include both licensed state pilots and certified deputy pilots.

(b) "Armed forces" shall include the Army, Navy, Marine Corps, Air Force, Coast Guard and National Guard.

(2) A pilot who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions and placed on inactive status for any period of time which the pilot is absent from the State of Florida due to the pilot's spouse's duties with the Armed Forces, subject to the following conditions:

(a) Copies of the military orders requiring the absence of the pilot's spouse from the port where the pilot is licensed or certified are submitted to the Board office.

(b) The licensed state pilots at the port affected by the seeking of an exemption under this provision shall, in consultation with customers of the affected port, jointly submit to the Board a plan to provide adequate piloting during the inactive status of the pilot seeking exemption. This plan shall include recommendations concerning:

- 1. Cross-licensing of additional pilots from other ports;
- 2. Declaration of a port opening for the next scheduled examination;
- 3. Combination of the affected port with another port; or
- 4. Other measures designed to assure the provision of adequate piloting during the inactive status of the pilot seeking exemption.

(3) Within 45 days of completion of duty with the Armed Forces outside the State of Florida by the pilot's spouse, and prior to resuming duties as a pilot, the affected pilot shall:

(a) Ensure that all physical examinations and reports, as required by Rule 61G14-20.001, F.A.C., are current and on file.

(b) If the period of absence from piloting duties exceeds 365 days, complete, under the guidance of a licensed state pilot of that port, four familiarization transits of the port where licensed or certified.

Specific Authority 310.185(1), 455.02(2) FS. Law Implemented 455.02(2) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8-9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 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 Acupuncture**

RULE TITLE: Acupuncture Program Requirements  
 RULE NO.: 64B1-4.001

PURPOSE AND EFFECT: The Board proposes to delete subsection (2) of the rule section to conform to minimum education program statutory requirements.

SUMMARY: The proposed rule conforms the Board's education program requirements to the minimum requirements of Section 457.105 (2), Florida Statutes.

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

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

SPECIFIC AUTHORITY: 456.033, 457.102, 457.104, 457.105 FS.

LAW IMPLEMENTED: 456.033, 457.102, 457.105 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 Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-4.001 Acupuncture Program Requirements.

In order to be certified to take the licensure examination, the applicant must establish that he/she has met the following minimal requirements. For persons who enrolled on or after July 1, 1997, the applicant must complete the program in which they have enrolled.

(1) No change.

(2) ~~For applicants who enroll on or after August 1, 1997, applicants must have completed a program that meets the following minimum requirements:~~

~~(a) 330 hours of supervised instruction in Biomedical Clinical Science, to include 90 hours of pathology, 120 hours of anatomy and physiology and 120 hours of western biomedical and diagnostic terminology;~~

~~(b) 1,155 hours of supervised instruction in Traditional Oriental Acupuncture Diagnosis and Treatment, to include 705 hours in Oriental Medical Theory, Diagnosis and Treatment Techniques in Acupuncture and Related Studies, and 450 hours in Herbal Studies;~~

~~(c) 30 hours of supervised instruction in Introduction to Adjunctive Therapies and 200 hours of supervised instruction in Electives in Adjunctive Therapies;~~

~~(d) 660 hours of supervised clinical experience as defined in Rule 64B1-4.0015, F.A.C.;~~

~~(e) 15 hours of supervised instruction in Universal Precautions and 3 hours of HIV/AIDS that complies with the requirements of Section 456.033, F.S.;~~

~~(f) 20 hours of supervised instruction in Florida Statutes & Rules, including Chapters 456 and 457, F.S., and this rule chapter.~~

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

Specific Authority 456.033, 457.102, 457.104 457.105 FS. Law Implemented 456.033, 457.102, 457.105 FS. History—New 8-30-84, Formerly 21AA-4.01, Amended 7-20-88, 4-30-89, 9-19-89, 3-18-92, Formerly 21AA-4.001, 61F1-4.001, Amended 3-24-96, Formerly 59M-4.001, Amended 12-31-97, 11-1-99, 6-21-00, 4-3-01, 5-24-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE TITLE: Examination; Passing Grade  
 RULE NO.: 64B11-2.006

PURPOSE AND EFFECT: The Board proposes to clarify and update the name of the organization that develops the national examination for licensure as an occupational therapist, as well as specify that the passing score is set by the organization that develops the national exam.

SUMMARY: The rule clarifies and updates the identity of the national exam developing organization as well as the passing score for the exam, which is set by the test developer.

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

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

SPECIFIC AUTHORITY: 468.204, 468.211(4) FS.

LAW IMPLEMENTED: 468.211(3),(4) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.006 Examination; Passing Grade.

The examination to be used for licensure by examination shall be that examination ~~developed prepared by the National Board for Certification in Occupational Therapy (NBCOT). Professional Examination Services, pursuant to contract with the American Occupational Therapy Association. The passing score shall be a sealed score of 450 points.~~ Every applicant for licensure by examination shall obtain at least the passing score as determined by NBCOT. Every applicant shall request the scores be sent to the Board by the professional examination service. Licensure shall not be granted without proof of score. Applicants approved for licensure contingent upon passage of the examination shall have twelve months from the date of approval by the Board to take the examination and submit proof of scores. Any requests for information concerning examination results (areas of weakness, if failed, etc.) should be sent directly to the professional examination service.

Specific Authority 456.017, 468.204, 468.211(4) FS. Law Implemented 456.017, 468.211(3), (4) FS. History--New 4-28-76, Amended 9-9-85, Formerly 21M-13.11, Amended 7-23-91, Formerly 21M-13.011, 61F6-13.011, Amended 4-11-95, Formerly 59R-61.011, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Occupational Therapy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2004

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE TITLE: Examination; Passing Grade

RULE NO.: 64B11-3.004

PURPOSE AND EFFECT: The Board proposes to clarify and update the name of the organization that develops the national examination for licensure as an occupational therapy assistant, as well as specify that the passing score is set by the organization that develops the exam.

SUMMARY: The rule clarifies and updates the identity of the national exam developing organization as well as the passing score on the exam, which is set by the test developer.

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: 456.017, 468.204, 468.211(4) FS.

LAW IMPLEMENTED: 456.017, 468.211(3),(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: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.004 Examination; Passing Grade.

The examination to be used for licensure by examination shall be that examination ~~developed prepared by the National Board for Certification in Occupational Therapy (NBCOT). Professional Examination Services, pursuant to contract with the American Occupational Therapy Association. The passing score shall be a sealed score of 450 points.~~ Every applicant for licensure by examination shall obtain at least the passing score as determined by NBCOT. Every applicant shall request the scores be sent to the Board by the professional examination service. Licensure shall not be granted without proof of score. Applicants approved for licensure contingent upon passage of the examination shall have twelve months from the date of approval by the Board to take the examination and submit proof of scores. Any requests for information concerning examination results (areas of weakness, if failed, etc.) should be sent directly to the professional examination service.

Specific Authority 456.017, 468.204, 468.211(4) FS. Law Implemented 456.017, 468.211(3),(4) FS. History--New 4-28-76, Amended 9-9-85, Formerly 21M-13.11, Amended 7-23-91, Formerly 21M-13.011, 61F6-13.011, Amended 4-11-95, Formerly 59R-61.011, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Occupational Therapy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2004

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE TITLE: Requirements for License Renewal of an

RULE NO.: 64B11-5.001

Active License; Continuing Education  
PURPOSE AND EFFECT: The Board proposes to clarify the time within which a licensee must respond to a continuing education audit, while allowing a longer period of time for audits where the notice of audit is sent to the licensees before the renewal date. The Board also proposes to clarify the law that imposes the continuing education requirements on licensees.

SUMMARY: The rule sets the time limits for response to continuing education audits and clarifies the law that imposes the requirements.

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

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

SPECIFIC AUTHORITY: 456.036, 468.219 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 468.219 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 Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.001 Requirements for License Renewal of an Active License; Continuing Education.

Continuing education includes attendance and participation as required at a live presentation such as workshop, seminar, conference, or in-service educational programs. It may also include participation in other continuing education activities that require a formal assessment of learning. Examples include, but are not limited to, electronic or web-based courses, formalized self-study courses and continuing education articles. An active license shall be renewed upon demonstration that the licensee has paid the renewal fee set forth in Rule 64B11-2.009 or 64B11-3.007, F.A.C., respectively, and has complied with the following requirements:

(1) through (6) No change.

(7) Documentation – The licensee must retain such receipts, vouchers, certificates or other papers necessary to document completion of the required continuing education for a period of not less than four (4) years from the date the course was taken. The Board will audit licensees at random to assure that the continuing education requirements have been met. Upon being audited, a licensee shall, within 30 days, or longer period of time if specified in the audit notice, provide documentation to the Board ~~within thirty (30) days~~ that shows proof of compliance with the continuing education requirements imposed by this chapter and Chapter 64B11-6, F.A.C. herein.

(8) through (15) No change.

Specific Authority 456.036, 468.219 FS. Law Implemented 456.013, 456.033, 456.036, 468.219 FS. History–New 4-17-95, Amended 10-30-95, 3-11-96, Formerly 59R-64.060, Amended 9-23-99, 10-18-01, 6-25-02, 5-7-03, 3-28-04,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2004

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLE: Provisional License RULE NO.: 64B14-4.200

PURPOSE AND EFFECT: To repeal an unnecessary rule.

SUMMARY: This rule is being repealed as it no longer has statutory authority.

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

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

SPECIFIC AUTHORITY: 468.802 FS.

LAW IMPLEMENTED: 468.805(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: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-4.200 Provisional License.

Specific Authority 468.802 FS. Law Implemented 468.805(2) FS. History–New 12-10-98, Amended 6-22-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

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

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLE: Continuing Education Course Criteria  
 RULE NO.: 64B14-5.003

PURPOSE AND EFFECT: The Board proposes to authorize one-half hour of credit for twenty- five minute courses. The Board proposes to lower the amount of time spent in clinical or laboratory instruction needed to attain one hour of continuing education credit.

SUMMARY: The proposed rule authorizes earning one-half hour continuing education credits and reduces the amount of instruction time needed to earn an hour of credit in a clinical or laboratory course.

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, 468.802, 468.806 FS.

LAW IMPLEMENTED: 456.013(8), 468.806 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 Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-5.003 Continuing Education Course Criteria.

(1) through (3) No change.

(4) Course length shall be sufficient to provide meaningful education in the subject matter presented. Courses must include 25 minutes for one-half credit hour ~~50 minutes~~ of didactic instruction or 50 ~~100~~ minutes of lab/clinical experience for each hour of credit awarded. ~~All courses must be at least 50 minutes in length.~~

(5) through (8) No change.

Specific Authority 456.013, 468.802, 468.806 FS. Law Implemented 456.013(8), 468.806 FS. History--New 5-18-00, Amended 11-11-02,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2004

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLES: Standards of Practice  
 RULE NOS.: 64B14-7.001  
 Citations 64B14-7.004

PURPOSE AND EFFECT: The Board proposes to delete the rule sub-section in Rule 64B14-7.001, F.A.C., that restricts delegation to unlicensed personnel, because of a possible conflict with Section 468.808, F.S. The Board proposes to modify the citation provision in Rule 64B14-7.004, F.A.C. to raise the fine penalty and delete the requirement for making up deficient continuing education credits, while changing the requirements for citing an offense related to failing to provide patient records.

SUMMARY: The change to Rule 64B14-7.001, F.A.C., removes a standard of practice restriction on delegation of regulated activities by licensed practitioners to unlicensed personnel under the direct supervision of those practitioners. The change to Rule 64B14-7.004, F.A.C., raises the fine penalty and removes the requirement for making up deficient continuing education credits by those who accept a citation for failing to obtain the required credits. The change also modifies the requirements for eligibility to receive a citation instead of prosecution for failing to provide patient records.

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: 456.077, 468.802 FS.

LAW IMPLEMENTED: 456.063(1), 456.072(1)(o),(u), 456.077, 468.802 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 Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B14-7.001 Standards of Practice.

(1) No change.

(2) The orthotist, prosthetist, or pedorthist's professional responsibilities include:

(a) through (e) No change.

~~(f) Delegation of appropriate tasks. Prosthetists, orthotists and pedorthists shall not delegate any function or task which requires the skill, knowledge, and judgment of the prosthetist, orthotist or pedorthist to any unlicensed personnel.~~

(g) through (j) renumbered (f) through (i) No change.

(3) through (4) No change.

Specific Authority 468.802 FS. Law Implemented 456.063(1), 456.072(1)(o),(u), 468.802 FS. History--New 7-1-98, Amended \_\_\_\_\_.

64B14-7.004 Citations.

Pursuant to Section 456.077, F.S., the Board designates the following as citation violations:

(1) Failure to furnish patient records in a timely manner in violation of Section 456.057(4), F.S.: If corrected within 15 days, ~~fine of \$100; if not corrected, referral to the Board's probable cause panel.~~

(2) through (4) No change.

(5) ~~First-time~~ Failure of the licensee to satisfy continuing education requirements established by the board: Fine of \$500 ~~and within 180 days provide one additional hour of continuing education for each hour not completed or completed late.~~

(6) through (7) No change.

Specific Authority ~~456.072~~, 456.077 FS. Law Implemented ~~456.072~~, 456.077 FS. History--New 7-1-98, Amended 3-19-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2004

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLES:	RULE NOS.:
Requirements for an Automated Pharmacy System in a Community Pharmacy	64B16-28.141
Remote Medication Order Processing for Class II Institutional Pharmacies	64B16-28.606

PURPOSE AND EFFECT: The Board proposes new rules to address advances in pharmacy practice.

SUMMARY: The new rules set forth the requirements for community pharmacies and institutional pharmacies engaged in automated and remote order processing pharmacy systems.

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: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.018, 465.019, 465.022, 465.026 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-28.141 Requirements for an Automated Pharmacy System in a Community Pharmacy.

(1) Definitions.

“Automated pharmacy system” means a mechanical system located within the confines of the pharmacy that performs operations or activities, other than compounding or administration, relative to storage, packaging, dispensing, or distribution of medication, and which collects, controls, and maintains all transaction information.

(2) General Requirements.

A pharmacy may use an automated pharmacy system provided that:

(a) The pharmacy develops and maintains a policy and procedure manual that includes:

1. The type or name of the system including a serial number or other identifying nomenclature.

2. A method to ensure security of the system to prevent unauthorized access. Such method may include the use of electronic passwords, biometric identification (optic scanning or fingerprint) or other coded identification.

3. A process of filling and stocking the system with drugs: an electronic or hard copy record of medication filled into the system including the product identification, lot number, and expiration date.

4. A method of identifying all the pharmacists or pharmacy technicians involved in the dispensing process.

5. Compliance with a Continuous Quality Improvement Program.

6. A method to ensure that patient confidentiality is maintained.

7. A process to enable the prescription department manager or designee to revoke, add, or change access at any time.

(b) The system ensures that each prescription is dispensed in compliance with the definition of dispense and the practice of the profession of pharmacy.

(c) The system shall maintain a readily retrievable electronic record to identify all pharmacists, pharmacy technicians, or other personnel involved in the dispensing of a prescription.

(d) The system shall provide the ability to comply with product recalls generated by the manufacturer, distributor, or pharmacy. The system shall have a process in place to isolate affected lot numbers including an intermix of drug product lot numbers.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.018, 465.022 FS. History--New \_\_\_\_\_.

64B16-28.606 Remote Medication Order Processing for Class II Institutional Pharmacies.

(1) Definitions.

(a) "Remote Medication Order Processing" includes any of the following activities performed for a Class II Institutional Pharmacy from a remote location:

1. Receiving, interpreting, or clarifying medication orders.
2. Entering or transferring medication order data.
3. Performing prospective drug use review.
4. Obtaining substitution authorizations.
5. Interpreting and acting on clinical data.
6. Performing therapeutic interventions.
7. Providing drug information.
8. Authorizing the release of a medication for administration.

(b) "Medication" means a medicinal drug or proprietary preparation.

(c) "Prospective drug use review" means an evaluation of medication orders and patient medication records for:

1. Over-utilization or under-utilization of medication.
2. Therapeutic duplication of medication.
3. Drug-disease contraindications.
4. Drug interactions.
5. Incorrect drug dosage or duration of drug treatment.
6. Clinical abuse or misuse of medication.

(2) General requirements.

(a) All pharmacists participating in remote medication order processing shall be Florida licensed pharmacists.

(b) A Class II institutional pharmacy may utilize remote medication order processing if the pharmacist performing the remote medication order processing has access to sufficient patient information necessary for prospective drug use review and approval of medication orders.

(c) A pharmacist shall perform the final check of a medication order.

(d) If the pharmacist performing remote order processing is not an employee of the Class II Institutional pharmacy, the Class II Institutional pharmacy must have a written agreement or contract with the pharmacist or entity employing the pharmacist. The written agreement or contract shall:

1. Outline the services to be provided.

2. Delineate the responsibilities of each party including compliance with federal and state laws and regulations governing the practice of pharmacy as well as state and federal medical privacy requirements.

3. Require that the parties adopt a policies and procedures manual.

4. Provide that the parties have access to or share a common electronic file such that the pharmacist performing remote medication order processing has sufficient patient information necessary for prospective drug use review and approval of medication orders.

(3) Policy and Procedures.

A policy and procedures manual shall:

(a) Be accessible to each party involved in remote medication order processing.

(b) Be available for inspection by the Board or an authorized agent of the Department.

(c) Outline the responsibilities of each party involved in remote medication order processing.

(d) Include a current list of the name, address, telephone number, and license number of each pharmacist involved in remote medication order processing.

(e) Include policies and procedures for:

1. Protecting the confidentiality and integrity of patient information.

2. Ensuring that a pharmacist performing prospective drug use review has access to appropriate drug information resources.

3. Ensuring that medical and nursing staff understand how to contact a pharmacist.

4. Maintaining records to identify the name, initials, or identification code of each person who performs a processing function for a medication order.

5. Complying with federal and state laws and regulations.

6. Operating or participating in a continuous quality improvement program for pharmacy services designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems.

7. Reviewing the written policies and procedures and documenting the review every year.

(4) Records.

(a) A Class II Institutional Pharmacy involved in remote medication order processing shall maintain a record that identifies the name, initials, or identification code of each person who performed a processing function for every medication order. The record shall be available by medication order or by patient name.



(b) The record may be maintained in a common electronic file if the record is maintained in such a manner that the data processing system can produce a printout which identifies every person who performed a processing function for a medication order.

(c) The record shall be readily retrievable for at least the past two (2) years.

(d) The record shall be available for inspection by the Board or an authorized agent of the Department.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.019, 465.022, 465.026 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2004

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: RULE NO.:

Transmission of Starter Dose Prescriptions  
for Patients in Class I Institutional  
or Modified II B Facilities 64B16-28.503

PURPOSE AND EFFECT: The Board proposes a new rule to address the transmission of starter dose prescriptions.

SUMMARY: The new rule set forth definitions and requirements for the transmission of starter dose prescriptions by vendor pharmacies to starter dose pharmacies for patients in Class II Institutional or Modified II B facilities.

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: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.018, 465.019, 465.022 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.503 Transmission of Starter Dose Prescriptions for Patients in Class I Institutional or Modified II B Facilities.

(1) Definitions.

(a) "Vendor pharmacy" means a community pharmacy or special closed system pharmacy which has a contract to dispense a medicinal drug to a patient in a facility holding a Class I Institutional Permit or Modified II B Permit.

(b) "Starter dose pharmacy" means a pharmacy that dispenses a medicinal drug pursuant to a starter dose prescription to a patient in a facility served by the vendor pharmacy.

(c) "Starter dose prescription" means a prescription transmitted by a vendor pharmacy to a starter dose pharmacy for the purpose of initiating drug therapy for a patient in a facility served by the vendor pharmacy.

(2) A vendor pharmacy may transmit a starter dose prescription to a starter dose pharmacy if the vendor pharmacy:

(a) Has written authorization from the facility to utilize a starter dose pharmacy.

(b) Has a written contract with the starter dose pharmacy.

(c) Has written authorization from a prescribing practitioner to act as the practitioner's agent for the purpose of transmitting a starter dose prescription.

(d) Possess a valid prescription from the prescribing practitioner prior to transmitting the starter dose prescription.

(e) Maintains a record of each starter dose prescription.

(f) Maintains a policy and procedure manual that references starter dose prescriptions.

(3) A starter dose pharmacy may dispense a medicinal drug pursuant to a starter dose prescription for a patient in a facility that holds a Class I Institutional Permit or Modified II B Permit if the starter dose pharmacy:

(a) Has a written contract with the vendor pharmacy.

(b) Maintains a record of each starter dose prescription.

(c) Maintains a policy and procedure manual that references starter dose prescriptions.

(4) The contract between a vendor pharmacy and a prescribing practitioner shall:

(a) Be in writing.

(b) Identify each facility served by the vendor pharmacy for which the authorization is valid.

(c) Authorize the vendor pharmacy to transmit, as an agent of the practitioner, a starter dose prescription to a starter dose pharmacy.

(d) Be on file at the vendor pharmacy, at the facility served by the vendor pharmacy, and with the prescribing practitioner.

(e) Be available for inspection by agents of the Department of Health or the Board of Pharmacy.

(5) The contract between the vendor pharmacy and the starter dose pharmacy shall:

- (a) Be in writing.
- (b) Identify each facility served by the vendor pharmacy.
- (c) Assign the responsibility for prospective drug use review required by Rule 64B16-27.810, F.A.C., to the vendor pharmacy.
- (d) Assign the responsibility for patient counseling required by Rule 64B16-27.820, F.A.C., to the vendor pharmacy.

(e) Be referenced in the Policy and Procedure Manual of the vendor pharmacy and of the starter dose pharmacy.

(f) Be updated as necessary to identify facilities or practitioners.

(g) Be on file at the vendor pharmacy, at the starter dose pharmacy, and at the facility.

(h) Be available for inspection by authorized agents of the Department of Health and the Board of Pharmacy.

- (6) A record of each starter dose prescription shall be:
- (a) Readily retrievable.
- (b) Maintained for two years.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.018, 465.019, 465.022 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 2004

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Exemptions and Student Registration

RULE NO.: 64B32-1.005

PURPOSE AND EFFECT: To repeal a currently obsolete rule.

SUMMARY: The Board proposes to repeal this rule pursuant to Chapter 2004-299, Laws of Florida.

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

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

SPECIFIC AUTHORITY: 468.353, 468.355(3), 468.368(8) FS.

LAW IMPLEMENTED: 468.368, 468.355(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 Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-1.005 Exemptions and Student Registration.

Specific Authority 468.353, 468.355(3), 468.368(8) FS. Law Implemented 468.368, 468.355(3) FS. History--New 5-12-88, Amended 5-10-92, Formerly 21M-33.008, Amended 1-2-94, Formerly 61F6-33.008, Amended 9-29-94, Formerly 59R-70.008, 64B8-70.008, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

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

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

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Issuance of Temporary Certificates

RULE NO.: 64B32-2.002

PURPOSE AND EFFECT: To repeal a currently obsolete rule.

SUMMARY: The Board proposes to repeal this rule pursuant to Chapter 2004-299, Laws of Florida.

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

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

SPECIFIC AUTHORITY: 468.353(1), 468.355(3) FS.  
LAW IMPLEMENTED: 468.355(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 Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-2.002 Issuance of Temporary Certificates.

Specific Authority 468.353(1), 468.355(3) FS. Law Implemented 468.355(3) FS. History--New 4-29-85, Formerly 21M-34.03, 21M-34.003, 61F6-34.003, 59R-71.003, 64B8-71.003, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Respiratory Care  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 6, 2004

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Issuance of Temporary Certificates  
RULE NO.: 64B32-3.004

PURPOSE AND EFFECT: To repeal a currently obsolete rule.

SUMMARY: The Board proposes to repeal this rule pursuant to Chapter 2004-299, Laws of Florida.

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

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

SPECIFIC AUTHORITY: 468.353(1), 468.355(3) FS.

LAW IMPLEMENTED: 468.355(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 Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-3.004 Issuance of Temporary Certificates.

Specific Authority 468.353(1), 468.355(3) FS. Law Implemented 468.355(3) FS. History—New 4-29-85, Amended 10-20-85, Formerly 21M-35.04, Amended 5-12-88, Formerly 21M-35.004, 61F6-35.004, Amended 12-28-94, 8-27-95, Formerly 59R-72.005, 64B8-72.005, Amended 4-27-00, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care

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

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

**Section III**  
**Notices of Changes, Corrections and**  
**Withdrawals**

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: 1S-5.001  
RULE TITLE: Voting System Equipment Regulations

**NOTICE OF CHANGE**

Notice is hereby given that proposed Rule 1S-5.001, F.A.C., published in the F.A.W., Page 2175, Vol. 30, No. 22, on May 28, 2004, has been changed to reflect comments received from JAPC and the public during the hearing held on June 18, 2004. Changes were made to Form DS-DE 101, incorporated by reference to Rule 1S-5.001, F.A.C., as follows:

(1) Clarify the language in the Standards section. Specifically the paragraph on Control Subsystem tests at the polling place. Page 37 of the proposed rule.

(2) Update the standard to be applied when testing for equipment resistance to sand and dust. Page 67 of the proposed rule.

The revised proposed rule language may be obtained from the Division of Elections' website at <http://election.dos.state.fl.us> or by contacting: David Drury, (850)245-6220.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.03028  
RULE TITLE: Development of Individual Educational Plans for Students with Disabilities

**NOTICE OF CHANGE**

Notice is hereby given that the following amendments have been made to the proposed rule in accordance in subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 7, of the February 13, 2004, issue of the Florida Administrative Weekly. Subparagraphs (3)(b)1.,2., and paragraphs (4)(h),(7)(i), and (7)(j), and subsection (8) and paragraph (8)(e) were amended to read:

(3) No change.

(b) No change.

1. For a student with a disability beginning at age 14; (or younger if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student as required in paragraph (7)(i) of this rule and the notice must indicate that the school district will invite the student.

2. For a student with a disability, beginning at age 16; (or younger if determined appropriate by the IEP team), the notice must indicate that a purpose of the meeting is the consideration of needed transition services for the student as required in paragraphs (7)(i) and (j) of this rule, indicate that the school district will invite the student, and indicate any other agency that will be invited to send a representative.

(4) No change.

(h) The student, beginning by the student's fourteenth birthday (or younger if determined appropriate by the IEP team), when the purpose of the meeting is to consider the student's transition service needs, as described in paragraphs (7)(i)-(j) of this rule. If the student does not attend, the school district shall take other steps to ensure that the student's preferences and interests are considered.

(7) No change.

(i) Beginning by the student's fourteenth birthday (or younger, if determined appropriate by the IEP team), including the student and the student's parents, and updated annually:

(j) Beginning by the student's sixteenth birthday (or younger, if determined appropriate by the IEP team), including the student and the student's parents and updated annually and thereafter, a statement of needed transition services for the student including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

(8) Transition services for students beginning at age sixteen (16); (or younger, if determined appropriate by the IEP team).

(e) If the IEP team determines that a transition services ~~are~~ is not needed as described in subparagraph (8)(a)1. of this rule, the IEP shall include a statement to that effect.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-6.03411	Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students

**NOTICE OF CHANGE**

Notice is hereby given that the following amendments have been made to the proposed rule in accordance in subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 7, of the February 13, 2004, issue of the Florida Administrative Weekly. Subparagraph (3)(a)1., is amended to read:

(3) General Procedures. General procedures shall be implemented in accordance with Rule 6A-6.0331, F.A.C.

(a) Procedures for placement in the least restrictive environment. Procedures for placement determination shall be made in accordance with 34 CFR 300.552-300.553 and shall include consideration of the following:

1. To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities are educated with students who are not disabled; THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shan Goff, K-12 Deputy Chancellor for Student Achievement, Florida Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)245-5020

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

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

**STATE BOARD OF ADMINISTRATION**

RULE NOS.:	RULE TITLES:
19-11.002	Beneficiary Designation for FRS Investment Plan
19-11.004	Excessive Trading in the FRS Investment Plan
19-11.005	FRS Investment Plan Complaint Procedures
19-11.006	Enrollment Procedures for New Hires
19-11.007	Acceptance of Rollovers

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules noted above in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 28 which is the July 9, 2004, issue of the Florida Administrative Weekly.

(1) In subsection 19-11.002(2), F.A.C., the last sentence will be deleted from that subsection.

(2) Subsection 19-11.002(3), F.A.C.: To indicate where the EZ form is adopted and incorporated by reference, the first sentence will now read: "If the FRS Investment Plan participant enrolls in the FRS Investment Plan using the EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1-EZ, which is adopted and incorporated by reference in Rule 19-11.006(4), F.A.C., the participant has chosen the beneficiary designation contained in Section 121.091(8), Florida Statutes."

(3) In paragraph 19-11.004(1)(c), F.A.C., the second sentence will now read: "This rule establishes that policy."

(4) In subparagraph 19-11.005(3)(b)2., F.A.C., the form will now be referenced as "SBA-RFI06/04."

(5) In subparagraph 19-11.005(3)(c)1., F.A.C., the form will now be referenced as "SBA-PFH06/04."

(6) In Rule 19-11.006, F.A.C., the following changes are made:

(a) In paragraph 19-11.006(2)(d), F.A.C., the definition will now read as follows: “Effective enrollment in the FRS Investment Plan” means that the employee has completed enrollment by filing the enrollment form for his membership class; that the TPA has entered the employee into its recordkeeping system; and that the TPA has informed the division and the employee’s employer of the employee’s effective date of enrollment in the FRS Investment Plan. For purposes of this rule, the term “enrollment form” or “form” shall also refer to the separate document described in paragraph 19-11.006(4)(b), F.A.C., below.”

(b) In paragraph 19-11.006(4)(b), F.A.C., the first sentence will now read: “The SBA has designed the following forms for ease of use for employees in the several membership classes of the Florida Retirement System. As an alternative, an employee not wishing to use the forms may provide the information outlined in this Rule 19-11.006, F.A.C., for his membership class in a separate document.”

(c) In subparagraph 19-11.006(4)(b)2., F.A.C., the first sentence will now read: “Only members of the regular, special risk, and special risk administrative support classes of employees may use the EZ form, “EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees.” Form ELE-1-EZ, rev. 02-04, which is hereby adopted and incorporated by reference.”

(d) In paragraph 19-11.006(4)(c), F.A.C., the introductory language shall now read as follows: “If one of the other forms is used, consistent with the employee’s membership class, or if the employee chooses to submit a separate document, consistent with the employee’s membership class, the employee shall provide the following information:”

(7) In Rule 19-11.007, F.A.C., the last sentence in Rule 19-11.007(5), F.A.C., will now read: “Participants shall use Form IPRO-1, rev. 06/04, “Employee Rollover Deposit Form,” which is hereby adopted and incorporated by reference, to effect rollovers described in this rule.”

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
 40B-2 Permitting of Water Use  
 RULE NO.: RULE TITLE:  
 40B-2.321 Duration of Permits

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above-referenced proposed rule, as noticed in Vol. 30, No. 22, of the Florida Administrative Weekly on May 28, 2004, has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

RULE NO.: RULE TITLE:  
 60DD-4.002 Definitions

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed rule published in the Vol. 30, No. 25, June 18, 2004 issue of the Florida Administrative Weekly:

60DD-4.002 Definitions.

Definitions. The following terms are defined:

(1) Authorizing Official. An individual with authority to encumber and commit funds on behalf of the Eligible User and to approve expenditures for communications services or equipment procured through the State Technology Office. The Authorizing Official appoints Communications Service Authorization (.CSA.) Administrators to manage the CSA process as set forth in this rule chapter.

(2) Communication Service Authorization Administrator or CSA Administrator. An individual authorized by the Eligible User to manage communication services provided by or equipment procured through the State Technology Office. The CSA Administrator is also authorized to administer the online CSA process on behalf of the Eligible User. The CSA Administrator has the authority to manage the CSA process as set forth in this rule chapter.

(3) Communication Service Provider. Entity providing communications services within the State of Florida. The Communication Service Provider must be in compliance with all applicable laws, including rules or regulations promulgated by the Florida Public Service Commission and the Federal Communications Commission.

(4) CSA System. The State Technology Office’s online system for ordering SUNCOM services that is available to Eligible Users by accessing the website <http://onlinecsa.myflorida.com>. Approved and registered CSA Administrators and CSA Users submit Form STO-COM-9001, incorporated by reference at Rule 60DD-6.006, Florida Administrative Code, and Form STO-COM-9008, incorporated by reference at Rule 60DD-5.002, Florida Administrative Code, through the CSA System to procure services from the State Technology Office on behalf of the Eligible User.

(5) CSA User. An individual approved by the Eligible User’s CSA Administrator to gain access and to perform assigned functions on the State Technology Office SUNCOM

Online Communications Service Authorization and Communications Purchase and Lease Authorization System (.CSA System.).

(6) Eligible User. qualifying user of SUNCOM services as defined in Florida law, including state agencies, political subdivisions of the state, county and municipalities agencies, public schools and districts, private, nonprofit elementary and secondary schools (provided they do not have an endowment in excess of \$50 million), state universities, community colleges, libraries, water management districts, state commissions and councils, and non-profit corporations.

Specific Authority 282.102(2), (16) FS. Law Implemented 282.108(8), (10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—Formerly 60C-1.002 New 7-20-73, Amended 9-30-75, Formerly 13C-1.02, Amended 9-16-92, Formerly 13C-1.002, Amended \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.Com

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

RULE NO.: 60DD-6.002 RULE TITLE: Definitions

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed rules published in the Vol. 30, No. 25, June 18, 2004 and Vol. 30, No. 33, August 13, 2004 issues of the Florida Administrative Weekly:

60DD-6.002 Definitions.

(1) Eligible User – qualifying user of SUNCOM services, including state agencies, county and municipal agencies, public schools and districts, private, nonprofit elementary and secondary schools (provided they do not have an endowment in excess of \$50 million), state universities, community colleges, libraries, water management districts, state commissions and councils, and non-profit corporations.

(2) State Communications System – State communications system established as the SUNCOM network, pursuant to Section 282.103(1), Florida Statutes.

Specific Authority 282.102(2),(16) FS. Law Implemented 282.102(8),(10), 282.103, 282.104, 282.105, 282.106, 282.107 FS. History—Formerly 60C-6.002, New 6-29-83, Formerly 13C-7.02, 13C-7.002, Amended \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Winston Pierce, Chief, Bureau of Policy and Regulation Services, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, (850)922-7501, Winston.Pierce@MyFlorida.Com

**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 Acupuncture**

RULE NO.: 64B1-4.001 RULE TITLE: Acupuncture Program Requirements

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 6, February 6, 2004, Florida Administrative Weekly has been withdrawn.

**Section IV  
Emergency Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

RULE TITLE: Temporary Restrictions on Importation of Animals from States Affected with Vesicular Stomatitis (VS) RULE NO.: 5CER04-3

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE:** Vesicular Stomatitis (VS) is a highly contagious, acute viral disease that affects horses, cattle and swine and occasionally sheep, goats, and deer. It is characterized by blister-like lesions in the mouth and on the dental pad, tongue, lips, nostrils, hooves, and teats. The virus may also cause flu-like symptoms in people working with affected animals. Outbreaks of VS occur sporadically in southwestern states. Although the disease rarely results in animal death, affected animals lose significant weight and condition resulting in significant meat and milk production loss.

In the early stages of the disease, the clinical signs mimic those of Foot and Mouth Disease, a foreign animal disease, which must be ruled out. An outbreak of VS usually results in the implementation of both interstate and international trade restrictions on animals from affected states. Such restrictions result in economic hardships for producers.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** Under this action requiring certification of non-exposure to the vector and disease is justified until the Department has determined that a threat to livestock in Florida no longer exists. This action is fair because without this restriction, Florida’s multimillion dollar livestock industry and population is endangered.

SUMMARY OF THE RULE: This rule places restrictions upon the importation of certain animals from states affected by VS, capable of carrying Vesicular Stomatitis or the vector of VS, into Florida.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Dr. Thomas J. Holt, State Veterinarian, Director, Division of Animal Industry, Department of Agriculture and Consumer Services, 407 S. Calhoun St., Rm. 330, Mayo Bldg., Tallahassee, FL 32399-0800, (850)410-0900

THE FULL TEXT OF THE EMERGENCY RULE IS:

5CER04-3 Temporary Restrictions on Importation of Animals from States Affected with Vesicular Stomatitis (VS).

(1) Importation Into or Through Florida. The Official Certificate of Veterinary Inspection (OCVI) for all hoofed animals, including horses, ruminants, swine, exotic and wild hoofed animals intended for importation into or through the State of Florida from VS-Affected states must include the following statement: "All animals identified on this certificate of veterinary inspection have been examined and found to be free from clinical signs and vectors of VS. These animals have neither been exposed to nor located within ten (10) miles of an area/premises where VS has been diagnosed within the past thirty (30) days."

(2) Prior Permission. All animals imported into Florida from VS-Affected states must have prior permission by the Florida Department of Agriculture and Consumer Services (FDACS) to enter the state. The prior permission number must be written on the OCVI.

(3) Quarantine. All animals entering Florida from VS-Affected states and meeting the above requirements for entry will be quarantined for a period of not less than 14 days at the owner's expense. Such animals must be examined by a Department representative and found to be free of clinical signs and vectors of VS before the quarantine is released.

Specific Authority 570.07(21),(23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History—New 8-23-04.

THIS RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 23, 2004

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

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

**DEPARTMENT OF THE LOTTERY**

RULE TITLE:

MEGA M\$NEY®

RULE NO.:

53ER04-46

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the conduct of MEGA M\$NEY® and replaces Emergency Rule 53ER04-38.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-46 MEGA M\$NEY®.

(1) How to Play MEGA M\$NEY® (referred to herein as MEGA MONEY).

(a) MEGA MONEY is an on-line game in which players select four numbers from a field of one through forty-four and one MEGABALL® number from a separate field of one through twenty-two.

(b) Players may use a MEGA MONEY play slip to make their selections. There are five panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting five numbers (four in the upper play area and one in the lower play area) from each panel played, or may mark the "Quick Pick" box for the terminal to randomly select any or all of the five numbers from either or both play areas. For each panel played, the first four of the five numbers appearing in a single horizontal row on a MEGA MONEY ticket shall be the numbers selected from the upper play area of the play slip and the last number shall be the MEGABALL number selected from lower play area of the play slip. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by an on-line retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(c) Players may play up to thirty consecutive MEGA MONEY drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive advance drawings selected shall apply to each panel played.

(2) MEGA MONEY Drawings.

(a) MEGA MONEY drawings shall be conducted two times per week, on Tuesday and Friday.

(b) MEGA MONEY drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security, and fairness of each drawing.

(c) The equipment (one ball set and one drawing machine) used in a MEGA MONEY drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing.

(d) A ball set contains sixty-six balls comprised of one subset of forty-four balls ("subset 1") and one subset of twenty-two balls ("subset 2"). The balls in subset 1 are numbered one through forty-four. The balls in subset 2 are numbered one through twenty-two. A MEGA MONEY drawing machine contains two separate mixing chambers and two ball display devices.

(e) Once a set of balls has been selected and inspected, the selected MEGA MONEY drawing machine shall be loaded by the Draw Manager by placing each subset of balls into its mixing chamber. The two subsets of balls shall be mixed by the action of an air blower.

(f) Four balls from subset 1 and one MEGABALL from subset 2 are drawn by vacuum action into their respective display device. The numbers shown on the four balls and the number shown on the MEGABALL, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

(g) In the event a malfunction in the drawing procedures occurs or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (2)(b). In using such substitute procedures, the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

(h) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers.

(3) Determination of Prize Winners.

(a) Wherever used, the terms "jackpot prize" and "top prize" both refer to the highest prize level in the MEGA MONEY game.

(b) In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E) must match the official winning MEGA MONEY numbers for the draw date for which the ticket was purchased, in one of the following combinations:

1. Jackpot Prize: Four numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

2. Second Prize: Four numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

3. Third Prize: Three numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

4. Fourth Prize: Three numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

5. Fifth Prize: Two numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

6. Sixth Prize: One number selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

7. Seventh Prize: Two numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

8. Eighth Prize: No numbers selected from the first subset of balls and the MEGABALL number selected from the second subset of balls.

(4) MEGA MONEY Odds of Winning.

(a) The odds of winning the prizes described in subsection (3) are as follows:

1. Jackpot Prize – 1:2,986,522.00

2. Second Prize – 1:142,215.33

3. Third Prize – 1:18,665.76

4. Fourth Prize – 1:888.85

5. Fifth Prize – 1:638.15

6. Sixth Prize – 1:75.57

7. Seventh Prize – 1:30.39

8. Eighth Prize – 1:32.68

(b) The overall odds of winning a prize in a MEGA MONEY drawing are 1:12.58.

(5) MEGA MONEY Prize Divisions.

(a) MEGA MONEY is a pari-mutuel game. For each draw, fifty percent of the net sales after cancels and promotional plays shall be allocated as the winning pool for the payment of the jackpot prize, second prize, third prize, fourth prize, fifth prize, sixth prize and seventh prize. Free MEGA MONEY tickets issued as an eighth prize shall not be included in gross revenue calculations.

(b) Jackpot Prize.

The jackpot prize pool shall consist of 54.32 percent of the winning pool plus any money carried forward from the prior draw until the jackpot prize pool reaches the estimated cash equivalent of the deferred payment value of \$2 million paid over twenty (20) years, at which point the jackpot prize pool will be capped. When this threshold is met, the jackpot prize pool will comprise zero percent of the winning pool in excess of the cap, and any money in excess of the cap shall roll down and be distributed among the second through the seventh prize levels according to the percentage each prize level comprises of the adjusted prize pool. The total winning prize pool, less the amount required to achieve the cap (not to exceed 54.32 percent of the total winning prize pool), shall comprise the adjusted prize pool.



1. If there is a jackpot prize winner in a drawing and the jackpot prize is not capped, the prize money allocated to the jackpot prize pool shall be divided equally among the jackpot prize winners for that drawing.

2. If there is a jackpot prize winner in a drawing in which the jackpot prize is capped, the capped amount shall be divided equally among the jackpot prize winners for that drawing.

3. If there is not a jackpot prize winner in a drawing and the jackpot prize is not capped, the jackpot prize pool shall be carried over and added to the jackpot prize pool of the next MEGA MONEY drawing.

4. If there is not a jackpot prize winner in a drawing in which the jackpot prize is capped, the capped amount shall be carried over to the next MEGA MONEY drawing and the money in excess of the cap shall be returned to an adjusted prize pool and then be distributed among the second through the seventh prize levels according to the adjusted percentage each prize level comprises of that winning prize pool.

(c) Second Prize.

When the jackpot prize pool is not capped, the second prize pool shall consist of 1.72 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the second prize pool shall consist of 3.75 percent of the adjusted prize pool for the drawing. The second prize pool shall be divided equally among the second prize winners for that drawing.

(d) Third Prize.

When the jackpot prize pool is not capped, the third prize pool shall consist of 3.77 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the third prize shall consist of 8.20 percent of the adjusted prize pool for the drawing. The third prize pool shall be divided equally among the third prize winners for that drawing.

(e) Fourth Prize.

When the jackpot prize pool is not capped, the fourth prize pool shall consist of 11.25 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the fourth prize pool shall consist of 24.50 percent of the adjusted prize pool for the drawing. The fourth prize pool shall be divided equally among the fourth prize winners for that drawing.

(f) Fifth Prize.

When the jackpot prize pool is not capped, the fifth prize pool shall consist of 7.84 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the fifth prize pool shall consist of 17.25 percent of the adjusted prize pool for the drawing. The fifth prize pool shall be divided equally among the fifth prize winners for that drawing.

(g) Sixth Prize.

When the jackpot prize pool is not capped, the sixth prize pool shall consist of 7.94 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the sixth prize pool shall consist of 18 percent of the adjusted prize pool for the drawing. The sixth prize pool shall be divided equally among the sixth prize winners for that drawing.

(h) Seventh Prize.

When the jackpot prize pool is not capped, the seventh prize pool shall consist of 13.16 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the seventh prize pool shall consist of 28.30 percent of the adjusted prize pool for the drawing. The seventh prize pool shall be divided equally among the seventh prize winners for that drawing.

(i) Eighth Prize.

1. An eighth prize shall consist of one free MEGA MONEY quick pick ticket (\$1.00 value), except as provided in subparagraph (5)(i)2. below. An eighth prize shall consist of one free MEGA MONEY quick pick ticket regardless of whether the MEGA MONEY jackpot prize pool is capped. Eighth prizes shall not utilize any portion of the winning prize pool or adjusted prize pool for the drawing.

2. A player who submits by mail a MEGA MONEY lottery ticket which entitles the claimant to a free MEGA MONEY quick pick ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(j) If there is not a winner within one of the second through seventh prize categories for a drawing, the prize pool for that category shall be distributed for that drawing in accordance with the following table:

<u>PRIZE POOL CATEGORY FOR WHICH THERE IS NO WINNER</u>	<u>PRIZE POOL CATEGORY TO WHICH THE NONWINNING PRIZE POOL CATEGORY IS ADDED</u>
<u>Second Prize – 4 of 4</u>	<u>3 of 4 + MEGABALL</u>
<u>Third Prize – 3 of 4 + MEGABALL</u>	<u>3 of 4</u>
<u>Fourth Prize – 3 of 4</u>	<u>2 of 4 + MEGABALL</u>
<u>Fifth Prize – 2 of 4 + MEGABALL</u>	<u>2 of 4</u>
<u>Sixth Prize – 1 of 4 + MEGABALL</u>	<u>To fund future prizes in Lottery games or for special Lottery prize promotions</u>
<u>Seventh Prize – 2 of 4</u>	<u>1 of 4 + MEGABALL</u>

(k) Except for the jackpot prize, all prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the sixth and seventh prizes shall be no less than \$2.00. All rounding differences will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

(6) MEGA MONEY Estimated Jackpot.

(a) For each drawing the Lottery will announce the estimated deferred payment value of the MEGA MONEY jackpot that can be won by a single player, based upon the estimated cash value of the jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers, if any, except that for each MEGA MONEY drawing, the deferred payment value of the MEGA MONEY jackpot prize that can be won by a single player shall be guaranteed at a minimum of \$500,000 paid over twenty (20) years except as set forth in paragraph (7)(d)3. below.

(b) If the cash available in the jackpot prize pool is insufficient at the time the ticket is submitted for payment to yield \$500,000 paid over the twenty (20) year deferred payment period, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the jackpot prize pool to render it sufficient.

(c) In the event the cash available in the jackpot prize pool is insufficient at the time the ticket is submitted for payment to yield \$2 million paid over twenty (20) years on an announced jackpot prize of \$2 million, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the jackpot prize pool to render it sufficient.

(d) In the event the cash available in the jackpot prize pool at the time the ticket is submitted for payment exceeds the amount required to purchase securities to fund \$2 million paid over twenty (20) years, the excess cash will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

(7) MEGA MONEY Payment Options.

(a) Players can choose one of two payment options for receiving their portion of the MEGA MONEY jackpot prize. Payment options are "Cash Option" and "Annual Payment."

(b) Jackpot prize winners have sixty days after the winning draw date to choose between the two payment options. Once the jackpot prize winner signs the Winner Claim Form and exercises the winner's chosen option, the election of that option shall be final. Winner Claim Form DOL-173-2, Revised 10/03, and Spanish Winner Claim Form DOL 173-S, Revised 10/03, are incorporated herein by reference and may be obtained from any Lottery retailer, Lottery office, or from the Lottery's web site at [www.flalottery.com](http://www.flalottery.com). In order to select the Cash Option, the jackpot prize winner must submit his or her ticket for payment within sixty days after the winning draw date. If the jackpot prize winner does not file a claim electing the Cash Option within sixty days after the winning draw date, the Annual Payment option will be applied, except as provided in (7)(e) below.

(c) A jackpot prize winner who chooses the Cash Option for payment will receive one lump sum cash payment of his or her portion of the amount in the jackpot prize pool that is available immediately for investment, determined at the time the ticket is submitted for payment, less applicable withholding taxes, except as follows:

1. The minimum amount of the cash option payment to a single winner will be the amount required at the time the ticket is submitted for payment to purchase securities to fund \$500,000 paid over twenty (20) years, less applicable withholding taxes.

2. A jackpot prize winner who chooses the Cash Option for payment in a MEGA MONEY drawing in which the jackpot prize was announced at \$2 million will receive his or

her portion of the amount required at the time the ticket is submitted for payment to purchase securities to fund \$2 million paid over twenty (20) years, less applicable withholding taxes.

(d) If a jackpot prize winner elects the Annual payment option, his or her portion of the amount in the jackpot prize pool will be invested in U.S. Treasury securities covering a nineteen year period to provide an income stream to the winner of twenty (20) equal annual installments, each less applicable withholding taxes, except as follows:

1. The minimum amount payable to a single winner over twenty (20) years will be \$500,000, less applicable withholding taxes, except as set forth in paragraph 3. below.

2. If a jackpot prize winner elects the Annual payment option in a MEGA MONEY drawing in which the jackpot prize is announced at \$2 million, his or her portion of the amount required at the time the ticket is submitted for payment to purchase securities to fund \$2 million paid over twenty (20) years will be invested in U.S. Treasury securities covering a nineteen year period to provide an income stream to the winner of twenty equal annual installments, each less applicable withholding taxes, except as set forth in paragraph 3. below.

3. If the occurrence of multiple winners results in a guaranteed prize amount per winner that cannot be paid in increments of \$1,000 in twenty (20) equal installments, the winner's share of the prize pool will be invested in U.S. Treasury securities that will yield as near the winner's guaranteed prize amount over twenty (20) years as can be reached in increments of \$1,000, and the present value of the difference between the amount the investment will yield and the winner's guaranteed prize amount over twenty (20) years will be paid to the winner in the first payment. The following examples illustrate such payment:

Example 1: Jackpot prize: \$500,000

Number of winners: 2

Prize per winner: \$250,000

First payment = \$12,000 + Present Value of \$10,000 annuitized over 20 years, less applicable withholding tax

Next 19 annual payments = \$12,000 per year, less applicable withholding tax

Example 2: Jackpot prize: \$2,000,000

Number of winners: 3

Prize per winner: \$666,666.67

First payment = \$33,000 + Present Value of \$6,666.67 annuitized over 20 years, less applicable withholding tax

Next 19 annual payments = \$33,000, less applicable withholding tax

4. The provisions of paragraph 3 shall not be construed to prohibit the Lottery from investing collectively, in a single U.S. Treasury security, the prize pool shares of multiple winners of the same drawing who all elect the Annual Payment option, and distributing the prize winnings on a pro rata basis in increments other than \$1,000.

(e) If the cash available in the jackpot pool is determined on the business day following the drawing to be insufficient to yield at least \$100,000 over twenty (20) years for each winning ticket, the Lottery shall pay the jackpot winner or winners in a single cash payment of their share of the amount in the jackpot pool available immediately for investment determined on the business day following the drawing, less applicable withholding taxes.

(f) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(g) Any interest or earnings accrued on a MEGA MONEY jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment Option, shall accrue to the State of Florida and not to the winner.

(8) MEGA MONEY Rules and Prohibitions.

(a) By purchasing a MEGA MONEY ticket, a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) MEGA MONEY prize payments shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen.

(d) Subject to a retailer's hours of operation and on-line system availability, MEGA MONEY lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight, Eastern Time (ET).

(e) The scheduled time for the Tuesday and Friday MEGA MONEY drawings is approximately 11:00 p.m., ET. Ticket sales for a specific MEGA MONEY drawing will close approximately twenty minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next MEGA MONEY draw date.

(f) Retailer cancellations of MEGA MONEY tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two hours after printing, except that no MEGA MONEY ticket can be cancelled after game close for the related drawing and no eighth prize (free MEGA MONEY quick pick ticket) can be cancelled at any time. The two-hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related MEGA MONEY close of game.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers and date(s) on tickets. In the event that a ticket given to the player by the retailer contains selections which are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and

upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of the player by the "quick pick" method of number selection.

(9) This emergency rule replaces Emergency Rule 53ER04-38 MEGA M\$NEY®, Florida Administrative Code.

Specific Authority 24.105(2), 24.105(9)(a),(b),(c),(d),(e),(f),(g),(h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2), 24.105(9)(a),(b),(c),(d), (e),(f),(g),(h), 24.115(1), 24.116(1), 24.117(2) FS. History--New 8-23-04, Replaces 53ER04-38, F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 23, 2004

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: RULE NO.:

Waiver of Charges, Fees and/or Penalties  
for Retailers

53ER04-47

SUMMARY OF THE RULE: The emergency rule sets forth the provisions for the waiver of certain retailer charges, fees and/or penalties set forth in Florida Lottery rules in response to damage and loss sustained by Florida Lottery retailers from Hurricane Charley on August 13, 2004 and August 14, 2004.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-47 Waiver of Charges, Fees and/or Penalties for Retailers.

(1) Notwithstanding Florida Lottery Rules 53ER01-3 Retailer Application and Fee Schedule, 53ER01-77 Electronic Funds Transfer Delinquencies, 53ER02-5 On-line Retailer Responsibilities, and 53ER02-41 Lost, Stolen or Damaged Instant Lottery Tickets, Florida Administrative Code, this emergency rule sets forth provisions for the waiver of certain retailer charges, fees and/or penalties set forth in the above-referenced rules in response to damage and loss sustained by Florida Lottery retailers from Hurricane Charley on August 13, 2004 and August 14, 2004.

(2) Data Line Weekly Service Charge.

(a) The weekly service charge of \$10.00 set forth in Rule 53ER02-5, Florida Administrative Code, shall be waived for on-line retailers meeting the following criteria:

1. The retailer's business is located in one of the following twenty-five (25) counties of Florida that were declared disaster areas:

Brevard, Charlotte, Collier, DeSoto, Dixie, Duval, Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee, Levy, Manatee, Monroe, Okeechobee, Orange, Osceola, Pasco, Polk, St. Johns, Sarasota, Seminole and Volusia; and

2. The retailer has the type of on-line terminal for which a \$10.00 weekly service charge is assessed; and

3. The retailer’s sales status is “non-selling” as determined by an on-line retailer sales status report generated through the Lottery’s gaming system each week on Saturday.

(b) The service charge waiver set forth in this subsection shall remain in effect until such time as the retailer regains its selling status, or this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence, whichever occurs first, except as provided in (2)(c) below.

(c) The Florida Lottery reserves the right to make a case-by-case determination as to whether the retailer’s non-selling status is for reasons not attributable to Hurricane Charley, in which case the weekly service charge will be assessed in the regular manner.

(3) Non-Sufficient Funds Penalty.

(a) Except as provided in (3)(d) below, a penalty for Non-Sufficient Funds as set forth in Rule 53ER01-77, Florida Administrative Code, shall be waived provided the retailer (instant-only or on-line) meets the criteria set forth in subparagraphs (2)(a)1., or as provided in (3)(b) below.

(b) The Florida Lottery reserves the right to make a case-by-case determination for retailers requesting a waiver of the Non-Sufficient Funds penalty who are not located in the disaster area. (Example: the retailer is able to conduct business activities but is unable to make a bank deposit due to complication associated with the bank’s location in the disaster area.)

(c) Except as provided in (3)(d) below, the penalty waiver set forth in this subsection shall remain in effect until such time as this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence.

(d) The Florida Lottery reserves the right to make a case-by-case determination as to whether a Non-Sufficient Funds penalty assessed to a retailer shall be waived. (Example: the retailer is located within the disaster area but its Non-Sufficient Funds occurrence is for reasons not attributable to Hurricane Charley.)

(4) Lost, Stolen or Damaged Instant Lottery Ticket Service Fees.

(a) Inactive Books.

1. The service fee for books of instant tickets reported as lost, stolen, or damaged as set forth in Rule 53ER02-41, Florida Administrative Code, that were in received status as of August 13, 2004 shall be waived provided the retailer (instant-only or on-line) meets the criteria set forth in subparagraph (2)(a)1. except as provided in (4)(a)2. below.

2. The Florida Lottery reserves the right to make a case-by-case determination as to whether the retailer’s reporting of inactive lost, stolen, or damaged books is for reasons not attributable to Hurricane Charley, in which case the service fee will be assessed in the regular manner.

(b) Active Books. Charges for books of instant tickets placed in an active status on or before August 13, 2004 and subsequently reported as lost, stolen, or damaged will be determined by the Lottery on a case-by-case basis for retailers meeting the criteria set forth in subparagraph (2)(a)1.

(c) The fee waiver set forth in this subsection shall remain in effect until such time this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence.

(5) Retailer Application Fee – Change of Location.

(a) The \$10.00 fee for retailers that apply to change a location as set forth in Rule 53ER01-3, Florida Administrative Code, shall be waived provided the retailer (instant-only or on-line) meets the criteria set forth in subparagraph (2)(a)1., except as provided in (5)(b) below.

(b) The Florida Lottery reserves the right to make a case-by-case determination as to whether the retailer’s change in location is for reasons not attributable to Hurricane Charley, in which case the fee will be assessed in the regular manner.

(c) The fee waiver set forth in this subsection shall remain in effect until such time this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence.

Specific Authority 24.105(9)(j), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9)(j), 24.112(1) FS. History--New 8-23-04.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 23, 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 FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLE: RULE NO.:

Hurricane Charley; State of Emergency;

Extension of Grace, Claims Filing,

Reinstatement, and Miscellaneous

Periods; Limitation on Cancellations

and Nonrenewals

69OER04-5

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Office of Insurance Regulation hereby states that the following circumstances constitute an immediate danger

to the public health, safety, and welfare: This emergency rule is necessitated by the damage in Southwest, Central and Northeast, Florida, rendered by Hurricane Charley, which devastated the area on August 13, 2004. Preliminary estimates indicate damages in excess of 15 billion dollars. The hurricane damage has resulted in the closing of businesses and financial institutions, the suspension of mail service, the displacement of hundreds of thousands of persons from their homes, loss of personal belongings and corresponding temporary loss of employment. The catastrophic extent of the damage has virtually eliminated the benefit of these statutes which allow insureds specific periods of time to act or respond and has greatly increased the time necessary to make repairs to dwellings, all properties, vehicles, machinery, appliances, equipment, and vessels, in Brevard, Charlotte, DeSoto, Hardee, Lake, Lee, Orange, Osceola, Polk, Sarasota, Seminole, and Volusia Counties. The storm victims are currently unable to timely act or respond and need additional time to obtain alternative coverage. Some insurers and premium finance companies may attempt to cancel or nonrenew homeowner's insurance policies on homes and insurance on other property, which have suffered partial losses. This action would leave the insured uncovered and virtually uninsurable until the dwellings, all properties, vehicles, machinery, appliances, equipment and vessels are repaired. This rule provides temporary emergency relief to the insured so that he is not left uninsured during the remainder of this crisis. Given the responsibility of the Office to protect the consumer, an emergency rule is necessary to immediately address the emergency.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** The Office of Insurance Regulation believes that adopting an emergency rule is the fairest method to establish procedures and provide guidance to the insurance community because the nature of the destruction caused by Hurricane Charley requires an immediate and massive response from insurers and other regulated entities. An Office bulletin addressed to all insurers would reach all insurers but would not be legally binding. Office responses to individual requests for information would not make the information generally available. Also immediate protection is needed to prevent further devastation to innocent insureds.

**SUMMARY OF THE RULE:** Emergency Rule 69OER04-5, F.A.C., establishes limits on cancellation and nonrenewal of insurance coverage for victims of Hurricane Charley and alternative procedures for the cancellation and nonrenewal of policies under certain circumstances.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Lisa Miller, Deputy Commissioner, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0300, e-mail: millerl3@dfs.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

69OER04-5 Hurricane Charley: State of Emergency: Extension of Grace, Claims Filing, Reinstatement, and Miscellaneous Periods: Limitation on Cancellations and Nonrenewals.

(1) This emergency rule supersedes and replaces the Emergency Order issued by the Office of Insurance Regulation, dated August 18, 2004.

(2) All contracts of insurance and other contracts that are subject to regulation under the Florida Insurance Code including, but not limited to:

(a) All policies referenced in Chapters 440, 624, 626, and 627, Florida Statutes;

(b) All policies or contracts issued pursuant to Chapters 641 and 651, Florida Statutes;

(c) Contracts issued by Multiple Employer Welfare Arrangements and Commercial Self-Insurance Trusts;

(d) Premium Finance Company contracts; issued, delivered, or covering a risk located in Brevard, Charlotte, DeSoto, Hardee, Lake, Lee, Orange, Osceola, Polk, Sarasota, Seminole, and Volusia Counties, which are subject to a state of emergency due to Hurricane Charley, shall be subject to the provisions of this emergency rule.

Reference herein to "policy" or "contract of insurance" includes all agreements regulated under the Insurance Code.

(e) Reinsurance contracts are not subject to this rule, however, reinsurers and ceding insurers must immediately notify the Office, in writing, regarding cancellation or nonrenewal of any insurance contract concerning property risks in the State of Florida. Such notice should be directed to the Bureau of Property and Casualty Solvency.

(3) The primary purpose of this emergency rule is to provide temporary and emergency relief to persons and property located in Brevard, Charlotte, DeSoto, Hardee, Lake, Lee, Orange, Osceola, Polk, Sarasota, Seminole, and Volusia Counties, who have been displaced by the loss of their home or premises, or damage thereto which has caused them to reside elsewhere on a temporary basis or persons who have become temporarily unemployed, unable to receive or respond to notices or obtain replacement coverage as the result of Hurricane Charley. Specifically, those persons residing in the following counties are presumed to be qualified under this subsection: Brevard, Charlotte, DeSoto, Hardee, Lake, Lee, Orange, Osceola, Polk, Sarasota, Seminole, and Volusia Counties. Any person located outside of the designated counties, who, due to Hurricane Charley, has been displaced by the loss of their home or premises or damage thereto, which has caused them to reside elsewhere on a temporary basis, or who have become unemployed, unable to receive or respond to notices or obtain replacement coverage may petition an insurer

or premium finance company for relief from a cancellation or nonrenewal and such insurer or premium finance company shall not unreasonably refuse to reinstate the policy.

(4) As to any policy provision, notice, correspondence, or law that imposes a time limit upon an insured under an insurance policy covering persons or property located in Brevard, Charlotte, Desoto, Hardee, Lake, Lee, Orange, Osceola, Polk, Sarasota, Seminole, or Volusia Counties to perform any act or transmit information or funds, which act was to have been performed between August 10, 2004, and October 15, 2004, the time limit is hereby extended to October 15, 2004. This extension of time shall not relieve a policyholder from compliance with any obligations to provide information and cooperate in the claim adjustment process with respect to the claim. No interest, penalties, or other charges shall accrue or be assessed solely as a result of the extensions required by this paragraph, but a policyholder is liable for additional premiums for any extended coverage and a policyholder may be liable for additional interest under premium financing plans with premium finance companies, insurers, or their affiliates.

(5) No cancellation or nonrenewal of a policy covering persons or property located in Brevard, Charlotte, Desoto, Hardee, Lake, Lee, Orange, Osceola, Polk, Sarasota, Seminole, or Volusia Counties may take effect between August 10, 2004, and October 15, 2004.

(6) No notice of cancellation or nonrenewal may be issued with respect to a policy covering persons or property located in Brevard, Charlotte, Desoto, Hardee, Lake, Lee, Orange, Osceola, Polk, Sarasota, Seminole, or Volusia Counties, between August 10, 2004, and October 15, 2004.

(7) A cancellation or nonrenewal may occur prior to October 15, 2004, at the written request or written concurrence of the policyholder.

(8) Except as provided in subsections (6), (7), and (12), with respect to a notice of cancellation or nonrenewal which, but for this rule, would have taken effect between August 10, 2004, and October 15, 2004, such notice is not made invalid by this rule; however:

(a) The insurer shall extend the term of the policy through October 15, 2004, or a later date specified by the insurer.

(b) The premium for the extended term of coverage shall be the appropriate pro rata portion of the premium for the entire term of the policy.

(9) No policy shall be canceled or nonrenewed solely because of a claim resulting from Hurricane Charley.

(10) An insurer's offer of replacement coverage, which is voluntarily accepted in an affiliated company, or made pursuant to a depopulation program, assumption or other arrangement approved by the Office does not constitute a nonrenewal or cancellation for purposes of this rule.

(11) Nothing in this rule applies to any policy issued or renewed on or after August 15, 2004, except that for such policies a notice of cancellation or nonrenewal may be issued between September 15, 2004, and October 15, 2004, which may only take effect at the end of the applicable notice period provided in the Insurance Code, but no sooner than October 15, 2004, but only if:

(a) The policyholder provides a signed written acknowledgement of receipt of notice of cancellation or nonrenewal to an agent or company representative; or

(b) The policyholder acknowledges receipt of the notice of cancellation or nonrenewal by providing a signature on a postal return receipt; or

(c) Such notice is in response to material misrepresentation or fraud;

(12) All notices of cancellation issued or mailed August 1, 2004, to August 10, 2004, affecting an insured located in Brevard, Charlotte, DeSoto, Hardee, Lake, Lee, Orange, Osceola, Polk, Sarasota, Seminole, and Volusia Counties, shall be withdrawn and reissued to insureds on or after October 15, 2004.

(13) Any insurer who receives a claim from an insured owing premium may offset the premium due to the insurer or a premium finance company from any claim payment made under the policy.

(14) Nothing in this rule shall be construed to exempt or excuse an insured from liability for premiums otherwise due for actual coverage provided.

(15) On or after August 10, 2004, if the contract of insurance was financed by a premium finance company, the following provisions apply:

(a) Premium finance companies will issue 10-day notices of intent to cancel and cancellation notices in accordance with the terms of the premium finance agreement signed by the insured. In addition, the premium finance company shall be responsible to obtain proof of receipt of each such notice by the insured, which may be accomplished through mailing by certified mail, return receipt requested, or through any other legally admissible method in a court of law. In addition, each such notice shall prominently contain the following statement:

"If you have been displaced through the loss of your home or damage to your home which has caused you to reside elsewhere on a temporary basis, or if you have temporarily become unemployed due to the destruction caused by Hurricane Charley, please contact this office at once.

Victims of Hurricane Charley will receive an automatic extension of time to October 15, 2004, to bring their accounts up to date and no late charges will be applied to any late payments received which were due on their accounts during the period of August 10, 2004, through October 15, 2004.

Therefore, if you are a victim of Hurricane Charley, please contact us at once at the number provided at the bottom of this notice so that we may advise you of the status of your account. If you decide that you no longer need or desire to keep the coverage provided by the insurance policy financed by your contract with us, please contact us at once so that we may instruct you on how to effect cancellation with your insurer."

(b) Upon receipt of a notice of cancellation from the premium finance company, the insurer will process the cancellation requests in accordance with current law, and in accordance with the notice provisions contained in this rule.

(c) The insurer will hold all refunds until October 15, 2004, and proceed as follows:

1. If the insurer receives notice of a claim that occurred on or before October 15, 2004, on the cancelled policy, the coverage that would have been available had the policy not been cancelled shall be extended for that claim.

2. If the premium finance company receives payment from the insured or the insured's agent on behalf of the insured to bring the account up-to-date on or before October 15, 2004, the premium finance company will send a request for reinstatement to the insurer. Upon receipt of same, the insurer will immediately reinstate the policy with no lapse in coverage.

3. No late charges shall be assessed for any insured who qualifies for protection under this emergency rule.

4. If the insurer does not receive a claim of loss on a policy for which it has received a notice of cancellation under subparagraph 1. above, nor a request for reinstatement from the premium finance company pursuant to subparagraph 2. above, the insurer will issue the return premium checks to the premium finance company no later than October 23, 2004, based upon the requested cancellation date.

(16) The Commissioner of the Office of Insurance Regulation is hereby delegated and granted temporary and limited authority for the next sixty (60) days to issue supplemental emergency rules that: narrow the scope of this rule to alleviate unintended consequences arising from the application of this rule that are consistent with the purpose, scope and intent of this rule; and to issue such emergency rules deemed necessary to address unforeseen circumstances that have arisen as the result of Hurricane Charley.

(17) The provisions of this rule shall be liberally construed to effectuate the intent and purposes expressed therein and to afford maximum consumer protection.

Specific Authority 120.54(4), 624.308, 626.9611 FS. Law Implemented 624.444, 624.488, 626.9541(1)(i), 626.9561, 627.453, 627.459, 627.470, 627.504, 627.509, 627.559, 627.566, 627.567, 627.608, 627.6085, 627.609, 627.610, 627.612, 627.646, 627.6645, 627.6675, 627.674, 627.728, 627.7281, 627.7282, 627.841, 627.848, 637.152, 637.315, 637.415, 638.125, 641.3901 FS. History—New 8-24-04.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: August 24, 2004

## DEPARTMENT OF FINANCIAL SERVICES

### Office of Insurance Regulation

RULE TITLE:

Hurricane Charley; Extension of One Life Group Enrollment; Employee Health

Care Access Act; Section 627.6699

RULE NO.:

69OER04-7

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** The Office of Insurance Regulation hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare: This emergency rule is necessitated by the damage in Southwest, Central and Northeast, Florida, rendered by Hurricane Charley, which devastated the area on August 13, 2004. Preliminary estimates indicate damages in excess of 15 billion dollars. The hurricane damage has resulted in the closing of businesses and financial institutions, the suspension of mail service, the displacement of hundreds of thousands of persons from their homes, loss of personal belongings and corresponding temporary loss of employment. The catastrophic extent of the damage has virtually eliminated the benefit of these statutes which allow insureds specific periods of time to act or respond and has greatly increased the time necessary to make repairs to dwellings, all properties, vehicles, machinery, appliances, equipment, and vessels, in Brevard, Charlotte, DeSoto, Hardee, Lake, Lee, Orange, Osceola, Polk, Sarasota, Seminole, and Volusia Counties (the "impacted counties").

The destruction of the infrastructure, the displacement of persons, and the generalized turmoil caused by Hurricane Charley as set forth above means that persons resident in the impacted counties who have a need of the benefits of the Employee Health Care Access Act, Section 627.6699, Florida Statutes, namely, affordable and accessible health coverage, will likely not be able to meet the August 31st deadline for enrolling in the plan. Failure to meet this deadline will result in such persons being uninsured and unable to enroll in the plan until the next open enrollment period, August of 2005. Given the Office's responsibility to protect the consumer, an emergency rule is necessary while permanent rulemaking is under way.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** The Office of Insurance Regulation believes that adopting an emergency rule is the fairest method to establish a procedure to minimize the damage set forth above. An Office bulletin addressed to all insurers would reach all insurers but would not be legally binding. Office responses to individual requests for information would not make the information generally available. Also immediate protection is needed to prevent further injury to these most needy of our citizens.

**SUMMARY OF THE RULE:** Emergency Rule 69OER04-7, F.A.C., extends the open enrollment period of Section 627.6699(5)(c)2., Florida Statutes, for persons resident in the

impacted counties for one month, from an closing date of August 31 to a closing date of September 30, 2004. The effective date of coverage for those who enroll during the extension period, September 1 through September 30, will be no later than November 1, 2004.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Lisa Miller, Deputy Commissioner, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0300, e-mail: millerl3@dfs.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

69OER04-7 Hurricane Charley: Extension of One Life Group Enrollment; Employee Health Care Access Act; Section 627.6699.

(1) For persons resident in Brevard, Charlotte, DeSoto, Hardee, Lake, Lee, Orange, Osceola, Polk, Sarasota, Seminole, and Volusia Counties, which are subject to a state of emergency due to Hurricane Charley, the open enrollment period applicable to the Employee Health Care Access Act as set forth in Section 627.6699, Florida Statutes, is extended for one month. The open enrollment period for 2004 under this emergency rule will be August 1 through September 30, 2004. The effective date of coverage for those enrolling in the extension period, September 1 through September 30, 2004, will be no later than November 1, 2004.

(2) This rule shall be effective until November 15, 2004.

Specific Authority 627.6699(16),120.54(4), 624.308 FS. Law Implemented 627.6699(5) FS. History--New 8-24-04.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: August 24, 2004

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF EDUCATION

The Commission for Independent Education hereby gives notice that it has received a petition filed on June 15, 2004, on behalf of National Bartenders, Casino Games and Hospitality School, License No. 2023. The petitioner seeks a waiver from subsection 6E-2.004(6), Florida Administrative Code, with regard to the requirement to provide an annual review by an Independent Certified Public Accountant as a condition of approval.

Comments on this petition should be filed with the Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301, within 14 days of publication of this notice.

For a copy of the petition, contact: Samuel L. Ferguson, Executive Director, at above address or telephone (850)245-3200.

The Commission for Independent Education hereby gives notice that it has received a petition filed on June 15, 2004, on behalf of National Bartenders, Casino Games and Hospitality School, License No. 2824. The petitioner seeks a waiver from subsection 6E-2.004(6), Florida Administrative Code, with regard to the requirement to provide an annual review by an Independent Certified Public Accountant as a condition of approval.

Comments on this petition should be filed with the Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301, within 14 days of publication of this notice.

For a copy of the petition, contact: Samuel L. Ferguson, Executive Director, at above address or telephone (850)245-3200.

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

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

### PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that on August 17, 2004, Sprint-Florida, Incorporated filed a request for a waiver to implement a tariff designed to assist customers impacted by Hurricane Charley, Docket No. 040864-TL. Sprint requested expedited consideration of its request, as well as waiver of the notice period to implement the tariff immediately. Due to the exigent circumstances, the request was taken up at the Commission's August 17, 2004, Agenda Conference. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the notice period requirement would create substantial hardship to Sprint and those customers impacted by the hurricane.

A copy of the Order can be obtained from: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

### WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on August 23, 2004, South Florida Water Management District (District) received a petition for waiver from the Florida Department of



Transportation, Application No. 04-0823-2M, for utilization of Works or Lands of the District known as the C-4 Canal, Miami-Dade County, for the placement of two proposed traffic signal mast poles/arms to be located within the south right of way of C-4 approximately 30 feet east and 45 feet west, respectively of the S. W. 107th Avenue Bridge, Section 5, Township 54 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4) and (6) which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of the canal bank and paragraph 40E-6.221(2)(j), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground structures within 100 feet upstream/downstream of pile-supported facilities designated as the District's equipment staging area within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299, e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on August 17, 2004, the Division of Hotels and Restaurants received a Petition for Routine Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code from Baytown Village Deli located in Sandestin. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. They are requesting a variance to not add a bathroom facility for customer or employee access, instead use facilities that are approximately 180 feet from the proposed facility.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on August 20, 2004, the Division of Hotels and Restaurants received a Petition for Routine Variance for subsection 61C-4.010(7), Florida Administrative Code from World Café located in Orlando. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public

bathroom for each sex, properly designated.... They are requesting a variance to use central bathrooms instead of adding bathroom facilities to the proposed establishment.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on August 23, 2004, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-4.010(7)(d), Florida Administrative Code from Busch Entertainment – Adventure Island located in Tampa. The above referenced F.A.C. states public food service establishments located within theme parks and entertainment complexes may utilize centrally located bathroom facilities accessible to patrons of the establishments in the theme park or entertainment complex provided the bathrooms are of accessible means within 300 feet of each establishment. They are requesting a variance to not exceed the 300 feet limitation as stipulated by Rule.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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#### **DEPARTMENT OF HEALTH**

The Board of Acupuncture hereby gives notice that it has received a petition, filed on August 16, 2004, from Arthur Teubner seeking a waiver of subsections 64B1-3.010(4) and 64B1-4.0011(1), F.A.C., with respect to documentation necessary for licensure by endorsement.

Comments on this petition should be filed with: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399.

For a copy of the petition, contact: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

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The Board of Medicine hereby gives notice that it has received a petition filed on August 19, 2004, by Trudi Griffio, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN that the Board of Orthotists and Prosthetists issued a Notice of Intent to Deny, Order on August 11, 2004 in response to a petition for a waiver filed by Vicki Flesher. Petitioner sought a waiver of Rule 64B14-4.003, Florida Administrative Code, with respect to licensure requirements as an orthotic fitter assistant for two (2) years prior to licensure as an orthotic fitter.

The Board found the Petitioner did not meet the requirements of Section 120.542(2), F.S. and thereby voted to DENY Petitioner's request for a waiver.

For a copy of the petition, contact: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN that the Board of Orthotists and Prosthetists issued a Notice of Intent to Deny, Order on August 11, 2004 in response to a petition for a waiver filed by Yuriy Davidovich Elimelakh. Petitioner sought a waiver of paragraph 64B14-4.003(2)(c), Florida Administrative Code, with respect to documentation of the licensure requirement of two years of experience as an orthotic fitter assistant, as a condition of licensure as an orthotic fitter in the State of Florida.

The Board found the Petitioner did not meet the requirements of Section 120.542(2), F.S., and thereby voted to DENY Petitioner's request for a waiver.

For a copy of the petition, contact: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399.

### Section VI

## Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs

- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: September 21, 2004, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the following monthly public meeting of the Pesticide Registration Evaluation Committee to which all interested persons are invited.

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

**PLACE:** Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Bldg. 6, Rm. 606, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

**CONTACT:** Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Bldg. 6, Rm. 601, Tallahassee, Florida 32399-1650, (850)487-2130.

A copy of the meeting agenda may be obtained by contacting: Pesticide Registration Section, (850)487-2130, PREC Web Site: [http://www.flaes.org/Pesticide/REG\\_PREC.htm](http://www.flaes.org/Pesticide/REG_PREC.htm).

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## DEPARTMENT OF EDUCATION

The Florida **Department of Education** announces the following public meeting of the DOE/General Managers of the Florida Public Broadcasting Network to which all persons are invited:

**DATE AND TIME:** Tuesday, September 14, 2004, 8:30 a.m.

**PLACE:** WEDU-TV, Tampa, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General business related to the administrative services provided by the Department of Education to the Public Broadcasting stations in Florida.

**FOR ADDITIONAL INFORMATION, CONTACT:** Ashley Roseborough, (850)245-0516, e-mail: [Ashley.Roseborough@fldoe.org](mailto:Ashley.Roseborough@fldoe.org).

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The **University of South Florida**, Lawton and Rhea Chiles Center for Healthy Mothers and Babies announces the Covering Kids and Families Statewide Coalition Process Improvement subcommittee conference call meeting to which all persons are invited to participate.

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

PLACE: For conference call-in information contact Jodi Ray, Project Director, (813)974-3143

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items to be discussed included: Medicaid transfer policies, hospital partnerships, renewal request process, and retention.

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The **University of South Florida**, Lawton and Rhea Chiles Center for Healthy Mothers and Babies announces the Covering Kids and Families Statewide Coalition Meeting which all persons are invited to participate.

DATE AND TIME: Tuesday, September 21, 2004, 9:45 a.m.

PLACE: For information contact Jodi Ray, Project Director, (813)974-3143

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items to be discussed included: National Program Office presentation, future initiatives, Southern Regional update, Medicaid transfer policies, hospital partnerships, renewal request process, and retention.

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The Florida **Charter School Review Panel** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 16, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: Spanish Academy Charter School, 447 NW Spanish River Road, Boca Raton, Florida 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Review Panel will discuss issues, rules, policies and procedures, laws and recent developments relevant to Florida charter schools.

An agenda will be available one week prior to the meeting. To obtain a copy of the agenda, please call or write: Cynthia D. Morani, Esq., Florida Charter School Legal Resource Center, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-6044.

SPECIAL ACCOMMODATION: Persons with disabilities who require assistance to participate in this meeting should contact the Florida Charter School Legal Resource Center, at the above address or telephone number.

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The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, September 25, 2004, 9:00 a.m.

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind, including Rule Development workshop on Rules 6D-12.002 Campus Security/Police Department, and Rule 6D-16.002 Human Resources Management and Development.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he 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.

Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

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The **Commission for Independent Education** announces meetings to which all persons are invited.

DATE AND TIMES: Monday, September 13, 2004, 10:00 a.m.; Rules Committee meeting, Health Science Curriculum Committee meeting to follow; 4:00 p.m. – Commission meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the Rules Committee and the Health Science Curriculum Committee and to conduct the general business of the Commission, informal hearings and licensure.

DATE AND TIME: September 14, 2004, 9:00 a.m. – Commission meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Commission including discipline, licensure, licensure extensions, motions, and committee reports.

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, Florida 32822

Any person who decides to appeal a decision of the Commission with respect to any matter considered at this meeting or hearing 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 based.

A copy of the agenda may be obtained by writing: Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301.

Any person requiring a special accommodation for this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)388-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Commissioner of Education** would like to announce the second meeting of the Career Education Study Task Force to which all interested persons are invited. This meeting was previously scheduled on August 12, 2004, but had to be cancelled due to Tropical Storm Bonnie.

DATE AND TIME: September 9, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: Broward Community College, Central Campus Library, Room 146, 3501 Davie Road, Davie, FL 33314

Nearby Hotels: Comfort Suites (.58 miles from campus), 2540 Davie Road, (954)585-7071; Best Western Rolling Hills Resort (1.57 miles from campus), 3501 W. Rolling Hills Circle, (954)475-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Introductions and background information for the Task Force, discussions on articulation, guidance and general business of the Task Force.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Bonnie Marmor, (850)245-9469, at least five calendar days prior to the meeting.

If unable to attend the meeting, the public may call in from 9:00 a.m. – 4:00 p.m.

Upcoming Meetings:

- September 30th – Tallahassee

The **Florida Rehabilitation Council** announces the following meeting:

Florida Rehabilitation Council Meeting/Conference Call Schedule

MEETING: Public Awareness Meeting

DATE AND TIME: September 9, 2004, 8:00 a.m. – 5:00 p.m.

MEETING: All Committee Meetings (Evaluation, Coordination, Planning, Public Awareness, Outreach, Executive)

DATE AND TIME: September 10, 2004, 8:00 a.m. – 5:00 p.m.

MEETING: Mental Health/Coord. Committee Meeting

DATE AND TIME: September 24, 2004, 8:00 a.m. – 5:00 p.m.

MEETING: Executive Committee Conference Call

DATE AND TIME: September 28, 2004, 10:00 a.m. – 12:00 Noon

MEETING: FRC Quarterly Meeting

DATES AND TIME: October 25-28, 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, 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.

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)

#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs**, Weatherization Assistance Program (WAP) and the Weatherization-Low Income Home Energy Assistance Program (WAP-LIHEAP) announces a public hearing to which all interested parties are invited.

DATE AND TIME: September 13, 2004, 1:30 p.m.

PLACE: Indian River County Administrative Building, Commissioner Chambers, 1840 25th Street, Vero Beach, Florida 32960

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking public or nonprofit entities to administer the Weatherization Assistance Program (WAP) and the Weatherization-Low Income Home Energy Assistance Program (WAP-LIHEAP) in Indian River County. Entities interested in contracting with DCA to provide all or part of these services should be present at this public hearing in order to be informed of the qualifications and application requirements. Selection of an entity will be based on the entities' experience and performance in weatherization or housing renovation activities, and in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective weatherization program. Preferences will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering an effective DCA funded Weatherization Assistance Program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; (4) the

ability of the entity to secure volunteers, train participants and public service employment workers; and (5) maintain compliance with administration and financial management requirements.

**ACTIONS TO BE TAKEN:** The DCA will review all comments received at the public hearing and the submitted applications, and make a decision regarding each entity's eligibility to provide Weatherization Assistance Program services to Indian River County. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary.

**ADDITIONAL INFORMATION:** Requests for additional information or questions may be addressed to: Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488.

**APPEALS INFORMATION:** If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a formal record of the proceeding, and for such purposes he or she 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 to be made.

Anyone who wants a copy of the agenda or additional information on this hearing may write or call: Mr. Norm Gempel, Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement**, Missing Children Information Clearinghouse Advisory Board announces a public meeting to which all persons are invited.

##### QUARTERLY MCIC ADVISORY BOARD MEETING

**DATE AND TIME:** Monday, September 13, 2004, 1:00 p.m.

**PLACE:** 117 Knott Building, 400 South Monroe Street, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** A meeting, for the purpose of notice herein, is limited to a gathering for the purpose of conducting public business by members of a collegial body constituting the agency head.

A copy of the agenda may be obtained by writing: Gwen Johnson, Missing Children Information Clearinghouse, The Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302.

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The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Thursday, September 16, 2004, 1:00 p.m. – 5:00 p.m.; Friday, September 17, 2004, 8:30 a.m. – 3:00 p.m.

**PLACE:** The meeting will take place at the Sandestin Golf and Beach Resort (Bayside Inn), Bayside Ballroom (Salons E and F), 9300 Emerald Coast Parkway West, Sandestin, Florida 32550-7268, 1(800)320-8115.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Violent Crime and Drug Control Council and any other interested individuals will meet to hear presentations and discuss issues relating to violent crime, and multi-agency or statewide drug control or illicit money laundering investigative or task force efforts.

A copy of the agenda may be obtained by writing: Government Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Investigations and Forensic Science Services, Office of Statewide Intelligence, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-7096.

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Persons needing an accommodation to participate in any proceeding should call (850)410-7900, (Voice) or (850)656-9597, (TDD), at least five working days before such proceeding.

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#### DEPARTMENT OF TRANSPORTATION

The Florida **Scenic Highways Program** announces a Scenic Highways Advisory Committee meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, October 5, 2004, 1:30 p.m. – 4:00 p.m.

**PLACE:** Rhyne Building, Room 330, 2740 Centerview Drive, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the meeting is to review and provide a recommendation regarding the Ridge Scenic Highway Designation Application, the Suncoast Scenic Parkway Eligibility Application, and the Ormond by the Sea Eligibility Application.

**SPECIAL ACCOMMODATIONS:** Special accommodation requests should be made at least seven days prior to the meeting.

INFORMATION: Contact: Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450, (850)410-5894, e-mail: mariano.berrios@dot.state.fl.us, Fax (850)410-5808.

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

Notice is hereby given that the **Board of Trustees of the Internal Improvement Trust Fund** of the State of Florida, or designee, is proposing the establishment of an Erosion Control Line, pursuant to Section 161.161, Florida Statutes, and will hold a Public Hearing to which all interested persons are invited.

DATE AND TIME: September 15, 2004, 11:00 a.m.

PLACE: St. Pete Beach City Hall, 155 Corey Avenue, St. Pete Beach, Florida 33706

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purpose of considering evidence bearing on the location of a proposed Erosion Control Line for the beach erosion control project known as Upham Beach. The location of the proposed Erosion Control Line is as follows:

The proposed Erosion Control Line lies along

Long Key fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in Section 36, Township 31 South, Range 15 East, Pinellas County, FL.

Written objections to, or inquires regarding, the proposed Erosion Control Line should be submitted to the Bureau of Beaches and Coastal Systems, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, prior to the date mentioned above. The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida reserves the right to deny establishment of the Erosion Control Line.

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

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### **STATE BOARD OF ADMINISTRATION**

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 17, 2004, 10:00 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 State Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under Section 215.444 of the Florida Statutes.

A copy of the agenda may be obtained by writing: State Board of Administration, Attention: Diane Bruce, 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308, (850)413-1253.

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.

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### **DEPARTMENT OF CITRUS**

The **Department of Citrus** announces a public workshop to which all interested persons are invited.

DATE AND TIME: September 2, 2004, 2:00 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is designed to inform the Florida Citrus Commission on the background and current status of the commercialization process for abscission compounds. The importance of an abscission agent to the Florida citrus industry and a review of projected timelines and costs for the registration process will also be discussed.

A copy of the agenda may be obtained by contacting: Robin Bryant, (863)295-5950.

In accordance with the American Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Bill Jones at the above address or by telephone, (863)499-2500.

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### **FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 22, 2004, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

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#### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 030829-TP – Complaint of Florida Digital Network, Inc. d/b/a FDN Communications against BellSouth Telecommunications, Inc. for resolution of certain billing disputes and enforcement of unbundled network element (UNE) orders and interconnection agreements.

DATE AND TIME: September 14, 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 a Commissioner rule development workshop to be held on Rule No. 24-4.0665, F.A.C., (Docket No. 040451-TP) Lifeline Service, at the following time and place.

DATE AND TIME: Monday, September 20, 2004, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0862

The Notice of Proposed Rule Development was published in the July 30, 2004, Florida Administrative Weekly, Vol. 30, No. 31.

A copy of the agenda for this workshop will be distributed on or before September 13, 2004. If you have any questions in regard to this workshop, please contact: Samantha Cibula,

Appeals, Rules and Mediation Section, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6202.

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

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The Florida **Public Service Commission** announces a Commission workshop to which all persons are invited.

UNDOCKETED MATTER: Review of Ten-Year Site Plans of electric utilities.

DATE AND TIME: Monday, September 20, 2004, 2:00 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to afford an opportunity for public comment on the ten-year site plans submitted by Florida's electric utilities. At the workshop, the Florida Reliability Coordinating Council will present the Peninsular Florida Regional Load and Resource Plan. The utilities who filed ten-year site plans will be present to answer questions pertaining to their plans. Note that the workshop previously scheduled for August 19, 2004, was cancelled, and was rescheduled to the above date due to Hurricane Charley.

A copy of the agenda for this workshop may be obtained by writing: Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. Any person with questions concerning this workshop should contact: Michael Haff, (850)413-6684.

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

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The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: September 21, 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: Tuesday, September 21, 2004, immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 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 hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 031047-TP – Petition of KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for arbitration of interconnection agreement with Sprint-Florida, Incorporated.

DATE AND TIME: September 22, 2004, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the petition of KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for arbitration of interconnection agreement with Sprint-Florida, Incorporated, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on August 30, 2004. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 030623-EI – Complaints by Ocean Properties, Ltd., J.C. Penney Corp., Target Stores, Inc., and Dillard's Department Stores, Inc. against Florida Power & Light Company concerning thermal demand meter error.

DATE AND TIME: September 23, 2004, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the complaints by Ocean Properties, Ltd., J.C. Penney Corp., Target Stores, Inc., and Dillard's Department Stores, Inc. against Florida Power & Light Company concerning thermal demand meter error., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on August 30, 2004. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces the rescheduling of a prehearing and hearing from August 30, 2004 (prehearing), and September 10, 2004 (hearing) in:

Docket No. 031125-TP – Complaint against BellSouth Telecommunications, Inc. for alleged overbilling and discontinuance of service, and petition for emergency order restoring service, by IDS Telecom LLC.

**PREHEARING**

DATE AND TIME: November 24, 2004, 9:30 a.m.

PLACE: Commission Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**HEARING**

DATE AND TIME: December 3, 2004, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**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: Monday, September 13, 2004, 1:30 p.m. – 5:30 p.m.

PLACE: Cummer Museum of Art and Gardens, 829 Riverside Avenue, Jacksonville, FL 32204, (904)356-6857

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general administrative matters of the Advisory Council.

A copy of the agenda may be obtained by writing: Kasey Hoy, Executive Assistant, the Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Suite 2002, The Capitol, Tallahassee, Florida 32399-0001, (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 **Executive Office of the Governor**, Office of Policy and Budget announces a series of public hearings, to which all interested persons are invited.

The times and locations are provided below for each policy area/agency:

Health and Human Services (Agency for Health Care Administration, Department of Children and Families, Department of Elder Affairs, Department of Health, and Department of Veterans' Affairs)

DATE AND TIME: Wednesday, September 15, 2004, 1:00 p.m. – 3:30 p.m.

PLACE: Room 117, Knott Building, Tallahassee, FL

Environmental (Department of Agriculture and Consumer Services, Department of Citrus, Department of Environmental Protection, and Fish and Wildlife Conservation Commission)

DATE AND TIME: Wednesday, September 15, 2004, 3:30 p.m. – 5:00 p.m.

PLACE: Room 117, Knott Building, Tallahassee, FL

Public Safety (Department of Corrections, Department of Highway Safety and Motor Vehicles, Department of Juvenile Justice, Department of Law Enforcement, Department of Legal Affairs, Department of Military Affairs, Justice Administration Commission, and Parole Commission)

DATE AND TIME: Wednesday, September 15, 2004, 1:00 p.m. – 4:00 p.m.

PLACE: Room 116, Knott Building, Tallahassee, FL

Education (Department of Education)

DATE AND TIME: Wednesday, September 15, 2004, 4:00 p.m. – 5:00 p.m.

PLACE: Room 116, Knott Building, Tallahassee, FL

Transportation, Economic Development and General Government (Agency for Workforce Innovation, Department of Business and Professional Regulation, Department of Community Affairs, Housing Finance Corporation, Department of Financial Services, Department of Lottery, Department of Management Services, Department of Revenue, Department of State, Department of Transportation, Executive Office of the Governor, and Public Service Commission)

DATE AND TIME: Wednesday, September 15, 2004, 1:00 p.m. – 5:00 p.m.

PLACE: Room 2103, Capitol Building, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Representatives from the departments listed below will present an overview of the agency's Legislative Budget Request for Fiscal Year 2005-2006, and Long-Range Program Plan for Fiscal Year 2005-2006 through Fiscal Year 2009-2010, and will be available for public questions and comments.

Written comments may be submitted to the representatives of the Office of Policy and Budget at the proceeding or mailed to the Executive Office of the Governor, Office of Policy and Budget, 1702 The Capitol, Tallahassee, Florida 32399-0001, by September 14, 2004.

The **Governor's Haiti Advisory Group** announces the following meetings via Conference Call to which all interested parties are invited to participate.

DATES AND TIME: Friday, September 10, 2004; Monday, September 13, 2004; Tuesday, September 14, 2004, 4:00 p.m.

PLACE: Toll Free Dial-In Number 1(800)377-4273

NOTE: These calls will take place on an as needed basis.

GENERAL SUBJECT MATTER TO BE DISCUSSED: The newly formed Advisory Group will discuss organizational plans for future meetings regarding its recommendations on critical needs for the reconstruction of Haiti.

For additional information, please contact: Michael Pilver, Executive Office of the Governor, (850)487-2568.

Any person requiring special accommodations due to a disability or physical impairment should contact the Governor's Office at least five days prior to the meeting in order to request any special assistance by calling (850)487-2568.

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#### REGIONAL PLANNING COUNCILS

The **Withlacoochee Regional Planning Council** announces a meeting of its Executive Committee.

DATE AND TIME: Thursday, September 16, 2004, 6:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Director's annual performance evaluation.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council at 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, September 16, 2004, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council at 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 24, 2004, 10:00 a.m.

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751 (Please call (407)623-1075, Ext. 335, to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting of the Local Emergency Planning Committee, District VI, rescheduled from being cancelled last month.

A copy of the agenda may be obtained by writing: Ms. Teri Hunalp, LEPC Coordinator, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: September 16, 2004, 9:30 a.m.

PLACE: SWFRPC Offices, Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by writing: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455, e-mail: dburr@swfrpc.org, website: www.swfrpc.org.

Please note that if a person decides to appeal any decision made by the Council 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, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. David Burr, (239)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Burr using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: September 17, 2004, 9:30 a.m.

PLACE: Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of 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 indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

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The **Treasure Coast Regional Planning Council** announces a meeting of the Florida District X, Local Emergency Planning Committee to which all persons are invited.

DATE AND TIME: September 23, 2004, 10:00 a.m.

PLACE: Martin County Administrative Building, 2401 S. E. Monterey Road, 4th Floor Conference Room, Stuart, FL 34996

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council 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 indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

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#### **WATER MANAGEMENT DISTRICTS**

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: September 14, 2004, 3:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters; Public hearing in accordance with Section 373.59, F.S., concerning the proposed purchase of the Drummond/Chiefland Wellfield Tract, 160 acres in Levy County, Florida; A Public hearing is being held to offer interested persons the opportunity to provide comments concerning the annual revision and changes to the District's Florida Forever Work Plan.

DATE AND TIME: September 14, 2004, following the Board Meeting

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Public Hearing on FY 2004-2005 budget and proposed millage rate.

A copy of the agenda(s) may be obtained by writing: Lisa M. Cheshire, Adm./Board Coordinator, SRWMD, 9225 CR 49, Live Oak, Florida 32060. A copy of the 2005 Florida Forever Work Plan may be obtained by writing: Gwendolyn Lord, Administrative Assistant.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa M. Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

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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 TENTATIVE BUDGET HEARING

DATE AND TIME: Tuesday, September 9, 2003, 5:01 p.m.

PLACE: SWFWMD Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board adoption of tentative millage rate and budget for FY2004.

GOVERNING AND BASIN BOARD'S WORKSHOP (Note: This meeting, which was scheduled for Friday, September 12, 2003 on the published year-long calendar, has been rescheduled for Friday, November 14, 2003. An agenda will be distributed at a later date.)

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 **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting to which all interested persons are invited:

CITRUS COUNTY TSALA-APOPKA CHAIN OF LAKES TASK FORCE OF THE CITRUS/HERNANDO WATERWAYS RESTORATION COUNCIL

DATE AND TIME: Monday, September 13, 2004, 2:00 p.m.

PLACE: Citrus County Commission Chambers, Citrus County Court House, 110 North Apopka Avenue, Inverness, Florida 34450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Task Force business.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida) or (352)796-7211, Extension 4226, Fax (352)797-5806, TDD ONLY 1(800)231-6103 (Florida).

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, September 22, 2004, 8:30 a.m. – 4:00 p.m. or until completion

PLACE: Fairchild Tropical Garden, Garden House, 10901 Old Cutler Road, Coral Gables, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Lower East Coast Regional Water Supply Plan meeting to discuss water issues.

A copy of the agenda may be obtained at the (1) District Website ([www.sfwmd.gov/gover/wrac/agendas.html](http://www.sfwmd.gov/gover/wrac/agendas.html)) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-6297, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information please contact: Rick Smith, WRAC Facilitator, District Headquarters, 3301 Gun Club Road, Mail Stop Code, 1130 West Palm Beach, FL 33406, (561)682-6517.

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The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: September 22, 2004, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD budget and finance-related matters.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6260, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or wishing to submit written or physical evidence may contact: Marcie Daniel, Budget Division, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6469.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, September 29, 2004, 10:00 a.m. – completed

PLACE: Riverside Community Center, 3061 East Riverside Drive, Ft. Myers, FL 33916

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the Lower West Coast Water Supply Plan.

A copy of the agenda may be obtained by writing: District Clerk at South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Linda Hoppes, District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-2213.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, October 7, 2004, 8:30 a.m.

PLACE: Sanibel Harbour Hotel, 17260 Harbour Pointe Drive, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Monthly Meeting.

A copy of the agenda may be obtained at the (1) District Website [www.sfwmd.gov/gover/wrac/agendas.html](http://www.sfwmd.gov/gover/wrac/agendas.html) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Rick Smith, WRAC Facilitator, Governing Board and Executive Services Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

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**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces a Business Meeting to which all persons are invited.

DATE AND TIME: Friday, September 10, 2004, 9:00 a.m. – completion

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Medicaid allocations, receive updates on Medicaid, clarify data submitted by providers, and other business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

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**REGIONAL UTILITY AUTHORITIES**

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular September monthly board meeting as scheduled. This is a public meeting to which all persons are invited:

DATE AND TIME: September 15, 2004, 4:30 p.m.

PLACE: City Commission Chambers, City Hall, 151 S. E. Osceola Ave., 2nd Floor, Ocala, Florida 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

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**SPACEPORT FLORIDA AUTHORITY**

The **Florida Space Authority** announces a Board of Supervisors meeting to which the public is invited.

DATE AND TIME: September 17, 2004, 9:00 a.m. – 11:30 a.m. (EDT)

PLACE: Florida Space Authority Conference Center, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will discuss the status of Authority programs in the areas of business development, space transportation and planning, construction and facilities, education, policy coordination and any other administrative issues that may need to be considered relating to the business of the Authority and other state agencies.

For more information, contact: Margo Witcher, (321)730-5301, Ext. 1105.

To obtain a copy of the agenda, write: Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003, visit the website: [www.floridaspaceauthority.com](http://www.floridaspaceauthority.com).

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Florida Space Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces the following meeting of the District 10, Managed Care Ombudsman Committee to which all interested parties are invited.

DATE AND TIME: September 8, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Nova Southeastern University, The Terry Building, The Physical Therapy Faculty Lounge, Room 128, 3200 S. University Drive, Fort Lauderdale, FL 22214

NOTE: For directions to these locations please go to the following internet website: [www.mapquest.com](http://www.mapquest.com) and enter above address.

GENERAL SUBJECT MATTER TO BE CONSIDERED: District meeting.

Any persons requiring a special accommodation at this meeting because of a disability or physical impairment should contact us, (850)921-5458, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Attention: Nancy Radke, Agency for Health Care Administration, Bureau of Managed Care, 2727 Mahan Drive, Building 1, Room 339, Tallahassee, Florida 32308.

The **Agency for Health Care Administration** announces a teleconference meeting of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Wednesday, September 15, 2004, 1:00 p.m.

PLACE: To participate, telephone (850)921-6623 or Suncom 291-6623

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at [www.fdhc.state.fl.us/dhit/index.shtml](http://www.fdhc.state.fl.us/dhit/index.shtml) seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christopher Sullivan, (850)414-5421, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Christopher Sullivan, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

The **Agency for Health Care Administration** will hold an Advocacy and Consumer Workgroup meeting to which all interested persons are invited.

DATE AND TIME: September 17, 2004, 2:00 p.m. – 4:00 p.m.

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

The anticipated agenda includes the following topics: Update on Medicaid HMO contract provisions. Please contact Darlene McDonald, (850)922-5380, if you have any questions or any recommendations for agenda items.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meeting to be held, which all persons are invited to attend.

DATE AND TIME: October 4, 2004, 9:00 a.m. Eastern Time

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

DATE AND TIME: October 5, 2004, 9:00 a.m. Eastern Time

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

PLACE: DoubleTree Grand Key Resort, 3990 S. Roosevelt Blvd, Key West, FL 33040; 1(888)310-1540 (toll free) or (305)293-1818.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, October 13, 2004, 2:00 p.m., Thursday, October 14, 2004, 8:00 a.m.; Friday, October 15, 2004, 8:00 a.m.

PLACE: Hilton Cocoa Beach Oceanfront, 1550 North Atlantic Avenue (A1A), Cocoa Beach, FL 32931

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings 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 and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD), 1(800)955-8770 (Voice).

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The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, November 10, 2004, 2:00 p.m.; Thursday, November 11, 2004, 8:00 a.m.; Friday, November 12, 2004, 8:00 a.m.

PLACE: Hilton Long Boat Key, 4711 Gulf of Mexico Drive, Long Boat Key, FL 34228

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings 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 and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD), 1(800)955-8770 (Voice).

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The **Department of Business and Professional Regulation** announces a public meeting of the Florida **Board of Cosmetology** to which all persons are invited to participate.

DATE AND TIME: Sunday, October 10, 2004, 10:00 a.m.

PLACE: Marriott Tampa Westshore, 1001 North Westshore Boulevard, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, 1940 North Monroe Street, Suite #60, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Funeral Directors and Embalmers** announces the following meeting, to which all persons are invited to attend.

DATE AND TIME: November 9, 2004, 1:00 p.m. (Eastern Time)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance Committee, Rules Committee and General Business, followed by Probable Cause Panel Meeting which portions may be closed to the public.

DATE AND TIME: November 10, 2004, 9:00 a.m. (Eastern Time)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

PLACE: Sheraton Suites Tampa Airport, 4400 West Cypress Street, Tampa, FL 33607, (813)873-8675 or 1(800)325-3535 (toll free).

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).



The Florida **Board of Professional Engineers** announces a conference call of the Unlicensed Activity committee to which all persons are invited:

DATE AND TIME: Friday, September 10, 2004, 10:00 a.m. – conclusion

PLACE: Conference Call Number 1(800)955-9331

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the costs and scope of Phase II.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal a decision made by the Corporation 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: Paul Martin, (850)521-0500.

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The Florida **Engineers Management Corporation** announces a public telephone conference call and meeting of the Board Operations Committee to which all persons are invited:

DATE AND TIME: Wednesday, September 15, 2004, 2:00 p.m.

PLACE: Conference Call Number 1(800)955-9331

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Corporation, upon conclusion Board Operations Committee will have a meeting.

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: Paul Martin, (850)521-0500.

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The **Florida Real Estate Commission** (FREC) announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, September 14, 2004, 8:30 a.m.; reconvening Wednesday, September 15, 2004, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Probable Cause Panel of the Florida **Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: September 15, 2004, 2:30 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 21, 2004, 10:00 a.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Mobile Home Relocation Corporation** announces a meeting of its Board of Directors to consider mobile home applications for compensation and relocation due to eviction as a result of land use change.

DATE AND TIME: Monday, September 20, 2004, 9:00 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL 22760

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in the use of the land, and such other business as may come before the board. A schedule for the next meeting will be determined.

Additional information may be obtained by contacting: Connie Prince, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317, 1(888)862-7010.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Florida **Emergency Medical Services Advisory Council** Committees, Constituency Groups, Florida Emergency Medical Services for Children Advisory Committee and the Florida Emergency Medical Advisory Council will hold their quarterly meetings.

DATES AND TIMES: October 13, 2004, 8:00 a.m. – 6:00 p.m.; October 14, 2004, 8:00 a.m. – 6:00 p.m.; October 15, 2004, 8:00 a.m. – 2:00 p.m.

PLACE: Hawk’s Cay Resort, 61 Hawk’s Cay Blvd., Duck Key, FL 33050-3756, (305)743-3756

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council.

A schedule of meetings or an agenda may be obtained by contacting: Desi Lassiter, Bureau of Emergency Medical Services, (850)245-4055.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4055, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write: Desi Lassiter, 4052 Bald Cypress Way, Bin #C18 (HEMS), Tallahassee, Florida 32399-1738, (850)245-4055.

The **Board of Acupuncture** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, September 17, 2004, 9:00 a.m. or soon thereafter

PLACE: Renaissance Hotel, 4200 West Columbus Drive, Tampa, Florida 33607, (813)877-9200

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Acupuncture, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Dentistry** hereby gives notice that a public workshop for the purposes of rule development on Rule 64B5-7.0035, F.A.C., will be held at the date, time and place listed below:

DATE AND TIME: September 18, 2004, 8:00 am. or shortly thereafter

PLACE: The Hilton University of Florida Conference Center, 1714 S. W. 34th Street, Gainesville, FL 32607, (352)371-3600

A notice of rule development was published in Vol. 30, No. 30, of the July 23, 2004, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Massage** will hold the following meeting via telephone conference call to which all persons are invited:

DATE AND TIME: Friday, September 24, 2004, 1:00 p.m. or shortly thereafter

PLACE: Meet-Me number (850)487-8540, Suncom 277-8540

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ronda Bryan using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: September 10, 2004, 2:00 p.m.

PLACE: Meet Me Number (850)413-9245

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

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The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: September 17, 2004, 2:00 p.m.

PLACE: Meet Me Number (850)922-7892, Suncom Number 292-7892

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

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The Florida **Board of Medicine** and **Board of Osteopathic Medicine**, Anesthesiologist Assistant Committee announces a telephone conference call to be held via meet me number.

DATE AND TIME: Tuesday, September 21, 2004, 12:00 Noon  
PLACE: Contact Florida Board of Medicine, (850)245-4131 or access the web site: [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa) 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**, Rules/Legislative Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, September 30, 2004, 5:00 p.m.  
PLACE: Omni Colonnade, 180 Aragon Avenue, Coral Gables, FL 33134, (305)441-2600

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 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 Nursing**, North Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: September 13, 2004, 5:30 p.m.  
PLACE: Department of Health, Tallahassee, FL Meet Me Number (850)921-5510

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 at (850)245-4125 at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board Office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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The **Board of Nursing**, Central Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: September 22, 2004, 6:00 p.m.  
PLACE: Department of Health, Tallahassee, FL, Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board Office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Department of Health** announces a meeting of the Research Review and Advisory Committee of the Bureau of Onsite Sewage Programs to which all persons are invited.

DATE AND TIME: September 16, 2004, 9:30 a.m.

PLACE: This meeting will be conducted via telephone conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed and current research projects, including review and comment on the final report of the "Karst Study" of groundwater at onsite sewage treatment and disposal sites in Manatee Springs State Park.

A copy of the agenda and the call-in phone numbers may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, e-mail: Susan\_Polangin@doh.state.fl.us.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Susan Polangin, (850)245-4070, at least one week prior to the meeting.

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

Executive Committee

DATE AND TIME: September 8, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Clem C. Benton Bldg., Room 327-D, 337 N. US Hwy #1, Ft. Pierce, FL 34950

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4178

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

ALLIANCE MEETING

DATE AND TIME: September 24, 2004, 8:30 a.m. – 10:30 a.m.

PLACE: Department of Health, 5150 N. W. Milner Drive, Port St. Lucie, FL 34983

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4178

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Program Committee

DATE AND TIME: Monday, September 13, 2004, 1:00 p.m. – 3:00 p.m.

PLACE: Via conference call at 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: hrodriguez@ounce.org.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

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The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Policy Committee

DATE AND TIME: Thursday, September 16, 2004, 2:00 p.m. – 4:00 p.m.

PLACE: Via conference call at 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: hrodriguez@ounce.org.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

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**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, September 10, 2004, 4:00 p.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, with the First Public Hearing at 5:01 p.m. on the proposed budget for FY2004/2005.

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.

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** has scheduled a public meeting. This notice announces the date, time and place of that meeting to which all interested persons are invited:

DATES AND TIME: September 22-24, 2004, 8:30 a.m. each day

PLACE: St. Petersburg Hilton, 333 First Street, South, St. Petersburg, Florida 33701-4342

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

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

LEGAL AUTHORITY: Article IV, Section 9, Florida Constitution.

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The **Fish and Wildlife Conservation Commission** announces a public meeting of the Blue Crab Advisory Board, to which all interested persons are invited:

DATES AND TIMES: September 20, 2004, 1:00 p.m. – 5:00 p.m.; September 21, 2004, 8:00 a.m. – 5:00 p.m.

PLACE: Hilton-Ocala, 3600 S. W. 36th Avenue, Ocala, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Blue Crab Advisory Board of the Fish and Wildlife Conservation Commission will convene to discuss possible options for a blue crab effort management plan and consider what recommendations to make in that regard to the Commission.

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

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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**DEPARTMENT OF FINANCIAL SERVICES**

The **Department of Financial Services**, Enterprise Resource Planning Integration Task Force, of the Florida Financial Management Information System (FFMIS) Coordinating Council announces the following public meeting to which all persons are invited.

DATE AND TIME: September 9, 2004, 10:30 a.m.

PLACE: Chief Financial Officer's Conference Room, PL12, The Capitol Building, Tallahassee, Florida (Please Note: The above date, time and place of the meeting are tentative)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This a regularly scheduled Enterprise Resource Planning Integration Task Force meeting.

A copy of the agenda may be obtained by contacting: Don Northam, Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 32399-0352, (850)413-2822, Fax (850)487-0453, e-mail: northamd@dfs.state.fl.us.

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**TAMPA BAY ESTUARY PROGRAM**

The **Tampa Bay Estuary Program**, Policy Board will conduct a Public Budget Hearing to which all interested persons are invited.

DATE AND TIME: September 10, 2004, 1:00 p.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Pinellas Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the Program's Work Plan budget for fiscal year 2004, beginning October 1, 2004.

All citizens are invited to attend and express their support or objections to the work plan budget.

SOURCES OF FUNDING	
Federal	\$ 502,017
Non-Federal	502,017
Total Funding	1,004,034
PROJECTED EXPENDITURES	
Action Plan Implementation	\$ 577,957
Contracted Tech. Projects	160,000
Community Outreach	70,000
Partners Action Plan Imp.	196,077
Total Proj. Expenditures	1,004,034

For more information, please contact: Program office, 100 8th Ave., S. E., St. Petersburg, FL, (727)893-2765, website: www.tbep.org.

**VISIT FLORIDA**

The **VISIT FLORIDA**, Board of Directors announces a public meeting as follows:

MEETING: Promotions Committee

DATE AND TIME: September 8, 2005, 10:00 a.m.

PLACE: VISIT FLORIDA, 661 East Jefferson Street, Tallahassee, FL 32301, (850)488-5607

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss progress made on 04-05 promotions plan.

For further information contact: Christi McCray, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Florida Commission on Tourism** announces a public meeting of the VISIT FLORIDA Board of Directors and the Florida Commission on Tourism as follows:

MEETING: Executive Committee

DATE AND TIME: Tuesday, September 14, 2004, 8:00 a.m. – 9:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss VISIT FLORIDA business and other updates.

MEETING: New Product Development Council

DATE AND TIME: Tuesday, September 14, 2004, 9:00 a.m. – 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will hear regional updates and other business as necessary.

MEETING: Finance Committee

DATE AND TIME: Tuesday, September 14, 2004, 10:00 a.m. – 11:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will review financial statements and other business as necessary.

MEETING: Partner Development Committee

DATE AND TIME: Tuesday, September 14, 2004, 1:00 a.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss old business and strategies for recruiting new Partners.

MEETING: Marketing Steering Committee

DATE AND TIME: Tuesday, September 14, 2004, 3:00 p.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss and review marketing strategies and other business as necessary.

MEETING: Legislative Task Force

DATE AND TIME: Tuesday, September 14, 2004, 5:00 p.m. – 6:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss legislative issues.

MEETING: VISIT FLORIDA Board of Directors Meeting

DATE AND TIME: Wednesday, September 15, 2004, 9:00 a.m. – adjournment

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will discuss committee reports, on-going issues and other matters.

MEETING: Florida Commission on Tourism

DATE AND TIME: Wednesday, September 15, 2004, Upon adjournment of the Board of Directors meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will ratify actions of the Board of Directors and discuss other matters as necessary.

PLACE: PGA National Resort and Spa, 400 Avenue of the Champions, Palm Beach Gardens, FL 33418-3698, (561)627-2000

For further information contact: Susan Gale, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 334.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

**SUNSHINE STATE ONE CALL OF FLORIDA**

The **Sunshine State One Call of Florida**, Inc. (SSOCOF) announces its Board and Committee meetings to which all interested persons are invited. Dress is business casual.

**COMMITTEE MEETINGS**

DATE AND TIMES: September 23, 2004

8:00 a.m. – Operations Committee – Patrick Thompson

- Review FY 2004/05 Monthly and YTD Call Center Statistics
- Positive Response System Update
- Review Long Term Goals
- Update on Definition of a Member
- Hurricane Charley Overview
- Review Proposal for Renewal of Irth Software Usage Agreement
- Review Proposal from Norfield Data Products for Newtin/Gemini System
- IT Audit Update from Jeff Rodger

10:30 a.m. – Damage Prevention Committee – Tim McKeown

- Review Noncompliance Statistics
- Review Enforcement Pilot Program Results
- Damage Reporting
- Review Damage Prevention Advertising Campaign
- Excavator Damage Prevention Program

12:00 Noon – Lunch

- Provided at call center for meeting participants and SSOCOF employees
- 1:00 p.m. – Executive Review Committee – Mike Borg
- Development of the semi-annual review for the Executive Director

1:45 p.m. – Finance Committee – David Wheeler

- Review FY 2004/05 Monthly and YTD Financial Reports
- 2003/04 Annual Audit presentation – McDirmit,Davis,Puckett & Company
- Review Contracts Approved Report
- Review Delinquent Account Write-Off Report
- Review Software License Agreement Proposals
- Review Options for Unrestricted Reserves

3:30 p.m. – Legislative Committee – Roger Zwygart

Note: All committees should be prepared to commence if the previous committee finishes before allotted time. If a committee needs additional time, that time will be allotted after the last scheduled committee has met.

**BOARD MEETING**

DATE AND TIMES: September 24, 2004

8:00 a.m. – Secretary’s Report – Ed Misicka

- Roll Call
- Self Introductions
- Audience participation request
- Approval of July 23, 2004 Board Meeting Minutes
- Approval of September 24, 2004 Board Meeting Agenda

8:15 a.m. – Election to fill Director Seat vacated by Tom Painter, Gainesville Regional Utilities (See SSOCOF website [www.callsunshine.com](http://www.callsunshine.com) or <http://www.callsunshine.com/corp/about/board/index.html> for qualification requirements)

8:30 a.m. – Consent Agenda – Michael Borg

- Call Center Statistics
- Financial Report
- Attrition Report
- Noncompliance Statistics
- Customer Satisfaction Survey Responses
- Contracts Approved Report
- Delinquent Account Write-Offs
- Action Item Summary

8:45 a.m. – Executive Director’s Report – Mark Sweet, Executive Director

9:15 a.m. – Legal Report – Dave Erwin, General Counsel

10:00 a.m. – Committee Reports

- Operations Committee – Patrick Thompson
- Damage Prevention Committee – Tim McKeown
- Finance Committee – Dave Wheeler
- Legislative Committee-Roger Zwygart
- IT Audit Committee – Jeff Rodger
- Executive/Executive Review Committee – Mike Borg

12:00 Noon – Lunch

- Provided at call center for meeting participants and SSOCOF employees

1:00 p.m. – Resume Committee Reports

1:30 p.m. – Open Discussion

2:00 p.m. – Problem Resolution

2:30 p.m. – Adjourn

PLACE: SSOCOF Call Center, 11 Plantation Road, DeBary, FL 32713

Attention: Please deliver this to the primary contact for Sunshine State One-Call of Florida and/or someone who plays an active role in underground facility damage prevention. Persons requiring some accommodation at this meeting because of a physical impairment should call the one-call notification center, (386)575-2000, at least five calendar days prior to the activity. Any person who is hearing or speech impaired should contact the one-call notification center through the Florida Relay Center, 1(800)955-8771.

**FLORIDA SURPLUS LINES SERVICE OFFICE**

The **Florida Surplus Lines Service Office**, Board of Governors’ announces four meetings via teleconference to which all interested parties are invited:

**EXECUTIVE COMMITTEE**

DATES AND TIME: Friday, September 24, 2004, 10:00 a.m.; Tuesday, September 28, 2004, 10:00 a.m.

PLACE: Florida Surplus Lines Service Office, 1441 Maclay Commerce Drive, Ste. 200, Tallahassee, FL 32312



GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Proposed 2005 Budget

BOARD OF GOVERNORS

DATES AND TIMES: Tuesday, September 28, 2004, 2:00 p.m.; Wednesday, September 29, 2004, 2:00 p.m.

PLACE: Florida Surplus Lines Service Office, 1441 Maclay Commerce Drive, Ste. 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Proposed 2005 Budget.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, Ext. 19.

**PINELLAS COUNTY**

The **Pinellas County, Department of Public Works** announces a public hearing to which all persons are invited.

DATE AND TIME: September 30, 2004, 4:00 p.m. – 7:00 p.m.

PLACE: Largo High School, 410 Missouri Avenue, Largo, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
This hearing is being conducted to afford interested persons the opportunity to express their views concerning the proposed project Federal Aid Project No. 1414-037 U, otherwise known as C.R. 416, Belleair Beach Causeway Bridge Replacements. The limits of the project corridor are from east of Gulf Boulevard (S.R. 699) in Belleair Shore to west of Indian Rocks Road (C.R. 697) in Belleair Bluffs, Pinellas County, Florida.

Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988. The hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being held in accordance with the Section 339.155, Florida Statutes and is also consistent with the Americans with Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended.

Anyone needing project or public hearing information, including a copy of the hearing agenda, may contact: Mr. Tony Hornnik, P.E., Pinellas County Department of Public Works, 440 Court Street, Clearwater, Florida 33756, (727)464-3640.

Anyone requiring special accommodations under the Americans with Disabilities Act of 1990 should contact: Mr. Tony Hornnik, P.E., Pinellas County Department of Public Works, 440 Court Street, Clearwater, Florida 33756, (727)464-3640. Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

**FLORIDA HEALTHY KIDS CORPORATION**

The **Florida Healthy Kids Corporation** announces its Board of Directors Meeting to which all persons are invited to attend.

DATE AND TIME: October 28, 2004, 10:00 a.m.

PLACE: Raymond Sittig Hall, 301 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Meeting of the Board of Directors.

Please contact Amber Floyd, floyda@healthykids.org or (850)224-5437, to confirm your attendance and for additional meeting information.

**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 August 16, 2004, from Miami-Dade County Board of Rules and Appeals regarding a Building Official's responsibility for enforcing designated provisions of the Florida Building Code and authority to inspect fire sprinklers and fire suppression systems.

It has been assigned the number DCA04-DEC-159.

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 August 17, 2004, from Palm Beach County – Building Division regarding whether a roof access hatch falls under a category of products covered by the Product Approval Rule 9B-72, Fla. Admin. Code.

It has been assigned the number DCA04-DEC-161.

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 August 17, 2004, from Palm Beach County – Building Division regarding whether precast concrete wall systems require approval under the Manufactured Building Program.

It has been assigned the number DCA04-DEC-162.

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 August 18, 2004, from Palm Beach County – Building Division regarding whether it is acceptable to indicate a higher allowable design pressure than tested on certain smaller windows without testing.

It has been assigned the number DCA04-DEC-163.

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 August 20, 2004, from Suncoast Post-Tension regarding whether live load reduction according to the Florida Building Code is permitted in the design of a two way flat post-tensioned slab.

It has been assigned the number DCA04-DEC-165.

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

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

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed on behalf of Tallahassee Neurological Clinic, P.A. The Board reviewed the petition at its meeting held on June 5, 2004, in Tampa, Florida. The Board’s Final Order, filed in this cause on August 17, 2004, finds that the Petitioner, a group practice that wholly owns a separate legal entity which provides diagnostic imaging services to the group practice and other patients, maintains its exception to the definition of “referral” set forth in Section 456.053(3)(o), Florida Statutes.

A copy of the Petition and the Board’s Final Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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NOTICE IS HEREBY GIVEN that the Board of Opticianry received a Supplemented Petition for Declaratory Statement filed on August 24, 2004, from Richard Whitehill. The petition seeks the agency’s opinion as to the applicability of Section 484.006(3), Florida Statutes, and how the statutory provision affects petitioner’s intent to produce and sell long distance ready-made glasses for reading purposes.

For a copy of the Petition for Declaratory Statement and/or the date, time and place of the meeting at which the petition will be considered, contact: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

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**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed August 2, 2004, from Duanne P. Anderson, Petitioner. The Petition is seeking the Department’s interpretation of NFPA 101, 2000 Edition, Chapter 31. Specifically, Petitioner asks about the requirements of compliance with subdivisions 31.2 and 31.2.1 relating to means of egress requirements and the subdivision 24.2 relating to means of escape for one and two family dwellings.

A copy of the Petition may be obtained by writing to, calling or sending a fax to: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), e-mail: [mazzeog@doi.state.fl.us](mailto:mazzeog@doi.state.fl.us).

**Section VIII**  
**Notices of Petitions and Dispositions**  
**Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

Florida Keys Citizens Coalition, Inc. and Last Stand, Inc. vs. Florida Administration Commission and City of Marathon, Florida; Case No.: 04-2755RP; Rule No.: 28-18.210

Florida Keys Citizens Coalition, Inc. and Last Stand, Inc. vs. Florida Administration Commission and Monroe County; Case No.: 04-2756RP; Rule No.: 28-20

Calder Race Course, Inc., A Florida Corporation and Dania Jai Alai, A Division of the Aragon Group, Inc., A Florida Corporation vs. Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering; Case No.: 04-2950RX; Rule Nos.: 61D-11.001(8),(13), 61D-11.002(1), 61D-11.005(2),(9), 61D-11.027(1)(b),(e),(2)(a),(b)

South Broward Hospital District, d/b/a Joe DiMaggio Children's Hospital; Case No.: 04-2864RP; Rule No.: 64C-1.003

Alachua Leadership Alliance-Citizens Helping Us All, Inc., Robert A. Perez, Thalia Gentzel and Madalene Rhyand vs. Department of Community Affairs; Case No.: 04-2872RU

Reliance-Andrews Associates, Ltd. vs. Florida Housing Finance Corporation; Case No.: 04-2655RU

Orange County Falcon Trace Partners, Ltd. vs. Florida Housing Finance Corporation; Case No.: 04-2686RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Browar County, City of Pompano Beach, City of Plantation, Miami-Dade County, City of Coral Springs, Town of Davie, City of Delray Beach, City of Fort Lauderdale, City of Boca Raton, John M. Haire, Patricia Haire, Laz Schneider, et al and Brooks Tropicals vs. Department of Agriculture and Consumer Services; Case No.: 01-4519RP; Rule No.: 5B-58.001(16)

Florida Coalition for the Education of Individuals with Developmental Disabilities, Family Network on Disabilities of Florida, Inc. and the Advocacy Center for Persons with Disabilities, Inc. vs. State Board of Education and Department of Education; Case No.: 04-1083RP; Rule Nos.: 6A-6.030191, 6A-6.03020, 6A-6.03028, 6A-6.030281, 6A-6.03029, 6A-6.0302, 6A-6.0331, 6A-6.03312, 6A-6.03313, 6A-6.03314, 6A-6.03311, 6A-6.03411

Reliance-Andrews Associates, Ltd. vs. Florida Housing Finance Corporation; Case No.: 04-2655RU

**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**

The Florida Atlantic University, on behalf of its Board of Trustees, announces that professional services are required in the following discipline(s):

MECHANICAL/ELECTRICAL/PLUMBING  
 ENGINEERING

Project(s): Campus Service for Minor Projects  
 Project(s) Location: Florida Atlantic University, All campuses.  
 Projects included in the scope of this agreement will be specific projects for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming year. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The University may have other campus service professionals under contract during the same time period.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location and experience with university buildings will be a prime factor in the selection of the firm. Design ability will not be considered as a selection category.

Attach to each letter of application:

1. The most recent version of the FAU "Professional Qualifications Supplement" completed by the applicant. 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 properly chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Keyla Thamsten, Facilities Planning Department, Florida Atlantic University, 777 Glades Road, Bldg. CO-69, Room 107, Boca Raton, Florida 33431, (561)297-3039. Professional Qualification Supplement forms are available on the Florida Atlantic University Division of the University Architect web pages at <http://uavp.fau.edu/fp>.

Submittals must be received in the Facilities Planning Department, Florida Atlantic University, Attention to Keyla Thamsten, 777 Glades Road, Bldg. CO-69, Room 107, Boca Raton, Florida 33431, by 5:00 p.m. local time, on October 1, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered.

**PUBLIC ANNOUNCEMENT OF  
A/E SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

- PROJECT NUMBER: FSDB 20040011  
 PROJECT NAME: Police/Security Building
1. JSA Architects
  2. Akel Logan Shafer Architects / Planners
  3. PQH Architects

**PUBLIC ANNOUNCEMENT FOR  
CONSTRUCTION MANAGEMENT SERVICES  
PROJECT NUMBER: FSDB 20050008**

PROJECT NAME: Renovate Gibbs Hall, Building #32  
 PROJECT LOCATION: The Florida School for the Deaf and the Blind, 205 N. San Marco Avenue, St. Augustine, FL 32084-2799

The Florida School for the Deaf and the Blind (FSDB) requests qualifications from construction management firms to provide Construction Management at Risk for renovations to a 19,454 sf, 2-story masonry classroom building for the visually impaired. Renovations will include a complete HVAC system retrofit, upgrades for ADA compliance, new fire alarm and door security system, installation of fire sprinkler system, update of electrical service distribution panels, and installation of emergency messaging system. Project will also include construction of six additional classrooms. The construction budget for this project is \$3,000,000.

Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria established by the Division of Building Construction.

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, form DBC5085.
3. Resumes of proposed staff and staff organization.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

Submit four (4) copies of application to the: The Florida School for the Deaf and the Blind, Attn. John Connor, Purchasing Director, Building #28 Stores & Receiving, 207 North San Marco Avenue, St. Augustine, FL 32084-2799.

For further information, contact: Lloyd Jenkins, Project Manager, (904)827-2363.

Response Due Date: October 1, 2004, no later than 3:00 p.m.  
 Firms will be short-listed on October 11, 2004. Following the short-list selection, a Pre-interview workshop will be held on October 18, 2004 at 9:00 a.m. for all short-listed firms. Interviews will be conducted on October 27, 2004. A final selection will be made after the interviews have taken place.  
 The results of the short-list and final selection will be posted at FSDB, Building #28 Stores & Receiving, 207 N. San Marco Ave., St. Augustine, FL and can be viewed during regular working days between the hours of 7:00 a.m. through 4:00 p.m. beginning 24 hours after each selection. Any protest of the selections must be made within 72 hours of the postings. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after posting shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Final selection results will also be posted in the Florida Administrative Weekly.

NOTICE OF CORRECTION  
 NOTICE TO PROFESSIONAL CONSULTANTS  
 OFFICE OF FACILITIES DESIGN AND CONSTRUCTION  
 Duval County Public Schools  
 Request for Qualifications (RFQ)  
 FOR  
 Selection of the Architect/Engineer  
 On the Basis of Qualifications  
 August 20, 2004

The Office of Facilities Design and Construction announces that Professional services are required for the project districtwide prototype elementary school. Applications are to be sent to:

David E. Shultz  
 Duval County Public Schools  
 Facilities Design and Construction  
 1701 Prudential Drive, 5th Floor  
 Jacksonville, FL 32207-8182

PROJECT NO.: C-90980/C-91060  
 PROJECT NAME: New Elementary School "A" No. 150 (New Berlin/Cedar Point), New Elementary School "B" No. 142 (Crystal Springs/Westside)  
 PROJECT LOCATION: Duval County Public Schools District, Jacksonville, FL  
 PROJECT BUDGET: \$10,800,000 to \$11,355,000 per school  
 SERVICES TO BE PROVIDED: Professional services include architectural and engineering for a new prototype elementary school for 830 total student stations. An existing prototype that can be modified to meet Duval County Education Specifications, Design Guidelines and other design criteria may be considered by the selection committee. If presenting a reuse plan of an existing school, please indicate so in the letter

of interest; giving details of construction costs, location, contact person at that school district, and any other pertinent information. This project shall meet the SMART school state standards and may be used as a prototype for future district wide elementary school sites.

Proposed Construction Start Date: May 1, 2005  
 Proposed Occupancy Date: July 1, 2006  
 DCPS PROJECT MANAGER: David E. Shultz  
 PHONE NO.: (904)390-2279  
 RESPONSE DUE DATE: SEPTEMBER 21, 2004 AND WILL BE ACCEPTED UNTIL 4:30 P.M.  
 MBE GOALS PER SCHOOL: New Elementary School "A" No. 150 (New Berlin/Cedar Point), 6% AA, 4% HANA, 5% WBE New Elementary School "B" No. 142 (Crystal Springs/Westside) 6% AA, 4% HANA, 5% WBE  
 Information on the selection process can be found at [www.educationcentral.org/facilities](http://www.educationcentral.org/facilities) under Forms and Standards, General Documents, Selection of Architect / Engineer.

Applicants are advised that all plans, drawings and specifications for this project may be reused by the Owner as a prototype for future projects in the District.

ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 2:00 p.m. local time, on September 20, 2004 for the purpose of selecting a supplier to provide Vending Consulting & Support Service per the bid specifications for:

Vending Consulting & Support Service  
 Bid 05-961-530-RFP

The Pinellas County School Board (the district) requests proposals from experienced and qualified contractors to provide consulting and support service on district owned vending machines.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department  
 Walter Pownall Service Center  
 11111 So. Belcher Road  
 Largo, FL 33773

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

J. HOWARD HINESLEY SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	JANE GALLUCCI CHAIRMAN  MARK C. LINDEMANN DIRECTOR, PURCHASING
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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."

**REGIONAL PLANNING COUNCILS**

\*\*\*\* FIRST NOTICE \*\*\*\*

**REQUEST FOR PROJECT PROPOSALS  
RESEARCH AND RESTORATION PARTNERS GRANT  
PROGRAM  
FISCAL YEAR 2005  
CHARLOTTE HARBOR NATIONAL ESTUARY  
PROGRAM**

"Research and Restoration Partners Grant" project proposals must be received by the Charlotte Harbor National Estuary Program, 1926 Victoria Avenue, Fort Myers, Florida 33901, by 5:00 p.m. (local time), Friday, October 29, 2004. "Research and Restoration Partners Grant" project proposals are required to demonstrate a minimum of 50% matching funds from the applicant. The Charlotte Harbor National Estuary Program reserves the right to reject any or all proposals.

**OBJECTIVE:** The Charlotte Harbor National Estuary Program is considering innovative research and restoration project proposals for fiscal year 2005 (October 1, 2004-September 30, 2005). Projects must have long-term applicability, transferability and serve as models for addressing NEP priority actions, such as hydrologic and habitat restoration. The following are examples of projects that the program will consider:

- restoration of the hydrologic and natural habitat conditions of the study area by such methods as the backfilling of ditches, removal of spoil piles, exotic species removal, planting of native vegetation, mangrove restoration, etc.;
- reduce contaminants from marina and dock operations;
- reduce non-point source pollutants associated with storm-water runoff; and
- develop a shallow water resource marking program that includes establishing "no motor zones" and "limited access zones" where appropriate, based on FMRI's sea-grass studies and bird rookery information.

Projects must advance program goals and address program priority problems as described in the proposal instructions. All restoration projects must develop and implement a post restoration management plan. All data collection efforts must obtain a federally-approved Quality Assurance Project Plan.

**INVITATION TO PROPOSE:** The program hereby solicits proposals for "Research and Restoration Partners Grant" projects. These grants are for proposal requests for the management conference's guideline of \$20,000 per financially

supporting partner. "Research and Restoration Partners Grant" project proposals are required to demonstrate a minimum of 50% in-kind or cash match from the applicant. Any organization or individual can submit a proposal. You or your organization may submit more than one preliminary proposal, but each proposal must be submitted separately and must follow the proposal instructions and requirements. The project must be located within the program's study area. The program strongly recommends applicants to attend a "Question-and-Answer" session on December 3, 2004.

**REQUESTS FOR INFORMATION AND INSTRUCTION:** All requests for information, instructions, and applications for submitting an application must be directed to Ms. Catherine Corbett (telephone: (239)995-1777, Ext 241, or 338-2556, Ext 241, after early October, email: [ccorbett@swfrpc.org](mailto:ccorbett@swfrpc.org)).

**HOW TO APPLY:** The document "Requests for Research and Restoration Partners Proposals" may be obtained by contacting Ms. Catherine Corbett, Charlotte Harbor National Estuary Program, telephone number (239)995-1777 and 338-2556, Ext 241, after early October, or email: [ccorbett@swfrpc.org](mailto:ccorbett@swfrpc.org). The Charlotte Harbor National Estuary Program will receive project proposals for "Research and Restoration Partners" grants until 5:00 p.m. (local time), Friday, October 29, 2004.

\*\*\*\* FIRST NOTICE \*\*\*\*

**REQUEST FOR PUBLIC OUTREACH GRANT  
APPLICATIONS  
FISCAL YEAR 2005 WORKPLAN ACTIVITIES**

The Charlotte Harbor National Estuary Program must receive mini-grant applications by 5:00 p.m. (local time), Friday, October 29, 2004. The Charlotte Harbor National Estuary Program reserves the right to reject any or all applications.

**OBJECTIVE:** The Charlotte Harbor National Estuary Program is considering public outreach grant applications (previously known as mini-grants) for fiscal year 2005. Greater consideration will be give to project applications that help fulfill the program's Comprehensive Conservation and Management Plan and inform and educate as many segments of the public as possible.

**INVITATION TO APPLY:** The program hereby solicits applications for public outreach projects. Successful applications must advance the goals of the program. Any Florida resident, organization, business, government agency, school, college or university can submit an application. More than one application may be submitted for each entity but each application must be submitted separately and must follow the instructions and requirements. The project must occur within the program's study area which includes all of Lee, Charlotte, Hardee and DeSoto counties and parts of Polk, Manatee and Sarasota counties.

Mini-grant funding will not exceed \$3,000.00 per project. Matching funds or in-kind match is recommended but not required of mini-grant projects.

**REQUESTS FOR INFORMATION AND INSTRUCTION:** All requests for information, instructions, and applications for submitting an application must be directed to Ms. Maran Hilgendorf, telephone (239)995-1777, Ext 240, e-mail: mhilgendorf@swfrpc.org.

**HOW TO APPLY:** The document "Requests for Public Outreach Grant Applications" may be obtained by contacting Ms. Maran Hilgendorf, Charlotte Harbor National Estuary Program, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917-3909, telephone number (239)995-1777, Ext 240. The document is also available on the program's website at [www.CharlotteHarborNEP.org](http://www.CharlotteHarborNEP.org). Applications for public outreach grants must be received by the Charlotte Harbor National Estuary Program by 5:00 p.m. (local time) Friday, October 29, 2004. Finalists will be notified in writing by March 2005.

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## **DEPARTMENT OF MANAGEMENT SERVICES**

### **PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES FOR CONTINUING AREA CONTRACTS AREA 1**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from construction management firms to provide services in Area 1, counties of Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington; and other counties as may be determined necessary by the owner.

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Facilities Management and Building Construction." [http://fcn.state.fl.us/owa\\_vbs/woa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/woa/vbs_www.main_menu).

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## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

## **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Department of Children and Family Services, District 11, announces a negotiation session with Our Kids of Miami-Dade/Monroe, Inc., Lead Agency for Community Based Care in District 11, in reference to a Monroe Bridge Contract.

The sessions will be held September 10, 13, 20, 27, 2004, from 9:00 a.m. – 12:00 Noon as necessary, and will be held in the DA's Conference Room, N1007, 401 N. W. 2 Avenue, Miami, FL 33128. The meeting time and date may be subject to change.

For confirmation, please contact: Peter D Coats, PIO, (305)377-7018 or Grace Curtis, (305)377-5002.

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## **NAVIGATION DISTRICTS**

### **REQUEST FOR QUALIFICATIONS FOR FINANCIAL AUDITING SERVICES**

The Florida Inland Navigation District is seeking a qualified professional firm to provide financial auditing services for our FY 2002-2003 financial statements. Firms desiring to submit a response can receive the proposed scope of work and proposal submittal forms for this project by contacting: Mr. David K. Roach, Executive Director, District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386, Fax (561)624-6480, e-mail: [droach@aicw.org](mailto:droach@aicw.org). Submissions shall be received by the District in accordance with the submittal instructions on or before 4:30 p.m. local time, September 23, 2004. Submissions received after that time/date will not be considered.

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## **FLORIDA HOUSING FINANCE CORPORATION**

### **Request for Proposals**

#### **2004-08 Technical Assistance Provider Services**

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide technical assistance provider services for Florida Housing's Predevelopment Loan Program and Demonstration Loans to submit proposals for consideration. Written, sealed proposals shall be accepted until 2:00 p.m., Eastern Time, Friday, October 1, 2004, to the attention of Robin Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Robin Grantham, (850)488-4197, or [robin.grantham@floridahousing.org](mailto:robin.grantham@floridahousing.org).

To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/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.

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## **FISH AND WILDLIFE CONSERVATION COMMISSION**

AMENDMENT TO RFP 04/05-02

REQUEST FOR PROPOSAL

FLORIDA FISH AND WILDLIFE CONSERVATION  
COMMISSION

Competitive sealed request for proposal will be received by the Purchasing Office until the time and date shown for the following:

DATE: October 19, 2004, 2:30 p.m.

PRE-PROPOSAL CONFERENCE: September 21, 2004,  
10:00 a.m.

PROPOSAL NO.: FWC RFP04/05-02

PROPOSAL TITLE: LEASING OF BUILDING IN PORT  
CHARLOTTE FLORIDA

Proposals are requested from responsible developers interested in developing a site and building, containing 6600 net rentable square feet (3600 office/3000 warehouse), for the purpose of leasing the building and its site to the State of Florida. The site of the building which is to be located in the Port Charlotte, FL area between:

Northern limit – I-75 exit 179 (Toledo Blade Blvd exit)

Eastern limit – I-75 (location should be west of I-75)

Southern limit – I-75 exit 158 (Tuckers Grade exit)

Western limit – Toledo Blade Blvd / Flamingo Blvd

All program requirements and instructions shall be furnished to all interested developers at a pre-proposal conference to be held at 10:00 a.m., EDT on September 21, 2004, at 1481 Market Circle Unit 1, Port Charlotte, Florida, between the State of Florida and interested developers. The building is to be used as office and warehouse space.

If you have any question please contact Philip Stevens, (941)255-7403, between 9:00 a.m. and 4:00 p.m., Monday through Friday or Charlie Miller, (850)488-7345.

## **PROPOSAL OPENING LOCATION**

The public opening of this REQUEST FOR PROPOSAL will be conducted at 2:30 p.m., Eastern Daylight Time, October 19, 2004, at the Florida Fish and Wildlife Conservation Commission, Purchasing Room 364, 620 South Meridian Street, Tallahassee, Florida 32399-1600. PROPOSALS RECEIVED AFTER DATE AND TIME SPECIFIED WILL BE REJECTED.

## **MAILING INSTRUCTIONS**

All proposals shall be submitted in a SEALED ENVELOPE addressed to the Florida Fish and Wildlife Conservation Commission, Room 364, 620 South Meridian Street, Tallahassee, Florida 32399-1600. THE ENVELOPE SHALL BE PLAINLY MARKED ON THE OUTSIDE WITH: PROPOSAL NUMBER, DATE AND TIME OF THE PROPOSAL OPENING. THE COMMISSION IS NOT RESPONSIBLE FOR THE OPENING OF ANY ENVELOPES THAT ARE NOT PROPERLY MARKED.

The Commission reserves the right to reject any and all bid/proposals.

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## **TAMPA BAY ESTUARY PROGRAM**

### **REQUEST FOR PROPOSALS**

The Tampa Bay Estuary Program (TBEP), is requesting proposals from qualified respondents to conduct the following projects:

1. 2004-2005 Technical Support for the Tampa Bay Estuary Program
2. Tampa Bay Habitat Restoration and Protection Masterplan: 2004 Update
3. 2004-2005 Grant Writer for the Tampa Bay Estuary Program

Request for proposal instructions and associated proposal documents may be obtained from TBEP, 100 8th Avenue S.E., MS: I-1/NEP, St. Petersburg, Florida 33701. Sealed proposals will be received at the above-stated address until 3:00 p.m., Monday, October 4, 2004, at which time they will be publicly opened.

The total TBEP FY 2004-2005 budget is \$1,004,034, 50% of which is federally funded. TBEP encourages and promotes the utilization of organizations owned or controlled by socially and economically disadvantaged, Minority Business Enterprises and Women's Business Enterprises.

TBEP reserves the right to reject any and all proposals. Dated this September 3, 2004.

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## Section XII Miscellaneous

### **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Department of Agriculture and Consumer Services will accept applications for state funding and certification as an agriculture education and promotion facility to be evaluated for inclusion in the Department's budget request. Applications must be submitted to the Department by October 1, 2004. The applicant must be a unit of local government (as defined in Section 18.369, F.S.) or a fair association (as defined in Section 616.001(9), F.S.), which is responsible for the planning, design, permitting, construction, renovation, management, and operation of the agriculture education and promotion facility or holds title to the property of which such facility is to be developed and located.

To obtain an application contact: Mr. Craig Christ, 407 South Calhoun Street, Mayo Building, Suite 209B, Tallahassee, Florida 32399-0800, (850)921-1992, e-mail: [christc@doacs.state.fl.us](mailto:christc@doacs.state.fl.us).

### **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, Tesco South, Inc. d/b/a Hector Turf, intends to allow the establishment of Southwest Cycle Co., Inc., as a dealership for the sale of AlphaSports motorcycles, at 8966 S. W. 40th St., Miami (Miami-Dade County), Florida 33165, on or after August 31, 2004.

The name and address of the dealer operator and principal investors of Southwest Cycle Co., Inc., are dealer operator: Bill Green, 8966 S. W. 40th Street, Miami, FL 33165; principal investor: Bill Green, 8966 S. W. 40th Street, Miami, FL 33165.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Eric Knobel, Tesco South, Inc. d/b/a Hector Turf, 1301 N. W. 3rd Street, Deerfield Beach, Florida 33442.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

### **AGENCY FOR HEALTH CARE ADMINISTRATION**

#### CERTIFICATE OF NEED EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Dade	District: 11	
ID # 0400008	Decision: A	Issue Date: 8/18/2004
Facility/Project: Larkin Community Hospital		
Applicant: Larkin Community Hospital, Inc.		
Project Description: Add 10 adult psychiatric beds to the existing 40 adult psychiatric beds		
Proposed Project Cost: \$150,000		

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**NOTICE OF QUOTA LIQUOR LICENSE DRAWINGS**

The Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation announces Quota Liquor License Drawings to which all persons are invited for the following counties: ALACHUA (1), BREVARD (1), BROWARD (2), CITRUS (1), CLAY (1), COLLIER (2), DADE (3), DUVAL (1), FLAGLER (1), GADSDEN (1), HERNANDO (1), HIGHLANDS (1), HILLSBOROUGH (4), INDIAN RIVER (1), LEE (2), LEON (1), MANATEE (1), MARION (1), MARTIN (1), ORANGE (3), OSCEOLA (2), PALM BEACH (4), PASCO (1), ST. JOHNS (1), ST. LUCIE (1), SARASOTA (1), SEMINOLE (1), SUMTER (1), VOLUSIA (1).

DATE AND TIME: September 23, 2004 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Northwood Centre, Alcoholic Beverages and Tobacco Conference Room, 1940 North Monroe Street, Tallahassee, FL

PURPOSE: To conduct double random computer drawings from the pool of qualified applicants for new quota liquor licenses in each of the above referenced counties and establish each qualified applicant's standing to receive one of the new licenses. Those applicants chosen in the drawings will be notified by certified mail of their eligibility to apply for a license.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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**DEPARTMENT OF HEALTH**

On August 18, 2004, John O. Agwunobi, M.D., M.B.A., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Angela Wiggins, L.P.N., license number PN 5151257. 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 August 23, 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 Edward J. Evors, D.C. license number CH 5262. 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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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN August 16, 2004  
 and August 20, 2004**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
<b>PUBLIC SERVICE COMMISSION</b>				
25-4.082	8/20/04	9/9/04	30/19	30/31
25-4.083	8/20/04	9/9/04	30/19	30/31
25-24.490	8/20/04	9/9/04	30/19	30/31
25-24.516	8/18/04	9/7/04	30/29	
25-24.630	8/18/04	9/7/04	30/29	
25-24.845	8/20/04	9/9/04	30/19	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF CORRECTIONS**

33-210.104	8/17/04	9/6/04	30/22	
33-601.100	8/17/04	9/6/04	30/25	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

61G1-17.001	8/18/04	9/7/04	30/26	30/28
61G1-17.002	8/18/04	9/7/04	30/26	

**Board of Cosmetology**

61G5-24.006	8/16/04	9/5/04	30/25	30/30
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
<b>Board of Employee Leasing Companies</b>					<b>DEPARTMENT OF FINANCIAL SERVICES</b>				
					<b>Division of State Fire Marshal</b>				
61G7-5.001	8/16/04	9/5/04	30/23		69A-62.0001	8/17/04	9/6/04	29/44	29/46
61G7-5.0011	8/16/04	9/5/04	30/23		69A-62.003	8/17/04	9/6/04	29/44	29/46
61G7-5.0012	8/16/04	9/5/04	30/23		69A-62.006	8/17/04	9/6/04	29/44	29/46
61G7-5.002	8/16/04	9/5/04	30/23		69A-62.007	8/17/04	9/6/04	29/44	29/46
61G7-5.003	8/16/04	9/5/04	30/23		69A-62.020	8/17/04	9/6/04	29/44	29/46
61G7-5.0031	8/16/04	9/5/04	30/23		69A-62.021	8/17/04	9/6/04	29/44	29/46
61G7-5.0032	8/16/04	9/5/04	30/23		69A-62.022	8/17/04	9/6/04	29/44	29/46
61G7-5.0033	8/16/04	9/5/04	30/23		69A-62.023	8/17/04	9/6/04	29/44	29/46
61G7-5.0034	8/16/04	9/5/04	30/23		69A-62.030	8/17/04	9/6/04	29/44	29/46
61G7-5.005	8/16/04	9/5/04	30/23		69A-62.031	8/17/04	9/6/04	29/44	29/46
<b>DEPARTMENT OF HEALTH</b>					69A-62.032	8/17/04	9/6/04	29/44	29/46
<b>Board of Clinical Social Work, Marriage and Family</b>					69A-62.033	8/17/04	9/6/04	29/44	29/46
64B4-4.005	8/17/04	9/6/04	30/29		69A-62.034	8/17/04	9/6/04	29/44	29/46
					69A-62.035	8/17/04	9/6/04	29/44	29/46
					69A-62.036	8/17/04	9/6/04	29/44	29/46
					69A-62.040	8/17/04	9/6/04	29/44	29/46
					69A-62.041	8/17/04	9/6/04	29/44	29/46
					69A-62.042	8/17/04	9/6/04	29/44	29/46
					69A-62.043	8/17/04	9/6/04	29/44	29/46
					69A-62.044	8/17/04	9/6/04	29/44	29/46
					69A-62.045	8/17/04	9/6/04	29/44	29/46

Section XIV  
List of Rules Affected

This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.

- w - Signifies Withdrawal of Proposed Rule(s)
- c - Rule Challenge Filed
- v - Rule Declared Valid
- x - Rule Declared Invalid
- d - Rule Challenge Dismissed
- dw - Dismissed Upon Withdrawal

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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STATE

1B-24.002	26/43		
1S-2.015	30/25	30/27	
1S-2.030	30/25	30/27	
1S-5.001	30/22	30/36	

LEGAL AFFAIRS

2A-8.005	30/26		30/33
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BANKING AND FINANCE

3C-560.103	30/22		
3C-560.707	30/22		
3C-560.805	30/22		
3C-560.902	30/22		
3C-560.903	30/22		
3C-560.904	30/22		
3C-560.908	30/22		
3D-40.205	30/34		
3D-40.225	30/34		
3E-48.005	28/42		
3E-301.005	30/23		
3F-5.0015	29/39	29/45	
3F-5.0035	29/39	29/45	
3F-5.004	29/39	29/45	
3F-5.006	29/39	29/45	
3F-5.008	29/39	29/45	

INSURANCE

4-138.047	28/41		
4-149.203	29/52	30/3	
4-149.204	29/52	30/3	
4-149.205	29/52	30/3	
4-149.206	29/52	30/3	
4-149.207	29/52	30/3	
4-154.201	29/37	30/3	
4-154.202	29/37	29/42	
		30/3	

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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4-154.203	29/37	29/46	
		30/3	
4-154.204	29/37	30/3	
4-154.210	29/37	30/3	
4-154.525	29/16	29/25	
4-166.045	30/1	30/3	
4-176.013	29/36	30/3	
4-200.007	29/44	30/3	
4-211.031	27/44		
4-228.055	26/35		
4A-3.002	27/12		
4A-21.115	29/37	29/46	
4A-41.108	29/25		
4A-62.0001	29/44	29/46	
4A-62.001	29/44	29/46	
4A-62.002	29/44	29/46	
4A-62.003	29/44	29/46	
4A-62.006	29/44	29/46	
4A-62.007	29/44	29/46	
4A-62.020	29/44	29/46	
4A-62.021	29/44	29/46	
4A-62.022	29/44	29/46	
4A-62.023	29/44	29/46	
4A-62.030	29/44	29/46	
4A-62.031	29/44	29/46	
4A-62.032	29/44	29/46	
4A-62.033	29/44	29/46	
4A-62.034	29/44	29/46	
4A-62.035	29/44	29/46	
4A-62.036	29/44	29/46	
4A-62.040	29/44	29/46	
4A-62.041	29/44	29/46	
4A-62.042	29/44	29/46	
4A-62.043	29/44	29/46	
4A-62.044	29/44	29/46	
4A-62.045	29/44	29/46	
4C-6.003	29/38	30/29	
4C-40.0055	28/47		
4L-24.0231	29/39	29/46	

AGRICULTURE AND CONSUMER SERVICES

5B-58.001	27/29		
	27/42	27/49	
5B-58.001(16)	27/50c		
5CER04-1			30/23
5CER04-3			30/36
5E-2.0042	30/15		
5E-2.011	29/32		
5E-2.033	30/9	30/25	30/30
5E-4.003	30/34		
5E-4.0041	30/34		
5E-9.019	30/25		
5E-9.021	30/25		
5E-9.026	30/25	30/32	
5E-9.027	30/25		





Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
REVENUE				14-78.004	30/20		30/35
				14-78.005	30/20	30/29	30/35
12-3.001(8)(a)-(f)	30/15c			14-78.007	30/20		30/35
12-3.011	30/27			14-78.0071	30/20		30/35
12-13.004	30/23			14-78.008	30/20		30/35
12-24.022	28/4			14-78.0081	30/20		30/35
12-26.003	30/24			14-78.009	30/20		30/35
12-26.008	30/24			14-79.006	30/34		
12AER04-5			30/27	14-85.004	30/33		
12A-1.007	30/28			14-93.004	30/24		30/31
12A-1.056	30/28			14-98.005	30/27		30/34
12A-1.071	30/28			14-98.008	30/27		30/34
12A-1.097	30/28			14-103.001	30/14		
12A-6.038	29/17			14-103.002	30/14		
12A-12.004	30/28			14-103.003	30/14		
12A-13.002	30/24			14-103.004	30/14		
12A-14.002	30/28			14-103.005	30/14		
12A-16.002	30/28			14-103.006	30/14		
12A-16.006	30/28			14-103.007	30/14		
12A-16.008	30/28			14-103.0071	30/14		
12A-17.005	30/28			14-103.008	30/14		
12A-19.020	30/24			14-103.009	30/14		
12A-19.100	30/24			14-103.0091	30/14		
12BER04-6			30/28	14-103.010	30/14		
12BER04-7			30/28	14-103.011	30/14		
12B-6.005	30/24			14-111.001	30/15	30/27	30/33
12B-7.030	30/28			NATURAL RESOURCES			
12B-7.031	30/24			16P-1.001	30/25		30/33
12B-8	23/8c			16P-1.002	30/25		30/33
12B-8.003	30/24			16P-1.003	30/25		30/33
12B-11.006	30/28			16P-1.004	30/25		30/33
12B-12.006	30/28			16P-1.006	30/25		30/33
12C-1.034	30/24			16P-2.001	30/25		30/33
12C-1.044	30/20	30/30		16P-2.002	30/25		30/33
12C-1.051	30/24			16P-2.003	30/25		30/33
12C-2.0115	30/24			16P-2.004	30/25		30/33
12C-2.012	30/24			16P-2.005	30/25		30/33
TRANSPORTATION				16P-2.006	30/25		30/33
14-1	30/17c			16P-2.007	30/25		30/33
14-15.002	28/13			16P-2.008	30/25		30/33
14-15.003	26/46			16P-2.009	30/25		30/33
14-15.0081	30/9			16P-2.010	30/25		30/33
14-24.001	30/34			16P-2.011	30/25		30/33
14-46.001	30/35			16P-2.012	30/25		30/33
14-60.003	30/14	30/35		16P-2.013	30/25		30/33
14-60.005	30/14	30/35		16P-3.001	30/25		30/33
14-60.006	30/14	30/35		16P-3.002	30/25		30/33
14-60.007	30/14	30/35		16P-3.003	30/25		30/33
14-60.009	30/14	30/35		16P-3.004	30/25		30/33
14-60.011	30/14	30/35		16P-3.005	30/25		30/33
14-78.001	30/20		30/35	16P-3.006	30/25		30/33
14-78.0011	30/20		30/35				
14-78.002	30/20		30/35				
14-78.003	30/20		30/35				



Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
ENVIRONMENTAL REGULATION				PROFESSIONAL REGULATION			
17-503.420	16/15			21M-49.002	19/6c		
17-503.430	16/15			21M-50.002	19/6c		
17-503.500	16/15			21M-50.003	19/6c		
17-660.300	15/50	16/8		21M-50.007	19/6c		
17-671.100	15/32			21M-50.009	19/6c		
17-671.200	15/32			FLORIDA PAROLE COMMISSION			
17-671.300	15/32			23-21.002	30/20		30/33
17-671.310	15/32			PUBLIC SERVICE COMMISSION			
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST				25-4.082	30/19	30/31	30/36
18-21.004	25/48	25/50		25-4.083	30/19	30/31	30/36
STATE BOARD OF ADMINISTRATION				25-6.109(4)	30/29c		
19ER04-1			30/21	25-22.0365	30/25		30/33
19ER04-2			30/21	25-24.490	30/19	30/31	30/36
19-8.010	30/28		30/35	25-24.516	30/29		30/36
19-8.028	30/17	30/22	30/30	25-24.630	30/29		30/36
19-8.029	30/28		30/35	25-24.845	30/19		30/36
19-10.001	30/28			25-30.457	30/32		
19-10.002	30/28			25-30.458	30/32		
19-10.003	30/28			EXECUTIVE OFFICE OF THE GOVERNOR			
19-11.002	30/28	30/36		27E-4.001	20/11		
19-11.004	30/28	30/36		27E-4.002	20/11		
19-11.005	30/28	30/36		27E-4.003	20/11		
19-11.006	30/28	30/36		27E-4.004	20/11		
19-11.007	30/28	30/36		27E-4.005	20/11		
19-12.007	30/28			27E-4.006	20/11		
19-13.001	30/28			27E-4.007	20/11		
19-13.002	30/28			27E-4.008	20/11		
19-13.003	30/28			ADMINISTRATION COMMISSION			
19-13.004	30/28			28-18.210	30/29		
19-14.001	30/28				30/36c		
19B-15.001	28/8			28-20	30/36c		
19B-15.002	28/8			28-20.110	30/29		
19B-15.003	28/8			28-20.120	30/29		
19B-15.004	28/8			REGIONAL PLANNING COUNCILS			
19B-15.005	28/8			29C-1.005	29/4		
19B-15.006	28/8			29I-1.001	30/12		
19B-15.007	28/8			29I-1.002	30/12		
19B-15.008	28/8			29I-1.003	30/12		
19B-15.009	28/8			29I-1.004	30/12		
19B-15.010	28/8			29I-1.005	30/12		
19B-15.011	28/8			29I-1.006	30/12		
CITRUS				29I-1.007	30/12		
20-15.001	28/46	29/10		29I-1.008	30/12		
20-15.002	28/46			29I-1.009	30/12		
20-15.003	28/46	29/10		29I-1.010	30/12		
20-115.001	30/33						
20-116.001	30/33						
20-116.002	30/33						

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
CORRECTIONS				33-601.602	30/33		
33-2.001	23/25			33-601.725	28/4	28/9	
33-3.0081	25/35	25/43		33-601.738	26/48	27/38	
33-3.0082	25/35	25/43		33-602.112	30/36		
33-3.0084	25/35	25/43		33-602.201		26/34	30/33
33-3.0085	25/35	25/43			30/9	26/38	30/33
33-3.015	21/43					30/20	30/33
33-3.018	17/14			33-602.210	30/33	30/25	30/33
33-8.0142	19/43			33-602.224	30/36		
33-22.003	17/12			COMMISSION ON ETHICS			
33-22.009	17/12			34-7.010	30/32		
33-22.011	17/12			34-13.210	30/32		
33-32.021	19/5			34-13.214	30/32		
33-32.022	19/5			34-13.270	30/32		
33-38.001	25/35	25/43		34-13.320	30/32		
33-38.003	25/35	25/43		34-13.400	30/32		
33-38.005	25/35	25/43		34-13.410	30/32		
33-38.006	25/35	25/43		34-13.420	30/32		
33-38.009	25/35	25/43		34-13.500	30/32		
33-38.010	25/35	25/43		LABOR AND EMPLOYMENT SECURITY			
33-38.011	25/35	25/43		38E-106.401	24/1		
33-38.012	25/35	25/43		38F-8.055	22/4		
33-203.201	30/36			38I-60.200	20/7		
33-204.001	30/33			38K-1.0045	23/27		
33-204.002	30/36			WATER MANAGEMENT DISTRICTS			
33-204.003	30/36			40B-2.321	30/22	30/36	
33-204.004	30/33			40B-4.1010	30/22		
33-204.005	30/36			40B-4.1040	30/22	30/34	
33-204.111	27/29			40B-4.1060	30/22		
33-208.507	26/16			40B-4.1070	30/22		
33-210.101	30/30			40B-4.1100	30/22		
33-210.102	30/30			40B-4.1130	30/22		
33-210.103	30/30			40B-4.1140	30/22		
33-210.104	30/22		30/36	40B-4.2010	30/22		
33-302.101	30/30			40B-4.2020	30/22		
33-302.106	30/33			40B-4.2030	30/22	30/34	
33-302.110	30/30			40B-4.2040	30/22		
33-302.111	30/36			40B-4.3000	30/22		
33-302.115	30/30			40B-4.3010	30/22	30/34	
33-601.100	30/25		30/36	40B-4.3020	30/22		
33-601.211	30/34			40B-4.3030	30/22	30/34	
33-601.223	30/33			40B-4.3040	30/22		
33-601.224	30/30			40C-1.101	27/52		
33-601.226	30/30			40C-1.181	20/18		
33-601.230	29/19			40C-400.201	21/48	21/48	
33-601.233	30/34			40D-1.002	30/21		30/29
33-601.234	30/34			40D-1.1002	30/21		30/29
33-601.236	30/34			40D-1.202	19/36	19/42	
33-601.237	30/34			40D-1.659	30/31		
33-601.241	30/34						
33-601.242	30/34						
33-601.302	30/30						
33-601.314	30/33						
33-601.401	30/33						



Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
LOTTERY				59A-33.005	29/52		
53ER04-24			30/20	59A-33.006	29/52		
53ER04-25			30/20	59A-33.007	29/52		
53ER04-26			30/21	59A-33.008	29/52		
53ER04-27			30/22	59A-33.009	29/52		
53ER04-28			30/22	59A-33.010	29/52		
53ER04-29			30/23	59A-33.011	29/52		
53ER04-30			30/24	59A-33.012	29/52		
53ER04-31			30/24	59A-33.013	29/52		
53ER04-32			30/26	59A-33.014	29/52		
53ER04-33			30/26	59B-7.020	19/30		
53ER04-34			30/26	59B-7.021	19/30		
53ER04-35			30/28	59B-7.022	19/30		
53ER04-36			30/28	59B-7.023	19/30		
53ER04-37			30/29	59B-7.024	19/30		
53ER04-38			30/29	59B-7.025	19/30		
53ER04-39			30/29	59B-7.026	19/30		
53ER04-40			30/31	59B-7.027	19/30		
53ER04-41			30/31	59B-7.028	19/30		
53ER04-42			30/33	59B-7.029	19/30		
53ER04-43			30/33	59C-1.008	30/35		
53ER04-44			30/33	59C-1.021	30/35		
53ER04-45			30/35	59E-1.001	20/27		
53ER04-46			30/35	59E-1.002	20/27		
53ER04-47			30/36	59E-1.003	20/27		
53-19.0035	25/43		30/36	59E-1.004	20/27		
53-302.101	29/22			59E-1.005	20/27		
53-302.109	29/22			59E-1.006	20/27		
				59E-1.007	20/27		
VETERANS' AFFAIRS				59F-1.002	20/33		
				59G-4.010	30/16		30/31
55-11.005	30/32			59G-4.030	30/16		30/30
55A-7.011	30/32			59G-4.040	30/20		30/31
				59G-4.055	21/39	21/45	
AGENCY FOR HEALTH CARE ADMINISTRATION				59G-4.060	30/27		
				59G-4.070	27/6	27/18	
59-1	29/8c			59G-4.085	30/18		30/32
	29/35c			59G-4.110		27/19	30/30
	30/10c				30/18		30/30
59A-2.024	20/1			59G-4.140	30/17	30/24	30/31
59A-3.170	21/20			59G-4.160	30/33		
59A-3.180	21/3			59G-4.170	30/36		
59A-3.2055	22/52	23/10		59G-4.200	30/24	30/31	
59A-3.255	29/36	29/48		59G-4.230		27/24	30/31
		30/3			30/16		30/31
	29/43c			59G-4.231		25/24	30/31
59A-7.020	20/25					27/24	30/31
59A-11.0115	30/5				30/18		30/31
59A-11.0125	30/28			59G-4.270	30/18		30/31
59A-12.020	26/32	26/36		59G-4.340	30/27		
59A-18.003	26/25			59G-6.010	30/22		30/29
59A-33.001	29/52				30/32		
59A-33.002	29/52			59G-6.020	30/24		30/32
59A-33.003	29/52				30/32		
59A-33.004	29/52			59G-6.030	30/32		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
59G-6.040	30/36			60BB-4.401	30/29		
59G-6.045	30/32			60BB-4.500	30/29		
59G-6.090	30/36			60BB-4.501	30/29		
59G-8.100	30/36			60BB-4.502	30/29		
59G-8.200	29/30	29/42		60BB-4.503	30/29		
		29/47		60C-1.001	30/25	30/33	
	30/6c			60C-1.002	30/25	30/33	
	30/9c			60C-1.003	30/25	30/33	
59G-9.070	30/9			60C-1.004	30/25	30/33	
59G-12.001	29/41			60C-1.005	30/25	30/33	
59G-12.002	29/41	29/48		60C-1.006	30/25	30/33	
59G-12.003	29/41			60C-1.007	30/25	30/33	
59G-12.004	29/41			60C-1.008	30/25	30/33	
59G-12.005	29/41	29/48		60C-2.001	30/25	30/33	
59G-208.101	27/4	27/16		60C-2.003	30/25	30/33	
59H-1.00352	26/3	26/17		60C-2.004	30/25	30/33	
59M-3.005	21/25			60C-2.005	30/25	30/33	
59O-2.002	22/34	24/49		60C-2.006	30/25	30/33	
59O-2.003	22/34	24/49		60C-2.007	30/25	30/33	
59O-3.002	22/34	24/49		60C-2.008	30/25	30/33	
59O-9.003	22/34	24/48		60C-2.009	30/25	30/33	
59Q-9.002	20/39			60C-6.001	30/25	30/33	
59R-62.010	21/5			60C-6.002	30/25	30/33	
59R-62.040	21/5			60C-6.004	30/25	30/33	
59T-11.013	23/22	23/35		60C-6.005	30/25	30/33	
59T-14.004	23/22	23/35		60C-6.006	30/25	30/33	
59T-15.002	23/22	23/35		60C-6.007	30/25	30/33	
59T-16.001	23/22	23/35		60C-6.008	30/25	30/33	
59T-16.002	23/22	23/35		60C-6.009	30/25	30/33	
59U-11.019	20/51	21/7		60DD-2.001	30/11	30/21	30/32
59U-14.002	23/24	23/35				30/25	30/32
59V-3.007	20/34	20/48		60DD-2.002	30/11		30/32
59Y-5.001	23/11			60DD-2.003	30/11		30/32
				60DD-2.004	30/11	30/21	30/32
				60DD-2.005	30/11		30/32
				60DD-2.006	30/11	30/21	30/32
				60DD-2.007	30/11	30/21	30/32
				60DD-2.008	30/11	30/21	30/32
				60DD-2.009	30/11	30/21	30/32
				60DD-2.010	30/11	30/21	30/32
				60DD-3.001	30/12		
				60DD-3.002	30/12	30/22	
						30/28	
						30/34	
				60DD-3.003	30/12		
				60DD-3.004	30/12	30/22	
				60DD-3.005	30/12	30/34	
				60DD-4.001	30/25	30/33	
				60DD-4.002	30/25	30/33	
						30/36	
				60DD-4.003	30/25	30/33	
				60DD-4.004	30/25	30/33	
				60DD-4.005	30/25	30/33	
				60DD-4.006	30/25	30/33	
				60DD-5.001	30/25	30/33	
				60DD-5.002	30/25	30/33	
MANAGEMENT SERVICES							
60A-1.001	30/22	30/27	30/34				
60A-1.002	30/14	30/27					
		30/33					
60A-1.005	30/10	30/28	30/34				
60A-1.006	30/17	30/25	30/34				
60A-1.009	30/10	30/21	30/30				
		30/23	30/30				
60A-1.010	30/10	30/21	30/30				
		30/23	30/30				
60A-1.011	30/10	30/21	30/29w				
		30/27	30/29w				
60A-1.012	30/14	30/21	30/30				
		30/23	30/30				
60A-1.021	30/14	30/21	30/34				
		30/27	30/34				
60A-1.031	30/32						
	30/33						
60A-1.041	30/14	30/27	30/33				
60A-1.044	30/10	30/23	30/30				
60BB-4.400	30/29						

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
60DD-5.003	30/25	30/33		61C-76.0062	21/35		
60DD-5.004	30/25	30/33		61D-3.003	23/36	23/44	
60DD-5.005	30/25	30/33		61D-3.004	23/36	23/44	
60DD-6.001	30/25	30/33		61D-7.001	30/21		
60DD-6.002	30/25	30/33		61D-7.015	30/21		
		30/36		61D-7.020	30/21		
60DD-6.003	30/25	30/33		61D-7.021	30/21	30/32	
60DD-6.004	30/25	30/33		61D-7.022	30/21	30/32	
60DD-6.005	30/25	30/33		61D-7.023	30/21		
60DD-6.006	30/25	30/33		61D-7.024	30/21		
60DD-6.007	30/25	30/33		61D-8.002	30/21	30/32	
60DD-6.008	30/25	30/33		61D-8.006	30/21		
60T-25.001	18/41	18/44		61D-9.001	30/21	30/32	
60T-25.002	18/41	18/44		61D-9.003	30/21		
60Z-1.026	29/10			61D-9.004	30/21		
60Z-2.017	29/10			61D-9.005	30/21		
BUSINESS AND PROFESSIONAL REGULATION				61D-11.001(8),(13)	30/36c		
				61D-11.002(1)	30/36c		
61-20.0025	30/12		30/32w	61D-11.005(2),(9)	30/36c		
	30/27			61D-11.010	24/3		
61-50.1405	30/12			61D-11.027(1)(b),(e), (2)(a),(b)	30/36c		
61A-4.0271	22/47			61D-13.001	30/13	30/26	30/33
61A-7.001	29/41	30/17		61D-13.002	30/13	30/26	30/33
61A-7.002	29/41			61D-13.003	30/13	30/26	30/33
61A-7.003	29/41	30/17		61D-13.004	30/13	30/26	30/33
61A-7.004	29/41	30/17		61D-13.005	30/13	30/26	30/33
61A-7.005	29/41			61D-13.006	30/13	30/26	30/33
61A-7.006	29/41			61F3-8.002	20/27	20/32	
61A-7.007	29/41			61F6-34.001	20/7		
61A-7.008	29/41			61F6-50.007	18/53	20/24	
61A-7.010	29/41			61F9-6.0035	19/36		
61A-7.011	29/41			61F9-6.011	19/36		
61A-7.012	29/41			61F9-6.013	19/36		
61A-7.013	29/41	30/17		61F14-3.016	19/36		
61A-7.014	29/41	30/17		61G-3.5082	27/4		
61A-7.015	29/41			61G1-11.017	29/47		30/34w
61B-15.0012	30/21		30/34	61G1-17.001	30/26	30/28	30/36
61B-17.002	30/21		30/35	61G1-17.002	30/26		30/36
61B-17.005	30/21		30/35	61G1-21.001	30/32		
61B-17.006	30/21		30/35	61G1-23.040	29/28	30/21	
61B-30.004	20/19			61G1-24.001	30/32		
61B-30.006	22/45			61G2-3.005	21/33		
61B-31.001	23/2			61G2-3.0055	23/38	24/6	
61B-31.002	23/2			61G2-4.001	21/29		
61B-32.001	21/30			61G3-16.0091	27/11		
61B-36.001	29/17	29/46		61G3-20.002	30/25		30/32
61B-36.002	29/17	29/46		61G3-20.009	27/11		
61B-36.003	29/17	29/46		61G3-30.001	28/2		
61B-39.001	22/33			61G4-15.002	27/23		
61B-39.002	22/33			61G4-15.005	30/6	30/8	
61C-1.002	22/23	22/36			30/15c		
61C-3.002	22/23	22/36		61G4-17.001	19/29		
61C-5.001	26/24			61G4-18.001	30/23		30/30
61C-5.016	30/34			61G4-18.007	30/23		30/30
61C-76.0061	21/35						

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
61G5-24.006	30/25	30/30	30/36	61J2-2.029	30/35		
61G6-5.001	29/5	29/7		61J2-3.008	30/22		
61G6-9.004	30/26		30/33	61J2-3.009	30/22		
61G6-12.0015	30/33			61J2-3.020	30/22		
61G6-12.0016	30/33			61J2-5.018	29/44	30/8	
61G7-5.001	30/23		30/36	61J2-5.019	29/44	30/8	
61G7-5.0011	30/23		30/36	61J2-5.020	29/44		
61G7-5.0012	30/23		30/36	61J2-6.006	29/44		
61G7-5.002	30/23		30/36	61J2-14.012	29/44		
61G7-5.003	30/23		30/36	61J2-17.009	29/44		
61G7-5.0031	30/23		30/36	61J2-17.012	28/3	28/17	
61G7-5.0032	30/23		30/36	61J8-4.022	29/10		
61G7-5.0033	30/23		30/36	61K1ER04-1			30/24
61G7-5.0034	30/23		30/36	61M-1.001	30/35		
61G7-5.005	30/23		30/36	61M-1.002	30/35		
61G7-6.001	30/16	30/25 30/26	30/33 30/33	61M-1.003	30/35		
61G7-10.011	26/13			ENVIRONMENTAL PROTECTION			
61G7-33.065	30/16			62-17.151	24/45	24/45	
61G8-30.004	30/6			62-40	29/7c		
61G10-11.0035	30/10	30/24	30/32		29/9c		
61G10-12.001	26/24				29/13c		
61G11-25.001	20/22				29/13c		
61G14-12.003	30/36				29/13c		
61G14-15.001	27/43				29/13c		
61G15-18.011	30/30				29/13c		
61G15-35.003	30/34			62-40.110	28/51		
61G16-2.001	23/12			62-40.120	28/51		
61G16-5.003	21/43	21/50		62-40.210	28/51		
61G16-8.001	30/26	30/34		62-40.310	28/51		
61G17-1.006	21/6			62-40.410	28/51		
61G17-1.010	29/4			62-40.411	28/51		
61G17-2.006	29/39			62-40.412	28/51		
61G17-5.0043		19/29 19/52 26/16 26/23	30/33 30/33 30/33 30/33	62-40.416	28/51		
	30/26		30/33	62-40.422	28/51		
61G17-9.007	29/39			62-40.425	28/51		
61G18-16.002	26/29			62-40.430	28/51		
61G18-16.003	26/29			62-40.431	28/51		
61G18-16.0035	26/29			62-40.432	28/51		
	30/18		30/31	62-40.450	28/51		
61G19-7.0010	26/41			62-40.458	28/51		
61H1-20.0053	26/28			62-40.470	28/51		
61H1-54.002	21/29			62-40.473	28/51		
61J1-2.005	28/41 29/44	28/43		62-40.474	28/51		
	28/41	28/43		62-40.475	28/51		
61J1-3.001	28/41	28/43		62-40.510	28/51		
61J1-3.002	28/41	28/43		62-40.520	28/51		
61J1-4.005	28/41 29/44	28/43 30/26		62-40.531	28/51		
	27/45			62-40.540	28/51		
61J1-4.240	27/45			62-40.610	28/51		
61J1-7.004	28/41	28/43		62-302.530	29/12		30/29
61J1-7.005	28/41	28/43		62-302.540	27/52		
61J2-2.027	30/35				29/12		
				62-304.300	30/6c		30/29dw
				62-304.510	29/25		
				62-304.700	29/43c		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
62-312.122	24/18			64B1-3.009	30/32		
62-330.2001	26/9			64B1-4.001	30/6		30/36w
62-503.101	30/21		30/30		30/32		
62-503.200	30/21		30/30		30/36		
62-503.300	30/21		30/30	64B1-4.0011	30/32		
62-503.350	30/21		30/30	64B1-6.006	30/15		30/30
62-503.400	30/21		30/30	64B1-6.008	30/15		30/30
62-503.420	30/21		30/30	64B1-6.011	30/4		
62-503.430	30/21		30/30	64B1-31.001	27/51	28/6	
62-503.500	30/21		30/30	64B2-11.012	30/24		30/32
62-503.600	30/21		30/30	64B2-11.013	30/24		
62-503.650	30/21		30/30	64B2-13.005	30/34		
62-503.655	30/21		30/30	64B2-15.001	30/24		
62-503.680	30/21		30/30	64B3-2.001	23/51		
62-503.700	30/21		30/30	64B3-2.002	22/34	24/49	
62-503.751	30/21		30/30	64B3-2.003	22/34	24/49	
62-503.800	30/21		30/30	64B3-3.001	30/25		
62-503.850	30/21		30/30	64B3-3.003	30/22		30/29
62-561.100	24/52			64B3-3.004	23/51		
62-610.814	24/52			64B3-5.003		27/20	30/33
62-621.200	21/52					27/21	30/33
62-730.050	23/7				30/9	30/27	30/33
62-761.891	24/14			64B3-6.001	27/5	27/17	
62D-5.054	30/24		30/33	64B3-8.006	30/30		
62D-5.056	30/24		30/33	64B4-3.001	25/22		
62D-5.057	30/24		30/33	64B4-4.005	30/29		30/36
62D-5.058	30/24		30/33	64B4-4.017	25/32		
62D-5.059	30/24		30/33	64B4-4.018	25/32		
62N-36.004	21/43			64B4-5.007	25/32		
62R-7.022	21/17			64B4-6.0013	25/32		
62R-7.025	21/17			64B4-6.0045	25/32		
62R-7.026	21/17			64B5ER04-3			30/22
62R-7.028	21/17			64B5ER04-4			30/23
	22/47			64B5-2.0135	29/42		
62R-7.032	21/17			64B5-2.017	30/20	30/33	
				64B5-15.010	27/30		
				64B5-16.005	29/42		
				64B5-16.006	29/42		
				64B6-1.001	30/34		
				64B6-1.016	28/52		
				64B6-4.002	30/34		
				64B6-4.006	30/34		
				64B6-55.004	27/41		
				64B7-27.012	24/12		
				64B7-28.002	30/30		
				64B7-30.004	30/25		30/32
				64B7-32.001	26/6		
				64B8-5.001	29/26	29/52	
				64B8-8.001	30/26		30/33
				64B8-8.003	30/26		30/33
				64B8-8.017	30/23		30/30
				64B8-9.003(2)	29/43c		
				64B8-9.014	29/50c		
				64B8-9.016	30/23		30/30
				64B8-13.0045	27/48	28/16	

JUVENILE JUSTICE

HEALTH



Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
64B8-30.005		29/35	30/30	64B16-27.104	30/10		30/31w
	30/23		30/30	64B16-27.104(6)	29/44c		
	30/35			64B16-27.105	27/4	27/21	
64B8-30.012	29/23c			64B16-28.140	24/38		
64B8-30.019	30/23		30/30	64B16-28.141	30/36		
64B8-51.002	30/30			64B16-28.450	30/20		30/30
64B8-52.004	30/18		30/33	64B16-28.503	30/36		
64B8-54.004	27/41			64B16-28.606	30/36		
64B8-304.700	29/43c			64B16-28.871	29/43c		
64B9-3.007	25/9				29/43c		
64B9-8.006	30/30				30/10		30/31w
64B10-15.002			30/32	64B16-30.004	30/20		30/29w
	30/9	30/26	30/32	64B17-3.006	30/9	30/26	30/32
64B10-15.0021		25/39	30/32	64B17-4.006	30/9	30/26	30/32
	30/9	30/26	30/32	64B17-5.001	30/16	30/26	30/32
64B11-2.006	30/36			64B18-14.010	30/9	30/14	30/30
64B11-3.004	30/36					30/23	30/30
64B11-4.005		28/2	30/30	64B18-14.011	30/9		30/30
	30/23		30/30	64B19-11.001	30/20		30/31w
64B11-5.001	30/36			64B19-11.005	30/21		30/30
64B12-8.021	30/26		30/33	64B19-11.007	30/20		30/31w
64B12-8.022	30/26		30/33	64B19-17.0035	30/32		
64B12-8.023	30/26		30/33	64B19-17.004	30/20	30/32	
64B12-10.004	30/33			64B19-18.0025	30/21		30/30
64B12-10.007	30/26		30/33	64B19-18.006	30/21		
64B12-19.002	27/11			64B19-18.007	30/21	30/33	
64B13-5.003	30/21	30/29	30/35	64B20-2.002	25/45	26/30	
64B13-6.001		29/18	30/35	64B20-3.004	30/6	30/25	30/32
	30/22		30/35	64B20-7.004	30/25		30/32
64B13-11.001		28/49	30/35	64B20-7.005	30/25		30/32
	30/3	30/16	30/35	64B24-4.001	29/16	30/32	
64B13-11.004		28/49	30/35	64B24-4.002	29/16	30/32	
	30/3	30/16	30/35	64B24-4.004	29/16		
64B13-18.002	30/21	30/29		64B24-4.006	29/16	30/32	
64B14-4.200	30/36			64B24-4.007	29/16	30/32	
64B14-5.003	30/36			64B24-4.010	29/16		
64B14-7.001	30/36			64B32-1.005	30/36		
64B14-7.004	30/36			64B32-2.002	30/36		
64B15-6.0035	30/23		30/30	64B32-3.004	30/36		
64B15-6.013	30/23		30/30	64B32-5.001	28/3	28/5	
64B15-13.001	30/22		30/30	64B32-6.007	30/33		
64B16-26.1001	30/33			64C-1.003	30/36c		
64B16-26.1002	30/33			64C-4.003	30/29		
64B16-26.1003	30/33			64C-13.018	24/22		
64B16-26.1004	30/33			64C-23.002	27/17		
64B16-26.1012	30/33			64C-27.001	27/17		
64B16-26.1021	30/33			64C-27.002	27/17		
64B16-26.1022	30/33			64E-2.010	30/31		
64B16-26.104	30/34			64E-6.007	25/48		
64B16-26.2031	30/34			64E-9	30/21c		
64B16-26.204	30/34			64E-9.007(16)(b)	30/10c		
64B16-26.303	30/34			64E-9.011(2)(g),			
64B16-26.304	30/34			(8)(c)	30/10c		
64B16-26.320	30/34			64E-25.001	30/18	30/27	30/33
64B16-26.400	30/34			64E-25.002	30/18	30/27	30/33
64B16-26.603	30/34			64E-25.003	30/18	30/27	30/33

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
64E-25.004	30/18		30/33	65C-22.006	30/17	30/28	
64E-25.005	30/18		30/33	65C-22.007	29/9		
64E-25.006	30/18		30/33		30/17	30/28	
64F-12.012	30/17	30/24	30/31	65C-22.008	30/17	30/28	
64F-12.015	30/29			65E-2.003	26/20	26/28	
64F-12.018	30/29			65E-14.001	30/28		
64F-19.001	30/17	30/26	30/32	65E-14.002	30/28		
64F-19.002	30/17		30/32	65E-14.021	30/28		
64F-19.003	30/17	30/26	30/32	65E-14.022	30/28		
64F-19.004	30/17		30/32	FLORIDA HOUSING FINANCE CORPORATION			
64F-19.005	30/17		30/32	67-4.032	29/9	29/45	
64F-19.006	30/17		30/32	67-18.005	28/42		
64F-19.007	30/17	30/26	30/32	67-21.019	24/46	24/46	
64F-19.008	30/17	30/26	30/32	67-32.009	24/28		
64F-19.009	30/17	30/26	30/32	67-50.001	30/24	30/35	
64F-19.010	30/17	30/26	30/32	67-50.005	30/24	30/35	
64F-19.011	30/17		30/32	67-50.010	30/24	30/35	
64F-20.001	30/27		30/35	67-50.020	30/24	30/35	
64V-1.001	30/35			67-50.030	30/24	30/35	
64V-1.002	30/35			67-50.040	30/24	30/35	
64V-1.003	30/35			67-50.050	30/24	30/35	
64V-1.0032	30/35			67-50.060	30/24	30/35	
64V-1.006	30/35			67-50.070	30/24	30/35	
64V-1.0061	30/35			67-50.080	30/24	30/35	
64V-1.018	30/2			67-50.090	30/24	30/35	
64V-1.019	30/35			67-50.100	30/24		
CHILDREN AND FAMILY SERVICES				FISH AND WILDLIFE CONSERVATION COMMISSION			
65-1	30/6c			68A-12.007	30/24	30/31	30/34
	30/9c			68A-23.005	30/1		
	30/15c		30/31	68A-24.003	28/17		
65AER04-1				68A-24.004	28/17		
65A-1.203	30/23			68A-24.0055	30/1		
65A-1.205	30/23			68A-24.006	28/17		
65A-1.601	28/11	28/23			30/1		
		28/31		68A-24.009	30/1		
		28/41		68B-3.008	30/34		
65A-1.712	30/26		30/35	68B-13.008	27/31	26/13	
65A-1.716	30/22			68B-45.004	30/34		
65A-4.213	25/32			68C-22.013	30/22		
65A-4.215	30/24			68C-22.014	30/22		
65A-4.216	25/32			68C-22.016	30/22		
65A-15.0095	26/4			68C-22.022	30/22		
65C-20.008	30/17	30/28		FINANCIAL SERVICES			
65C-20.009	30/17	30/28		69-211.042	30/10c		
65C-20.010	30/17	30/28		69A-2.024	30/18	30/35	
65C-20.011	30/17	30/28		69A-60.002	30/20		
65C-20.012	30/17	30/28		69A-60.003	30/20		
65C-20.013	30/17	30/28		69A-60.004	30/20		
65C-21.001	23/20			69A-60.005	30/20		
65C-22.001	30/17	30/28		69A-60.007	30/20		
65C-22.002	30/17	30/28					
65C-22.003	30/17	30/28					
65C-22.004	30/17	30/28					
65C-22.005	30/17	30/28					

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
69A-60.008	30/20			69A-62.036	29/44	29/46	30/36
69A-62.0001	29/44	29/46	30/36			30/27	30/36
		30/27	30/36	69A-62.040	29/44	29/46	30/36
69A-62.001	29/44	29/46		69A-62.041	29/44	29/46	30/36
69A-62.002	29/44	29/46		69A-62.042	29/44	29/46	30/36
69A-62.003	29/44	29/46	30/36	69A-62.043	29/44	29/46	30/36
		30/27	30/36	69A-62.044	29/44	29/46	30/36
69A-62.006	29/44	29/46	30/36	69A-62.045	29/44	29/46	30/36
		30/27	30/36	69BER04-4			30/35
69A-62.007	29/44	29/46	30/36	69B-211.042	30/22		30/29
		30/27	30/36	69B-221.051	30/22		30/32
69A-62.020	29/44	29/46	30/36	69B-221.060	30/22		30/32
		30/27	30/36	69C-6.003	29/38	30/29	30/34
69A-62.021	29/44	29/46	30/36	69IER04-1			30/29
		30/27	30/36	69IER04-2			30/29
69A-62.022	29/44	29/46	30/36	69IER04-3			30/29
		30/27	30/36	69L-6.024	30/22		30/29
69A-62.023	29/44	29/46	30/36	69M-1	29/52c		
		30/27	30/36	69OER04-5			30/36
69A-62.030	29/44	29/46	30/36	69OER04-7			30/36
		30/27	30/36	69O-137.001	30/28		
69A-62.031	29/44	29/46	30/36	69O-138.001	30/28		
69A-62.032	29/44	29/46	30/36	69O-170.013	30/14		
69A-62.033	29/44	29/46	30/36	69O-170.013(7)	30/21c		
		30/27	30/36	69O-186.003	30/18		
69A-62.034	29/44	29/46	30/36	69O-186.005	30/18		
		30/27	30/36	69O-186.016	30/18		
69A-62.035	29/44	29/46	30/36				
		30/27	30/36				