

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Investor Protection

RULE TITLE: Definitions **RULE NO.:** 3E-200.001

PURPOSE AND EFFECT: The rule is being amended to include communications via the Internet as advertising. Federal rules have been changed to allow certain individuals to receive cash payments for solicitation activities from investment advisers registered with the SEC. Rule 3E-200.001(7)(c) is being added to exclude these individuals from the definition of associated person of an investment adviser. Rule 3E-200.001(9)(b)4. is being amended to correct a cite reference. A new Rule 3E-200.001(11) is being added to define the term "custody."

SUBJECT AREA TO BE ADDRESSED: Definitions will be amended to correct cite references and to comply with federal rules. Communications via the Internet will also be included within the definition of advertising. A definition of the term "custody" will be added.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.07, 517.12, 517.021(11), 517.051, 517.061, 517.081 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., April 15, 1999

PLACE: 101 East Gaines Street, Fletcher Building, Room 664, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bill Reilly, Financial Administrator, Division of Securities and Investor Protection, Fletcher Building, Room 664, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-200.001 Definitions.

As used in the Rules and Regulations of the Division of Securities and Investor Protection, pursuant to Chapter 517, F.S. Florida Statutes, unless the context otherwise specifically requires:

(1) No change.

(2) "Advertising" means any circular, prospectus, advertisement or other material or any communication by radio, television, Internet, pictures or similar means used in connection with a sale or purchase or an offer to sell or purchase any security.

(3) through (6) No change.

(7)(a) "Associated person" as defined in Section 517.021(2), F.S., shall include any person who for compensation refers, solicits, offers, or negotiates for the purchase or sale of securities and/or of investment advisory services. A person whose activities fall within this definition is required to register with the Department as an associated person pursuant to Sections 517.12(1) or (4), F.S.

(b) Notwithstanding the provisions of ~~sub~~paragraph (a), an associated person registered with the Department and operating in compliance with Rule 3E-600.003(2), F.A.C., shall not be deemed an associated person of any investment adviser other than the investment adviser or dually registered dealer/investment adviser with which such associated person is registered.

(c) Any person acting in compliance with SEC Rule 206(4)-3 (17 CFR 275.206(4)-3), as it existed on January 1, 1999, shall not be deemed an associated person of an investment adviser.

(8) No change.

(9)(a) Except as otherwise provided herein, the term "Branch Office" shall mean any location in Florida other than a home office:

1. which is owned or controlled by a dealer or investment adviser for purposes of offering for sale or selling securities or for rendering investment advice and in which two or more associated persons are engaged in such activities. "Control" as used herein and in Section 517.021(4), F.S., shall be presumed from the fact that such location is used by associated persons of a dealer or investment adviser to conduct business on behalf of such dealer or investment adviser;

2. which is listed in any publication, including a professional digest or telephone directory, or advertised in any media as an office of a dealer or investment adviser; or

3. which is designated with the Securities and Exchange Commission or with a securities exchange or ~~of~~ self-regulatory organization as a branch office of a dealer or investment adviser.

(b) The following locations shall not be deemed branch offices for purposes of Section 517.12(5), F.S.:

1. Locations used temporarily for the purposes of conducting seminars or distributing printed information;

2. The home of a client;

3. A public location, such as a restaurant, which is occasionally used by a registered associated person to conduct business on behalf of the dealer or the investment adviser provided the location is not held out to the investing public as an office of the dealer or investment adviser; or

4. Any location defined as a branch office in paragraph (9) 40(a) of this Rule from which an associated person registered with a dealer and one or more investment advisers registered with the Department conducts business on behalf of said multiple entities provided that such location is lawfully registered with the Department as a branch office of at least one of said entities.

(10) No change.

(11) "Custody" means a person directly or indirectly holds customer funds or securities, has any authority to obtain possession of them, or has the ability to appropriate them.

(11) through (28) renumbered (12) through (29) No change.

(30)(29) "Securities Act of 1933," "Securities Exchange Act of 1934," "Investment Company Act of 1940," "Investment ~~Advisers~~ Advisors Act of 1940," and "Internal Revenue Code" mean the federal statutes of those names as amended.

(30) through (32) renumbered (31) through (33) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.07, 517.12, 517.021(11), 517.051, 517.061, 517.081 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-200.01, Amended 12-8-87, 10-14-90, 7-31-91, 6-16-92, 1-11-93, 5-5-94, 10-20-97, 8-9-98, _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Investor Protection

RULE TITLE: Registration of Issuer Dealers, Principals and Branch Offices

RULE NO.: 3E-600.004

PURPOSE AND EFFECT: The National Securities Markets Improvement Act of 1996 ("NSMIA") amended the Securities Exchange Act of 1934 to prohibit any state from imposing on dealers any requirements relating to records and other areas that differ from or are in addition to those under federal law. Rule 3E-600.004(3)(d)4. requires a disclosure document be provided to customers in this state by branch offices or associated persons conducting securities or investment advisory business under a name other than that of the dealer or investment adviser with whom they are registered. This disclosure document is not required under federal law and this rule provision is being deleted. Rule 3E-600.004(3)(d)5. is also being deleted as it describes instances where the disclosure requirements to not apply.

SUBJECT AREA TO BE ADDRESSED: Branch office disclosure documents.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.12(5),(10) 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., April 15, 1999

PLACE: 101 East Gaines Street, Room 664, Fletcher Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Reilly, Financial Administrator, Division of Securities and Investor Protection, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-600.004 Registration of Issuer/Dealers, Principals and Branch Offices.

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

(3)(d) It is prohibited for any branch office or associated person to conduct a securities or investment advisory business in this state under any name other than that of the dealer or investment adviser with which the branch office or associated person is registered unless each of the following conditions is met:

1. The business conducted does not violate or evade any provision of Chapter 517, F.S.;

2. The business conducted does not fall within the definition of "dealer" or "investment adviser" as used in Chapter 517, F.S.; and

3. The dealer or investment adviser with which the branch office or associated person is registered has received written notice of the name under which business will be conducted, and

~~4. Each customer in this state is provided written disclosure prior to the first transaction conducted on behalf of such customer. Such disclosure shall include but not be limited to: an explicit description of the relationship between the registered dealer or investment adviser and any other entity conducting business at this location; the reason business is conducted under a name other than that of the dealer or investment adviser; the respective services provided by the dealer or investment adviser and any other entity which conducts business at this location; the fact that such entity is not registered with any state or federal agency as a dealer or investment adviser and therefore may not be subject to protections afforded by such registration; the name, title, address, and phone number of the person employed by the dealer or investment adviser which is responsible for supervising the conduct of the associated person(s) conducting business from this location; and a statement that prior to the initial transaction this disclosure is required by the State of Florida to be provided to every customer in this state transacting business with an entity conducting securities or investment advisory business under any name other than that of a registered dealer or investment adviser exclusively. For those persons required to comply with the provisions of this subsection, it shall be considered a violation of Section 517.121(1), F.S., for any associated person to effect a transaction on behalf of a dealer or investment adviser unless~~

the associated person, dealer, or investment adviser possesses a copy of the disclosure required herein which copy has been originally signed and dated by the customer to evidence the customer's receipt of such disclosure.

5. The disclosure requirements of paragraph 4. of this rule shall not apply where:

(i) the business of a branch office or associated person is conducted under a name which is not misleading and which is similar to or includes any part or abbreviation of the name of a corporation or other entity which has an ownership interest in the dealer or investment adviser with which the branch office or associated person is registered;

(ii) unless previously provided pursuant to this rule, written disclosure of the relationship between the controlling entity and the registered dealer or investment adviser is provided to each customer prior to effecting a securities transaction on behalf of the customer or rendering investment advice to the customer; and

(iii) the complete name of the registered dealer or investment adviser with which the branch office or associated person is registered is disclosed in each account agreement, statement of account, or transaction confirmation provided to the customer by or on behalf of the registered dealer or investment adviser.

Specific Authority 517.03(1) FS. Law Implemented 517.12(5),(10) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97, _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Investor Protection

RULE TITLE: Rules of Conduct

RULE NO.: 3E-600.012

PURPOSE AND EFFECT: Rule 3E-600.012(1)(d) is being amended to provide a reference date of January 1, 1999 for rules of the Securities and Exchange Commission (SEC) and the Municipal Securities Rulemaking Board (MSRB).

SUBJECT AREA TO BE ADDRESSED: Rules of conduct.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.121, 517.301(1) FS.

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

TIME AND DATE: 10:00 a.m., April 15, 1999

PLACE: Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bill Reilly, Financial Administrator, Division of Securities and Investor Protection, Fletcher Building, Room 664, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.012 Rules of Conduct.

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

(d) Compliance with SEC Rule 10b-10 (17 CFR 240.10b-10) of the Securities Exchange Act of 1934, and the confirmation, preparation and disclosure requirements of SEC S.E.C. Rule 17a-3 (17 CFR 240.17a-3) or MSRB M.S.R.B. Rules G-8 and G-15, as those rules existed on January 1, 1999, shall be deemed compliance with this Rule.

(2) through (4) No change.

(5) It shall be unlawful and a violation of Section 517.301(1), F.S., for any dealer or associated person to engage in any "device, scheme, or artifice to defraud" which shall include selling or effecting the purchase of any security into, in, or from offices in this state in violation of Sections 9, 10, 11A, or 15(c) of the Securities Exchange Act of 1934 or of SEC S.E.C. Rules 9b-1, 10b-1 et seq., 11Aa3-1, 15c1-1 et seq., or 15c2-1 et seq. (17 CFR 240.9b-1; 17 CFR 240.10b-1 et seq.; 17 CFR 240.11Aa3-1 (as amended on January 10, 1997); 17 CFR 240.15c1-1 et seq.; or 17 CFR 240.15c2-1 et seq., respectively), as such provisions existed ~~were in existence~~ on January 1, 1999 ~~February 28, 1992~~; or Section 15(g) of the Securities Exchange Act of 1934 or of SEC S.E.C. Rules 15g-1, et seq. (17 CFR 240.15g-1 et seq.) as such provisions existed on August 11, 1993; or Regulation M (17 CFR 242.100-.105) as such provisions existed on March 4, 1997.

Specific Authority 517.03(1) FS. Law Implemented 517.121, 517.301(1)(a) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.12, Amended 12-25-89, 10-14-90, 8-1-91, 6-16-92, 1-11-93, 4-11-94, 1-3-99, _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Investor Protection

RULE TITLE: Continuing Education Requirements

RULE NO.: 3E-600.020

PURPOSE AND EFFECT: Schedule C to the National Association of Securities Dealers ("NASD") By Laws, Part XII was renamed Membership and Registration Rule 1120 in July 1996. Rule 3E-600.020(1) is being amended to reflect the correct name of the NASD rule. The reference date for the self-regulatory rules cited in 3E-600.020(1) through (8) is being amended to January 1, 1999.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for the securities industry.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.12(18), 517.161(1) FS.

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

TIME AND DATE: 10:00 a.m., April 15, 1999

PLACE: Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bill Reilly, Financial Administrator, Division of Securities and Investor Protection, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.020 Continuing Education Requirements.

Failure to comply with any of the applicable continuing education requirements set forth in any one of the following shall be deemed a demonstration of unworthiness by a dealer or associated person under Section 517.161(1)(h), F.S. Florida Statutes:

(1) ~~Membership and Registration Rule 1120 Schedule C to the National Association of Securities Dealers By Laws, Part XXII~~ of the National Association of Securities Dealers, as such provisions existed on January 1, 1999 ~~July 1, 1995~~;

(2) Rule 345A of the New York Stock Exchange, as such provisions existed on January 1, 1999 ~~July 1, 1995~~;

(3) Rule G-3(h) of the Municipal Securities Rulemaking Board, as such provisions existed on January 1, 1999 ~~July 1, 1995~~;

(4) Rule 341 A of the American Stock Exchange, as such provisions existed on January 1, 1999 ~~July 1, 1995~~;

(5) Rule 9.3A of the Chicago Board of Options Exchange, as such provisions existed on January 1, 1999 ~~July 1, 1995~~;

(6) Article VI, Rule 9 of the Chicago Stock Exchange, as such provisions existed on January 1, 1999 ~~July 1, 1995~~;

(7) Rule 9.27(c) of the Pacific Stock Exchange, as such provisions existed on January 1, 1999 ~~July 1, 1995~~; or

(8) Rule 640 of the Philadelphia Stock Exchange, as such provisions existed on January 1, 1999 ~~July 1, 1995~~.

Specific Authority 517.03(1) FS. Law Implemented 517.12(18), 517.161(1) FS. History--New 12-21-95, Amended.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Equine Infectious Anemia	5C-18
RULE TITLES:	RULE NOS.:
Official Test	5C-18.003
Quarantine	5C-18.007
Procedures for Assembly Points, Approved Quarantine Assembly Points, Approved Quarantine Premises, and Horse Slaughter Sales	5C-18.011

PURPOSE AND EFFECT: The purpose and effect of these rule changes is to created a fee for maintaining an approved quarantined premise and remove requirements of a notarized copy of the test report for movement.

SUBJECT AREA TO BE ADDRESSED: This rule establishes an annual fee of \$200 for an approved quarantine premise and removes the requirement of a notarized copy of test report.

SPECIFIC AUTHORITY: 585.002(4),(5), 585.08(2), 585.671 FS.

LAW IMPLEMENTED: 585.002(5), 585.11(1), 585.08(1), 585.145(1),(2), 585.16, 585.671 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., April 9, 1999

PLACE: Department of Agriculture and Consumer Services, Conference Room, 407 S. Calhoun Street, Room 316, Tallahassee, Florida 32399-0800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jay S. Levenstein, Chief, Bureau of Animal Disease Control, Division of Animal Industry, 407 S. Calhoun Street, Room 329, Tallahassee, Florida 32399-0800, Phone (850)488-7182

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-18.003 Official Test.

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

(2) Rejected Test Report. A report of an EIA test will be rejected if the report:

(a) through (b) No change.

(c) Is not an original owner's copy or a laboratory certified copy; except that for purposes other than change of ownership shows and exhibitions within Florida, a notarized photocopy of the owner's original copy is acceptable.

(3) through (5)(b) No change.

Specific Authority 585.002(4),(5), 585.08(2), 585.671 FS. Law Implemented 585.002(5), 585.671, 585.11(1) FS. History--New 10-15-73, Formerly 5C-18.03, Amended 8-15-94,_____.

5C-18.007 Quarantine.

(1) through (4) No change.

(5) Approved quarantine premises. Any premise where a reactor horse is to be maintained must be approved in advance by the Director.

(a) Written Request. The owner of the premise, or an authorized representative of the owner, must submit a written request for approval of the premise to the Department of Agriculture and Consumer Services, Division of Animal Industry, Post Office Box 6710, Tallahassee, FL 32314.

(b) Fee. Effective July 1, 1999, all approved quarantine premises must pay an annual fee of \$200.00, paid by certified check or money order made payable to the Florida Department of Agriculture and Consumer Services.

(c) Any individual or organization that maintains reactors for research, educational, or therapeutic purposes at an approved quarantine premise shall be exempt from payment of the fee.

(b) through (e) renumbered (d) through (g) No change.

Specific Authority 585.002(4), 585.08(2), 585.671 FS. Law Implemented 585.08(1), 585.145(1),(2), 585.16, 585.671 FS. History--New 10-15-73, Formerly 5C-18.07, Amended 8-15-94.

5C-18.011 Procedures for Assembly Points, Approved Quarantine Assembly Points, Approved Quarantine Premises, and Horse Slaughter Sales.

(1) through (2) No change.

(3) Approved Quarantine Premises. Approved quarantine premises must have valid permits and must comply with all requirements of 5C-18.007(52).

(4) No change.

Specific Authority 585.002(4), 585.08(2), 585.671 FS. Law Implemented 585.671, 585.14, 585.16, 585.23, 585.18, 585.19 FS. History--New 10-15-73, Formerly 5C-18.11, Amended 8-15-94.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Transporting Animal Carcasses/Refuse	5C-23
RULE TITLES:	RULE NOS.:
Definitions	5C-23.001
Application for Permit; Fees	5C-23.002
Vehicle and Container Requirements	5C-23.003
Transporting or Hauling Animal Carcasses or Refuse; Procedures; Records; Equipment; Quarantine	5C-23.004

PURPOSE AND EFFECT: The purpose and effect of this rule is to provide guidelines for implementation of Section 585.147, F.S.

SUBJECT AREA TO BE ADDRESSED: This rule defines certain terms, provides procedures for permitting and recordkeeping and establishes a permit fee.

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

LAW IMPLEMENTED: 585.01, 585.08(1), 585.145(1), 585.147 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: 8:00 a.m., April 9, 1999

PLACE: Department of Agriculture and Consumer Services, Conference Room, 407 S. Calhoun Street, Room 316, Tallahassee, Florida 32399-0800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jay S. Levenstein, Chief, Bureau of Animal Disease Control, Division of Animal Industry, 407 S. Calhoun Street, Room 329, Tallahassee, Florida 32399-0800, Phone (850)488-7182

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-23.001 Definitions.

For the purposes of this chapter the following definitions shall apply:

(1) Animal. This term shall include any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry or other domesticated beast or bird; the term animal shall include wild or game animals whenever necessary to effectively control or eradicate diseases.

(2) Department. The Florida Department of Agriculture and Consumer Services.

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

(4) Dying, disabled, diseased animal. Any animal, as defined by this section that shows evidence of infection with any infectious, contagious or communicable disease or is incapable of moving under its own power.

(5) Forms and Materials. Department of Agriculture and Consumer Services Application and Permit to Transport Animal Carcasses/Refuse (Form DACS-09056, Rev. 01-99) is hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Animal Industry, 407 South Calhoun Street, The Mayo Building, Tallahassee, Florida 32399-0800.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.01, 585.08(1), 585.145(1), 585.147 FS. History--New

5C-23.002 Application for Permit; Fees.

(1) No person shall engage in the business of transporting or hauling any dead, dying, disabled, or diseased animal; any product of an animal that died other than by slaughter; or any inedible animal product not meant for human consumption without having first applied for, and obtained from the department, a permit.

(2) Application for Permit. The applicant must submit a signed Form DACS-09056, Application and Permit to Transport Animal Carcasses/Refuse, together with a non-refundable application fee of \$200, to the Division of Animal Industry, Florida Department of Agriculture and Consumer Services, 407 South Calhoun Street, The Mayo Building, Tallahassee, Florida 32399-0800. The information supplied by the applicant on the application for permit shall be certified under oath. The fee must be submitted as a check or money order made payable to the Florida Department of Agriculture and Consumer Services.

(3) Requirements for Permit. Upon receipt of the application and fee, an authorized representative of the Department will inspect all vehicles and containers used in the transportation and storage of carcasses or refuse to determine compliance with the requirements of this Chapter.

(4) Issuance of Permit. Applicants meeting the requirements on inspection by an authorized representative of the Department will be issued a permit. All permits expire on June 30.

(5) Reissue of Permit. The applicant will submit to the Department a completed DACS-09056 form indicating a request for reissue of permit signed by an authorized representative and accompanied by a permit fee as set forth above. Permit reissue requests will be due by July 1 of each year. If a permit request for reissue has not been received by July 1, an applicant must comply with all provisions of this rule as though never previously permitted.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.01, 585.08(1), 585.145(1), 585.147 FS. History—New

5C-23.003 Vehicle and Container Requirements.

(1) All vehicles used in the transportation of carcasses or refuse on public highways shall be of such construction as to prevent seepage or residue from escaping;

(2) All barrels or other containers used for transportation and storage of carcasses or refuse shall be clearly marked "INEDIBLE" with letters not less than 2 inches in height;

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.01, 585.08(1), 585.145(1), 585.147 FS. History—New

5C-23.004 Transporting or Hauling Animal Carcasses or Refuse; Procedures; Records; Equipment; Quarantine.

(1) A copy of the official permit shall be kept in each vehicle used for transporting or hauling animal carcasses or refuse.

(2) Any person transporting or hauling animal carcasses or refuse shall keep records regarding the collection, transportation and distribution of animal carcasses or refuse. Such records must include the names and addresses of persons, firms and partnerships or corporations for which animal carcasses or refuse is being transported and cover the previous twelve months of operation.

(3) All vehicles and/or containers used to transport or haul animal carcasses or refuse shall be thoroughly cleaned and disinfected weekly or more often if deemed necessary by a representative of the Division. Each operator shall be responsible for the proper cleaning of his vehicles and/or containers.

(4) Vehicle and/or containers used to transport or haul animal carcasses or refuse which do not meet the requirement of this rule shall be placed under quarantine by the department until they are in compliance with this Chapter and proper cleaning and disinfection of the same has occurred.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.01, 585.08(1), 585.145(1), 585.147 FS. History—New

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Tuition, Fee Schedule and Percentage of Cost

RULE NO.: 6C-7.001

PURPOSE AND EFFECT: To implement the student fees for 1999-2000 as may be required by the Conference Committee Report on proposed Senate Bill (1999-2000 General Appropriations Act).

SUBJECT AREA TO BE ADDRESSED: University student Fees for the 1999-2000 academic year.

SPECIFIC AUTHORITY: 240.209 (1),(3)(e), (r) FS.

LAW IMPLEMENTED: 240.209(1),(3)(e) FS., Conference Committee Report on Senate Bill (1999-2000 General Appropriations Act).

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

TIME AND DATE: 8:30 a.m., May 27, 1999

PLACE: Student Union, Florida Atlantic University, Boca Raton, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1522 Florida Education Center, Tallahassee, Florida 32399-1950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6C-7.001 Tuition, Fee Schedule and Percentage of Cost.

(4) The following tuition shall be levied and collected effective the fall semester indicated for each student regularly enrolled, unless provided otherwise in this chapter.

(a) Students enrolled in programs other than the Program in Medical Sciences or MD, DMD or ~~and~~ DVM in the University of Florida College of Medicine, College of Dentistry, or ~~and~~ College of Veterinary Medicine, or ~~and~~ in the MD program in the University of South Florida College of Medicine will be assessed the following fees per credit hour:

FALL 1999 (Proposed new fees are being considered by the 1999 Legislature)

Fall 1998	Undergraduate		Graduate		Law	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Fee						
Matriculation	\$46.99	\$46.99	\$113.03	\$113.03	\$128.46	\$128.46
Non-Resident Student Financial Aid	\$211.30	\$211.30	\$327.20	\$327.20	\$340.81	\$340.81
Aid	\$2.34	\$2.34	\$5.65	\$5.65	\$6.42	\$6.42
Non-Resident Student Financial Aid		\$10.56		\$16.36		\$17.04
Capital Improvement Trust Fund	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44
Building	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32
Activity and Service Health Athletic University Matriculation University Non-resident			Varies by University per Rule 6C-7.003			
Total ^a	\$54.09	\$275.95	\$123.44	\$467.00	\$139.64	\$497.49

^a Excludes fees that vary by university.

Fall 1997

Fee	Undergraduate		Graduate		Law	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Matriculation	\$43.92	\$43.92	\$105.64	\$105.64	\$120.06	\$120.06
Non-Resident Student Financial Aid	\$187.83	\$187.83	\$290.85	\$290.85	\$302.95	\$302.95
Aid	\$2.19	\$2.19	\$5.28	\$5.28	\$6.00	\$6.00
Non-Resident Student Financial Aid		\$9.39		\$14.54		\$15.14
Capital Improvement Trust Fund	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44
Building	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32
Activity and Service Health Athletic University Matriculation University Non-resident			Varies by University per Rule 6C-7.003			
Total ^a	\$50.87	\$248.09	\$115.68	\$421.07	\$130.82	\$448.91

^a Excludes fees that vary by university.

Fall 1997 (Excess Hours)

For undergraduate students enrolled in credit courses for hours beyond 115% for the degree (exclusive of those credit hours and students exempted by Board policy) a 50% increase in the per credit hour tuition amount will be charged. The following reflects the total per credit hour charge for each excess hour.

Fee	Undergraduate		Graduate ^b		Law ^b	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Matriculation	\$65.88	\$65.88	\$158.46	\$158.46	\$180.09	\$180.09
Non-Resident		\$281.74		\$436.27		\$454.42

Student Financial Aid	Medical	Dental	Non-Resident	Veterinary
	\$3.29	\$3.29	\$7.92	\$7.92
Non-Resident Student Financial Aid		\$14.08		\$21.81
Capital Improvement Trust Fund	\$2.44	\$2.44	\$2.44	\$2.44
Building	\$2.32	\$2.32	\$2.32	\$2.32
Activity and Service Health Athletic University Matriculation University Non-resident			Varies by University per Rule 6C-7.003	
Total ^a	\$73.93	\$369.75	\$171.14	\$629.22

^a Excludes fees that vary by university.

^b Fees apply only to undergraduate students taking these courses when the student has accumulated hours beyond 115% for the degree.

(b) Students enrolled in the Program in Medical Sciences or MD, DMD or and DVM programs in the University of Florida College of Medicine, College of Dentistry, or and College of Veterinary Medicine, or and in the MD program in the University of South Florida College of Medicine will be assessed the following fees per student for the academic year as defined by each university:

FALL 1999 (Proposed new fees are being considered by the 1999 Legislature)

FALL 1998

Fee	Medical		Dental		Veterinary	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Matriculation	\$9,222.84	\$9,222.84	\$8,019.88	\$8,019.88	\$6,736.66	\$6,736.66
Non-Resident Student Financial Aid	\$461.14	\$461.14	\$400.98	\$400.98	\$336.82	\$336.82
Aid		\$840.52		\$730.88		\$613.94
Non-Resident Student Financial Aid						
Capital Improvement Trust Fund	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60
Building	\$92.80	\$92.80	\$92.80	\$92.80	\$92.80	\$92.80
Activity and Service Health Athletic University Matriculation University Non-resident			Varies by University per Rule 6C-7.003			
Total ^a	\$9,874.38	\$27,525.42	\$8,611.26	\$23,959.98	\$7,263.88	\$20,156.82

^a Excludes fees that vary by university.

Fall 1997

Fee	Medical		Dental		Veterinary	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Matriculation	\$8,619.48	\$8,619.48	\$7,495.22	\$7,495.22	\$6,295.96	\$6,295.96
Non-Resident		\$14,942.70		\$12,993.64		\$10,914.68

Student Financial Aid	\$430.96	-\$430.96	\$374.76	\$374.76	\$314.78	\$314.78
Non-Resident Student Financial Aid		\$747.12		\$649.68		\$545.72
Capital Improvement Trust Fund	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60
Building	\$92.80	\$92.80	\$92.80	\$92.80	\$92.80	\$92.80
Activity and Service			Varies by University per Rule 6C-7.003			
Health			Varies by University per Rule 6C-7.003			
Athletic			Varies by University per Rule 6C-7.003			
University Matriculation			Varies by University			
University Non-resident			Varies by University			
Total*	\$9,240.84	\$24,930.66	\$8,060.38	\$21,703.70	\$6,801.14	\$18,261.54

*Excludes fees that vary by university.

(c) Pursuant to Section 240.124, F.S., each student enrolled in the same undergraduate course more than twice, beginning with the Summer 1998 Semester, shall be assessed an additional \$ to be determined after Session ~~\$153.06~~ per credit hour charge in addition to the fees outlined above in Rule 6C-7.001(4)(a) for each such course.

(d) Pursuant to Section 240.117, F.S., each FAMU student enrolled in the same college-preparatory class, beginning with the Fall 1997 Semester, more than once shall be assessed an additional \$ to be determined after Session ~~\$132.97~~ per credit hour charge in addition to the fees outlined above in Rule 6C-7.001(4)(a) for each such class.

Specific Authority 240.209(1), (3)(e),(r) FS. Law Implemented 240.209(3)(e), (h), 240.235(1), 240.124, 240.117 FS., Conference Committee Report on Senate Bill 2400, 1997. History—Adopted 4-8-79, Renumbered 12-16-74, Amended 6-28-76, 7-4-78, 8-6-79, 9-28-81, 12-14-83, 7-25-84, 10-2-84, 10-7-85, Formerly 6C-7.01, Amended 12-25-86, 11-16-87, 10-19-88, 10-17-89, 10-15-90, 9-15-91, 1-8-92, 11-9-92, 7-22-93, 8-1-94, 11-29-94, 4-16-96, 8-12-96, 9-30-97, 12-15-97, 8-11-98, 9-30-98, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE TITLES: Application

RULE NOS.: 19B-4.001

Payment Options

19B-4.003

PURPOSE AND EFFECT: To revise the Board's rules to provide that applications for advance payment contracts purchased through the Board's direct support organization or through employer participation programs may be submitted to the Board at any time; to make provisions for payments pursuant to employer participation agreements.

SUBJECT AREA TO BE ADDRESSED: Purchase of advance payment contracts through the Board's direct support organization and through employer participation programs.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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., April 12, 1999

PLACE: Suite 210, Hermitage Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, Telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

These rules apply to purchasers of advance payment contracts for the prepayment of postsecondary registration and/or dormitory residency fees. The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., or for purchasers participating in employer participation programs may be submitted to the Board at any time. After acceptance by the Board of the purchaser's application, a participation and payment schedule and master covenant shall be mailed to the purchaser. The advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule. The Florida Prepaid College Program Application, Form No. FPCP 98-1 is hereby incorporated by reference and may be obtained by calling 1(800)552-GRAD (4723) (prompt 1). The effective date of the form is October 19, 1998. The Florida Prepaid College Program Master Covenant, Form No. FPCP 98-2, is hereby incorporated by reference with an effective date of October 19, 1998.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, Formerly 4G-4.001, Amended _____.

19B-4.003 Payment Options.

Purchasers may make payments through a variety of means. Automated clearinghouse checks, payroll deductions or payments via coupon books will be acceptable. State employees may elect payroll deduction from the commencement of the contract application period. Other organizations and entities may apply to the Board to establish payroll deduction plans.

(1) Payments for applications received during the application period may be made under any schedule, on such specific date as specified by the Board and advertised in the

Florida Administrative Weekly. Payments are due in full within the specified dates as published in the Florida Administrative Weekly.

(2) Payments for applications received from purchasers pursuant to an employer participation agreement may be made as specified by the agreement. The payment schedule will correspond with the employer's payroll schedule.

~~(3)~~ An implied interest rate for installment payment plans will be calculated and approved by the Board and published annually in the Florida Administrative Weekly.

~~(4)~~ The Board's direct support organization, The Florida Prepaid College Foundation, Inc., may purchase advance payment contracts by providing a lump sum payment on or before March 1 of the Fall Semester of the anticipated enrollment year designated in the contract. Such payment shall be comprised of the lump sum price of the advance payment contract plus seven and one-half percent (7.1/2%) interest compounded per annum from the date of the first payment due date.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, 6-20-96, Formerly 4G-4.003, Amended.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE TITLE: Contract Requirements RULE NO.: 19B-5.003

PURPOSE AND EFFECT: To revise the Board's rules to delete an incorrect reference to a renewal fee.

SUBJECT AREA TO BE ADDRESSED: The deletion of an incorrect reference to a renewal fee.

SPECIFIC AUTHORITY: 240.551(6) FS.

LAW IMPLEMENTED: 240.551 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., April 12, 1999

PLACE: Suite 210, Hermitage Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, Telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.003 Contract Requirements.

(1) Purchasers must name the qualified beneficiary in the application, provided however, that the board's direct support organization shall be permitted to leave the qualified beneficiary's name blank until April 1 of the anticipated enrollment year.

(2) Only one qualified beneficiary is allowed per contract, and a specific beneficiary can be named in only one contract. In the event duplicate contracts for the same beneficiary are processed, the contract processed first shall be deemed valid and the remaining contract shall be deemed terminated.

(3) The purchaser does not have to designate the postsecondary institution that the beneficiary will attend.

(4) The contract may be used within three years in advance of the selected matriculation date indicated in the application with no penalty or additional cost. However, to utilize a contract prior to the selected matriculation date, the purchaser must pay the contract in full before changing such matriculation date.

(5) The benefits may be received for up to a 10 year period after the said selected matriculation date. This ten year limitation may be extended upon application to the Board ~~and the payment of a renewal fee assessed at that time.~~ Any time spent by the qualified beneficiary in the military service tolls the time for receiving contract benefits under all contract plans. The projected enrollment date shall correspond to the age/grade of the qualified beneficiary.

(6) Accounts that are composed of tuition and local fee contracts will only be paid if both the tuition account and local fee account are in good standing. Local fee payments shall not be remitted to pay tuition for any beneficiary.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, 5-31-95, 6-20-96, 2-19-99, Formerly 4G-5.003, Amended.

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Application for Certificate RULE NO.: 25-24.567

PURPOSE AND EFFECT: The purpose of the proposed amendments is to provide notice to applicants of specific deficiencies in their application and set a time limit during

which a person must provide information to staff related to the application for certificate. The effect will be a more orderly and timely processing of applications.

SUBJECT AREA TO BE ADDRESSED: Notice as to when an application is deemed filed and a time frame applicant must meet for filing for application to provide shared tenant service. SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.33, 364.335, 364.339, 364.345 FS.

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

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: DIANA CALDWELL, DIVISION OF APPEALS, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ann Causseaux, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.567 Application for Certificate.

(1) An applicant desiring to provide shared tenant service shall submit an application on Commission Form PSC/CMU 37 (XX/XX) (7/97), which is incorporated into this rule by reference. Form PSC/CMU 37 (XX/XX) (7/97), entitled "Application Form for Authority to Provide Shared Tenant Service," may be obtained by contacting the Commission's Division of Communications. A non-refundable application fee of \$100.00 must accompany the filing of all applications.

(2) An original and six copies of the application shall be filed with the Division of Records and Reporting.

(3) A certificate will be granted if the Commission determines that such approval is in the public interest.

(4) Any shared tenant service authority granted hereafter is subject to the following:

(a) Shared tenant authority granted to all companies is on a statewide basis and is restricted to tenants as defined in Section 25-24.560(10), F.A.C.

(b) Each shared tenant service applicant shall:

1. Advise all customers of its current rates and conditions for resold local exchange service and its quality of service standards.

2. Inform each customer in advance of agreement to provide service, that the Florida Public Service Commission will not set rates or regulate the service quality standards.

(c) A certificate to provide shared tenant service does not carry with it the authority to provide alternative local exchange telecommunication, alternative access vendor, interexchange or pay telephone service. A separate application must be made for such authority.

(5)(a) An application for a certificate to provide shared tenant service will be deemed filed when the appropriate filing fee has been paid and all requirements of Rule 25-24.567 have been met.

(b) The Bureau of Service Evaluation within the Division of Communications is responsible for determining whether the applicant has met the filing requirements imposed by this rule.

(6) The Bureau shall review the application to determine if the information required on Form PSC/CMU 37 is provided and shall notify the applicant by certified mail if the application is incomplete. Shared tenant service providers whose application is found incomplete shall have 30 calendar days beginning from the date of the notification to provide the additional information to the Bureau.

(7) If the applicant fails to provide the completed information for the application within the designated time, the application will be dismissed by the Chief of the Bureau without prejudice and the docket shall be closed administratively.

Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339, 364.345 FS. History--New 1-28-91, Amended 5-8-91, 11-20-91, 7-29-97, _____.

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

RULE CHAPTER TITLE: Schedule of Rates, Fees and Charges RULE CHAPTER NO.: 31-10

RULE TITLES: Plant Connection Charges and Regional RULE NOS.:

Transmission System Line Charge for Residential and Non-Residential Units 31-10.005
Special Assessments and Rates, Fees and Charges for Sewer Service 31-10.007

PURPOSE AND EFFECT: To revise the schedule of rates, fees and charges for the use of and the services and facilities to be furnished by the Regional Wastewater System.

SUBJECT AREA TO BE ADDRESSED: To revise the schedule of rates, fees and charges for the use of and the services and facilities to be furnished by the Regional Wastewater System.

SPECIFIC AUTHORITY: Chapter 71-822, Special Acts of Florida, 1971, as amended.

LAW IMPLEMENTED: Chapter 71-822, Special Acts of Florida, 1971, as amended.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Richard C. Dent, II, Executive Director, Loxahatchee River Environmental Control District, 2500 Jupiter Park Drive, Jupiter, Florida 33458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

31-10.005 Plant Connection Charges and Regional Transmission System Line Charge for Residential and Non-Residential Units.

(1) Plant Connection Charges and Regional Transmission System Line Charges for Residential and Non-Residential units for the use of and the services and facilities to be furnished by the regional wastewater system of the district shall be paid by the owner, tenant and occupant of each lot or parcel of land which may be connected with or used by such system or systems of the district.

(2) Effective 1 April 1981, all residential and non-residential plant connection charges and regional transmission system line charges shall be based on the schedules in effect at the time of service contractual commitment by the district as listed below:

PLANT CONNECTION CHARGES

- ~~1 April 98 thru 31 March 99 @ \$906 per E.C.~~
- 1 April 99 thru 31 March 00 @ \$929 per E.C.
- 1 April 00 thru 31 March 01 @ \$952 per E.C.
- 1 April 01 thru 31 March 02 @ \$976 per E.C.

REGIONAL TRANSMISSION SYSTEM LINE CHARGES

- ~~1 April 98 thru 31 March 99 @ \$384 per E.C.~~
- 1 April 99 thru 31 March 00 @ \$384 ~~394~~ per E.C.
- 1 April 00 thru 31 March 01 @ \$394 ~~404~~ per E.C.
- 1 April 01 thru 31 March 02 @ \$404 ~~414~~ per E.C.
- 1 April 02 thru 31 March 03 @ \$414 per E.C.

Said commitment of service shall not exceed those total capacity limitations as authorized for commitment by the governing board of the district. The full amount of the line charges shall be due and payable in cash (or by contract to provide capital costs and to construct certain portions of the regional transmission system) at the time commitment of service is made.

(3) Notwithstanding Section 31-10.005(2) above, effective 1 April 1995, those buildings or structures having certificates of occupancy prior to 1 April 1981, shall pay the full plant connection charge established in Section 31-10.005(2) less a subsidy of Five Hundred (\$500.00) Dollars, provided they are paid for and connected to the regional sewer system within six months of the time that lines serving said property are formally declared available by the governing board of the district. Should any structure or building not be paid for and connected to the district's system within six months of the time that the line serving said property is formally declared available by the governing board, it will at the time of connection pay full plant connection charges and regional transmission system line charges as are applicable to new construction at time that connection is made regardless of the date of certificate of occupancy.

(4) Those buildings or structures with existing contracts for service with the district as of the effective date hereof shall pay plant connection charges and, where applicable regional transmission system line charges of the amounts indicated in those contracts that are to be paid for capital improvement charges, and such plant connection charges and, where applicable regional transmission system line charges shall not be subject to increase.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended. Law Implemented Chapter 71-822, Section 6(8) and (11), and Section 8; and Sections 6(9), (12) and (27) as amended by Chapter 76-429. History--New 12-9-76, Amended, 9-26-78, 12-12-78, 5-21-81, 5-24-82, 4-24-83, 4-25-84, 6-30-85, Formerly 31-10.05, Amended 6-30-86, 5-4-87, 4-17-88, 5-3-89, 5-13-90, 5-7-92, 5-9-93, 5-9-94, 5-19-96, 7-14-97, 11-1-98.

31-10.007 Special Assessments and Rates, Fees and Charges for Sewer Service.

(1) Special Assessments for residential and non-residential use of and the services and facilities to be furnished by the regional wastewater system of the district shall consist of those special assessments approved, set, and levied by the governing board of the district on the basis of the total cost to the district of construction, reconstruction, labor, materials, acquisition, property rights, surveys, design, engineering, legal, administration, operation, maintenance, and all other expenses necessary or incidental to completion of the specially assessed improvements, and are due and payable with interest at the time of transfer of the underlying real property for consideration as an at-arms-length transaction.

(2) The quarterly service charge of the District for residential users shall be:

- ~~For the period 1 April 98 thru 31 March 99 - \$32.00 per E.C.~~
- For the period 1 April 99 thru 31 March 00 - \$32.00 ~~32.80~~ per E.C.

For the period 1 April 00 thru 31 March 01 – ~~\$32.80~~ ~~33.60~~ per E.C.

For the period 1 April 01 thru 31 March 02 – ~~\$33.60~~ ~~34.40~~ per E.C.

For the period 1 April 02 thru 31 March 03 – \$34.40 per E.C.

Such charges shall be payable commencing in the month the connection charge is paid, or the equivalent connection is connected to the regional wastewater system of the district, whichever occurs first.

(3) The quarterly service charge for non-residential users shall be as follows:

~~For the period 1 April 98 thru 31 March 99 – \$3.64 per thousand gallons of metered water usage~~

For the period 1 April 99 thru 31 March 00 – ~~\$3.64~~ ~~3.73~~ per thousand gallons of metered water usage

For the period 1 April 00 thru 31 March 01 – ~~\$3.73~~ ~~3.82~~ per thousand gallons of metered water usage

For the period 1 April 01 thru 31 March 02 – ~~\$3.82~~ ~~3.92~~ per thousand gallons of metered water usage

For the period 1 April 02 thru 31 March 03 – \$3.92 per thousand gallons of metered water usage

provided that the minimum quarterly bill for non-residential users shall be as follows:

~~For the period 1 April 98 thru 31 March 99 – \$43.68~~

For the period 1 April 99 thru 31 March 00 – ~~\$43.68~~ ~~44.76~~

For the period 1 April 00 thru 31 March 01 – ~~\$44.76~~ ~~45.84~~

For the period 1 April 01 thru 31 March 02 – ~~\$45.84~~ ~~47.04~~

For the period 1 April 02 thru 31 March 03 – \$47.04

For non-residential users who do not have a metered water supply, the quarterly service charges shall be a minimum of:

~~For the period 1 April 98 thru 31 March 99 – \$43.68 per E.C.~~

For the period 1 April 99 thru 31 March 00 – ~~\$43.68~~ ~~44.76~~ per E.C.

For the period 1 April 00 thru 31 March 01 – ~~\$44.76~~ ~~45.84~~ per E.C.

For the period 1 April 01 thru 31 March 02 – ~~\$45.84~~ ~~47.04~~ per E.C.

For the period 1 April 01 thru 31 March 02 – \$47.04 per E.C.

Such charges shall be payable commencing in the month the connection charge is paid, or the equivalent connection is connected to the regional wastewater system of the district, whichever occurs first.

(4) The quarterly service availability standby charge is defined as a charge which shall be due and payable for each equivalent connection reserving service availability. The quarterly service availability standby charge shall be due and payable for each equivalent connection reserving service availability. The quarterly service availability standby charge shall be due and payable commencing upon the reserving of

service availability and shall continue to be owing for each quarter and paid promptly upon billing in the manner as provided for the quarterly service charge thereafter until payment of the connection charge. The amount of the quarterly service availability standby charge shall be 68% of the quarterly service charge which is set based upon the fixed expenses incurred by the district in operating the plant and the regional wastewater system excluding the variable costs related to the amount of sewerage processed.

(5) A prepayment of twelve (12) months service availability standby charges will be required in addition to the quarterly service availability standby charge prepayable quarterly.

(6) At the time plant connection charges become due and payable the unexpired portion of the quarterly service availability standby charge (12 months initial payment + quarterly payments received) minus the quarterly standby charges for the number of months in effect shall be credited to the plant connection charges on a first paid, first expired basis.

Specific Authority Chapter 71-822, Special Acts of Florida, 1971, as amended. Law Implemented Chapter 71-822, Section 6(8) and (11), and Section 8; and Sections 6(9), (12) and (27) as amended by Chapter 76-429, History—New 12-9-76, Amended 6-25-78, 9-26-78, 12-12-78, 11-28-79, 5-21-81, 5-24-82, 10-12-82, 4-24-83, 5-24-84, 6-30-85, Formerly 31-10.07, Amended 6-30-86, 5-4-87, 4-17-88, 5-3-89, 5-13-90, 5-12-91, 5-7-92, 5-10-93, 5-9-94, 5-7-95, 5-19-96, 7-14-97, 11-1-98,_____.

DEPARTMENT OF THE LOTTERY

RULE TITLE: Holidays and Other Authorized Activities RULE NO.: 53-16.005

PURPOSE AND EFFECT: The purpose of proposed rule 53-16.005 is to clarify the method in which hours of holiday compensatory leave and pay earned by employees is calculated.

SUBJECT AREA TO BE ADDRESSED: Holiday Compensation for employees.

SPECIFIC AUTHORITY: 24.105(10)(j) FS.

LAW IMPLEMENTED: 24.105 (21)(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, Florida Lottery, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

53-16.005 Holidays and Other Authorized Activities.

(1) through (3) No change.

(4) Each employee filling an authorized established position shall be given all holidays designated in Section 110.117, F.S., if the workload of the Lottery is such that the employee's work can be discontinued.

(a) If the holiday falls or is observed on the employee's regular workday and the employee is required to work, the employee shall receive up to eight (8) hours holiday compensatory leave credits and will be compensated at the rate of 1 1/2 times the employee's hourly base rate of pay for all hours worked on the holiday.

(b) If the holiday is observed on the employee's regular day off and the employee is not required to work, the employee shall accrue holiday compensatory leave equal to the number of hours in the employee's regular workday not to exceed eight (8) hours.

(c) If the holiday falls or is observed on the employee's regular day off and the employee is required to work, the number of hours worked on the holiday shall be counted as hours worked and the employee shall receive up to eight (8) hours holiday compensatory leave credits and be compensated at the rate of 1 1/2 times the employee's hourly base rate of pay for all hours worked on the holiday.

(d) If an employee is required to work only on the actual holiday, but not on the observed holiday, the employee will be compensated at the rate of 1 1/2 times the employee's hourly base rate of pay for all hours worked on the actual holiday and shall receive up to 8 hours regular compensatory leave credits.

(e)(d) If an employee is required to work both the actual and observed holiday, the holiday shall be recognized on the observed date. The employee shall be compensated at the rate of 2 1/2 times the employee's hourly base rate of pay for all hours worked on the actual holiday, and shall be compensated at the rate of 1 1/2 times the employee's hourly base rate of pay for all hours worked on the observed holiday and shall receive up to 8 hours holiday compensatory leave credits for hours worked on the observed holiday.

(f)(e) Holiday compensatory leave credits earned by working when a holiday is observed shall be granted as a delayed holiday and shall be compensated in accordance with this subsection. Holiday compensatory leave accrued after June 30, 1992 must be used during the employee's next scheduled leave which would otherwise be charged to annual or regular compensatory leave.

(5) through (7) No change.

Specific Authority 24.105(10)(j) FS Law Implemented 24.105(21)(d) FS. History--New 2-25-93, Amended 7-4-93, 10-13-93, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLES:	RULE NOS.:
Definitions	59A-23.002
Authorization Procedures	59A-23.003
Quality Assurance	59A-23.004
Medical Records	59A-23.005
Grievance Procedures	59A-23.006
Reporting Requirements	59A-23.008
Employee and Provider Education	59A-23.009

PURPOSE AND EFFECT: The Agency for Health Care Administration (AHCA) is proposing to amend rules 59A-23.002, 59A-23.003, 59A-23.004, 59A-23.005, and 59A-23.006, F.A.C.; and propose rules 59A-23.008 and 59A-23.009, to implement subsection (25) of section 440.134, Florida Statutes. These proposed changes will specify: (a) Procedures for authorization and examination of workers' compensation managed care arrangements by the agency; (b) Requirements and procedures for authorization of workers' compensation arrangement provider networks and procedures for the agency to grant exceptions from accessibility of services; (c) Requirements and procedures for case management, utilization management, and peer review; (d) Requirements and procedures for quality assurance and medical records; (e) Requirements and procedures for dispute resolution; (f) Requirements and procedures for employee and provider education; (g) Requirements and procedures for reporting data regarding grievances, return-to-work outcomes, and provider networks; and (h) clarify workers' compensation managed care arrangement definitions.

SUBJECT AREA TO BE ADDRESSED: Workers' Compensation Managed Care Arrangements.

SPECIFIC AUTHORITY: 440.134(25) FS.

LAW IMPLEMENTED: 440.134 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: 8:30 a.m. – 5:30 p.m., April 14, 1999

PLACE: Hurston South Tower, 400 West Robinson Street, 1st Floor, Conference Room, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Hilda Bryant, Administrative Assistant I, Bureau of Managed Health Care, Agency for Health Care Administration, (850)922-6481

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Standards of Professional Conduct
RULE NO.: 61-20.503
PURPOSE AND EFFECT: The Regulatory Council proposes to discuss this rule to determine if changes are necessary.
SUBJECT AREA TO BE ADDRESSED: Standards of professional conduct.
SPECIFIC AUTHORITY: 468.4315(2) FS.
LAW IMPLEMENTED: 468.433, 468.436 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., April 16, 1999
PLACE: The Embassy Suites Hotel, Tampa Airport Westshore, 555 North Westshore Boulevard, The Pavilion Room, Tampa, Florida 33609
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ed Broyles, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Continuing Education
RULE NO.: 61-20.508
PURPOSE AND EFFECT: The Regulatory Council proposes to discuss this rule to determine if certain language should be deleted regarding provider approval for continuing education courses.
SUBJECT AREA TO BE ADDRESSED: Continuing education.
SPECIFIC AUTHORITY: 468.433 FS.
LAW IMPLEMENTED: 468.433 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., April 16, 1999
PLACE: The Embassy Suites Hotel, Tampa Airport Westshore, 555 North Westshore Boulevard, The Pavilion Room, Tampa, Florida 33609
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ed Broyles, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Renewal Requirements for Continuing Education
RULE NO.: 61-20.5083
PURPOSE AND EFFECT: The Regulatory Council proposes to discuss this rule to determine if changes are necessary to update the renewal requirements for continuing education.
SUBJECT AREA TO BE ADDRESSED: Renewal requirements for continuing education.
SPECIFIC AUTHORITY: 468.4337 FS.
LAW IMPLEMENTED: 468.4337 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., April 16, 1999
PLACE: The Embassy Suites Hotel, Tampa Airport Westshore, 555 North Westshore Boulevard, The Pavilion Room, Tampa, Florida 33609
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ed Broyles, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Marine Resources**

DOCKET NO.: 99-08R
RULE CHAPTER TITLE: Comprehensive Shellfish Control Code
RULE CHAPTER NO.: 62R-7
RULE TITLES: Shellfish Harvesting Area Standards
RULE NOS.: 62R-7.004
Container Identification, Terminal Sale
Date; Prohibitions 62R-7.010
PURPOSE AND EFFECT: This amendment will reclassify the Apalachicola Bay System shellfish harvesting area in Franklin County during the summer months of July, August, and September. This reclassification was initiated based on a request made by the shellfish industry in Franklin County for harvesting during the summer months to continue from the summer approved West 1 area, to continue harvesting from an oyster bar commonly known as East Hole in the summer conditionally approved east area, and to discontinue harvesting from an oyster bar commonly known as Cat Point.
The reclassification will remove the summer east conditionally approved area and replace it with the summer east approved area. The summer east conditionally approved area includes

the East Hole and Cat Point oyster bars. The summer east approved area includes the East Hole oyster bar, but not the Cat Point oyster bar.

Additionally, the text descriptions of the four-digit area codes used on shellfish tags will be updated to identify the locations of where shellfish are harvested in the Apalachicola Bay shellfish harvesting area.

SUBJECT AREA TO BE ADDRESSED: The proposed reclassification and management of the Apalachicola Bay shellfish harvesting area for shellfish harvesting is in accordance with 62R-7.004 to protect the health of shellfish consumers and to provide access to renewable and natural shellfish resources. If illness outbreaks occur, the updated four-digit harvest area codes will provide for tracing of shellfish to where the shellfish were harvested.

SPECIFIC AUTHORITY: 370.021(1), 370.071(1) FS.

LAW IMPLEMENTED: 370.071 FS.

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

TIME AND DATE: 6:00 p.m., Thursday, April 8, 1999

PLACE: Franklin County Courthouse, 33 Market Street, Apalachicola, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John McDowell, Bureau of Marine Resource Regulation and Development, 3900 Commonwealth Boulevard, Room 822, Tallahassee, Florida, Phone (850)488-5471

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Preliminary text may be obtained at no cost from the person to be contacted regarding the proposed rule.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: HIV/AIDS Education for Initial Licensure **RULE NO.:** 64B11-2.007

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary to meet the mandated requirements for continuing education on HIV/AIDS.

SUBJECT AREA TO BE ADDRESSED: HIV/AIDS Education for Initial Licensure.

SPECIFIC AUTHORITY: 455.604, 468.204 FS.

LAW IMPLEMENTED: 455.604 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., April 12, 1999

PLACE: The New World Landing Inn and Event Services, 600 South Palafox Street, Pensacola, Florida 32501

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/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: HIV/AIDS Education for Initial Licensure **RULE NO.:** 64B11-3.005

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary to meet the mandated requirements for continuing education on HIV/AIDS.

SUBJECT AREA TO BE ADDRESSED: HIV/AIDS Education for Initial Licensure.

SPECIFIC AUTHORITY: 455.604, 468.204 FS.

LAW IMPLEMENTED: 455.604 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., April 12, 1999

PLACE: The New World Landing Inn and Event Services, 600 South Palafox Street, Pensacola, Florida 32501

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/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Standards of Practice; Discipline **RULE NO.:** 64B11-4.003

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary to update the rule text regarding the standards of practice and the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Standards of Practice; Discipline.

SPECIFIC AUTHORITY: 455.627, 468.204 FS.

LAW IMPLEMENTED: 455.627 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., April 12, 1999
 PLACE: The New World Landing Inn and Event Services, 600 South Palafox Street, Pensacola, Florida 32501

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/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Overpayment and Benefit Recovery
 RULE NO.: 65A-1.900

PURPOSE AND EFFECT: This proposed rule amendment changes the use of a federal regulation cite as the sole authority governing certain food stamp collection procedures and defines recipient.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will correct use of the 7 CFR 273.18 in relation to agency error collections in the Food Stamp program and will add a definition for recipient to the rule.

SPECIFIC AUTHORITY: 120.53, 414.41, 414.45 FS.

LAW IMPLEMENTED: 24.115(4), 414.31, 414.41 FS.

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

TIME AND DATE: 10:00 a.m., April 13, 1999
 PLACE: Building 3, Room 414, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wilbur Williams, Coordinator for Special Programs, 1317 Winewood Boulevard, Building 3, Room 412J, Tallahassee, Florida 32399-0700

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-21.002
Application and Selection Process for Loans	67-21.003
Selection Criteria and Guidelines for Selection of Developments	67-21.004
Determination of Method of Bond Sale	67-21.0045
Selection of Qualified Lending Institutions as Credit Underwriters, Originators or Servicers	67-21.005
Development Requirements	67-21.006
Fees	67-21.007
Terms and Conditions of Loans	67-21.008
Interest Rate on Mortgage Loans	67-21.009
Issuance of Revenue Bonds	67-21.010
No Discrimination	67-21.011
Advertisements	67-21.012
Private Placements of Multifamily Mortgage Revenue Bonds	67-21.013
Credit Underwriting Procedures	67-21.014
Use of Bonds with other Affordable Housing Finance Programs	67-21.015
Compliance Procedures	67-21.016
Transfer of Ownership	67-21.017
Refundings and Troubled Development Review	67-21.018
501(c)(3) Bonds for Multifamily Housing	67-21.019

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-21, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall administer the application process, determine loan amounts and issue multifamily mortgage revenue bonds for new construction or substantial rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond Program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2000 application and program requirements for the Multifamily Bond Program, as specified in Rule Chapter 67-21, F.A.C.

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.502, 420.503, 420.507, 420.508, 420.509 FS.

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

TIME AND DATE: 2:00 p.m., April 12, 1999
 PLACE: Florida Housing Finance Corporation, Sixth Floor Seltzer Room, 227 North Bronough Street, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gwen Lightfoot, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-32.002
Notice of Fund Availability	67-32.003
General Program Restrictions	67-32.004
Application Procedures	67-32.005
Terms and Conditions of Loan	67-32.006
Selection Criteria, Rejection Criteria, and Scoring and Ranking Guidelines	67-32.007
Selection for Participation in Program	67-32.008
Right to Inspect and Monitor Funded Developments	67-32.010
Fees	67-32.011

PURPOSE AND EFFECT: Pursuant to Section 420.5087(3)(c)2., Florida Statutes (F.S.), the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low-income elderly households. Rule 67-32 provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL Program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2000 application and program requirements for the Elderly Housing Community Loan Program, as specified in Rule Chapter 67-32, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

TIME AND DATE: 8:30 – 9:30 a.m., April 12, 1999

PLACE: Florida Housing Finance Corporation, 6th Floor Seltzer Room, 227 North Bronough Street, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Debby Love, SAIL Program Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose	67-39.001
Definitions	67-39.002
Feasibility Studies	67-39.003
Eligibility Criteria	67-39.004
Fees and Rates	67-39.005
Contractual Provisions	67-39.006
No Discrimination	67-39.007
Reimbursable Costs	67-39.008
Notice of Program	67-39.009
Program Documents	67-39.010
Guarantee Program	67-39.011
Guarantee Coverage	67-39.012
Allocation of Guarantee Fund Resources	67-39.013
Guarantee Fund Payments	67-39.014
Audit Requirement	67-39.015

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-39, Florida Administrative Code (F.A.C.), is to provide for the fees, rates, and contractual provisions for the issuance of an affordable housing guarantee, under the Florida Affordable Housing Guarantee Program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to administration of the Florida Affordable Housing Guarantee Program, as specified in Rule Chapter 67-39, F.A.C.

SPECIFIC AUTHORITY: 420.5092 FS.

LAW IMPLEMENTED: 420.5092 FS.

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

TIME AND DATE: 2:00 p.m., April 12, 1999

PLACE: Florida Housing Finance Corporation, Sixth Floor Seltzer Room, 227 North Bronough Street, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gwen Lightfoot, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329.

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-48.001
Definitions	67-48.002
Notice of Funding or Credit Availability	67-48.003
Application and Selection Procedures for Developments	67-48.004
Applicant Administrative Appeal Procedures	67-48.005
Compliance and Reporting Requirements	67-48.006
Fees	67-48.007
No Discrimination	67-48.008
SAIL General Program Procedures and Restrictions	67-48.009
Additional SAIL Application Ranking and Selection Procedures	67-48.0095
Terms and Conditions of SAIL Loans	67-48.010
Sale or Transfer of a SAIL Development	67-48.0105
SAIL Credit Underwriting and Loan Procedures	67-48.012
SAIL Construction Disbursements and Permanent Loan Servicing	67-48.013
HOME General Program Procedures and Restrictions	67-48.014
Match Contribution Requirement for HOME Allocation	67-48.015
Eligible HOME Activities	67-48.017
Eligible HOME Applicants	67-48.018
Eligible and Ineligible HOME Development Costs	67-48.019
Terms and Conditions of Loans for HOME Rental Developments	67-48.020
Sale or Transfer of a HOME Development	67-48.0205
HOME Credit Underwriting and Loan Procedures	67-48.021
HOME Disbursements Procedures and Loan Servicing	67-48.022
HC Credit General Program Procedures and Requirements	67-48.023
Qualified Allocation Plan	67-48.025
Housing Credit Underwriting Procedures	67-48.026

Tax-Exempt Bond-Financed Developments	67-48.027
Carryover Allocation Provisions	67-48.028
Extended Use Agreement	67-48.029
Sale or Transfer of a Housing Credit Development	67-48.030
Termination of Extended Use Agreement and Disposition of Housing Credit Developments	67-48.031
Minimum Set-Aside for Non-Profit Organizations Under HC Program	67-48.032

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2000 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2000 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

TIME AND DATE: 9:30 a.m. – 12:30 p.m., April 12, 1999

PLACE: Florida Housing Finance Corporation, 6th Floor, Seltzer Room, 227 North Bronough Street, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sue Early, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

Section II
Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE CHAPTER TITLE: Cemeteries
RULE CHAPTER NO.: 3D-30

RULE TITLE: Defaults on Sold or Discounted Installment
RULE NO.: 3D-30.025

PURPOSE AND EFFECT: The rule is being repealed because it is unnecessary.

SUMMARY: Rule 3D-30.025 is being repealed.

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

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

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: Chapter 497 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, Department of Banking and Finance, Suite 604, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9843

THE FULL TEXT OF THE PROPOSED RULE IS:

3D-30.025 Defaults on Sold or Discounted Installment Sales Contracts or Promissory Notes.

Specific Authority 20.05(5), 497.011(1), 120.53(2)(a) FS. Law Implemented 497.048(7), 497.022 FS. History--New 1-27-81, Formerly 3D-30.25, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, Department of Banking and Finance, Suite 604, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9843

NAMES OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Kiser, Deputy Comptroller, Division of Finance, Department of Banking and Finance, Suite 120, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9256

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 1997

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE CHAPTER TITLE: Cemeteries
RULE CHAPTER NO.: 3D-30

RULE TITLE: Charge for Installation and Maintenance
RULE NO.: 3D-30.026

of Marker or Monument

PURPOSE AND EFFECT: The rule is being repealed because the statutory authority on which it is based has been repealed.

SUMMARY: Rule 3D-30.026 is being repealed.

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

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

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: Chapter 497 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, Department of Banking and Finance, Suite 604, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9843

THE FULL TEXT OF THE PROPOSED RULE IS:

3D-30.026 Charge for Installation and Maintenance of Marker or Monument.

Specific Authority 20.05(5), 497.011(1), 120.53(2)(a) FS. Law Implemented 497.023(3) FS. History--New 1-27-81, Formerly 3D-30.26, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, Department of Banking and Finance, Suite 604, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9843

NAMES OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Kiser, Deputy Comptroller, Department of Banking and Finance, Suite 120, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9256

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 1997

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE TITLES: RULE NOS.:
 Categories of Licensure for Pesticide Applicators 5E-9.021
 Category Certification Standards 5E-9.024
 Procedures for Pesticide Applicator Recertification 5E-9.029

PURPOSE AND EFFECT: The purpose of the proposed action is to amend Rules 5E-9.021, 5E-9.024 and 5E-9.029 to add one new category of pesticide applicator certification and clarify the competency standards of another category. The effect is to make the rules appropriately address current pesticide use in Florida.

SUMMARY: The proposed rule amendment adds a new category of pesticide applicator certification entitled "Natural Areas Weed Management" to provide specific training and licensing of individuals who apply restricted use herbicides to manage undesirable vegetation in natural areas such as state preserves and recreation lands. The proposal also clarifies the competency standards of the sewer root control category by requiring knowledge of the effects of sewer root control chemicals on ground water and septic systems.

SPECIFIC AUTHORITY: 570.07(23), 487.0435, 487.044 FS.
 LAW IMPLEMENTED: 487.0435, 487.044 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: 1:00 p.m., May 4, 1999

PLACE: Department of Agriculture and Consumer Services, AES Conference Room, Building 8, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

If special accommodations are needed to attend the hearing because of a disability, please call: Mr. Steven J. Rutz, Director, Division of Agricultural Environmental Services, Florida Department of Agriculture and Consumer Services, Room 130, 3125 Conner Boulevard (C16), Tallahassee, Florida 32399-1650, telephone (850)488-3731, as soon as possible.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Steven J. Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Telephone (850)488-3731

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-9.021 Categories of Licensure for Pesticide Applicators.

(1) Description of primary categories.

(a) through (q) No change.

(r) Category 21 – Natural Areas Weed Management. This category is applicable to individuals who use or supervise the use of restricted use herbicides to control unwanted vegetation to protect natural communities of conservation and recreation lands and natural areas. This category is valid for licensure of commercial and public applicators. Applicators acting under the authority of another license category prior to this category being established may continue activities under the alternate category until license renewal or expiration.

(2) No change.

Specific Authority 487.0435, 570.07(23) FS. Law Implemented 487.0435 FS. History--New 6-9-94, Amended 7-2-95, 9-24-98,_____.

5E-9.024 Category Certification Standards.

(1) Primary categories.

(a) through (n) No change.

(o) Category 7C – Sewer Root Control. Applicators seeking licensure in this category shall demonstrate practical knowledge of the safe handling and proper application of sewer root control chemicals, including practical knowledge of root growth and biology; equipment types and calibration procedures; proper pesticide handling, mixing and application procedures; proper use and maintenance of personal protective equipment; toxicity of root control pesticides to humans and non-target organisms via common exposure routes; proper cleaning, disposal and containment techniques; effects of root control pesticides on ground water, sewage treatment plants, septic tanks, holding tanks, lift stations, and other sewage treating, conveying, or handling equipment; environmental effect; factors that may lead to a hazardous condition; and the laws and regulations governing pesticide use.

(p) through (q) No change.

(r) Category 21 – Natural Areas Weed Management. Applicators seeking licensure in this category shall demonstrate practical knowledge of pest plants that invade natural communities in Florida, the chemical control measures that pertain to such pests, and the equipment or methodologies required to safely implement such pest control measures. This knowledge shall include special techniques and proper herbicide selection to effectively control target species and minimize adverse effects to the natural community. Knowledge of herbicide characteristics including toxicity to wildlife, behavior in plants, behavior in soil, persistence, and environmental fate, as well as methods for herbicide dilution and rate calculations will be demonstrated.

Specific Authority 487.0435, 570.07(23) FS. Law Implemented 487.0435, 487.044 FS. History--New 6-9-94, Amended 7-2-95, 9-24-98,_____.

5E-9.029 Procedures for Pesticide Applicator Recertification.

(1) No change.

(2) In all other circumstances, applicators shall have two options for recertification as follows:

(a) No change.

(b) Continuing Education Units (CEUs). An applicator may become recertified by accumulating a specified number of Continuing Education Units (CEUs) during the four (4) year licensure period. CEUs shall be earned by attending Department approved professional training meetings and seminars. The number of CEUs required for applicator recertification in each specific category is as follows:

PRIMARY CATEGORIES	CEU'S REQUIRED
Category 1A1	Agricultural Row Crop Pest Control 8
Category 1A2	Agricultural Tree Crop Pest Control 8
Category 1B	Agricultural Animal Pest Control 4
Category 1C	Private Applicator Agricultural Pest Control 8
Category 1D	Soil and Greenhouse Fumigation 4
Category 1E	Raw Agricultural Commodity Fumigation 4
Category 2	Forest Pest Control 8
Category 3	Ornamental and Turf Pest Control 12
Category 4	Seed Treatment 4
Category 5A	Aquatic Pest Control 16
Category 5B	Organotin Antifouling Paint Pest Control 4
Category 6	Right-of-Way Pest Control 8
Category 7A	Wood Treatment 4
Category 7B	Chlorine Gas Infusion 4
Category 7C	Sewer Root Control 4
Category 9	Regulatory Pest Control 12
Category 20	Regulatory Inspection and Sampling 4
Category 21	Natural Areas Weed Management 16
SECONDARY CATEGORIES	CEU'S REQUIRED
Category 10	Demonstration and Research 4
Category 11	Aerial Application 8

The Ornamental and Turf Pest Control and Aquatic Pest Control categories may be renewed with 8 CEUs until January 1, 2000.

(3) through (11) No change.

Specific Authority 487.487.049, 570.07(23) FS. Law Implemented 487.049 FS. History--New 6-9-94, Amended 7-2-95, 9-24-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, Division of Agricultural Environmental Services, Florida Department of Agriculture and Consumer Services, Room 800A, Building 8, 3125 Conner Boulevard (L29), Tallahassee, Florida 32399-1650, Telephone (850)488-8731

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Steven J. Rutz, Director, Division of Agricultural Environmental Services, Florida Department of Agriculture and Consumer Services, Room 130, 3125 Connor Boulevard (C16), Tallahassee, Florida 32399-1650, Telephone (850)488-3731

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 31, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 5, 1999

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Regulation of Encroachments Over State Rights of Way

RULE CHAPTER NO.: 14-43

RULE TITLE: Regulation of Encroachments Over State Rights of Way

RULE NO.: 14-43.001

PURPOSE AND EFFECT: This amendment adds a "Definitions" section and two other sections for clarification, updates obsolete organizational references, streamlines and clarifies language, and revises the scope of the rule to include state rights of way, instead of streets and sidewalks. This is the first amendment of this rule since 1975. The rule defines the methods used by the Department to control encroachments (banners, canopies, and overhanging signs) over limited access and non-limited access state right of way. Existing provisions addressing directional signs are deleted, as they have been superseded by the recent amendment of Rule 14-51.004.

This notice of rulemaking replaces the notice previously published in Vol. 23, No. 20, May 16, 1997, issue of the Florida Administrative Weekly, which is being withdrawn in this same issue. This revised notice of rulemaking includes changes resulting from review by the Joint Administrative Procedures Committee.

SUMMARY: This rule amendment revises Rule 14-43.001 by expanding the scope of the rule to include temporary banners that extend over the right of way. For purposes of the rule, a banner is a length of flexible material that is attached to one or more permanent supports and extends over the right of way. The existing provisions of the rule addressing overhanging signs and canopies are revised and clarified. New provisions are added to address the conditions under which temporary banners may be displayed within the right of way of limited access and non-limited access rights of way. Banners may be displayed only pursuant to a permit issued to a local government to promote a public event that is sponsored by the local government. Standards for vertical and horizontal clearance for limited and non-limited access facilities are included in the rule. The current provisions addressing directional signs located in the right of way are deleted, as Rule 14-51.004 was recently amended to include criteria for such signs.

This notice of rulemaking replaces the notice previously published in Vol. 23, No. 20, May 16, 1997, issue of the Florida Administrative Weekly, which is being withdrawn in this same issue.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 316.006, 316.0745, 316.077, 316.0775, 334.044, 335.02, 335.14, 337.29, 337.407, 338.237, 479.01, 479.107, 768.28 FS.

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

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

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

TIME AND DATE: 10:00 a.m., April 23, 1999

PLACE: Haydon Burns Building, Fourth Floor Conference Room, Room 479, 605 Suwannee Street, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

REGULATION OF ENCROACHMENTS SIGNS, CANOPIES OVER STATE RIGHTS OF WAY STREETS AND SIDEWALKS

14-43.001 Regulation of Encroachments Signs, Canopies Over State Rights of Way Streets and Sidewalks.

(1) Definitions.

(a) “Banner” means a temporary encroachment in the form of a length or sheet of cloth, fabric, plastic, or other flexible material bearing a message which may be either of the following:

1. “Pole Banner” means a banner which is located adjacent to the travel lanes of the roadway and is attached to an existing permanent support.

2. “Street Banner” means a banner which extends over the travel lanes of the roadway and is attached to one or more existing permanent supports.

(b) “Canopy” means a permanent or semi-permanent, on-premise roof-like encroachment or projection partially extending over the right of way.

(c) “Department” means the State of Florida Department of Transportation.

(d) “Governmental entity” has the same meaning as provided in Section 11.45(1)(c), Florida Statutes.

(e) “Overhanging Sign” for purposes of this rule means a permanent encroachment in the nature of an on-premise advertising display pursuant to Section 479.16, Florida Statutes, which extends over the right of way.

~~(2)(4) Overhanging Signs and Canopies. Overhanging signs and canopies are prohibited on limited access rights of way.~~ Conditions under which overhanging signs or canopies may be placed ~~adjacent to along~~ and over state ~~rights of way roads~~ within corporate limits of municipalities or where curb and gutter construction exists outside municipalities as authorized under Section ~~337.407 335.13~~, Florida Statutes, are:

(a) ~~Where curb and gutter construction exists, Canopies of signs may be allowed provided the entire structure, including attachments and supports, they~~ clears the sidewalk vertically by at least nine 9 feet (2.7 meters) and provided the outside edge of the canopy or sign is at least two 2 feet (0.6 meters) behind the vertical line through the face of the curb; and the entire structure complies with the Department’s clear zone requirements Table 2.12.1 Clear Zone Widths and Table 2.12.2 Clear Zone Widths for curved Alignments on Highways With Flush Shoulders (January 1998), incorporated herein by reference. Copies of these tables are available from the Office of Right of Way, 605 Suwannee Street, MS 22, Tallahassee, Florida 32399-0450.

(b) Within municipalities where there is no curb and gutter construction, provided the sign or canopy, including attachments and supports, does not extend more than six feet (1.8 meters) over the right of way; does not extend closer than 12 feet (3.7 meters) from the edge of the driving lane; has a vertical clearance of at least ten feet (3 meters); and the entire structure complies with the Department’s clear zone requirements as set forth in the Department’s Plans Preparation and Design Manual, Volume 1, Rev. 05/97, which is incorporated herein by reference and which is available at no more than cost from the Department’s Maps and Publications Sales Office. Where overhangs are existent during construction and where they interfere with the normal operation of the contractor’s equipment, they shall be adjusted or temporarily removed at the owner’s expense.

(c) Where canopies or overhanging signs interfere with construction, they shall be adjusted or temporarily removed at the owner’s expense. That the design of said signs or canopies as to bracing and attachments to buildings shall be approved for safety features by the appropriate official of the governmental agency affected.

(d) The design of said signs or canopies as to bracing and attachments to buildings shall be approved for safety features by the appropriate official of the governmental agency affected. That no supports for canopies or signs extend below the 9 foot vertical clearance line.

(e) Within municipalities where there is no curb and gutter, signs and canopies may be allowed provided the sign or canopy does not extend more than 6 feet over the right of way and does not extend closer than 12 feet from the edge of the pavement and provided it has a vertical clearance of at least 10 feet above the elevation of the payment.

~~(e)(f)~~ No canopy or ~~That no~~ overhanging sign shall be erected away from the site of the business which ~~it the sign~~ advertises.

~~(f)~~ No canopy or sign may be erected or maintained which would interfere with the Department's maintenance, operations, or other use of a transportation facility.

~~(g)~~ Overhanging signs and canopies may be lighted, provided, however, the lighting is in compliance with section 479.11(5), Florida Statutes.

~~(h)(g)~~ If the Department determines that a canopy or overhanging sign is not erected safely or is not in compliance with the setback or clearance requirements, upon prior written notice by the Department, it must be adjusted by the owner to meet such requirements or it shall be removed by the Department. If the canopy or overhanging sign is removed, the Department shall deliver written notice to the owner. The notice shall advise the owner of the canopy or overhanging sign of his or her right to request an administrative proceeding pursuant to Chapter 120, Florida Statutes. If the canopy or overhanging sign presents a safety hazard, the Department shall remove it and provide written notice of such removal to the permittee. ~~That temporary banners may be allowed across the roadway under a permit from the Administrative Services Office of the State of Florida Department of Transportation. In no case will permanent signs or banners be permitted across the roadway nor banners or signs of a commercial or political nature.~~

~~(i)~~ When a canopy or overhanging sign must be removed by the Department, the owner may reclaim the canopy or sign within 30 calendar days from the date of removal upon payment of any costs incurred by the Department in removing the canopy or sign.

~~(j)~~ No new supports may be placed within state rights of way for purposes of supporting a canopy or overhanging sign.

~~(k)(h)~~ This rule ~~That this policy~~ shall not authorize the erection of any canopy or sign which is prohibited by the municipality, county, local zoning authority, or ~~local governmental~~ agency affected.

(3) Banners may only be erected pursuant to a permit issued to a local government entity under the following conditions:

(a) All banners for which permits are issued shall be erected in accordance with the *Manual on Uniform Traffic Control Devices*, which is incorporated by reference under Rule 14-15.010, F.A.C.

(b) Banners will be permitted for a period not to exceed 30 consecutive calendar days, on dates set forth in the application. Banner permits for the same event shall not be renewed within 180 days.

~~(c)~~ Permits for banners may be issued for routinely recurring events, e.g., events occurring monthly or quarterly, unless otherwise provided in this rule, provided the banner is displayed for no more than three consecutive days per month. The permit duration shall be no more than 12 months.

~~(d)~~ No banner may be erected or maintained which would interfere with the Department's maintenance, operation, or other use of a transportation facility.

~~(e)~~ Any banner that interferes with construction shall be adjusted or removed at the owner's expense.

~~(f)~~ No new supports may be placed within state rights of way for purposes of supporting a banner.

~~(g)~~ The banner must advertise a public event which is sponsored or supported by a governmental entity.

~~(h)~~ Banners may not obstruct the view of any traffic signal, traffic device, or official sign, nor in any way interfere with motorists' ability to safely operate their vehicles.

~~(i)~~ The following additional conditions apply to banners adjacent to or across non-limited access roadways:

1. Pole banners must vertically clear any curb by at least nine feet (2.7 meters) and horizontally clear the curb face by at least two feet (0.6 meters). For non-limited access roads where there is no curb and gutter, the banners and support structures must vertically clear the pavement by at least 10 feet (3 meters) and horizontally clear the pavement by at least 12 feet (3.7 meters).

2. Street banners must vertically clear the pavement by at least 17 feet (5.2 meters), and may not obstruct or obscure the view of any traffic signal, traffic device, or official sign.

~~(j)~~ In addition to the conditions identified in subsections (3)(a) through (g) above, the following conditions apply to limited access roadways:

1. Street banners are prohibited on limited access roadways.

2. Pole banners are allowed on limited access roadways only under the following conditions:

a. The lowest point of the pole banner must be at least 10 feet (3 meters) above the pavement elevation;

b. The outside edge of the pole banner may be no closer than 12 feet (3.7 meters) from the edge of the driving lane; and

c. The pole banner must be attached to a light standard or other such device, which is permanently located in the right of way. No new support structures for pole banners may be placed in the right of way. Placement of banners on frangible light standards or other frangible devices will require a load rating analysis, signed and sealed by a registered professional engineer, certifying that the specific light standards or devices used to support the banners will handle the additional loadings placed on the structures by the banner and attachments, not to exceed the wind loading design requirements of the structure.

(k) On the Interstate Highway System, pole banners will be permitted for display for a duration not to exceed 60 consecutive days and only for events of national or international significance, provided the municipality has not hosted the event within the preceding 12 months. The following are examples of events for which pole banners may be permitted on the Interstate highway system:

1. The World Cup
2. The Super Bowl
3. The Stanley Cup
4. The World Series
5. Summit of the Americas
6. The Olympic Games

(4) Permit Issuance. Applications for an overhanging sign, canopy, or banners must be made in writing to the appropriate District Maintenance Office.

(a) Applications for overhanging signs and canopies shall include:

1. The name and address of the applicant.
2. A sketch of the sign or canopy, drawn to scale, which includes the message, letterings, logos, or emblems.
3. A sketch of the specific location of the sign or canopy, including height, location of supports, proximity to utility poles, and the identification of the state highway where the sign or canopy will be located.
4. Sketches or specific descriptions of the method to be used to affix the sign or canopy to the support structure(s).
5. Proof of compliance with any applicable local governmental regulations.

(b) Banner Permit Issuance. Applications for banners shall include:

1. The name and address of the governmental entity that is sponsoring or supporting the event. For purposes of this rule, submission of an application for a permit for banners constitutes sponsorship or support for the event.
2. Identification of the event being advertised and a description of the event.
3. A sketch or drawing of the banner(s), drawn to scale, which includes the entire message that will appear on the banner(s).
4. A sketch of the specific location of the banner(s), including height, location of supports, proximity to utility poles, and the identification of the highway where the banner(s) will be located.
5. Sketches, photographs, or specific descriptions of the method to be used to affix the banner(s) to the support structure(s).
6. The beginning and ending dates of the display period(s).
7. Proof of compliance with the requirements of subsection (3) and any local governmental regulations.
8. Load rating analysis by a registered professional engineer, if required by subsection (3)(j)2.c.

(c) The Permittee shall agree as follows:

1. To the extent provided by law, the Permittee shall indemnify, defend, and hold harmless the Department and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the Permittee, its agents, or employees arising from activities under this permit, except that neither the Permittee, its agents, or its employees will be liable under this provision for any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the Department or any of its officers, agents, or employees arising from activities under this permit.

2. When the Department receives a notice of claim for damages that may have been caused by the Permittee in the performance of activities that arise under this permit, the Department will immediately forward the claim to the Permittee. The Permittee and the Department will evaluate the claim and report their findings to each other within 14 working days and will jointly discuss options in defending the claim. After reviewing the claim, the Department will determine whether to require the participation of the Permittee in the defense of the claim or to require that the Permittee defend the Department in such claim as described in this section. The Department's failure to promptly notify the Permittee of a claim shall not act as a waiver of any right herein to require the participation in or defense of the claim by the Permittee. The Department and the Permittee will each pay its own expenses for the evaluation, settlement negotiations, and trial, if any. However, if only one party participates in the defense of the claim at trial, that party is responsible for all expenses at trial.

(d) If the application is denied, the Department shall advise the applicant in writing of the denial and advise the applicant of his or her right to request an administrative proceeding pursuant to Chapter 120, Florida Administrative Code.

(2) Exception for Directional Signs. Despite the above provisions of this rule, section signs are permitted within municipalities if they are strictly directional and contain no advertisement, subject to the following regulations:

(a) Neon Signs on state road right of way within municipalities will be permitted to direct traffic only to areas, buildings or places that are owned and operated by the public or nonprofit organizations. Business districts would fall within this classification, however directional signs for individual businesses are prohibited.

(b) The message on the neon sign must be approved by the State Department of Transportation to insure that it includes no descriptive words that could be construed as advertising.

(c) Letters shall be in colors other than red or green and shall not exceed eight inches in height and/or width. All signs shall be approved as to dimensions, area, and location by the State of Florida Department of Transportation.

~~(d) Where the notice is refused or unclaimed, the 15 days will begin to run as of the last date of attempted contact by the delivery agent.~~

Specific Authority 334.044(2), 339.0805(1) FS. Law Implemented 120.569, 120.57, 120.60, 334.044(27), 339.05, 339.0805 FS. History--New 12-9-81, Amended 5-23-84, Formerly 14-78.07, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, 4-30-96, _____.

14-78.0071 Challenge Procedure.

(1) Pursuant to 49 C.F.R. Subtitle A, Subpart D, Section 23.69, any third party may challenge the socially and economically disadvantaged status of any individual (except an individual who has a current 8(a) certification from the Small Business Administration) who is a member of one of the presumptive groups listed in Rule 14-78.002(18) if that individual is an owner of a firm certified by or seeking certification from the Department as a disadvantaged business.

(a) through (c) No change.

~~(d) The Department shall evaluate the information available to it and make a proposed determination of the disadvantaged status of the challenged party. The Department shall notify both parties of this proposed determination in writing, setting forth the reasons for its proposal. Notice of the Department's proposed determination will be provided in accordance with Rule 28-106.111, F.A.C. The Department's determination will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C. The Department shall provide an opportunity to the parties for an informal hearing, at which they can respond to this proposed determination in writing and in person.~~

~~(e) Following the informal hearing, the Department shall make a final determination. The Department shall inform the parties in writing of the final determination, setting forth the reasons for its decision.~~

~~(e)(f) In making the determinations called for in paragraphs (b) and (d) and (e) of this section, the Department shall use the standards set forth in 14-78.005 of this Rule Chapter.~~

~~(f)(g) During the pendency of a challenge under this section, the presumption that the challenged party is a disadvantaged individual shall remain in effect.~~

~~(g)(h) The final determination of the Department under paragraphs (1)(a)2.a. and (1)(a)5. may be appealed to the U.S. Department of Transportation by the adversely affected party to the proceeding under the procedures of 49 C.F.R. Subtitle A, Section 23.55.~~

(2) The Department shall initiate a challenge against any applicant's status or certified DBE if it obtains credible information which questions the disadvantaged status of the applicant.

(a) No change.

(b) If the Department challenges the socially and economically disadvantaged status of a currently certified DBE, the Department shall revoke certification under the procedures specified in Rule Sections 14-78.008(2) ~~and~~; (3); ~~and (4).~~

Specific Authority 120.53(1)(b), 334.044(2), 339.0805(1) FS. Law Implemented 120.57, 120.60, 334.044(27), 339.05, 339.0805 FS. History--New 6-24-91, Amended 12-2-93, _____.

14-78.008 Suspension or Revocation.

(1) through (2) No change.

(3) With the exception of a change in the qualifying 51% minority ownership, prior to suspending or revoking certification as a DBE, notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C. the Department shall inform the DBE in writing by certified mail, return receipt requested, or personal delivery to the office of the DBE, of the following:

~~(a) The statutory provision(s) or rule(s) of the Florida Administrative Code which is alleged to have been violated.~~

~~(b) The specific facts or conduct relied upon to justify the revocation or suspension.~~

~~(c) A statement that the DBE has the right to file a request for an administrative hearing pursuant to Section 120.57, Florida Statutes, within 15 days of receipt of the notice of revocation or suspension.~~

~~(d) A statement that the suspension or revocation shall become conclusive and final agency action if no request for a hearing is filed within 15 days of receipt of the notice of revocation or suspension of certification.~~

~~(4) All requests for a hearing shall be made in writing and shall be filed with the Clerk of Agency Proceedings within 15 days of receipt of the notice of suspension or revocation of certification. The request shall include:~~

~~(a) The name and address of the DBE making the request;~~

~~(b) A statement that the DBE is requesting a formal proceeding pursuant to Section 120.57(1), Florida Statutes, or an informal proceeding, pursuant to Section 120.57(2), Florida Statutes; and~~

~~(c) A reference to the notice of revocation or suspension of certification received from the Department and a statement of the specific grounds on which the proposed action is being challenged.~~

~~(5) If the DBE fails to file a request for a hearing within 15 days after receipt of the notice of revocation or suspension of certification, the suspension or revocation shall become conclusive and final agency action.~~

Specific Authority 334.044(2), 337.137(3), 339.0805(2) FS. Law Implemented 120.569, 120.57, 334.044(27), 337.137, 339.05, 339.0805 FS. History—New 12-9-81, Amended 5-23-84, Formerly 14-78.08, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela S. Leslie, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 22, 1999

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Discrimination and Sexual Harassment Complaints
RULE CHAPTER NO.: 14-84
RULE TITLE: Discrimination and Sexual Harassment Complaints
RULE NO.: 14-84.0011

PURPOSE AND EFFECT: Rule 14-84.0011 is being amended to update references to Section 760.10, Florida Statutes, and Rule 60L-28.003, F.A.C. Other amendments are to clarify language on false statements, to clarify the definitions, provide other overall clarification of language, and to delete internal Department procedures from the rule.

SUMMARY: Rule 14-84.0011 is being amended.
SPECIFIC AUTHORITY: 110.201(2), 334.044(2), 339.05 FS.
LAW IMPLEMENTED: 110.105, 110.112, 110.227, 119.07(3)(q), 760.10, 760.11 FS.
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.

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

TIME AND DATE: 2:00 p.m., April 27, 1999
PLACE: Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-84.0011 Discrimination and Sexual Harassment Complaints.

(1) Policy Statement.

(a) It is the policy of the Department to assure to each applicant or employee an equal employment opportunity without regard to that person's age, race, color, sex, religion, national origin, political opinions or affiliations, marital status, or handicap, except when such requirement constitutes a bona fide occupational qualification necessary to perform the tasks associated with the position.

~~(b) The Department's policy on sexual harassment is reflected in Section 760.10, Florida Statutes, and Rule 60L-28.003, F.A.C. It is the policy of the Department that sexual harassment is a form of sex discrimination recognized under Title VII of the 1964 Civil Rights Act as well as Chapter 760 of the Florida Statutes. Charges of sexual harassment shall be promptly investigated and resolved; and employees found to have sexually harassed another employee or job applicant shall be subject to disciplinary action up to and including dismissal as provided in Section 14-84.0011(3).~~

(c) Any employee in a supervisory capacity who has actual knowledge of discrimination ~~or sexual harassment~~ involving employees he or she supervises and does not take corrective action or report the matter directly to the appropriate District Intake Officer or the Minority Programs Equal Employment Opportunity (EEO) Staff, is in violation of these rules and subject to discipline as provided in ~~Subsection 14-84.0011(3) below~~. Any employee who ~~knowingly~~ files a ~~false~~ complaint of discrimination or sexual harassment and knowingly includes therein a false statement of fact or knowingly makes a false statement of fact to an intake officer or the Minority Programs EEO Staff, is in violation of these rules and subject to discipline as provided in ~~Subsection 14-84.0011(3) below~~.

(d) Any employee in a supervisory capacity who has actual knowledge of sexual harassment involving employees he or she supervises and does not take corrective action or report the matter directly to the appropriate authority, which would consist of that supervisory employee's next level of authority at a minimum, a District Intake Officer or the Minority Programs Office, is in violation of Rule 60L-28.008, F.A.C., and subject to discipline as provided in Rule 60L-28.008(2), F.A.C. Any employee who files a complaint of sexual harassment or knowingly includes therein a false statement of fact or makes a false statement of fact to an Intake Officer or the Minority Programs Office in the course of an investigation, is in violation of Rule 60L-28.008, F.A.C., and is subject to discipline as provided in Subsection (3) below.

(2) Definitions. For the purpose of this rule the following words and phrases shall have the meaning indicated:

(a) "Complaint" means a written or verbal statement which alleges the occurrence of an unlawful employment practice.

(b) "Discrimination" means any practice made unlawful by Title VII of the 1964 Civil Rights Act and Chapter 760 of the Florida Statutes.

(c) "Intake Officer" means a district or central office employee designated to receive discrimination and sexual harassment complaints and investigate and attempt resolution of the complaints on an informal basis, as provided in Subsection 14-84.0011(11) below.

(d) "Investigating Agency" means the Minority Programs Office, the Florida Commission on Human Relations (FCHR), or the U.S. Equal Employment Opportunity Commission (EEOC), which investigates complaints filed pursuant to this rule chapter.

(e) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

1. Black, a person having origins in any of the black racial groups of Africa;

2. Hispanic, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;

3. Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or

4. American Indian and Alaskan Native, a person having origins in any of the original peoples of North America.

(f) "Minority Program EEO Staff" means the Civil Rights Compliance Administrator and Civil Rights Analysts Specialists, who are authorized to conduct investigations for the Department in response to complaints of discrimination and sexual harassment.

(g) "Retaliation" means the act of discriminating against a person because the individual filed an employment discrimination charge or testified, assisted, or participated in any manner in a proceeding to file, investigate, or resolve employment discrimination charges ~~discrimination against a person because of that person's opposition to any unlawful employment practice prohibited in Chapter 760, Florida Statutes.~~

(h) "Sexual Harassment" has the meaning set forth in Rule 60L-28.002(1), F.A.C., or means those actions prohibited by Rule 60L-28.002(1), F.A.C. means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature from any person when:

1. ~~Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment;~~

2. ~~Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,~~

~~3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.~~

(i) "Complainant" means the individual or individuals who have filed a discrimination or sexual harassment complaint internally with the Minority Programs Office, or externally with the FCHR Florida Commission on Human Relations, or the EEOC Equal Employment Opportunity Commission.

(j) "Respondent" means the individual or individuals identified by a complainant as having committed an alleged act of discrimination or sexual harassment.

(k) "Confidentiality" means that all complaints and other records which relate to charges of employment discrimination and sexual harassment, are exempt from the public records law and shall be protected from disclosure. Confidentiality shall be maintained pursuant to Sections 119.07(3)(q), (u), and (v), Florida Statutes. In accordance with Section 119.07(3)(q), Florida Statutes, confidentiality exists until a determination is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other records are made part of the official record of any hearing or court proceeding.

(3) Penalty and Relief.

(a) The Department shall discipline any career service employee found to have violated the provisions of this these rules or Chapter 60L-28, F.A.C., according to the provisions of Rule 14-17.012, F.A.C., Conduct Standards for Career Service Employees.

(b) The Department shall discipline any employee found to have violated these rules with any of the following actions:

1. written reprimand
2. suspension
3. demotion
4. dismissal

(c) The Department shall provide relief to any complainant who has been or may have been a victim of an act of discrimination or sexual harassment by taking any action allowed by the Laws of Florida and the Florida Administrative Code.

(4) Notice to Employees.

(a) Each new employee shall be notified in accordance with Rule 60L-28.004, F.A.C. of the existence of this rule and how a copy may be obtained.

(b) Each employee shall be given a reasonable opportunity to discuss this rule and Chapter 60L-28, F.A.C., with the Intake Officer, the Minority Programs EEO sStaff or Ombudsman.

(5) Time Frames. Section 760.11(1), ~~of the Florida Statutes,~~ requires any complaint of discrimination or sexual harassment be filed with the FCHR Commission on Human Relations within 365 days of the occurrence of the violation. Any complaint of discrimination or sexual harassment must be filed with the EEOC within 300 days of the alleged occurrence.

Any person filing a complaint with the Department is urged to file with the Commission at the same time in order to preserve his or her right to ask the Commission to review the Department's investigation and decision. Filing a complaint with either the FCHR Florida Commission on Human Relations or the EEOC Equal Employment Opportunity Commission will divest the Minority Programs Office of the requirements prescribed in Subsection Rule 14-84.0011(8). In order to expedite complaints filed with the Department, the Department shall apply the following time frames to discrimination and sexual harassment: Within 10 work days of receiving a copy of a complaint the Minority Programs Office shall:

~~(a) Determine if the provisions of this rule chapter are the appropriate method to seek redress of the stated complaint;~~

~~(b) Provide written acknowledgement of the complaint to complainant and either the District Personnel Officer, if the complaint originated in a District, or the appropriate Director, if the complaint originated in the Central Office. The complainant will be advised in the letter of acknowledgement, of alternative courses of action if an internally filed complaint is untimely or does not otherwise meet all jurisdictional requirements to initiate a formal complaint.~~

(6) Discrimination and Sexual Harassment Complaint Filing.

(a) Any person aggrieved by discrimination or sexual harassment as defined in Subsection 14-84.0011(2) may file a complaint with the Department's Minority Programs Office.

(b) A complaint may be filed at any time within 180 days after the alleged unlawful employment practice. If the alleged unlawful employment practice is of a continuing nature, the date of the occurrence may be any date the unlawful employment practice began up to and including the date on which it ceased.

(c) Other avenues of grievance:

1. Complaints filed with the ~~Florida Commission on Human Relations (FCHR)~~ or the ~~U.S. Equal Employment Opportunity Commission (EEOC)~~ and referred to the Department for investigation will be received and processed according to these rules.

2. Employment discrimination complaints based on race, color, sex, religion, national origin, age, handicap, marital status, political opinions or affiliation, or sexual harassment, will be referred to the Minority Programs Office and processed under these rules when the Department determines that the complaint is one of discrimination or sexual harassment, as defined in Subsection 14-84.0011(2) above and Chapter 60L-28, F.A.C.

3. If an employee is in a position covered by a collective bargaining agreement, which provides for an alternative procedure for making a complaint covered by this rule chapter, the employee may use the alternative procedure in lieu of, but not in addition to, the procedure provided by this rule chapter.

Career Service employees may also pursue recourse through the Public Employees Relation Commission for other issues not addressed in this rule chapter.

~~4. A complaint filed under these rules and determined not to be one of discrimination or sexual harassment shall be referred to the proper office with authority to handle the complaint.~~

(d) Contents. Complaints of sexual harassment must satisfy the requirements of Rule 60L-28.006(3), F.A.C. Complaints of discrimination based upon a verbal complaint, anonymous complaint, or rumor shall be sufficient to initiate an informal inquiry by the Minority Programs EEO Staff into the alleged occurrence. Any informal inquiry based upon such complaints shall be conducted according to the Department procedures. To initiate a formal investigation of the alleged occurrence, complaints of discrimination The complaint shall be in writing and contain the following:-

~~1. In the event that a person makes a verbal complaint of discrimination to the Minority Programs EEO Staff, the person shall be interviewed and counseled pertaining to complaint processing procedures and rights under law. If necessary, the Minority Programs EEO Staff will assist the person in reducing the complaint to writing.~~

~~2. The complaints filed internally with the Minority Programs Office shall contain the following:~~

~~1.a.~~ The name(s), job title(s), address(es), and telephone number(s) of the person(s) filing the complaint; as well as the classification and unit assigned within the agency, if an employee.

~~2.b.~~ The name(s), job title(s), address(es), and telephone number(s) of the person(s) alleged to have performed unlawful employment practice(s).

~~3.e.~~ Nature and basis of the alleged complaint.

~~4.d.~~ A clear and concise statement of the facts, including pertinent dates, times, places, and circumstances constituting the unlawful employment practices.

~~5.e.~~ The statement shall be signed and dated by the complainant(s).

(e) Amendments and withdrawals.

1. A complaint may be amended to cure technical defects, omissions, or to clarify or amplify allegations made therein. An amendment may be filed at any time before a determination is rendered.

2. A complaint may be withdrawn by the complainant at any time.

(f) Retaliation.

1. If the complainant at any time believes retaliation is a consequence of having filed a complaint, complainant may make a statement concerning the facts and circumstances of the retaliation which will become the subject of a separate but related investigation.

2. Retaliation against an employee for filing a complaint of discrimination or sexual harassment or providing information regarding such complaint is a violation of these rules. Any employee found to be engaging in such retaliation shall be subject to discipline as provided in Subsection Rule 14-84.0011(3) above.

(7) Investigation.

(a) The investigation of complaints shall be conducted by the Minority Programs Office or intake officers under the guidance of the Minority Programs Office. The Minority Programs Office will act as the sole representative of the Department in all communication with external investigating agencies and will assist in the conduct of their investigations.

(b) Statement of Complainant. During the course of the investigation, the complainant will be required to provide a written statement which includes the following:

1. A statement of each particular harm which the complainant has suffered and the date on which each harm occurred;

2. For each harm, a statement specifying the act, policy, or practice which is alleged to be discriminatory;

3. For each act, policy, or practice alleged to have harmed the complainant, a statement of the facts which led the complainant to believe that the act, policy, or practice is discriminatory.

(c) Request for Additional Information from complainant. In the event the complaint does not contain sufficient information (as outlined above) to permit a determination of jurisdiction and investigative merit, the Minority Programs Office shall request the complainant to provide specific additional information. Such a request shall be made anytime during the course of the investigation.

(d) Investigative Inquiries. ~~During the course of the investigation, the Minority Programs Office shall request information concerning the facts and circumstances of the complaint. Investigative inquiries and requests for information requested from the respondent will be directed to the appropriate District Personnel Officer or Director, if the complaint originated in the Central Office.~~ All pPersonnel will respond to the investigative inquiries and requests for information as outlined in this Rule Subsection 14-84.0011(7)(g)1. Investigative inquiries and requests for information may be made in the following manner:

1. Oral interviews;

2. Written investigative questionnaires, sworn statements, or position statements by any party or witness;

3. Requests for production of supportive documents;

4. Fact-finding conferences or on-site investigative visits ~~conducted by the Minority Programs EEO Staff and involving the complainant, respondent, Department employees and other witnesses.~~

~~(e) The Minority Programs EEO Staff shall investigate the complaint and attempt to resolve all conflicts of fact. Such evaluation results shall be discussed with all parties.~~

~~(f) The Minority Programs EEO Staff shall determine, based upon the analysis and evaluation of the evidence, whether the preponderance of the evidence supports a determination that there is or is not probable cause to believe that discrimination has occurred.~~

~~(g) Cooperation.~~ Cooperation. Complainant, respondent, and all Department employees shall provide the Minority Programs Office with:

1. ~~With~~ Any work-related documentation requested within 14 days of receipt of the request.

2. ~~With~~ Responses to oral or written questions presented.

3. Employees who violate this ~~provision rule~~ are subject to discipline as provided in Subsection 14-84.0011(3) above.

4. Where the complainant fails to cooperate with the investigative procedures specified in this Subsection Rule 14-84.0011(7), and after notification via certified mail return receipt requested or personal delivery, the complainant has failed to duly respond in the manner requested, the manager, Minority Programs Office, will dismiss the complaint.

(8) Investigative Report. ~~(a) Upon completion of an internal investigation, the Minority Programs Office EEO Staff shall prepare an investigative report, which shall include:~~

~~1. The complaint and allegations;~~

~~2. Background information and facts related to each allegation;~~

~~3. The recommendation of the Minority Programs EEO Staff to the Manager, Minority Programs Office, regarding whether the preponderance of the evidence supports a determination that there is or is not probable cause to believe that discrimination has occurred.~~

(b) The Minority Programs Office shall retain the investigatory report and all related documentation as required in Section 14-84.0011(11).

(9) Resolution of Complaint. Complaints may be resolved prior to issuance of an investigative report by one of the following means:

(a) Withdrawal. Withdrawal of a charge by the complainant may occur at any stage of the investigation, upon written request of the complainant.

(b) Negotiation. A negotiated settlement agreement will resolve the complaint prior to determination of whether there is probable cause to believe discrimination occurred. A negotiated settlement occurs when the complainant and Department sign a written agreement concerning specific actions or promises resolving the complaint. A negotiated settlement agreement requires the signatures of the complainant, District Secretary or Division Director if the issue arises in the District, Director of Administration, Central Office and Manager, Minority Programs Office, and the Office of General Counsel, Central Office.

(c) Conciliation. Conciliation efforts to resolve the complaint shall proceed when a determination, based upon a preponderance of evidence, indicates probable cause to believe that discrimination has occurred. A conciliation agreement will be drafted and signed as specified in Subsection 14 84.0011(9)(b).

(d) Dismissal pursuant to Subparagraph (7)(c)4. above. A determination, by the Manager, Minority Programs Office, FCHR, Florida Commission on Human Relations or EEOC that dismissal of the complaint is appropriate will Equal Employment Opportunity Commission, concludes responsibilities of the Minority Programs Office to investigate the complaints, unless the complainant requests a re-determination of an externally investigated complaint. Complaints will be closed upon conclusion of any re-determination.

(e) Notice of dismissal will be mailed to complainant and either the District Personnel Manager or appropriate Director, and shall include at least the following:

- 1. A summary of the complaint and pertinent issues.
- 2. The determination of the investigating agency.
- 3. Notice if conciliation efforts have been unsuccessful.
- 4. A statement informing the complainant of the time limits specified in Section 760.11, Florida Statutes, to request the Florida Commission on Human Relations to review internally investigated complaints.

(f) Requests for an administrative hearing or the initiation of litigation by the complainant will result in the complaint being submitted to General Counsel.

(10) Maintenance and Disposition of Records.

(a) The Minority Programs Office will house the complaint files and a chronologic log of complaints filed for two years. The files will then be processed for storage with DOT Records Management for an additional four years.

(b) No information regarding the investigation of a discrimination or sexual harassment complaint shall be placed in the respondent's personnel file until a determination is rendered by the investigating Agency and disciplinary action is taken according to the provision of Sections 14 84.0011(9)(c) and (f).

(10)(14) Intake Officers. (a) Each District Secretary shall identify two or more employees who shall act as intake officers. The Minority Programs Office EEO staff act as the intake officers for the Central Office, to perform the functions identified by this rule. The District Secretary shall issue a memorandum identifying the Intake Officers and providing telephone numbers where they can be contacted. The memorandum will be posted at a bulletin board in each work location, and a copy will be sent to Minority Programs Office.

2. An updated memorandum will be issued and circulated as provided in Rule Section 14 84.0011(11)(a)1. each time the Intake Officer is changed.

(b) Intake Officers will have responsibility for the following functions:

- 1. Receiving and informally investigating discrimination and sexual harassment complaints;
- 2. Providing recommendations to either the District Secretary and Personnel Manager or appropriate Director, in an effort to resolve the complaint.
- 3. Counseling the complainant regarding formal filing alternatives with the Minority Programs Office, the Florida Commission on Human Relations or the Equal Employment Opportunity Commission if the Complaint has not been resolved after 30 days.
- 4. Providing the Minority Programs Office with all documentation secured during an investigation, upon failure to resolve the complaint if the complaint is not resolved.

(11)(12) Form. The following form, effective November 1990, is incorporated and used in implementing this rule: Form 275-010-01-b, MINORITY PROGRAMS, Rev. 07/98 03/90, Discrimination/Sexual Harassment Complaint Form. A copy of the form can be obtained by contacting the Florida Department of Transportation, Minority Programs Office, 3717 Apalachee Parkway, Suite G Haydon Burns Building, 605 Suwannee Street, Mail Station 65, Tallahassee, Florida 32311 32399-0450.

Specific Authority 20.05(5), 110.201(2), 334.044(2), 339.05 FS. Law Implemented 110.105, 110.112, 110.227, 119.07(3)(q), 760.10, 760.11 FS. History--New 8-5-96, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Ruth Dillard, Manager, Minority Programs Office
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 7, 1998

PUBLIC SERVICE COMMISSION

DOCKET NO. 990206-TI
RULE TITLE: Transfer of Certificate of Public Convenience and Necessity as to all or Portion of Service Area
RULE NO.: 25-4.005

PURPOSE AND EFFECT: To eliminate the requirements for a local exchange company (LEC) to provide a complete list of the noticed subscribers to the Commission. Such information contained in the list may be confidential and disclosure of such could violate 364.24, FS.

SUMMARY: The rule requires that when a local exchange carrier (LEC) requests approval to transfer its certificate (or portion thereof), a written notice be issued to each subscriber

in the area to be transferred and that a complete list of the noticed subscribers, by telephone number, name, address, and class of service, be submitted to the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A SERC was not prepared since no significant additional costs or negative impacts on utilities, ratepayers, small businesses, small cities, or small counties could be identified. It is expected that the elimination of the requirement would relieve the LECs and the Commission of some administrative burden.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.335 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.005 Transfer of Certificate of Public Convenience and Necessity as to all or Portion of Service Area.

(1)(b) No change.

(c) By written notice subject to Commission approval, issued to each subscriber in the area to be transferred concurrent with the filing of the petition. ~~A complete lists, by telephone number (numerical sequence), name, address, and class of service of all subscribers sent a written notice shall be furnished the Commission immediately following distribution.~~

(2) through (3) No change.

(4) Any subscriber or group of subscribers of a telephone company may petition the Commission for transfer from the service area of such telephone company to that of another telephone company serving contiguous territory. After public hearing, if one is requested, the Commission may, ~~on a finding of just cause,~~ require such transfer and amend the existing certificates of the telephone companies involved or change the exchange service area maps to reflect any changes found justified.

(5) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.335 FS. History—New 12-1-68, Amended 5-4-81, Formerly 25-4.05, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ray Kennedy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 1998, Vol. 24, No. 42

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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

DEPARTMENT OF THE LOTTERY

RULE TITLES:	RULE NOS.:
FLORIDA LOTTO Jackpot Pool	53-28.006
FLORIDA LOTTO Payment Options	53-28.007

PURPOSE AND EFFECT: The Department proposes to promulgate a rule to amend rule section 53-28.006 F.A.C., and create a new rule section that sets forth the specifics of the two (2) FLORIDA LOTTO Jackpot prize payment options, “Cash Option” and “Annual Payment.”

SUMMARY: The annual payment option set forth in rule 53-28.006, is being amended to thirty annual payments and is also being relocated to rule 53-28.007. 53-28.007 sets forth the two options of payment for FLORIDA LOTTO Jackpot prizes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 24.105(10)(e) FS.

LAW IMPLEMENTED: 24.105(10)(e) FS.

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

TIME AND DATE: 9:00 a.m., April 28, 1999

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULES IS:

53-28.006 FLORIDA LOTTO Jackpot Pool.

(1) No change.

(2) If the cash available in the Jackpot pool is sufficient to yield at least a total of one million dollars in twenty (20) annual installments for each winning ticket, the Lottery shall pay the Jackpot winner or winners in twenty (20) annual payments.

Specific Authority 24.115(1) FS. Law Implemented 24.105(10)(e) FS. History--New 11-22-93, Amended.

53-28.007 FLORIDA LOTTO Payment Options.

(1) Effective for draw dates on and after October 24, 1998, players can choose one (1) of two (2) payment options for receiving their portion of the FLORIDA LOTTO Jackpot prize. Payment options are "Cash Option" and "Annual Payment."

(2) Jackpot winners have sixty (60) days after the winning draw date to choose between the two payment options. Once the jackpot 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 07/93, and Addendum B, Effective 10/21/98, are incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, Capitol Complex, Tallahassee, Florida 32399-4027. In order to select Cash Option, the winner must claim his or her prize within sixty (60) days after the winning draw date; otherwise, the Annual Payment option will be applied.

(3) Cash Option prizes will be paid in one lump sum cash payment. The jackpot winner who chooses the Cash Option for payment will receive his or her portion of the amount in the jackpot pool that is available immediately for investment.

(4) The jackpot winner whose ticket, including an advance play ticket, was purchased prior to November 15, 1998, shall be paid in twenty (20) annual payments if:

(a) the Jackpot winner elects the Annual Payment Option;

(b) the Jackpot winner does not make an election within sixty (60) days after the winning draw date as provided in subsection (2); and

(c) the cash available in the Jackpot pool is sufficient to yield at least a total of one million dollars in twenty (20) annual installments for each winning ticket.

(5) The jackpot winner whose ticket, including an advance play ticket, was purchased on November 15, 1998, or thereafter shall be paid in 30 (thirty) annual payments if:

(a) the Jackpot winner elects the Annual Payment Option;

(b) the Jackpot winner does not make an election within sixty (60) days after the winning draw date as provided in subsection (2); and

(c) the cash available in the Jackpot pool is sufficient to yield at least a total of one million dollars in thirty (30) annual installments for each winning ticket.

(6) Federal income taxes will be applied and withheld from the prize amount at the time payment is made pursuant to applicable Internal Revenue Code and Regulations.

(7) Any interest or earnings accrued on a Florida Lotto 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.

Specific Authority 24.105(10)(e) FS. Law Implemented 24.105(10)(e) FS. History--New 3-17-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr., General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 29, 1999

DEPARTMENT OF THE LOTTERY

RULE TITLE: FANTASY 5 Drawings
RULE NO.: 53-29.002

PURPOSE AND EFFECT: The purpose of the rule is to clarify the FANTASY 5 draw machine's ball display devices.

SUMMARY: The rule amends and broadens the description of the "display tubes" on the FANTASY 5 draw machine to a "display device" which may include either display tubes or a display tray as the ball display device, dependent upon the FANTASY 5 draw machine that is selected for the draw.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 24.105(10)(d) FS.

LAW IMPLEMENTED: 24.105(10)(d) 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., April 28, 1999

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-29.002 FANTASY 5 Drawings.

(1) through (7) No change.

(8) Five (5) of the twenty-six (26) balls are drawn by vacuum action into a ball display device the display tubes. Either display tubes or a display tray shall be used as the ball display device, dependent upon which draw machine is selected. The numbers shown on the five (5) balls, after certification by the Draw Manager and the certified public accounting firm, are the official winning numbers for the drawing.

(9) through (12) No change.

Specific Authority 24.105(10)(d) FS. Law Implemented 24.105(10)(d) FS. History--New 11-22-93, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 29, 1999

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Assisted Living Facilities	58A-5
RULE TITLES:	RULE NOS.:
Definitions	58A-5.0131
License Application, Change of Ownership and Provisional License	58A-5.014
License Renewal and Conditional License	58A-5.015
License	58A-5.016
Inspection Responsibilities	58A-5.0161
Residency Criteria and Admission Procedures	58A-5.0181
Resident Care Standards	58A-5.0182
Marketing; Rebates Prohibited	58A-5.0184
Medication Practices	58A-5.0185
Staffing Standards	58A-5.019
Staff Training Requirements and Training Fees	58A-5.0191
Food Service Standards	58A-5.020
Fiscal Standards	58A-5.021
Facility Maintenance and Housekeeping Standards	58A-5.022
Water Supply	58A-5.0221
Garbage and Rubbish	58A-5.0223
Physical Plant Standards	58A-5.023
Records	58A-5.024
Resident Contracts	58A-5.025
Emergency Management	58A-5.026

Extended Congregate Care Services	58A-5.030
Limited Nursing Services	58A-5.031
Administrative Enforcement	58A-5.033

PURPOSE AND EFFECT: During the 1998 session there were several bills that amended part III, chapter 400, F.S., relating to the regulation of assisted living facilities: Chapter 98-80, L.O.F., relating to licensing and assistance with medication; chapter 98-148, L.O.F., relating to rule promulgation authority; and chapter 98-171, L.O.F., relating to licensing and background screening. This rule development proposal implements all of these bills as well as carry out the agency rule directive established in sections 120.536 and 120.74, F.S.

SUMMARY: Rule 58A-5.0131, relating to definitions, is amended to delete, add, and update definitions. Rule 58A-5.014, relating to licensing procedures, is separated into two rules: rule 58A-5.014 now applies to initial license applications, change of ownership, and provisional licenses; new rule 58A-5.015 applies to license renewal and conditional licenses. In addition, the new background screening requirements have been added, and the provisions updated and reorganized. Rule 58A-5.016, relating to licensure, has been reorganized and updated. Rule 58A-5.0161, relating to inspection responsibilities, has been updated. Rule 58A-5.0181, relating to admission and continued residency, has been amended to: permit residents with stage 2 pressure ulcers; delete self-preservation assessment; add admission package requirements; amend health assessment requirements; and update and reorganize provisions. Rule 58A-5.0182, relating to resident care standards, has been amended to: add a new subsection on nursing services; clarify provisions relating to third-party services; remove provisions relating to medications; and reorganize, streamline and update provisions. Rule 58A-5.0185, relating to medication practices, has been created to centralize, streamline, and update provisions relating to medication; and implement s. 400.4256, relating to assistance with medication. Rule 58A-5.019, relating to staffing standards, has been amended to: establish a minimum daily staffing requirement; delete provisions relating to clinics which are now in statute; and clarify, streamline, reorganize, and update remaining provisions. Rule 58A-5.0191, relating to staff training requirements, has been amended to: reduce training requirements for ECC staff; add training requirements for food preparation staff; delete training requirements for supervision of medication and create training requirements for assistance with medications; and amend the Alzheimer's training curriculum. Rule 58A-5.020, relating to food service, has been amended to: delete duplicate requirements covered by the Department of Health; require the provision of snacks; and to reorganize and update provisions. Rule 58A-5.021, relating to fiscal standards, has been amended to delete provisions now in s. 400.4275, and to reorganize and update remaining provisions. Rule 58A-5.023, relating to physical plant standards, has been amended to: delete duplicate requirements covered by the Department of Health; require new facilities to

be air conditioned; require locks on bathroom doors and grab bars around toilets; limit new facilities to 2 residents per room; add provisions relating to security; and to reorganize and update remaining provisions. Rule 58A-5.024, relating to records, has been amended to: include all records requirements in rule chapter; remove provisions relating to resident contracts and emergency procedures which are now in separate rules; and to reorganize, streamline and update remaining provisions. Rules 58A-5.025 and 58A-5.026, relating to resident contracts and emergency procedures, have been created from provisions transferred from rule 58A-5.024, and reorganized and updated. Rule 58A-5.030, relating to ECC, has been significantly reorganized, streamlined, and updated. Rule 58A-5.031, relating to limited nursing services, has been amended to: centralize provisions; modify nursing services; and to reorganize and update provisions. Rule 58A-5.033, relating to administrative enforcement, has been amended to delete fine provisions; delete publication list; and reorganize, clarify, and update provisions. Rule 58A-5.0184, relating to rebates, rule 58A-5.022, relating to housekeeping, rule 58A-5.0221, relating to water supply, and rule 58A-5.0223, relating to garbage and rubbish are repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 400.402, 400.407, 400.415, 400.424, 400.4256, 400.426, 400.427, 400.4275, 400.428, 400.431, 400.441, 400.442, 400.444, 400.452 FS.

LAW IMPLEMENTED: Part III, Chapter 400 FS.

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

TIME AND DATE: 9:00 a.m. – 4:00 p.m., Monday, April 19, 1999

PLACE: Florida Department of Elder Affairs, Conference Room 225F, 4040 Esplanade Way, Tallahassee, FL 32399-7000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pat Dunn, Office of General Counsel, (850)414-2000, Meta Calder, Assisted Living Program, (850)414-2309; Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 58A-5.0131 follows. See Florida Administrative Code for present text.)

58A-5.0131 Definitions.

The following terms are defined in s. 400.402, F.S., and are applicable to this rule chapter: activities of daily living (ADLs), administrator, agency (AHCA), aging in place or age in place, applicant, assisted living facility (ALF), chemical restraint, community living support plan, cooperative agreement, department (DOEA), emergency, extended congregate care (ECC), guardian, limited nursing services (LNS), managed risk, mental health resident, personal services, physical restraint, relative, resident, resident's representative or designee, service plan, shared responsibility, supervision, supplemental security income, supportive services, and twenty-four-hour nursing supervision. Additional definitions applicable in this rule chapter are as follows:

(1) "Advertise" means any written, printed, oral, visual, or electronic promotion, statement of availability, qualifications, services offered, or other similar communication appearing in or on television, radio, the Internet, billboards, newspapers, magazines, business cards, flyers, brochures or other medium for the purpose of attracting potential residents to an assisted living facility. A complimentary listing of a licensed facility's name, address, and telephone number in the telephone directory shall not be considered advertising.

(2) "AHCA central office" means the Assisted Living Unit, Agency for Health Care Administration located at 227 N. Bronough Street, Room 7100, Tallahassee, FL. The mailing address for the Assisted Living Unit is 2727 Mahan Drive, Tallahassee, FL 32308-5403, and the telephone number is (850)487-2515.

(3) "Apartment" means a self-contained dwelling unit with a bathroom, kitchen area, and living and sleeping space that is contracted for use as a residence by one or more persons who maintain a common household.

(4) "Assistance with activities of daily living" means individual assistance with the following:

(a) Ambulation – Providing physical support to enable the resident to move about within or outside the facility. Physical support includes supporting or holding the resident's hand, elbow, or arm; holding on to a support belt worn by the resident to assist in providing stability or direction while the resident ambulates; or pushing the resident's wheelchair. The term does not include transfer.

(b) Bathing – Assembling towels, soaps, and other necessary supplies, helping the resident in and out of the bathtub or shower, turning the water on and off, adjusting water temperatures, washing and drying portions of the body which are difficult for the resident to reach, or being available while the resident is bathing.

(c) Dressing – Helping the resident to choose and to put on and remove clothing.

(d) Eating – Helping with cutting food, pouring beverages, and feeding residents who are unable to feed themselves.

(e) Grooming – Helping the resident with shaving, with oral care, with care of the hair, and with nail care.

(f) Toileting – Assisting the resident to the bathroom, helping to undress, positioning on the commode, and helping with related personal hygiene, including assistance with changing an adult brief. Assistance with toileting includes assistance with the routine emptying of a catheter or colostomy bag.

(5) “Assistance with transfer” means providing verbal and physical cuing or physical assistance or both while the resident moves between bed and a standing position or between bed and chair or wheelchair.

(6) “Bedridden” means confined to bed because of inability to ambulate or transfer to a wheelchair even with assistance, or to sit safely in a chair or wheelchair without personal assistance or mechanical restraint.

(7) “Capacity” means the number of residents for which a facility has been licensed to provide residential care.

(8) “Case manager” means an individual employed by or under contract with any agency or organization, public, or private, who has the responsibility for assessing resident needs; planning services; coordinating and assisting residents to gain access to needed medical, mental health, social, housing, educational or other services; monitoring service delivery; and evaluating the effects of service delivery.

(9) “Certified nursing assistant (CNA)” means a person certified under s. 400.211, F.S.

(10) “Deficiency” means an instance of non-compliance with the requirements of Part III, Chapter 400, F.S., and this rule chapter.

(11) “Direct care staff” means staff providing personal or nursing services to residents, or supervising staff providing such services.

(12) “Distinct part” means designated bedrooms or apartments, bathrooms and a living area; or a separately identified wing, floor, or building which includes bedrooms or apartments, bathrooms and a living area. The distinct part may include a separate dining area, or meals may be served in another part of the facility.

(13) “DOEA Assisted Living Program” means the Assisted Living Program, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The telephone number of the program is (850)414-2309.

(14) “Food service” means the storage, preparation, serving, and cleaning up of food intended for consumption in a facility or a formal agreement that meals will be regularly catered by a third party.

(15) “Health care provider” means a physician or physician’s assistant licensed under Chapter 458 or 459, F.S., or advanced registered nurse practitioner licensed under Chapter 464, F.S.

(16) “Hold itself out” means making any personal, verbal, telephone, mail contact, or other communication to a person or any announcement, solicitation, display, or advertisement to inform the general public of the services provided by the facility.

(17) “Licensed dietitian/nutritionist” means a dietitian or nutritionist licensed in accordance with s. 468.509, F.S.

(18) “Long-term care ombudsman council (LTCOC)” means the State Long-term Care Ombudsman Council or the district long-term care ombudsman councils established under Part I, Chapter 400, F.S.

(19) “Major incident” means:

(a) Death of a resident from other than natural causes;

(b) Determining that a resident is missing;

(c) An assault on a resident resulting in injury;

(d) An injury to a resident which requires assessment and treatment by a health care provider; or

(e) Any event, such as a fire, natural disaster, or other occurrence that results in the disruption of the facility’s normal activities.

(20) “Mental disorder” for the purposes of identifying a mental health resident means schizophrenic and other psychotic disorders; affective disorders; anxiety related disorders; and personality and dissociative disorders. However, mental disorder does not include residents with a primary diagnosis of Alzheimer’s disease, other dementias, or mental retardation.

(21) “Mental health care provider” means:

(a) An individual, agency, or organization under contract to the Department of Children and Families Services’ district Substance Abuse and Mental Health program office to provide mental health services to clients of the department;

(b) An individual licensed by the state to provide mental health services; or

(c) An agency or organization employing or contracting with individuals licensed by the state to provide mental health services.

(22) “Mental health case manager” means a case manager employed by or under contract to a mental health care provider to assist mental health residents residing in a facility holding a limited mental health license. A private mental health care provider may serve as a resident’s mental health case manager.

(23) “Newly licensed” means a new facility which is licensed for the first time. The term does not apply to an existing facility that has undergone a change of ownership.

(24) “Nurse” means a licensed practical nurse (LPN), registered nurse (RN), or advanced registered nurse practitioner (ARNP) licensed under Chapter 464, F.S.

(25) “Nursing assessment” means a written review of information collected from observation of and interaction with a resident, the resident’s record, and any other relevant sources; the analysis of the information; and recommendations for modification of the resident’s care, if warranted.

(26) “Nursing progress notes” or “progress report” means a written record of nursing services, other than medication administration or the taking of vital signs, provided to each resident who receives such services pursuant to a limited nursing or extended congregate care license. The progress notes shall be completed by the nurse who delivered the service and shall describe the date, type, scope, amount, duration, and outcome of services that are rendered; the general status of the resident’s health; any deviations; any contact with the resident’s physician; and shall contain the signature and credential initials of the person rendering the service.

(27) “Optional state supplementation (OSS)” means the state program providing monthly payments to eligible residents pursuant to s. 409.212, F.S., and rule chapter 65A-2.

(28) “Owner” means the person, partnership, association or corporation which owns or leases the facility, whether licensed or not. The term does not include a person, partnership, association, or corporation which contracts only to manage or operate the facility. When the person, partnership, association or corporation who owns the facility’s physical plant has leased it to another, but retains significant control over the day-to-day operations of the facility, such person is an owner of the facility.

(29) “Physician” means an individual licensed under chapter 458 or 459, F.S.

(30) “Registered dietitian” means an individual registered with the Commission on Dietetic Registration, the accrediting body of the American Dietetic Association.

(31) “Renovation” means additions, repairs, restorations, or other improvements to the physical plant of the facility within a 5 year period that costs in excess of 50 percent of the value of the building as reported on the tax rolls, excluding land, before the renovation.

(32) “Respite care” means facility-based supervision of an impaired adult for the purpose of relieving the primary caregiver.

(33) “Significant change” means a sudden or major shift in behavior or mood, or a deterioration in health status such as unplanned weight change, stroke, heart condition, or stage 2, 3, or 4 pressure ulcer. Ordinary day-to-day fluctuations in functioning and behavior, a short-term illness such as a cold, or the gradual deterioration in the ability to carry out the activities of daily living that accompanies the aging process are not considered significant changes.

(34) “Staff” means any person employed by a facility; or contracting with a facility to provide direct or indirect services to residents; or employees of firms under contract to the facility to provide direct or indirect services to residents when present

in the facility. The term includes volunteers performing any service which counts toward meeting any staffing requirement of this rule chapter.

(35) “Unscheduled service need” means a need for a personal service, nursing service, or mental health intervention which generally cannot be predicted in advance of the need for service and which must be met promptly within a time frame which provides reasonable assurance that the resident’s health, safety, and welfare and that of other residents shall be preserved.

Specific Authority 400.441 FS. Law Implemented 400.402, ~~400.404~~, 400.407, 400.4075, 400.411, 400.414, ~~400.417~~, ~~400.4178~~, 400.419, ~~400.424~~, 400.4255, 400.428, ~~400.429~~, 400.441, 400.447, ~~400.451~~, 400.452 FS. History—New 9-30-92, Formerly 10A-5.0131, Amended 10-30-95, 6-2-96, 4-20-98, _____.

(Substantial rewording of Rule 58A-5.014 follows. See Florida Administrative Code for present text.)

58A-5.014 License Application, Change of Ownership, and Provisional Licenses.

(1) LICENSE APPLICATION. An applicant for a standard assisted living facility license, or a limited mental health, extended congregate care, or limited nursing license may obtain a license application package from the AHCA central office.

(a) The completed application shall be signed by an owner (or corporate officer if the owner is a corporation), the administrator, or an individual designated in writing by an owner or corporate officer, who is at least 18 years old, notarized, and include the following:

1. The Assisted Living Facilities License Application, AHCA Form 3110-1008, March 1999, which is incorporated by reference, with all requested information provided as specified in s. 400.411(3), F.S.

2. An assets and liabilities statement, or AHCA Form 3180-1003, January 1998, which is incorporated by reference. The assets and liabilities statement shall include information about the assets available to cover claims against the owner and administrator and to demonstrate that the applicant has the financial ability to operate.

3. A statement of operations, or AHCA Form 3180-1002, July 1995, which is incorporated by reference. The statement of operations shall include projected revenues, expenses, taxes, extraordinary items, and other credits or charges for the first 12 months of operation.

4. If the proposed facility will be part of a continuing care retirement community, a copy of the Certificate of Authority to offer continuing care agreements issued pursuant to chapter 651, F.S. The certificate may be used in lieu of fiscal documentation specified in subparagraphs 2. and 3.

5. Proof of liability insurance as required by rule 58A-5.021.

6. Local Zoning Form, AHCA Form 3180-1021, September 1996, which is incorporated by reference, or a letter from the local zoning authority, signed by the county zoning official, which states that the applicant is in compliance with local zoning ordinances.

7. Proof of legal right to occupy the property which may include copies of recorded deeds, or copies of lease or rental agreements, contracts for deeds, quitclaim deeds, or other such documentation.

8. Documentation of a satisfactory firesafety inspection conducted by the local authority having jurisdiction over fire safety or by the State Fire Marshall.

9. Documentation of a satisfactory sanitation inspection by the county health department.

10. For each person specified in s. 400.4174(1), F.S.:

a. A signed Florida Abuse Hotline Information System Background Check, AHCA Form 3110-0003, July 1998, which is incorporated by reference;

b. A set of fingerprints obtained from the nearest available local law enforcement agency on the fingerprint card provided by the agency; and.

c. A check or money order to cover the cost of screening. One check or money order can be submitted to cover both the screening and license fee costs described in paragraph (c).

11. In lieu of the requirements of subparagraph 10., proof of compliance with the Level 2 background screening requirements of s. 435.04, F.S., conducted within the last 5 years pursuant to a facility or professional license requirement of AHCA or the Department of Health, a copy of the professional or facility license, and an affidavit of current compliance with Level 2 background screening standards may be substituted; for owners, administrators, and financial officers of continuing care retirement communities, proof of compliance with the background screening requirements of rule 4-193.060 conducted within the last 5 years, plus signed AHCA Form 3110-0003, may be substituted.

12. A copy of any surety bond required pursuant to rule 58A-5.021.

13. A copy of the proposed facility's floor plan indicating those areas to be licensed as an assisted living facility and, if applicable, the distinct part to be licensed as an extended congregate care facility if the entire assisted living facility is not to be so licensed.

14. Certificates of Occupancy shall be required from authorities charged with seeing that new buildings or renovations to existing buildings comply with state and local building codes. This must be provided at the time of the agency survey.

(b) An applicant for a limited mental health, extended congregate care, or limited nursing services license must concurrently apply for or hold a standard license and comply, in addition, with the applicable requirements of rules 58A-5.029, 58A-5.030, and 58A-5.031, respectively. A limited

mental health, extended congregate care, or limited nursing license shall only be issued to a facility holding a standard license.

(c) The application shall be submitted to the AHCA central office and be accompanied by a license fee in the form of a check or money order payable to the State of Florida. The license fee shall be in accordance with s. 400.407, F.S.

1. The fee for any special license shall be in addition to the standard license fee required by statute. When a special license is requested during a facility's standard license period, the fee will be prorated in order that the additional license will expire at the same time as the facility's standard license.

2. One check or money order can be submitted to cover all license fees and background screening costs.

3. When a check is returned from the applicant's bank for whatever reason, the agency shall add to the amount due a service fee of \$20 or 5 percent of the face amount of the check, whichever is greater, up to a maximum charge of \$200.

(d) Upon submission of all documentation required under this subsection and fees, and notification to the agency area office that the applicant is ready for survey, the agency area office shall conduct a survey of the facility in accordance with s. 400.428(3), F.S.

(2) CHANGE OF OWNERSHIP (CHOW). An application package for a change of ownership of a currently licensed facility is available from the AHCA central office.

(a) Completed applications shall be filed with the agency by the transferee at least 60 days before the date of transfer of ownership as required by s. 400.412, F.S., and must include the information and fees required under subsection (1) of this rule.

(b) At the time of transfer of ownership, all resident funds on deposit, advance payments of resident rents, resident security deposits and resident trust funds held by the current licensee shall be transferred to the applicant. Proof of such transfer shall be provided to the agency at the time of the agency survey and prior to the issuance of a standard license. This provision does not apply to entrance fees paid to a continuing care facility subject to the acquisition provisions in s. 651.024, F.S.

1. The transferor shall provide to each resident a statement detailing the amount and type of funds credited to the resident for whom funds are held by the facility.

2. The transferee shall notify each resident in writing of the manner in which the transferee is holding the resident's funds and state the name and address of the depository where the funds are being held, the amount held, and type of funds credited.

(c) The current resident contract on file with the facility shall be considered valid until such time as the transferee negotiates a new contract with the resident.

(d) Failure to apply for a change of ownership of a licensed facility as required by s. 400.412, F.S., shall result in a fine set and levied by the agency pursuant to s. 400.419, F.S. This is also applicable to individual owners who incorporate and do not report the incorporation to the agency.

(e) During a change of ownership, the owner of record is responsible for ensuring that the needs of all residents are met at all times in accordance with part II of chapter 400 and this rule chapter.

(3) PROVISIONAL LICENSE. The agency may issue a provisional license to an applicant making an initial application for a standard license or who has filed a completed application for a change of ownership, and who is waiting for an agency survey, the receipt of Federal Bureau of Investigation background screening results, or a response to a request for an exemption from disqualification due to violation of background screening standards.

(a) A provisional license issued pursuant to an initial application for license shall not be considered equivalent to a standard license for the purposes of issuing a limited mental health, extended congregate care, or limited nursing services license.

(b) A provisional license issued pursuant to a change of ownership application shall be considered equivalent to a standard license for the purpose of issuing a limited mental health, extended congregate care, or limited nursing services license.

(c) A provisional license shall be issued for a specific period of time as determined by the agency provided such time is not less than 1 month nor for more than 6 months.

(4) LICENSE DENIAL. Owners denied a license shall be notified by the agency of their right to appeal the denial, the remedies available, and the time limit for requesting such remedies as provided under part II of rule chapter 59-1 and chapter 120, F.S.

Specific Authority ~~400.407, 400.411, 400.441~~ FS. Law Implemented ~~420.569, 400.402, 400.404, 400.407, 400.408, 400.411, 400.412, 400.417, 400.4174, 400.419, 400.427, 400.4275, 400.441, 400.444, 400.445, 400.447, 415.102, 415.107, 415.1075, 435.02, 435.03, 435.07~~ FS. History—New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.14, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.014, Amended 10-30-95, 4-20-98,

58A-5.015 License Renewal and Conditional Licenses.

(1) LICENSE RENEWAL. Applications for license renewal shall be mailed biennially by the AHCA central office to the licensee no less than 120 days prior to the expiration of the current license. Applications shall be postmarked or hand delivered to the agency a minimum of 90 days prior to the expiration date appearing on the currently held license. Failure to file a timely application shall result in a late fee charged to the facility as described in s. 400.417, F.S.

(a) All applicants for renewal of a license shall submit the following:

1. An Assisted Living Facilities License Application, AHCA Form 3110-1008, March 1998, completed as required under rule 58A-5.014.

2. Proof of liability insurance as required by rule 58A-5.021.

3. A copy of the annual fire safety inspection conducted by the local authority having jurisdiction over fire safety or the State Fire Marshall. Documentation of a satisfactory fire safety inspection shall be provided at the time of the agency's biennial survey.

4. A copy of the annual sanitation inspection by the county health department. Documentation of a satisfactory sanitation inspection shall be provided at the time of the agency's biennial survey.

5. An affidavit of current compliance with level 1 and 2 background screening conducted pursuant to s. 400.4174, F.S.

6. A copy of any surety bond or continuation bond required by rule 58A-5.021.

7. A copy of the facility's floor plan if different from the previous application.

(b) Applicants for renewal of a license shall not be required to provide proof of financial ability to operate unless the facility or any other facility owned or operated in whole or part by the same owner or business entity has demonstrated financial instability as described in rule 58A-5.021.

(c) Applicants for renewal of licenses shall remit license fees as required by s. 400.407, F.S., and rule 58A-5.014. With respect to the fee per bed required for a standard license, the number of OSS recipients claimed shall be the average number per month residing in the facility during the previous license period. A per bed refund shall be credited to the bed fee for a facility whose average number of OSS residents per month exceeded the number of beds designated for OSS recipients during the previous license period. An additional per bed charge shall be added to the bed fee for facilities whose average number of OSS residents per month was less than the number of beds designated for OSS recipients during the previous license period.

(2) CONDITIONAL LICENSE. The agency may issue a conditional license to a facility if, at the time of license renewal the facility is found to have uncorrected violations which the facility has had an opportunity to correct.

(a) The issuance of a conditional license shall be contingent upon agency approval of a written plan of correction which includes corrective steps that will be taken to eliminate the deficiencies and a timetable for correction of the deficiencies by the expiration date of the conditional license.

(b) A conditional license shall be issued by the agency only for that time period necessary to comply with applicable licensing standards and complete license renewal procedures, but not to exceed 6 months.

(c) A conditional license shall be revoked and license denied if subsequent follow-up surveys by the agency indicate that necessary progress has not been made toward compliance with applicable licensing standards.

(d) The issuance of a conditional license does not change the biennial license expiration date.

(3) LICENSE DENIAL.

(a) Applicants denied a license shall be notified by the agency of their right to appeal the denial, the remedies available, and the time limit for requesting such remedies as provided under part II of rule chapter 59-1 and chapter 120, F.S.

(b) Pursuant to s. 400.414, agency notice of license denial following a renewal application shall be posted and visible to the public at the facility.

Specific Authority 400.441 FS. Law Implemented 400.402, 400.404, 400.407, 400.411, 400.414, 400.417, 400.4174, 400.427, 400.4275, 400.441, 400.447 FS. History—New _____.

58A-5.016 License.

(1) An ALF may not hold itself out to the public as providing any service other than a service for which it is licensed to provide.

(2)(1) Licenses are not transferable. Whenever a facility is sold or ownership is transferred, including leasing, the transferor and transferee must comply with the provisions of s. 400.412, F.S., and the transferee must submit a change of ownership license application pursuant to rule 58A-5.014 shall make application to the agency for a new license at least 60 days prior to the date of transfer of ownership. Additionally, the transferor must notify the agency, in writing, at least 60 days prior to the date of transfer of ownership and comply with the provisions of Section 400.412, F.S. The transferee must provide the agency with a copy of the recorded warranty deed or lease agreement before a license will be issued by the agency.

(3)(2) A change in the use of space that increases or decreases a facility's bed capacity shall not be made without prior approval from the AHCA central office. A facility shall not commence any construction which will expand the licensed capacity unless the licensee first submits to the agency proof that such construction will be in compliance with applicable local zoning requirements.

(4)(3) A change in the use of space that involves converting to resident use an area which has not previously been inspected for such use shall not be made without prior approval from the AHCA area office.

(5) If a facility consists of more than one building, all buildings included under a single license must be on contiguous property. "Contiguous property" means property under the same ownership separated by no more than a two-lane street that traverses the property. A licensed location may be expanded to include additional contiguous property

with the approval of the agency to ensure continued compliance with the requirements and standards of part III, chapter 400, F.S., and this rule chapter.

Specific Authority 400.441 FS. Law Implemented 400.407, 400.411, 400.412, 400.441, 400.444, 400.445 415-107 FS. History—New 5-15-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.16, Amended 6-21-88, 9-30-92, Formerly 10A-5.016, Amended 10-30-95, _____.

58A-5.0161 Inspection Responsibilities of ~~Health Program Office and the Agency for Health Care Administration.~~

(1) ~~HRS~~ County ~~Public health departments Units~~ shall be responsible for inspecting all license applicants and licensed and applicant assisted living facilities in matters regulated by the following sections of this rule:

(a) Rule 64E-12.004, and rule chapter 64E-11, relating to food hygiene 58A-5.020(2)(a).

(b) Rule chapter 64E-12 ~~The applicable part of section 40D-23.006, F.A.C.,~~ relating to sanitary practices in community-based residential facilities.

(c) Rule chapter 64E-16, relating to biomedical waste 58A-5.022.

(2) The local authority having jurisdiction over fire safety or State Fire Marshall shall be responsible for inspecting all license applicants and licensed facilities in matters regulated by s. 400.441, F.S., relating to uniform fire safety standards and rule chapter 4A-40, Uniform Fire Safety Standards for Assisted Living Facilities.

(3)(2) The agency ~~AHCA~~ shall be responsible for inspecting all license applicants and licensed and applicant facilities in all other matters regulated by this rule chapter except as noted in 58A-5.023(17).

Specific Authority 400.441 FS. Law Implemented 400.441 FS. History—New 8-15-90, Formerly 10A-5.0161, Amended 10-30-95, _____.

(Substantial rewording of Rule 58A-5.0181 follows. See Florida Administrative Code for present text.)

58A-5.0181 ~~Residency Admission~~ Criteria and Admission Procedures.

(1) ADMISSION CRITERIA. An individual must meet the following minimum criteria in order to be admitted to a facility holding a standard, limited nursing or limited mental health license.

(a) Be at least 18 years of age.

(b) Be free from signs and symptoms of any communicable disease which is likely to be transmitted to other residents or staff; however, a person who has human immunodeficiency virus (HIV) infection may be admitted to a facility, provided that he would otherwise be eligible for admission according to this rule.

(c) Be able to perform the activities of daily living, with supervision or assistance if necessary.

(d) Be able to transfer, with assistance if necessary. The assistance of more than one person is permitted.

(e) Be capable of taking his/her own medication with assistance from staff if necessary.

1. If the individual needs assistance with self-administration the facility must inform the resident of the professional qualifications of facility staff who will be providing this assistance, and if unlicensed staff will be providing such assistance, obtain the resident's or the resident's surrogate, guardian, or attorney-in-fact's informed consent to provide such assistance as required under s. 400.4256, F.S.

2. The facility may accept a resident who requires the administration of medication, if the facility has a nurse to provide this service, or the resident or the resident's legal representative, designee, surrogate, guardian, or attorney-in-fact contracts with a licensed third party to provide this service to the resident.

(f) Any special dietary needs can be met by the facility.

(g) Not be a danger to self or others as determined by a physician, or mental health practitioner licensed under chapters 490 or 491.

(h) Not require licensed professional mental health treatment on a 24-hour a day basis.

(i) Not be bedridden.

(j) Not have any stage 3 or 4 pressure ulcers. A resident requiring care of a stage 2 pressure ulcer, may be admitted provided that:

1. The facility has a LNS license and services are provided pursuant to a plan of care issued by a physician, or the resident contracts directly with a licensed home health agency or a nurse to provide care;

2. The condition is documented in the resident's record; and

3. If the resident's condition fails to improve within 30 days, the resident shall be discharged from the facility.

(k) Not require any of the following nursing services:

1. Oral or nasopharyngeal suctioning;

2. Assistance with tube feeding;

3. Monitoring of blood gases;

4. Intermittent positive pressure breathing therapy;

5. Skilled rehabilitative services as described in rule 59G-4.290; or

6. Treatment of surgical incisions, unless the surgical incision and the condition which caused it have been stabilized and a plan of care developed.

(l) Not require 24-hour nursing supervision.

(m) Have been determined to be appropriate for admission to the facility by the facility administrator. The administrator shall base his/her decision on:

1. An assessment of the strengths, needs, and preferences of the individual, and the medical examination report required by s. 400.426, F.S., and subsection (2) of this rule;

2. The facility's admission criteria, and the services the facility is prepared to provide or arrange for to meet resident needs; and

3. The ability of the facility to meet the uniform fire safety standards for assisted living facilities established under s. 400.441, F.S., and rule chapter 4A-40.

(n) Admission criteria for facilities holding an extended congregate care license are described in rule 58A-5.030.

(2) HEALTH ASSESSMENT.

(a) Within 60 days prior to the residents admission to a facility but no later than 30 days after admission, the individual shall be examined by a physician or advanced registered nurse practitioner who shall provide the administrator with a medical examination report, or a copy of the report, which addresses the following:

1. The physical and mental status of the resident, including the identification of any health-related problems and functional limitations;

2. An evaluation of whether the individual will require supervision or assistance with the activities of daily living;

3. Any nursing or therapy services required by the individual;

4. Any special diet required by the individual;

5. A list of current medications prescribed, and whether the individual will require any assistance with the administration of medication;

6. Whether the individual has signs or symptoms of a communicable disease which is likely to be transmitted to other residents or staff;

7. A statement that in the opinion of the examining physician or ARNP, on the day the examination is conducted, the individual's needs can be met in an assisted living facility; and

8. The date of the examination, and the name, signature, address, phone number, and license number of the examining physician or ARNP. The medical examination may be conducted by a currently licensed physician or ARNP from another state.

(b) Medical examinations conducted up to 30 days after the resident's admission to the facility must be recorded on the Resident Health Assessment, DOEA Form 1823, dated March 1999, which is incorporated by reference. A faxed copy of the completed form is acceptable. A copy of DOEA Form 1823 may be obtained from the DOEA Assisted Living Program.

(c) Medical examinations of residents placed by the department, by the Department of Children and Family Services, or by an agency under contract with either department must be conducted within 30 days before placement in the facility and recorded on DOEA Form 1823 described in paragraph (b).

(d) Any information required by paragraph (a) that is not contained in the medical examination report conducted prior to the individual's admission to the facility must be obtained by the administrator within 30 days after admission using DOEA Form 1823.

(e) An assessment that has been conducted through the Comprehensive Assessment and Review for Long-Term Care Services (CARES) program may be substituted for the medical examination requirements of s. 400.426 and this rule.

(f) Any orders for medications, nursing, therapeutic diets, or other services to be provided or supervised by the facility issued by the physician or ARNP conducting the medical examination may be attached to the health assessment. A physician may attach a do-not-resuscitate order for residents who do not wish cardiopulmonary resuscitation to be administered in the case of cardiac or respiratory arrest.

(g) A resident placed on an temporary emergency basis by the Department of Children and Family Services pursuant to ss. 415.105 or 415.1051, F.S., shall be exempt from the examination requirements of this subsection for up to 30 days. However, a resident accepted for temporary emergency placement shall be entered on the facility's admission and discharge log and counted in the facility census; a facility may not exceed its licensed capacity in order to accept a such a resident. A medical examination must be conducted on any temporary emergency placement resident accepted for regular admission.

(3) ADMISSION PACKAGE.

(a) The facility shall make available to potential residents a written statement or statements which includes the following information. A promotional brochure prepared by the facility or a copy of the resident contract form used by the facility which contains all of the required information shall meet this requirement:

1. The facility's residency criteria;
2. The daily, weekly or monthly charge to reside in the facility and the services, supplies, and accommodations provide by the facility for that rate;
3. Personal care services that the facility is prepared to provide to residents and additional costs to the resident, if any;
4. Nursing services that the facility is prepared to provide to residents and additional costs to the resident, if any;
5. Food service and the ability of the facility to accommodate special diets;
6. The availability of transportation and additional costs to the resident, if any;
7. Any other special services that are provided by the facility and additional cost if any;
8. Social and leisure activities generally offered by the facility;
9. Any services that the facility does not provide but will arrange for the resident and additional cost, if any;

10. A statement of facility rules and regulations that residents must follow as described in rule 58A-5.0182;

11. If the facility also has an extended congregate care program, the ECC program's residency criteria, and a description of the additional personal, supportive, and nursing services provided by the program, additional costs, and any limitations, if any, on where ECC residents must reside based on the policies and procedures described in rule 58A-5.030; and

12. If the facility advertises that it provides special care for persons with Alzheimer's disease or related disorders, a written description of those special services as required under s. 400.4177, F.S.

(b) Prior to or at the time of admission the resident, responsible party, guardian, or attorney in fact, if applicable, shall be provided with the following:

1. A copy of the resident's contract which meets the requirements of rule 58A-5.025;

2. A copy of the facility statement described in paragraph (a) if one has not already been provided;

3. A copy of the resident's bill of rights as required by rule 58A-5.0182; and

4. A Long-Term Care Ombudsman Council brochure which includes the telephone number and address of the district council.

(c) Documents required by this subsection shall be in English. If the resident is not able to read, or does not understand English and translated documents are not available, the facility must explain its policies to a family member or friend of the resident or another individual who can communicate the information to the resident.

(4) CONTINUED RESIDENCY. Criteria for continued residency in a facility holding a standard, limited nursing services, or limited mental health license shall be the same as the criteria for admission, except as follows:

(a) The resident may be bedridden for up to 7 consecutive days.

(b) A resident requiring care of a stage 2 pressure ulcer, may be retained provided that:

1. The facility has a LNS license and services are provided pursuant to a plan of care issued by a physician, or the resident contracts directly with a licensed home health agency or a nurse to provide care;

2. The condition is documented in the resident's record; and

3. If the resident's condition fails to improve within 30 days, the resident shall be discharged from the facility.

(c) A terminally ill resident who no longer meets the criteria for continued residency may continue to reside in the facility if the following conditions are met:

1. The resident qualifies for, is admitted to, and consents to the services of a licensed hospice which coordinates and ensures the provision of any additional care and services that may be needed;

2. Continued residency is agreeable to the resident and the facility;

3. An interdisciplinary care plan is developed and implemented by a licensed hospice in consultation with the facility. Facility staff may provide any nursing service permitted under the facility's license and total help with the activities of daily living; and

4. Documentation of the requirements of this paragraph is maintained in the resident's file.

(d) The administrator is responsible for monitoring the continued appropriateness of placement of a resident in the facility.

(e) Continued residency criteria for facilities holding an extended congregate care license are described in rule 58A-5.030.

(5) DISCHARGE. If the resident no longer meets the criteria for continued residency, or the facility is unable to meet the resident's needs, the resident shall be discharged in accordance with s. 400.426(8) and 400.428(1), F.S.

Specific Authority 400.407, 400.426, 400.441 FS. Law Implemented 400.402, 400.407, 400.4075, 400.426, 400.441 FS. History--New 9-17-84, Formerly 10A-5.181, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0181, Amended 10-30-95, 6-2-96, _____.

(Substantial rewording of Rule 58A-5.0182 follows. See Florida Administrative Code for present text.)

58A-5.0182 Resident Care Standards.

An assisted living facility shall provide care and services appropriate to the needs of residents accepted for admission to the facility.

(1) SUPERVISION. Facilities shall offer personal supervision, as appropriate for each resident, including the following:

(a) Monitor the quantity and quality of resident diets in accordance with rule 58A-5.020.

(b) Daily observation by designated staff of the activities of the resident while on the premises, and awareness of the general health, safety, and physical and emotional well-being of the individual.

(c) General awareness of the resident's whereabouts. The resident may travel independently in the community.

(d) Contacting the resident's health care provider and other appropriate party such as the resident's family, guardian, health care surrogate, or case manager if the resident exhibits a significant change; contacting the resident's family, guardian, health care surrogate, or case manager if the resident is discharged or moves out.

(e) A written record, updated as needed, of any significant changes in the resident's normal appearance or state of health, any illnesses which resulted in medical attention, major incidents, changes in the method of medication administration, or other changes which resulted in the provision of additional services.

(2) SOCIAL AND LEISURE ACTIVITIES. Residents shall be encouraged to participate in social, recreational, educational and other activities within the facility and the community.

(a) The facility shall provide an ongoing activities program. The program shall provide diversified individual and group activities in keeping with each resident's needs, abilities, and interests.

(b) The facility shall consult with the residents in selecting, planning, and scheduling activities. The facility shall demonstrate residents' participation through one or more of the following methods: resident meetings, committees, a resident council, suggestion box, group discussions, questionnaires, or any other form of communication appropriate to the size of the facility.

(c) Scheduled activities shall be available at least 5 days a week for a total of not less than 10 hours per week. Watching television shall not be considered an activity for the purpose of meeting the 10 hours per week of scheduled activities unless the television program is a special one-time event of special interest to residents of the facility. An activities calendar shall be posted in common areas where residents normally congregate.

(d) If residents assist in planning a special activity such as an outing, seasonal festivity, or an excursion, this may be counted toward the activity time.

(3) ARRANGEMENT FOR HEALTH CARE. In order to facilitate resident access to needed health care, the facility shall, as needed by each resident:

(a) Assist residents in making appointments and remind residents about scheduled appointments for medical, dental, nursing, or mental health services.

(b) Provide transportation to needed medical, dental, nursing or mental health services, or arrange for transportation through family and friends, volunteers, taxi cabs, public buses, and agencies providing transportation for persons with disabilities.

(c) The facility may not require residents to see a particular health care provider.

(4) ACTIVITIES OF DAILY LIVING. Facilities shall offer supervision of or assistance with activities of daily living as needed by each resident. Residents shall be encouraged to be as independent as possible in performing ADLs.

(5) NURSING SERVICES.

(a) Pursuant to s. 400.4255, F.S., the facility may employ or contract with a nurse to:

1. Take or supervise the taking of vital signs;

2. Manage weekly pill-organizers and administer medications as described under rule 58A-5.0181;

3. Give prepackaged enemas pursuant to a physician's order; and

4. Maintain nursing progress notes.

(b) Pursuant to s. 464.022, F.S., the nursing services listed in paragraph (a) may also be delivered in the facility by family members or friends of the resident provided the family member or friend does not receive compensation for such services.

(6) RESIDENT RIGHTS AND FACILITY PROCEDURES.

(a) A copy of the Resident Bill of Rights as proscribed in s. 400.428, F.S., or a summary provided by the long-term care ombudsman council shall be posted in full view in a freely accessible resident area, and included in the admission package provided pursuant to rule 58A-5.0181.

(b) In accordance with s. 400.428, F.S., the facility shall have a written grievance procedure for receiving and responding to resident complaints, and for residents to recommend changes to facility policies and procedures. The facility must be able to demonstrate that such procedure is implemented upon receipt of a complaint.

(c) The address and telephone number for lodging complaints against a facility or facility staff with the district long-term care ombudsman council, the Advocacy Center for Persons with Disabilities, the Human Rights Advocacy Committee and agency area office, shall be posted in full view in a common area accessible to all residents.

(d) The statewide toll-free telephone number of the Florida Abuse Hotline "1(800)96-ABUSE or 1(800)962-2873" shall be posted in full view in a common area accessible to all residents.

(e) The facility shall have written statement of the facility's house rules and procedures which shall be included in the admission package provided pursuant to rule 58A-5.0181. The rules and procedures shall address the facility's policies with respect to such issues, for example, as resident responsibilities, the facility's alcohol and tobacco policy, medication storage, the delivery of services to residents by third party providers, and other administrative and housekeeping practices, schedules, and requirements.

(f) Residents may not be required to perform any work in the facility without compensation, except that facility rules or the facility contract may include a requirement that residents be responsible for cleaning their own sleeping areas or apartments. If a resident is employed by the facility, the resident shall be compensated, at a minimum, at an hourly wage consistent with the federal minimum wage law.

(g) The facility shall provide residents convenient access to a telephone to facilitate the resident's right to communicate on a private basis. For facilities with a licensed capacity of 17 or more residents in which residents do not have private telephones, there shall be, at a minimum, an accessible telephone in each building where residents reside.

(h) Pursuant to s. 400.441, F.S., the use of physical restraints shall be limited to half-bed rails, and only upon the written order of the resident's physician, who shall review the order biannually, and the consent of the resident or the resident's representative. Any device, including half-bed rails, which the resident chooses to use and can remove or avoid without assistance shall not be considered a physical restraint.

(7) THIRD PARTY SERVICES. Nothing in this rule chapter is intended to prohibit a resident or the resident's representative from independently arranging, contracting, and paying for services provided by a third party of the resident's choice, including a licensed home health agency or private nurse, or receiving services through an out-patient clinic, provided the resident meets the criteria for continued residency and the resident complies with the facility's policy relating to the delivery of services in the facility by third parties. The facility's policies may require the third party to coordinate with the facility regarding the resident's condition and the services being provided. Pursuant to subsection (6), the facility shall provide the resident with the facility's policy regarding the provision of services to residents by non-facility staff.

(8) OTHER STANDARDS. Additional care standards for residents residing in a facility holding a limited mental health, extended congregate care or limited nursing services license are provided in rules 58A-5.029, 58A-5.030, and 58A-5.031, F.A.C., respectively.

Specific Authority 400.402, 400.441 FS. Law Implemented 400.402, 400.4255, 400.4256, 400.426, 400.428, 400.441 FS. History—New 9-17-84, Formerly 10A-5.182, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0182, Amended 10-30-95, 4-20-98, _____.

58A-5.0184 Marketing; Rebates Prohibited.

Specific Authority 400.441 FS. Law Implemented 400.4195, 400.441, 400.447 FS. History—New 8-15-90, Amended 9-30-92, Formerly 10A-5.0184, Amended 10-30-95, 6-2-96, Repealed _____.

58A-5.0185 Medication Practices.

Pursuant to ss. 400.4255 and 400.4256, F.S., and this rule, facilities holding a standard, limited mental health, extended congregate care, or limited nursing services license may assist with the self-administration or administration of medications to residents in a facility. A resident may not be compelled to take medications but may be counseled in accordance with this rule.

(1) SELF ADMINISTERED MEDICATIONS.

(a) Residents who are capable of self-administering their medications without assistance shall be encouraged and allowed to do so.

(b) If facility staff note deviations which could reasonably be attributed to the improper self-administration of medication, staff shall consult with the resident concerning any problems the resident may be experiencing with the medications, the need to notify the resident's health care provider, or to permit the facility to aid the resident through the use of a pill

organizer, provide assistance with self-administration, or the administer medications if such services are offered by the facility.

(2) WEEKLY PILL ORGANIZERS.

(a) A nurse may manage a weekly pill organizer for residents who self-administer. A "weekly pill organizer" means a container which is designed to hold solid doses of medication and is divided according to day and time increments not to exceed 7 days.

1. The nurse shall manage the pill organizer in the following manner:

a. Obtain the labeled medication container from the storage area or the resident;

b. Transfer the medication from the original container into a pill organizer, labeled with the resident's name, according to the day and time increments as prescribed; and

c. Return the medication container to the storage area or resident.

2. The nurse is responsible for instructing the resident with respect to the proper use of the pill organizer.

(b) If there is a determination that the resident is not taking medications as prescribed after the benefits are explained it shall be noted in the resident's record and the facility shall consult with the resident concerning providing assistance with self-administration, or the administration of medications if such services are offered by the facility. The facility shall contact the resident's health care provider regarding questions, concerns, or observations relating to the resident's medications. Such communication shall be documented in the resident's record.

(3) ASSISTANCE WITH SELF-ADMINISTRATION.

(a) For facilities which provide assistance with self-administered medication, a staff member, who is at least 18 years old, trained to assist with self-administered medication in accordance with rule 58A-5.0191, and able to demonstrate to the administrator the ability to accurately read and interpret a prescription label, must be available to assist residents with self-administered medications in accordance with procedures described in s. 400.4256, F.S.

(b) In order to facilitate assistance with self-administration staff may prepare and make available such items as water, juice, cups, spoons, etc., as needed by residents. Staff may also return unused doses to the medication container. Medication which appears to have been contaminated, shall not be returned to the container.

(c) Staff shall observe the resident take the medication. Any concerns about the resident's reaction to the medication shall be reported to the resident's health care provider and documented in the resident's record.

(d) When a resident who receives assistance with medication is away from the facility and from facility staff, the following options are available to enable the resident to take medication as prescribed:

1. The health care provider may prescribe a medication schedule which coincides with the resident's presence in the facility;

2. The medication container may be given to the resident or a friend or family member upon leaving the facility, with this fact noted in the resident's medication record;

3. The medication may be transferred to a weekly pill organizer pursuant to the requirements of subsection (2), and given to the resident or a friend or family member upon leaving the facility, with this fact noted in the resident's medication record; or

4. Medications may be separately prescribed and dispensed in an easier to use form, such as unit dose packaging;

(4) MEDICATION ADMINISTRATION.

(a) For facilities which provide medication administration a staff member, who is licensed to administer medications, must be available to administer medications in accordance with a health care provider's order or prescription label.

(b) Unusual reactions or a significant change in the resident's health or behavior shall be documented in the resident's record and reported immediately to the resident's health care provider.

(c) Medication administration includes the conducting of any examination or testing such as blood glucose testing or other procedure necessary for the proper administration of medication that the resident cannot conduct himself and that can be performed by licensed staff.

(d) A facility which performs clinical laboratory tests for residents, including blood glucose testing, must be in compliance with the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) and part I of chapter 483, F.S. A copy of the state license or a Certificate of Exemption must be maintained in the facility for review. A state license or certificate of exemption is not required if the resident performs the test himself/herself or if the test is performed by a third party. Information about laboratory licensing is available from the Clinical Laboratory Licensure Unit, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308; telephone (850)487-3109.

(5) MEDICATION RECORDS.

(a) For residents who use a weekly pill organizer managed under subsection (2), the facility shall keep either the original labeled medication container, or a medication listing with the prescription number, the name and address of the issuing pharmacy, the health care provider's name, the resident's name, the date dispensed, the name and strength of the drug, and the direction's for use.

(b) For residents who receive assistance with self-administration or medication administration, the facility shall maintain a daily up-to-date, medication observation record (MOR) for each resident. A MOR must include the name of the resident and any known allergies the resident may

have; the name of the resident's health care provider, the health care provider's telephone number; the name of each medication prescribed, its strength, and directions for use; and a chart for recording each time the medication is taken, any missed dosages, refusals to take medication as prescribed, or medication errors. The MOR must be immediately updated each time the medication is offered or administered.

(c) For medications which serve as chemical restraints, the facility shall, pursuant to s. 400.441, F.S., maintain a record of the prescribing physician's annual evaluation of the use of the medication.

(6) MEDICATION STORAGE AND DISPOSAL.

(a) In order to accommodate the needs and preferences of residents and to encourage residents to remain as independent as possible, a resident may keep his/her medication, both prescription and over-the-counter, on his/her person both on or off the facility premises; or in his/her room or apartment which must be kept locked when the resident is absent unless the medication is in a secure place within the room or apartment; or in some other secure place which is out of sight of other residents. However, both prescription and over-the-counter medication for a resident shall be centrally stored if:

1. The facility assists with or administers the medication;

2. The resident requests central storage;

3. The medication is determined and documented by the health care provider to be hazardous if kept in the personal possession of the person for whom it is prescribed;

4. The resident fails to maintain the medication in a safe manner as described in this paragraph;

5. The facility determines that because of physical arrangements and the conditions or habits of residents, the personal possession of medication by a resident poses a safety hazard to other residents; or

6. The facility's rules and regulations require central storage of medication and that policy has been provided to the resident prior to admission as required under rule 58A-5.0181.

(b) Centrally stored medications must be:

1. Kept in a locked cabinet, locked cart, or other locked storage receptacle, room, or area at all times;

2. Located in an area free of dampness and abnormal temperature, except that a medication requiring refrigeration shall be refrigerated. Refrigerated medications shall be secured by being kept in a locked container within the refrigerator, by keeping the refrigerator locked, or by keeping the area in which refrigerator is located locked;

3. Accessible to staff responsible for filling pill-organizers, assisting with self-administration, or administering medication. Such staff must have ready access to keys to the medication storage areas at all times; and

4. Kept separately from the medications of other residents and properly closed or sealed.

(c) Medication which has been discontinued but which has not expired shall be returned to the resident or the resident's representative, as appropriate, or may be centrally stored by the facility for future resident use by the resident at the resident's request. If centrally stored by the facility, it shall be stored separately from medication in current use, and the area in which it is stored shall be marked "discontinued medication." Such medication may be reused if re-prescribed by the resident's health care provider.

(d) When a resident's stay in the facility has ended, the administrator shall return all medications to the resident, the resident's family, or the resident's guardian unless otherwise prohibited by law. If, after notification and waiting at least 15 days, the resident's medications are still at the facility, the medications shall be considered abandoned and may disposed of in accordance with paragraph (e).

(e) Medications which have been abandoned or which have expired must be disposed of within 30 days of being determined abandoned or expired and disposition shall be documented in the resident's record. The medication may be taken to a pharmacist for disposal or may be destroyed by the administrator or designee with one witness.

(f) Facilities that hold a Special-ALF permit issued by the Board of Pharmacy may return dispensed medicinal drugs to the dispensing pharmacy pursuant to rule 64B16-28.870.

(7) MEDICATION LABELING AND ORDERS.

(a) No prescription drug shall be kept by the facility unless it is properly labeled and dispensed in accordance with chapters 465 and 499, F.S.

(b) Except with respect to the use of weekly pill organizers as described in subsection (2), no person other than a pharmacist may transfer medications from one storage container to another.

(c) If the directions for use are "as needed" or "as directed," the health care provider shall be contacted and requested to provide revised instructions. For an "as needed" prescription, the circumstances under which it would be appropriate for the resident to request the medication and any limitations shall be specified; for example, "as needed for pain, not to exceed 4 tablets per day." The revised instructions, including the date they were obtained from the health care provider and the signature of the staff who obtained them, shall be noted in the medication record, or a revised label shall be obtained from the pharmacist.

(d) Any change in directions for use of a medication for which the facility is providing assistance with self-administration or administering medication must be accompanied by a written medication order issued and signed by the resident's health care provider, or a faxed copy of a such order. The new directions shall promptly be recorded in the resident's medication observation record. The facility may then

place an "alert" label on the medication container which directs staff to examine the revised directions for use in the MOR, or obtain a revised label from the pharmacist.

(e) A nurse may take a medication order by telephone. Such order must be promptly documented in the resident's medication observation record. The facility must obtain a written medication order from the health care provider within 10 working days. A faxed copy of a signed order is acceptable.

(f) The facility shall make every reasonable effort to ensure that prescriptions for residents who receive assistance with self-administration or medication administration are refilled in a timely manner.

(8) OVER THE COUNTER MEDICATIONS.

(a) A stock supply of OTC medications for multiple resident use is not permitted in any facility.

(b) Non-prescription over-the-counter drugs, when centrally stored, shall be labeled with the resident's name, and the manufacturer's label with directions for use shall be kept with the medication.

(c) When an over-the-counter medication is prescribed by a health care provider, the medication becomes a prescription medication and shall be managed in accordance with prescription medication under this rule.

Specific Authority 400.4256, 400.441 FS. Law Implemented 400.4255, 400.4256, 400.441 FS. History—New

(Substantial rewording of Rule 58A-5.019 follows. See Florida Administrative Code for present text.)

58A-5.019 Staffing Standards.

(1) ADMINISTRATORS. Every facility shall be under the supervision of an administrator who is responsible for the operation and maintenance of the facility including the management of all staff and the provision of adequate care to all residents as required by part III of chapter 400, F.S., and this rule chapter.

(a) The administrators shall:

- 1. Be at least 21 years of age;
- 2. If employed on or after August 15, 1990, have a high school diploma or general equivalency diploma (G.E.D.), or have been an operator or administrator of a licensed assisted living facility in the State of Florida for at least one of the past 3 years in which the facility has met minimum standards. Administrators employed on or after October 30, 1995, must have a high school diploma or G.E.D.;

3. Be in compliance with Level 2 background screening standards pursuant to s. 400.4174, F.S.; and

4. Complete the core training requirement pursuant to rule 58A-5.0191.

(b) Administrators may supervise a maximum of either three assisted living facilities or a combination of housing and health care facilities or agencies on a single campus. However,

administrators who supervise more than one facility shall appoint in writing a separate "manager" for each facility who must:

- 1. Be at least 21 years old; and
- 2. Complete the core training requirement pursuant to rule 58A-5.0191.

(c) Pursuant to s. 400.4176, F.S., facility owners shall notify both the AHCA area office and AHCA central office within 10 days of a change in a facility administrator using AHCA Form 3180-1006, January 1999, which is incorporated by reference. The agency shall conduct a background check on the new administrator in accordance with s. 400.4174 and rule 58A-5.014.

(2) STAFF.

(a) Newly hired staff shall have 30 days to submit a statement from a health care provider, based on a examination conducted within the last six months, that the person does not have any signs or symptoms of a communicable disease including tuberculosis. Freedom from tuberculosis must be documented on an annual basis. Persons with a positive tuberculosis test must submit a health care provider's statement that the persons does not constitute a risk of communicating tuberculosis. Newly hired staff does not include an employee transferring from one facility to another that is under the same management or ownership, without a break in service. If any staff member is later found to have, or is suspected of having, a communicable disease, he/she shall be removed from duties until the administrator determines that such condition no longer exists.

(b) All staff shall be assigned duties consistent with his/her level of education, training, preparation, and experience. Staff providing services requiring licensing or certification must be appropriately licensed or certified. All staff shall exercise their responsibilities, consistent with their qualifications, to observe residents, to document observations on the appropriate resident's record, and to report the observations to the resident's health care provider in accordance with this rule chapter.

(c) All staff must comply with the training requirements of rule 58A-5.0191.

(d) Staff provided by a staffing agency or employed by a business entity contracting to provide direct or indirect services to residents must be qualified for the position in accordance with this rule chapter. The contract between the facility and the staffing agency or contractor shall specifically describe the services the staffing agency or contractor will be providing to residents.

(e) For facilities with a licensed capacity of 17 or more residents, the facility shall:

- 1. Develop a written job description for each staff position and provide a copy of the job description to each staff member; and

2. Maintain time sheets for all staff.

(3) BACKGROUND SCREENING.

(a) All staff, hired on or after October 1, 1998, to provide personal services to residents must be screened in accordance with s. 400.4174, F.S. and meet the screening standards of s. 435.03, F.S. A packet containing background screening forms and instructions may be obtained from the AHCA Background Screening Unit, 2727 Mahan Drive, Tallahassee, FL 32308; telephone (850)410-3400. Within 10 days of the employee's starting work, the facility shall submit to the AHCA central office:

- 1. A completed Criminal History Check, AHCA Form 3110-0002, June 1998;
- 2. A signed Florida Abuse Hotline Information System Background Check, AHCA Form 3110-0003, July 1998; and
- 3. A check to cover the cost of screening.

(b) The results of employee screening conducted by the agency shall be maintained in the employee's personnel file.

(c) Staff with the following documentation in their personnel records shall be considered to have met the required screening requirement:

- 1. A copy of their current professional license which required Level 1 background screening as a condition of licensing, proof that a criminal history and abuse registry check have been conducted, and an affidavit of current compliance with s. 435.03, F.S.;
- 2. Proof of continuous employment in an occupation which requires Level 1 screening without a break in employment that exceeds 180 days, and proof that a criminal history and abuse registry check has been conducted within the previous 2 years; or
- 3. Proof of employment with a corporation or business entity or related entity that owns, operates, or manages more than one facility or agency licensed under chapter 400, F.S., that conducted Level 1 screening as a condition of initial or continued employment.

(4) STAFFING STANDARDS.

(a) Minimum staffing:

1. At least one staff member shall be within the facility at all times when residents are in the facility. Residents serving as paid or volunteer staff may not be left solely in charge of other residents while the facility administrator and staff are absent from the facility.

2. In addition to the 24-hour staffing required in subparagraph 1., facilities with more than 5 residents shall, at a minimum, add the following staff hours per day, 7 days per week:

<u>Number of Residents</u>	<u>Staff Hours/Day</u>
<u>6 – 15</u>	<u>30</u>
<u>16 – 25</u>	<u>35</u>
<u>26 – 35</u>	<u>41</u>
<u>36 – 45</u>	<u>47</u>

<u>46 – 55</u>	<u>53</u>
<u>56 – 65</u>	<u>58</u>
<u>66 – 75</u>	<u>64</u>
<u>76 – 85</u>	<u>70</u>
<u>86 – 95</u>	<u>75</u>

For every 20 residents over 95 add 6 staff hours per day.

3. In facilities with 17 or more residents, there shall be one staff member awake at all hours of the day and night.

4. At least one staff member who is at least 18 years of age, has access to facility and resident records in case of an emergency, and is trained in First Aid and CPR as provided under rule 58A-5.0191, shall be within the facility at all times when residents are in the facility.

5. Staff whose duties are exclusively building maintenance, clerical, or food preparation shall not be counted toward meeting the minimum staffing hours requirement.

6. The administrator or manager's time may be counted for the purpose of meeting the required staffing hours provided the administrator is actively involved in the day-to-day operation of the facility, including making decisions and providing supervision for all aspects of resident care, and is listed on the facility's staffing schedule.

7. Only on-the-job staff may be counted in meeting the minimum staffing hours. Vacant positions or absent staff may not be counted.

(b) Notwithstanding the minimum staffing requirements specified in paragraph (a), all facilities, including those composed of apartments, shall have enough qualified staff to provide resident supervision, and to provide or arrange for resident services in accordance with the residents scheduled and unscheduled service needs, resident contracts, and resident care standards as described in rule 58A-5.0182.

(c) The facility shall maintain a written work schedule which reflects the facility's 24-hour staffing pattern for a given time period.

(d) The facility shall be required to provide staff immediately when the agency determines that the requirements of paragraph (a) are not met. The facility shall also be required to immediately increase staff above the minimum levels established in paragraph (a) if the agency determines that adequate supervision and care are not being provided to residents, resident care standards described in rule 58A-5.0182 are not being met, or that the facility is failing to meet the terms of residents' contracts. The agency shall consult with the facility administrator and residents regarding any determination that additional staff is required.

1. When additional staff is required above the minimum, the AHCA area office shall require the submission, within the time specified in the notification, of a corrective action plan indicating how the increased staffing is to be achieved and resident service needs will be met. The plan shall be reviewed by the AHCA area office to determine if the plan will increase the staff to needed levels and meet resident needs.

2. When the facility can demonstrate to the AHCA area office that resident needs are being met, or that resident needs can be met without increased staffing, modifications may be made in staffing requirements for the facility and the facility shall no longer be required to maintain a plan with the agency.

3. Based on the recommendations of the local authority with jurisdiction over firesafety, the agency may require additional staff when the facility fails to meet the firesafety standards described in s. 400.441 and rule chapter 4A-40, until such time as the local firesafety authority informs the agency that firesafety requirements are being met.

(e) Facilities that are co-located with a nursing home may use shared staffing provided that staff hours are only counted once for the purpose of meeting either assisted living facility or nursing home minimum staffing ratios.

(f) Facilities holding a limited mental health, extended congregate care, or limited nursing services license shall also comply with the staffing requirements of rule 58A-5.029, 58A-5.030, or 58A-5.031, respectively.

Specific Authority 400.441, 400.452, 400.4275 FS. Law Implemented 400.402, 400.404, 400.4174, 400.4176, 400.419, 400.424, 400.4255, 400.426, 400.4275, 400.441, 400.452 FS. History—New 5-14-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.19, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.019, Amended 10-30-95, 4-20-98, _____.

58A-5.0191 Staff Training Requirements and Training Fees.

(1) ASSISTED LIVING FACILITY CORE TRAINING AND UPDATES.

(a) No change.

(b) Administrators and managers ~~their designees~~, must complete the assisted living facility core training program within 3 months from the date of becoming a facility administrator or manager ~~designee~~. Administrators who attended core training prior to July 1, 1997, and managers ~~designees~~ who attended core training program prior to April 20, 1998, shall not be required to take the competency test.

(c) Administrators and managers ~~their designees~~ shall participate in 12 hours of continuing education in topics related to assisted living every 2 years as provided under s. 400.452, F.S.

(d) Administrators and managers ~~their designees~~ shall, in addition, attend update training for any portion of core training that has been revised as a result of new legislation, rule amendment, or updated materials. Update training received under this paragraph may count towards the 12 hours of continuing education required by s. 400.452, F.S., and this subsection.

(e) A newly hired administrator or manager ~~designee~~ who previously completed core training and has maintained update and continuing education requirements, shall not be required to retake core training. An administrator or manager ~~designee~~ who previously completed core training but has not maintained

the continuing education requirements and attended update training will be considered a new administrator and must retake core training.

(2) ~~DIRECT CARE~~ STAFF IN-SERVICE TRAINING. Each facility must provide the following in-service training to facility staff.

(a) ~~Newly hired~~ Sstaff who provide direct care to residents, other than nurses, certified nursing assistants, or home health aides trained in accordance with Rule 59A-8.0095, must receive a minimum of 1 hour in-service training in infection control, including universal precautions, and facility sanitation procedures before providing personal care to residents. Documentation of compliance with the staff training requirements of 29 CFR 1910.1030, relating to blood borne pathogens, may be used to meet this requirement.

(b) ~~Newly hired~~ Sstaff who provide direct care to residents ~~must shall~~ receive a minimum of 1 hour in-service training within 30 days of employment that covers ~~in~~ the following subjects:

- 1. Reporting major incidents.
- 2. Facility emergency procedures including chain-of-command and staff roles relating to emergency evacuation.

(c) ~~Newly hired~~ Sstaff who provide direct care to residents, who have not taken the core training program, shall receive a minimum of 1 hour in-service training within 30 days of employment that covers ~~in~~ the following subjects:

- 1. Resident rights in an assisted living facility.
- 2. Recognizing and reporting resident abuse, neglect, and exploitation.

(d) ~~Newly hired~~ Sstaff who provide direct care to residents, other than nurses, CNAs, or home health aides trained in accordance with ~~r~~Rule 59A-8.0095, must receive 3 hours of in-service training within 30 days of employment that covers ~~in~~ the following subjects:

- 1. Resident behavior and needs.
- 2. Providing assistance with the activities of daily living.

(e) Staff who prepare or serve food must receive a minimum of 1-hour in-service training within 30 days of employment in safe food handling practices.

(3) HUMAN IMMUNODEFICIENCY VIRUS/ ACQUIRED IMMUNE DEFICIENCY SYNDROME (HIV/ AIDS). Pursuant to s. 381.0035, F.S., all facility employees must complete biennially, a continuing education course on HIV and AIDS. Documentation of compliance must be maintained in accordance with subsection (10) of this rule.

~~(a) All facility staff, except those exempted under paragraph (d) of this subsection, must complete a 2-hour HIV/ AIDS education course within 6 months of facility licensure or within 6 months of employment, and must complete a minimum of one hour of continuing HIV/AIDS education every 2 years.~~

~~(b) A new employee who has taken the 2 hour initial HIV/AIDS course within the last 2 years, or if the course was taken more than 2 years ago, has maintained the 2 year continuing education requirement, shall be considered in compliance. A new employee who has taken the 2 hour initial HIV/AIDS course but has not maintained the continuing education requirement must retake the 2 hour initial HIV/AIDS course.~~

~~(c) Documentation of attendance at HIV/AIDS courses offered through the county health departments or an accredited college, university or vocational school shall satisfy this requirement as well as courses offered by a provider approved by health related professional boards in the Department of Health. Other HIV/AIDS courses taken in fulfillment of this requirement must be documented in accordance with subsection (10) this rule.~~

~~(d) Facility staff who are not involved in resident care and do not have access to resident records shall not be required to meet this requirement.~~

(4) No change.

(5) ASSISTANCE WITH SUPERVISION OF SELF-ADMINISTERED MEDICATION AND MEDICATION MANAGEMENT. Persons who will be providing assistance with self-administered medications as described in rule 58A-5.0185 must receive a minimum of 4 hours of training designated to supervise the self administration of medication pursuant to Rule 58A-5.0182 must receive a minimum of 2 hours of training prior to assuming this responsibility. A licensed registered nurse or pharmacist shall be considered as having met this requirement. Courses provided in fulfillment of this requirement must meet the following criteria:

(a) Training must cover state law and rule requirements with respect to the supervision, assistance, administration, and management of medications in assisted living facilities; procedures and techniques for assisting the resident with self-administration of medication including how to read a prescription label; providing the right medications to the right resident; common medications; the importance of taking medications as prescribed; recognition of side effects and adverse reactions and procedures to follow when residents appear to be experiencing side effects and adverse reactions; documentation and record keeping; and medication storage and disposal. Training shall include demonstrations of proper techniques and provide opportunities for hands-on learning through practice exercises. Completion of the core training program shall satisfy this requirement. Other courses taken in fulfillment of this requirement must be documented in accordance with this rule.

(b) The training must be provided by a registered nurse, licensed pharmacist, or department staff who shall issue a training certificate to a trainee who demonstrates an ability to:

1. Understand a prescription label;

2. Provide assistance with self-administration in accordance with s. 400.4256, F.S., and rule 5.0185, including:

a. Assist with oral dosage forms, topical dosage forms, and topical ophthalmic, otic and nasal dosage forms;

b. Measure liquid medications, break scored tablets, and crush tablets in accordance with prescription directions;

c. Recognize the need to obtain clarification of an "as needed" prescription order;

d. Recognize a medication order which requires judgement or discretion, and to advise the resident, resident's health care provider or facility employer of inability to assist in the administration of such orders;

e. Complete a medication observation record;

f. Retrieve and store medication; and

g. Recognize the general signs of adverse reactions to medications and report such reactions.

(6) No change.

(7) EXTENDED CONGREGATE CARE TRAINING.

(a) The administrator and extended congregate care supervisor, if different from the administrator, must complete core training and 6 hours of initial training in extended congregate care provided by the department prior to the facility's receiving its extended congregate care license or within 3 months of beginning employment in the facility as an administrator or ECC supervisor. Completion of core training shall be a prerequisite for this training. Supervisors who attended core training prior to April 20, 1998, shall not be required to take the core training competency test.

(b) No change.

(c) All direct care staff providing care to residents in an employed in a facility licensed to provide extended congregate care program must complete at least 2 6 hours of in-service training provided by the facility within 6 months of beginning employment in the facility. The training must address extended congregate care concepts and requirements, including statutory and rule requirements, and delivery of personal care and supportive services in an extended congregate care facility.

(8) No change.

(9) ALZHEIMER'S DISEASE AND RELATED DISORDERS. Facilities which advertise that they provide special care for persons with Alzheimer's disease and related disorders, or who maintain secured areas as described in rule 58A-5.023, must ensure that facility staff receive the following training.

(a) Facility staff who have regular contact with or provide direct care to residents with Alzheimer's disease and related disorders, shall obtain 4 hours of initial training within 3 months of employment. Facility staff who are already employed prior to April 20, 1998, shall have 6 months from that date to complete this training. Completion of the core training program after April 20, 1998, shall satisfy this requirement. Facility staff who meet the requirements for

Alzheimer's training providers under paragraph (g) of this subsection will be considered as having met this requirement. "Staff who have regular contact" means staff who interact on a daily basis with residents but do not provide direct care to residents. Initial training must address the following subject areas:

1. Understanding Alzheimer's disease and related disorders; including normal aging versus memory loss due to disease; diagnosing Alzheimer's disease; characteristics of the disease process; and behavior management.

2. Characteristics of Alzheimer's disease;

3. Communicating with residents with Alzheimer's disease;

4. Family issues;

5. Resident environment; and

6. Ethical issues.

~~2. Psychological issues including resident abuse; stress management and burnout for staff, families, and residents; and ethical issues.~~

~~3. Administrative issues including resident environment and composition; and staffing.~~

(b) Facility staff who provide direct care to residents with Alzheimer's disease and related disorders, must obtain an additional 4 hours of training within 9 months of employment. Facility staff who are already employed prior to April 20, 1998, shall have 9 months from that date to complete this training. Facility staff who meet the requirements for Alzheimer's training providers under paragraph (g) of this subsection will be considered as having met this requirement. Such training must address the following subject areas as they apply to these disorders:

1. Behavior management Medical information;

2. Assistance with ADLs; Behavior management; and

3. Activities for residents; Therapeutic approaches.

4. Stress management for the care giver; and

5. Medical information.

(c) A detailed description of the subject areas that must be included in a curriculum which meets the requirements of paragraphs (a) and (b) of this subsection can be found in the document "Training Guidelines Curriculum Outline for the Special Care of Persons with Alzheimer's Disease and Related Disorders," ~~March 1999 July 1998~~, incorporated by reference, available from the DOEA Assisted Living Program Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

(d) through (g) No change.

(10) TRAINING PROVIDER AND CURRICULUM APPROVAL; TRAINING DOCUMENTATION.

(a) All persons seeking to provide ~~approved~~ training which must be approved by the department under this rule shall submit an application provided by the department documenting their qualifications ~~documentation of qualification~~ to provide

training and proposed course curriculums to the department prior to training. Upon receipt of approval from the department, the training provider may identify the training program as "approved by the Florida Department of Elder Affairs for purposes of meeting the training requirements of s. 400. 4178 or s. 400.452, F.S., and ~~Rule~~ 58A-5.0191." The department shall maintain a list of approved training providers and curriculum. Approval shall be granted for 3 years, whereupon the training provider must re-submit the training program to the department for re-approval.

(b) through (e) No change.

(11) TRAINING FEES. Fees for training provided by the department are as follows:

(a) Assisted Living Facility Core Training:

1. Less than 30% OSS residents	\$160 \$150
2. Between 30% and 49% OSS residents	\$120 \$115
3. Between 50% and 69% OSS residents	\$ 80 \$ 75
4. Between 70% and 89% OSS residents	\$ 40 \$ 35
5. 90% or more OSS residents	no charge

(b) No change.

(c) Extended Congregate Care Initial Training, ~~Alzheimer's Training~~, and Core Update and Continuing Education programs of over 4 hours and up to 8 hours:

1. Less than 30% OSS residents	\$ 50
2. Between 30% and 49% OSS residents	\$ 40
3. Between 50% and 69% OSS residents	\$ 30
4. Between 70% and 89% OSS residents	\$ 20
5. 90% or more OSS residents	no charge

(d) ~~Supervision of Medication Management, Alzheimer's Training~~, and Core Update and Continuing Education programs of 4 hours or less:

1. Less than 30% OSS residents	\$ 30
2. Between 30% and 49% OSS residents	\$ 20
3. Between 50% and 69% OSS residents	\$ 15
4. Between 70% and 89% OSS residents	\$ 10
5. 90% or more OSS residents	no charge

(e) Training materials, manuals and guides available from the department printed or on diskette/compact disk:

1. Assisted Living Facility Administrator's Guide	\$ 35
2. Extended Congregate Care Supplemental Guide	\$ 10
3. AHCA Survey Guidelines	\$ 5
4. Assisted Living Facility Law and Rule	\$ 5

(12) NOTIFICATION OF TRAINING. The department's assisted living trainer in the planning and service area where a facility is located shall notify licensed facilities when training is being offered by the department. Other persons or facilities who wish to receive notification of training provided by the department shall provide a current mailing address annually to the department's assisted living trainer in the planning and

service area in which the person is located or where the person or facility would like to receive training. A schedule of department training offered and a list of trainers is available from the DOEA Assisted Living Program, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, phone number 850-414-2309.

Specific Authority 400.407, 400.4178, 400.441, 400.452 FS. Law Implemented 400.407, 400.4075, 400.4178, 400.452 FS. History—New 9-30-92, Formerly 10A-5.0191, Amended 10-30-95, 6-2-96, 4-20-98,

(Substantial rewording of Rule 58A-5.020 follows. See Florida Administrative Code for present text.)

58A-5.020 Food Service Standards.

(1) GENERAL RESPONSIBILITIES. When food service is provided by the facility, the administrator or a person designated in writing by the administrator shall:

(a) Be responsible for total food services and the day-to-day supervision of food services staff.

(b) Perform his/her duties in a safe and sanitary manner.

(c) Provide regular meals which meet the nutritional needs of residents, and therapeutic diets as ordered by the resident's health care provider for resident's who require special diets.

(d) Maintain the in-service and continuing education requirements specified in rule 58A-5.0191.

(2) DIETARY STANDARDS.

(a) The Tenth Edition Recommended Dietary Allowances established by the Food and Nutrition Board – National Research Council, adjusted for age, sex and activity, shall be the nutritional standard used to evaluate meals. Therapeutic diets shall meet these nutritional standards to the extent possible. A summary of the Tenth Edition Recommended Dietary Allowances, interpreted by a daily food guide, is available from the DOEA Assisted Living Program.

(b) The recommended dietary allowances shall be met by offering a variety of foods adapted to the food habits, preferences and physical abilities of the residents and prepared by the use of standardized recipes. For facilities with a licensed capacity of 16 or fewer residents, standardized recipes are not required. Unless a resident chooses to eat less, the recommended dietary allowances to be made available to residents daily by the facility are as follows:

1. Protein: 6 ounces or 2 or more servings;

2. Vegetables: 3-5 servings;

3. Fruit: 2-4 or more servings;

4. Bread and starches: 6-11 or more servings;

5. Milk or milk equivalent: 2 servings;

6. Fats, oils, and sweets: use sparingly; and

7. Water.

(c) All regular and therapeutic menus to be used by the facility shall be reviewed annually by a registered dietitian, licensed dietitian/nutritionist, or by a dietetic technician supervised by a registered dietitian or licensed dietitian/

nutritionist, to ensure the meals are commensurate with the nutritional standards established in this rule. Portion sizes shall be indicated on the menus or on a separate sheet. Daily food servings may be divided among three or more meals per day, including snacks, as necessary to accommodate resident needs and preferences. This review shall be documented in the facility files and include the signature of the reviewer, registration or license number, and date reviewed. Menu items may be substituted with items of comparable nutritional value based on the seasonal availability of fresh produce or the preferences of the residents.

(d) Menus to be served shall be dated and planned at least one week in advance for both regular and therapeutic diets. Residents shall be encouraged to participate in menu planning. Planned menus shall be conspicuously posted or easily available to residents. Regular and therapeutic menus as served, with substitutions noted before or when the meal is served, shall be kept on file in the facility for 6 months.

(e) Therapeutic diets shall be prepared and served as ordered by the health care provider.

1. Facilities that offer residents a variety of food choices through a select menu, buffet style dining or family style dining are not required to document what is eaten unless a health care provider's order indicates that such monitoring is necessary. However, the food items which enable residents to comply with the therapeutic diet shall be identified on the menus developed for use in the facility.

2. The facility shall document a resident's refusal to comply with a therapeutic diet and notification to the resident's health care provider of such refusal. However, a competent individual shall not be compelled to follow a therapeutic diet. If a resident refuses to follow a therapeutic diet after the benefits are explained, a signed statement from the resident refusing the diet is acceptable documentation of a resident's preferences. In such instances daily documentation is not necessary.

(f) For facilities serving three or more meals a day, no more than 14 hours shall elapse between the end of an evening meal containing a protein food and the beginning of a morning meal. Intervals between meals shall be evenly distributed throughout the day with not less than two hours nor more than six hours between the end of one meal and the beginning of the next. For residents without access to kitchen facilities, snacks shall be provided upon resident request at least once per day when residents are normally awake. Snacks are not considered to be meals for the purposes of calculating the time between meals.

(g) Food shall be served attractively at safe and palatable temperatures. All residents shall be encouraged to eat at tables in the dining areas. A supply of eating ware sufficient for all residents, including adaptive equipment if needed by any resident, shall be on hand.

(h) A 3-day supply of non-perishable food, based on the number of weekly meals the facility has contracted with residents to serve, and shall be on hand at all times. The quantity shall be based on the resident census and not on licensed capacity. The supply shall consist of dry or canned foods that do not require refrigeration and shall be kept in sealed containers which are labeled and dated. The food shall be rotated in accordance with shelf life to ensure safety and palatability. Water sufficient for drinking and food preparation shall also be stored, or the facility shall have a plan for obtaining water in an emergency, with the plan coordinated with and reviewed by the local disaster preparedness authority.

(3) FOOD HYGIENE.

(a) Depending on the licensed capacity of the ALF, facilities shall comply with the applicable portions of rule 64E-12.004, or rule chapter 64E-11 in all matters pertaining to food hygiene.

(b) Copies of the quarterly food hygiene inspection reports issued by the county health department for the last 3 years shall be on file in the facility.

(4) CATERED FOOD SERVICE. When food service is catered the facility shall ensure that the catered food meets all dietary standards imposed by this rule and is adequately protected upon delivery to the facility pursuant to rule 64E-12.004(4). The facility shall maintain:

(a) A copy of the current contract between the facility and the food service establishment agreeing to provide food service in the facility which includes the terms of the agreement.

(b) A copy of the annually issued certificate or license authorizing the operation of the food service establishment issued by the applicable regulating agency. The license or certificate shall provide documentation of the food service establishment's compliance with food service regulatory requirements.

Specific Authority 400.441 FS. Law Implemented ~~381.0072~~, 400.441 FS. History--New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.20, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.020, Amended 10-30-95, 6-2-96, _____.

(Substantial rewording of Rule 58A-5.021 follows. See Florida Administrative Code for present text.)

58A-5.021 Fiscal Standards.

(1) FINANCIAL STABILITY. The facility shall be administered on a sound financial basis in order to ensure adequate resources to meet resident needs. For the purposes of s. 400.447, F.S., evidence of financial instability includes filed bankruptcy by any owner; issuance of checks returned for insufficient funds; delinquent accounts; nonpayment of local, state, or federal taxes or fees; unpaid utility bills; tax or judgment liens against facility or owners property; failure to meet employee payroll; confirmed complaints to the agency or district long-term care ombudsman council regarding withholding of refunds or funds due residents; failure to maintain liability insurance due to non-payment of premiums;

non-payment of rent or mortgage; non-payment for essential services; or adverse court action which could result in the closure or change in ownership or management of the ALF. When there is evidence of financial instability, the agency may require the facility to submit the following documentation:

(a) Facilities with a capacity of 25 or less:

1. Payment of local, state or federal taxes;

2. Delinquent accounts;

3. Number of checks returned for insufficient funds during the previous 24 months, if any;

4. Receipt of resident rent payment;

5. Amount of cash assets deposited in the facility bank account;

6. Capability of obtaining additional financing, if needed; and

7. A statement of operations or AHCA Form 3180-1002, July 1995, projecting revenues, expenses, taxes, extraordinary items, and other credits and charges for the next 12 months.

(b) Facilities with a capacity of 26 or more, shall provide the documentation described in paragraph (a) above, or submit a current asset and liabilities statement or AHCA Form 3180-1003, January 1998.

(2) ACCOUNTING PROCEDURES. The facility shall maintain written business records using a recognized system of accounting which accurately reflects the facility's assets and liabilities and income and expenses. Income from residents shall be identified by resident name in supporting documents, and income and expenses from other sources, such as from day care or interest on facility funds, shall be separately identified.

(3) PERSONAL EFFECTS.

(a) The facility, upon resident request, may provide for the safekeeping in the facility of up to \$200 in personal funds, and \$500 in personal property. If the resident is expected to be absent from the facility for more than 24 hours, the facility may provide for the safekeeping of more than \$500 in personal property.

(b) Any personal funds shall be kept separately from facility funds and shall be used by residents as they choose.

(c) Any personal property held by the facility, including property held for safekeeping, shall be itemized.

(4) RESIDENT TRUST FUNDS AND ADVANCED PAYMENTS.

(a) Funds or other property received by the facility belonging to or due a resident, including the personal funds described in subsection (2), shall be held as trust funds and expended only for the resident's account. Resident funds or property may be held in one bank account if a separate written accounting for each resident is maintained. A separate bank account is required for facility funds; co-mingling resident funds with facility funds is prohibited. Written accounting

procedures for resident trust funds shall include income and expense records of the trust fund, including the source and disposition of the funds.

(b) Money deposited or advanced as security for performance of the contract agreement or as advance rent for other than the next immediate rental period shall be kept separate from the funds and property of the facility, and shall be used, or otherwise expended, only for the account of the resident. On facility financial statements, such funds shall be indicated as restricted assets and there shall be a corresponding liability shown.

(5) BANK ACCOUNTS. Resident funds and property in excess of the amount stated in subsection (3), and money deposited or advanced as security for performance of the contract agreement or as advance rent for other than the next immediate rental period shall be held in a Florida banking institution, located if possible in the same community in which the facility is located. The facility shall notify the resident of the name and address of the depository where all funds are being held.

(6) SURETY BONDS. Pursuant to the requirements of Section 400.427(2), F.S.:

(a) A facility whose owner, administrator, or staff, or representative thereof, serves as the representative payee or attorney-in-fact for facility residents, must maintain a surety bond, a copy of which shall be filed with the agency. For corporations which own more than one facility in the state, one surety bond may be purchased to cover the needs of all residents served by the corporation.

1. If serving as representative payee:

a. The minimum bond proceeds must equal twice the average monthly aggregate income or personal funds due to residents, or expendable for their account which are held by the facility; or

b. For residents who receive OSS, the minimum bond proceeds shall equal twice the supplemental security income or social security disability income plus the OSS payments including the personal needs allowance.

2. If holding a power of attorney:

a. The minimum bond proceeds shall equal twice the amount or value of all monies or other assets included under the power of attorney, including the average trust fund balance, plus the value of any resident property held by the facility; or

b. For residents who receive OSS, the minimum bond proceeds shall equal twice the supplemental security income or social security disability income and the OSS payments including the personal allowance, plus the value of any resident property held at the facility.

(b) Upon the annual issuance of a new bond or continuation bond the facility shall file a copy of the bond with the AHCA central office.

(7) RESIDENT ACCOUNTING.

(a) If the facility provides safekeeping for money or property; holds resident money or property in a trust fund; or if the facility owner, administrator, or staff, or representative thereof, acts as a representative payee; the resident or the resident's legal representative shall be provided with a quarterly statement detailing the income and expense records required under subsection (4), and a list of any property held for safekeeping with copies maintained in the resident's file. The facility shall also provide such statement upon the discharge of the resident, and if there is a change in ownership of the facility as provided under rule 58A-5.014.

(b) If the facility owner, administrator, or staff, or representative thereof, serves as a resident's attorney-in-fact, the resident shall be given, on a monthly basis, a written statement of any transaction made on behalf of the resident.

(c) Within 30 days of receipt of an advance rent or security deposit, the facility shall notify the resident in writing of the manner in which the licensee is holding the advance rent or security deposit.

(8) LIABILITY INSURANCE. Pursuant to s. 400.4275, F.S., facilities shall maintain liability insurance coverage, as defined in s. 624.605, F.S., in force at all times. On the renewal date of the facility's policy or whenever a facility changes policies, the facility shall file documentation of continued coverage with the AHCA central office. Such documentation shall be issued by the insurance company and shall include the name of the facility, the street address of the facility, that it is an assisted living facility, its licensed capacity, and the dates of coverage.

Specific Authority 400.427, 400.4275, 400.441 FS. Law Implemented 400.411, 400.424, 400.427, 400.4275 FS. History--New 5-14-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.21, Amended 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.021, Amended 10-30-95, 6-2-96, _____.

58A-5.022 Facility Maintenance and Housekeeping Standards.

Specific Authority 400.441 FS. Law Implemented 400.441(2),(3),(4) FS. History--New 5-14-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.22, Amended 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.022, Amended 10-30-95, Repealed _____.

58A-5.0221 Water Supply.

Specific Authority 400.441 FS. Law Implemented 400.441 FS. History--New 8-15-90, Amended 9-30-92, Formerly 10A-5.0221, Repealed _____.

58A-5.0223 Garbage and Rubbish.

Specific Authority 381.031(1)(g), 381.80 FS. Law Implemented 381.031, 381.80(1)-(4), 403.708, 395.0101, 400.441(1) FS. History--New 8-15-90, Formerly 10A-5.0223, Repealed _____.

(Substantial rewording of Rule 58A-5.023 follows. See Florida Administrative Code for present text.)

58A-5.023 Physical Plant Standards.

(1) GENERAL REQUIREMENTS.

(a) The ALF shall be located, designed, equipped, and maintained to promote a residential, non-medical environment, and provide for the safe care and supervision of all residents.

(b) The facility's physical structure, including the interior and exterior walls, floors, roof and ceilings shall be structurally sound and in good repair. Peeling paint or wallpaper, missing ceiling or floor tiles, or torn carpeting shall be repaired or replaced. Windows, doors, plumbing, and appliances shall be functional and in good working order. All furniture and furnishings shall be clean, functional, free-of-odors, and in good repair. Appliances may be disabled for safety reasons provided they are functionally available when needed.

(c) In order to ensure a safe and sanitary environment, the ALF shall be subject to annual inspection by the county health department pursuant to rule chapter 64E-12.

(d) Indoor radon testing as mandated by s. 404.056(5), F.S., shall be completed by all facilities.

(2) HEATING AND COOLING.

(a) When outside temperatures are 65 degrees Fahrenheit or below, an indoor temperature of at least 72 degrees Fahrenheit shall be maintained in all areas used by residents during hours when residents are normally awake. During night hours when residents are asleep, an indoor temperature of at least 68 degrees Fahrenheit shall be maintained.

(b) Mechanical cooling devices must be used in those areas of buildings used by residents when inside temperatures exceed 85 degrees Fahrenheit. No residents shall be in any inside area that exceeds 90 degrees Fahrenheit. Newly licensed facilities or facilities renovated after (6 months after effective date of rule), shall not permit indoor temperatures to exceed 85 degrees in any area used by residents.

(c) Residents who have individually controlled thermostats in their bedrooms or apartments shall be permitted to control temperatures in those areas.

(3) COMMON AREAS.

(a) A minimum of 35 square feet of living and dining space per resident, live-in staff, and live-in family member shall be provided except in facilities comprised of apartments. This space shall include living, dining, recreational, or other space designated accessible to all residents, and shall not include bathrooms, corridors, storage space, or screened porches which cannot be adapted for year round use. Facilities

with apartments may count the apartment's living space square footage as part of the 35 square footage living and dining space requirement.

1. Those facilities which were licensed as of May 14, 1981, which demonstrate compliance with all other applicable rules shall be granted a 10 percent waiver in the square footage requirement upon request.

2. Those facilities also serving as adult day care centers must provide an additional 35 square feet of living and dining space per adult day care client. Excess floor space in residents' bedrooms or apartments cannot be counted toward meeting the requirement of 35 square feet of living and dining space requirements for adult day care participants. Day care participants may not use residents' bedrooms for resting unless the room is currently vacant.

(b) A room, separate from resident bedrooms, shall be provided where residents may read, engage in socialization or other leisure time activities. Comfortable chairs or sofas shall be provided in this communal area.

(c) The dining area shall be furnished to accommodate communal dining.

(4) BEDROOMS. Residents shall be given the option of choosing their own roommate or roommates if possible.

(a) Resident sleeping rooms designated for single occupancy shall provide a minimum inside measurement of 80 square feet of usable floor space. Usable floor space does not include closet space or bathrooms.

(b) Resident bedrooms designated for multiple occupancy shall provide a minimum inside measurement of 60 square feet of usable floor space per room occupant.

(c) Resident bedrooms designated for multiple occupancy in facilities newly licensed or renovated on or after (6 months after effective date of rule), shall have a maximum occupancy of two persons. Resident bedrooms designated for multiple occupancy in facilities licensed prior to (effective date of rule), shall have a maximum occupancy of four persons.

(d) All resident bedrooms shall open directly into a corridor, common use area or to the outside. A resident must be able to exit his bedroom without having to pass through another bedroom unless the 2 rooms have been licensed as one bedroom.

(e) Pursuant to s. 400.427, F.S., residents shall be given the option of using his/her own belongings as space permits. Each resident bedroom or sleeping area, where furnishings are supplied by the facility shall, at a minimum, be furnished with the following:

1. A clean, comfortable bed with a mattress no less than 36 inches in width and 72 inches in length with the top surface of the mattress a comfortable height to assure easy access by the resident;
2. A closet or wardrobe space for the hanging of clothes;
3. A dresser, chest, or other furniture designed for the storage of personal effects; and
4. A table, bedside lamp or floor lamp, waste basket, and comfortable chair shall be provided if requested.

(f) All resident bedrooms shall be for the exclusive use of residents. Live-in staff and their family members shall be provided with sleeping space separate from the sleeping and congregate space required for residents.

(5) BATHROOMS

(a) There shall be at least one bathroom with a one toilet and sink per six persons, and one bathtub or shower per eight persons. All residents, all live-in staff and family members, and respite care participants must be included when calculating the required number of toilets, sinks, bathtubs and showers. All adult day care participants shall be included when calculating the required number of toilets and sinks.

(b) Each bathroom shall have a door in working order to assure privacy. The entry door to bathrooms with a single toilet shall have a lock which is operable from the inside by the resident with no key needed. A non-locking door shall be permitted if the resident's safety would otherwise be jeopardized.

(c) There shall be non-slip safety devices such as bath mats or peel off stickers in the showers and bathtubs of all facilities. Showers and bathtubs with a non-skid surface require a separate non-skid device only if the surface is worn. Grab bars shall be required in showers and bathtubs. Grab bars, whether portable or permanent, must be securely affixed to the floor or adjoining walls. Facilities newly licensed or renovated (6 months after the effective date of this rule) must have grab bars next to the commode.

(d) Hot and cold water faucets shall be identified by use of H and C initials or by red and blue painted shading or dots.

(e) Sole access to a toilet or bathtub or shower shall not be through another resident's bedroom, except in apartments within a facility.

(f) Residents who use portable bedside commodes shall be provided with privacy in their use. Commodes must be emptied and sanitized daily.

(6) LINENS AND LAUNDRY. Facilities shall make available linens and personal laundry services for residents who require such services. Linens provided by a facility shall be free of tears, stains, and not threadbare.

(7) SECURITY. External boundaries of a facility or a distinct part of a facility, including outside areas, may be secured using egress control or perimeter control devices if the following conditions are met.

(a) The use of the device complies with all life-safety requirements.

(b) Residents residing within a secured area are able to move freely throughout the area, including the resident's bedroom or apartment, bathrooms and all common areas, and have access to outdoor areas on a regular basis and as requested by each resident.

(c) Residents capable of entering and exiting without supervision have keys, codes, or other mechanisms to exit the secured area without requiring staff assistance.

(d) Staff who provide direct care or who have regular contact with residents residing in secured areas complete Level 1 Alzheimer's training as described in rule 58A-5.0191.

Specific Authority 400.441 FS. Law Implemented 400.427, 400.441, 404.056, 514 FS. History—New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.23, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.023, Amended 10-30-95, 6-2-96, _____.

(Substantial rewording of Rule 58A-5.024. See Florida Administrative Code for present text.)

58A-5.024 Records.

The facility shall maintain the following written records in a form, place and system ordinarily employed in good business practice and accessible to department and agency staff.

(1) FACILITY RECORDS. Facility records include:

(a) The facility's license which shall be displayed in a conspicuous and public place within the facility.

(b) An up-to-date admission and discharge log listing the names of all residents and each resident's:

1. Date of admission, the place from which the resident was admitted, and if applicable, a notation the resident was admitted with a stage 2 pressure ulcer; and

2. Date of discharge, the reason for discharge, and the identification of the facility to which the resident is discharged or home address, or if the person is deceased, the date of death. Readmission of a resident to the facility after discharge requires a new entry. Discharge of a resident is not required if the facility is holding a bed for a resident who is out of the facility but intends to return pursuant to rule 58A-5.027.

(c) A log listing the names of all emergency shelter and respite care residents if not included on the log described in paragraph (b).

(d) An up-to-date record of major incidents occurring within the last 3 years. Such record shall contain a clear description of each incident; the time, place, names of individuals involved; witnesses; nature of injuries; cause if known; action taken; a description of medical or other services provided; by whom such services were provided; and any steps taken to prevent recurrence. These reports shall be made by the

individuals having first hand knowledge of the incidents, including paid staff, volunteer staff, emergency and temporary staff, and student interns.

(e) The facility's emergency management plan, with documentation of review and approval by the county emergency management agency, as described under rule 58A-5.026, which shall be located where immediate access by facility staff is assured.

(f) Documentation of radon testing conducted pursuant to rule 58A-5.023.

(g) The facility's liability insurance policy required under rule 58A-5.021.

(h) For facilities which have a surety bond, a copy of the surety bond currently in effect as required by rule 58A-5.021.

(i) The admission package presented to new or prospective residents (less the resident's contract) described in rule 58A-5.0182.

(j) If the facility advertises that it provides special care for persons with Alzheimer's disease or related disorders, a copy of all such facility advertisements as required by s. 400.4177, F.S.

(k) A grievance procedure for receiving and responding to resident complaints and recommendations as described in rule 58A-5.0182.

(l) All food service records required under rule 58A-5.020, including menus planned and served; county health department inspection reports; and for facilities which contract for catered food services, a copy of the contract for catered services and the caterer's license or certificate to operate.

(m) All firesafety inspection reports issued by the local authority having jurisdiction or the State Fire Marshall pursuant to s. 400.441, F.S., and rule chapter 4A-40 issued within the last 3 years.

(n) All sanitation inspection reports issued by the county health department pursuant to s. 381.031 and rule chapter 64E-12, issued within the last 3 years.

(o) All completed survey, inspection and complaint investigation reports, and notices of sanctions and moratoriums issued by the agency within the last 5 years.

(p) Additional facility records requirements for facilities holding a limited mental health, extended congregate care, or limited nursing services license are provided in rules 58A-5.029, 58A-5.030, and 58A-5.031, respectively.

(2) STAFF RECORDS.

(a) Personnel records for each staff member shall contain, at a minimum, a copy of the original employment application with references furnished and verification of freedom from communicable disease including tuberculosis. In addition as applicable:

1. Documentation of compliance with all staff training required by rule 58A-5.0191;

2. Copies of all licenses or certifications for all staff providing services which require licensing or certification;

3. Documentation of compliance with level 1 background screening for all staff subject to screening requirements as required under rule 58A-5.019; and

4. For facilities with a licensed capacity of 17 or more residents, a copy of the job description given to each staff member pursuant to rule 58A-5.019.

(b) The facility shall not be required to maintain personnel records for staff provided by a licensed staffing agency or staff employed by a business entity contracting to provide direct or indirect services to residents and the facility. However, the facility must maintain a copy of the contract between the facility and the staffing agency or contractor as described in rule 58A-5.019.

(c) The facility shall maintain the facility's written work schedules and staff time sheets as required under rule 58A-5.019 for the last 6 months.

(3) RESIDENT RECORDS. Resident records shall be maintained on the premises and include:

(a) Resident demographic data as follows:

1. Name;

2. Sex;

3. Race;

4. Date of birth;

5. Place of birth, if known;

6. Social security number;

7. Medicaid and/or Medicare number, or name of other health insurance carrier;

8. Branch of military service and military identification number for residents admitted after September 30, 1992, if available;

9. Name, address, and telephone number of next of kin, responsible party, or other person the resident would like to have notified in case of an emergency, and relationship to resident; and

10. Name, address, and phone number of health care provider, and case manager if applicable.

(b) A copy of the medical examination described in rule 58A-5.0181.

(c) Any health care provider's orders for medications, nursing services, therapeutic diets, do not resuscitate order, or other services to be provided, supervised, or implemented by the facility that require a health care provider's order.

(d) A signed statement from a resident refusing a therapeutic diet pursuant to rule 58A-5.020.

(e) The resident record described in rule 58A-5.0182.

(f) A weight record which is initiated on admission. Information may be taken from the resident's health assessment. Residents receiving assistance with the activities of daily living shall have their weight recorded semi-annually.

(g) For facilities which will have unlicensed staff assisting the resident with the self-administration of medication, a copy of the written informed consent described in rule 58A-5.0181 if such consent is not included in the resident's contract.

(h) For facilities which manage a weekly pill organizer, assist with self-administration or administer medications for a resident, the required medication records maintained pursuant to rule 58A-5.0185.

(i) A copy of the resident's contract with the facility, including any addendums to the contract, as described in rule 58A-5.027.

(j) For a facility whose owner, administrator, or staff, or representative thereof serves as an attorney in fact for a resident, a copy of the monthly written statement of any transaction made on behalf of the resident as required under s. 400.427, F.S.

(k) For any facility which maintains a separate trust fund to receive funds or other property belonging to or due a resident, a copy of the quarterly written statement of funds or other property disbursed as required under s. 400.427, F.S.

(l) A copy of Alternate Care Certification for Optional State Supplementation (OSS) Form, CF-ES 1006, March 1998, if the resident is an OSS recipient. The absence of this form shall not be considered a deficiency if the facility can demonstrate that it has made a good faith effort to obtain the required documentation from the Department of Children and Family Services.

(m) Documentation of the appointment of a health care surrogate, guardian, or the existence of a power of attorney where applicable.

(n) For hospice patients, the interdisciplinary care plan and other documentation that the resident is a hospice patient as required under rule 58A-5.0181.

(o) For apartments, duplexes, quadruplexes, or single family homes that are designated for independent living but which are licensed as assisted living facilities solely for the purpose of delivering personal services to residents in their homes, when and if such services are needed, record keeping on residents who may receive meals but who do not receive any personal, limited nursing, or extended congregate care service shall be limited to the following:

1. A log listing the names of residents participating in this arrangement;
2. The resident demographic data required under this subsection;
3. The medical examination described in rule 58A-5.0181;
4. The resident's contract described in rule 58A-5.027; and
5. A health care provider's order for a therapeutic diet if such diet is prescribed and the resident participates in the meal plan offered by the facility.

(p) Except for resident contracts which must be retained for 5 years, all resident records shall be retained for 3 years following the departure of a resident from the facility unless it

is required by contract to retain the records for a longer period of time. Upon request, residents shall be provided a copy of their resident records upon departure from the facility.

(q) Additional resident records requirements for facilities holding a limited mental health, extended congregate care, or limited nursing services license are provided in rules 58A-5.029, 58A-5.030, and 58A-5.031, respectively.

(4) RECORD INSPECTION.

(a) All records required by this rule chapter shall be available for inspection at all times by staff of the agency, the department, the district long-term care ombudsman council, and the advocacy center for persons with disabilities.

(b) All resident records shall be available to the resident, and the resident's legal representative, designee, surrogate, guardian, or attorney in fact, case manager, or the resident's estate, and such additional parties as authorized in writing.

(c) Pursuant to s. 400.435, F.S., agency reports which pertain to any agency survey, inspection, monitoring visit, or complaint investigation shall be available to the residents and the public.

1. Requestors shall be required to provide identification prior to review of records.

2. In facilities that are co-located with a licensed nursing home, the inspection of record for all common areas shall be the nursing home inspection report.

(d) The facility shall ensure the availability of records for inspection.

Specific Authority 400.441, 400.4275 FS. Law Implemented ~~400.402, 400.404, 400.407, 400.415, 400.424, 400.427, 400.4275, 400.428, 400.431, 400.435, 400.441~~ FS. History—New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.24, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.024, Amended 10-30-95, 4-20-98,_____.

58A-5.025 Resident Contracts.

(1) Pursuant to s. 400.424, F.S., each resident or the residents legal representative, shall, prior to or at the time of admission, execute a contract with the facility which contains the following provisions:

(a) A list of the specific services, supplies and accommodations to be provided by the facility to the resident, including limited nursing and extended congregate care services if the facility is licensed to provide such services.

(b) The basic daily, weekly, or monthly rate.

(c) A list of any additional services and charges to be provided that are included in the daily, weekly, or monthly rates, or a reference to a separate fee schedule which shall be attached to the contract.

(d) A provision giving at least 30 days written notice prior to any rate increase.

(e) Any rights, duties, or obligations of residents, other than those specified in s. 400.428, F.S.

(f) The purpose of any advance payments or deposit payments and the refund policy for such advance or deposit payments.

(g) A refund policy which shall conform to s. 400.424(3), F.S.

(h) A written bed hold policy and provisions for terminating a bed hold agreement if a facility agrees in writing to reserve a bed for a resident who is admitted to a nursing home, health care facility, or psychiatric facility. The resident or responsible party shall notify the facility in writing of any change in status that would prevent the resident from returning to the facility. Until such written notice is received, the agreed upon daily, weekly, or monthly rate may be charged by the facility unless the resident's medical condition, such as the resident's being comatose, prevents the resident from giving written notification and the resident does not have a responsible party to act in the resident's behalf.

(i) A provision stating whether the organization is affiliated with any religious organization, and, if so, which organization and its relationship to the facility.

(j) A provision that, upon determination by the administrator or health care provider that the resident needs services beyond those the facility is licensed to provide, the resident or the resident's representative, or agency acting on the resident's behalf, shall be notified in writing that the resident must make arrangements for transfer to a care setting that has services needed by the resident. In the event the resident has no person to represent him, the facility shall refer the resident to the social service agency for placement. If there is disagreement regarding the appropriateness of placement, provisions as outlined in s. 400.426(8), F.S., shall take effect.

(2) The resident, or the resident's representative, shall be provided with a copy of the contract.

(3) The facility may not levy an additional charge for any supplies, services, or accommodations that the facility has agreed by contract to provide as part of the standard daily, weekly, or monthly rate. The resident or resident's representative shall be furnished in advance with an itemized written statement setting forth additional charges for any services, supplies, or accommodations available to residents not covered under the contract. An addendum shall be added to the resident contract to reflect the additional services, supplies, or accommodations not provided under the original agreement. Such addendum must be dated and signed by the facility and the resident or the resident's legal representative and a copy given to the resident or the resident's representative.

Specific Authority 400.424, 400.427, 400.441 F.S. Law Implemented 440.424, 400.427, 400.441 F.S. History—New

58A-5.026 Emergency Management.

(1) EMERGENCY PLAN COMPONENTS. Pursuant to s. 400.441, F.S., each facility shall prepare a written comprehensive emergency management plan in accordance with the "Emergency Management Criteria for Assisted Living Facilities," dated October 1995, which is incorporated by

reference. This document is available from the local emergency management agency. The emergency management plan must, at a minimum address the following:

(a) Provision for all hazards.

(b) Provision for the care of residents remaining in the facility during an emergency including pre-disaster or emergency preparation; protecting the facility; supplies; emergency power; food and water; staffing; and emergency equipment.

(c) Provision for the care of residents who must be evacuated from the facility during an emergency including identification of such residents and transfer of resident records; evacuation transportation; sheltering arrangements; supplies; staffing; emergency equipment; and medications.

(d) Provision for the care of additional residents who may be evacuated to the facility during an emergency including the identification of such residents, staffing, and supplies.

(e) Identification of residents with Alzheimer's disease and related dementias, and residents with mobility limitations who may need specialized assistance either at the facility or in case of evacuation.

(f) Identification of and coordination with the local emergency management agency.

(g) Arrangement for post-disaster activities including responding to family inquiries, obtaining medical intervention for residents; transportation; and reporting to the county office of emergency management the number of residents who have been relocated and the place of relocation.

(h) The identification of staff responsible for implementing each part of the plan.

(2) EMERGENCY PLAN APPROVAL. The plan shall be submitted for review and approval to the county emergency management agency in accordance with rule 9G-20.007.

(a) The county emergency management agency has 60 days in which to review and approve the plan or advise the facility of necessary revisions. Any revisions must be made and the plan resubmitted to the county office of emergency management within 30 days.

(b) Newly-licensed facility and facilities whose ownership has been transferred, must submit an emergency management plan within 30 days after obtaining a license.

(c) The facility shall review its emergency management plan on an annual basis. Any substantive changes must be submitted to the county emergency agency for review and approval.

1. Changes in the name, address, telephone number, or position of staff listed in the plan are not considered substantive revisions for the purposes of this rule.

2. Changes in the identification of specific staff must be submitted to the county emergency management agency annually as a signed and dated addendum that is not subject to review and approval.

(d) The county emergency management agency shall be the final administrative authority for emergency management plans prepared by assisted living facilities.

(e) Any plan approved by the county emergency management agency shall be considered to have met all the criteria and conditions established in this rule.

(4) PLAN IMPLEMENTATION. In the event of an internal or external disaster the facility shall implement the facility's emergency management plan in accordance with chapter 252, F.S.

(a) All staff must be trained in their duties and are responsible for implementing the emergency management plan.

(b) If telephone service is not available during an emergency, the facility shall request assistance from local law enforcement or emergency management personnel in maintaining communication.

(5) FACILITY EVACUATION. The facility must evacuate the premises during or after an emergency if so directed by the local emergency management agency.

(a) The facility shall report the evacuation to the local office of emergency management or designee and to the agency within 6 hours of the evacuation order and when the evacuation is complete if the evacuation is not completed with the 6 hour period.

(b) The facility shall not be re-occupied until the area is cleared for reentry by the local emergency management agency or its designee and the facility can meet the immediate needs of the residents.

(c) A facility with significant structural damage must relocate residents until the facility can be safely re-occupied.

(d) The facility is responsible for knowing the location of all residents until the resident has been relocated from the facility.

(e) The facility shall provide the agency with the name of a contact person who shall be available by telephone 24 hours a day, seven days a week, until the facility is re-occupied.

(f) The facility shall assist in the relocation of residents and shall cooperate with outreach teams established by the Department of Health or emergency management agency to assist in relocation efforts. Resident needs and preferences shall be considered to the extent possible in any relocation decision.

(6) EMERGENCY SHELTER. In the event a state of emergency has been declared and the facility is not required to evacuate the premises, the facility may provide emergency shelter above the facility's licensed capacity provided the following conditions are met:

(a) Life safety will not be jeopardized for any individual.

(b) The immediate needs of residents and other individuals sheltered at the facility can be met by the facility.

(c) The facility reports the over capacity and conditions causing it to the agency area office within 48 hours or as soon as practical. As an alternative, the facility may report to the AHCA Assisted Living Unit in Tallahassee at (850)487-2515. If the facility will continue to be over capacity after the declared emergency ends, the agency shall review requests for excess capacity and may approve the excess capacity on a case-by-case basis.

(d) The facility maintains a log of the additional persons being housed in the facility. The log shall include the individual's name, usual address, and the dates of arrival and departure. The log shall be available for review by representatives of the agency, the department, the local emergency management agency or its designee. The admissions and discharge log maintained by the facility may be used for this purpose provided the information is maintained in a manner that is easily accessible.

Specific Authority 400.441 FS. Law Implemented 400.441 FS. History—New

(Substantial rewording of Rule 58A-5.030 follows. See Florida Administrative Code for present text.)

58A-5.030 Extended Congregate Care Services.

(1) LICENSING.

(a) Any facility intending to establish an extended congregate care program must meet the license requirements specified in s. 400.407, F.S., and obtain a license from the agency in accordance with rule 58A-5.014.

(b) Only that portion of a facility which meets the physical requirements of subsection (3) and which is staffed in accordance with subsection (4) shall be considered licensed to provide ECC services to residents which meet the admission and continued residency requirements of this rule.

(2) EXTENDED CONGREGATE CARE POLICIES. Policies and procedures established through an extended congregate care program must promote resident independence, dignity, choice, and decision-making. The program shall develop and implement specific written policies and procedures which address:

(a) Aging in place.

(b) The facility's residency criteria developed in accordance with the admission and discharge requirements described in subsection (5) and ECC services listed in (8).

(c) The personal and supportive services the facility intends to provide, how the services will be provided, and the identification of staff positions to provide the services including their relationship to the facility.

(d) The nursing services the facility intends to provide, identification of staff positions to provide nursing services, and the license status, duties, general working hours, and supervision of such staff.

(e) Identifying potential unscheduled resident service needs and mechanism for meeting those needs including the identification of resources to meet those needs.

(f) A process for mediating conflicts among residents regarding choice of room or apartment and roommate.

(g) How to involve residents in decisions concerning the resident. The program shall provide opportunities and encouragement for the resident to make personal choices and decisions. If a resident needs assistance to make choices or decisions a family member or other resident representative shall be consulted. Choices shall include at a minimum:

1. To participate in the process of developing, implementing, reviewing, and revising the resident's service plan.

2. To remain in the same room in the facility, except that a current resident transferring into an ECC program may be required to move to the part of the facility licensed for extended congregate care, if only part of the facility is so licensed;

3. To select among social and leisure activities;

4. To participate in activities in the community. At a minimum the facility shall arrange transportation to such activities if requested by the resident; and

5. To provide input with respect to the adoption and amendment of facility policies and procedures.

(3) PHYSICAL SITE REQUIREMENTS. Each extended congregate care facility shall provide a homelike physical environment which promotes resident privacy and independence including:

(a) A private room or apartment, or a semi-private room or apartment shared with roommate of the resident's choice. The entry door to the room or apartment shall have a lock which is operable from the inside by the resident with no key needed. The resident shall be provided with a key to the entry door on request. The resident's service plan may allow for a non-locking entry door if the resident's safety would otherwise be jeopardized.

(b) A bathroom, with a toilet, sink, and bathtub or shower, which is shared with a maximum of 3 other residents. The entry door to the bathroom shall have a lock which is operable from the inside by the resident with no key needed. The resident's service plan may allow for a non-locking bathroom door if the resident's safety would otherwise be jeopardized.

(c) Air conditioning must be available to maintain inside temperatures not exceeding 85 degrees Fahrenheit in areas used by residents. Residents who have individually controlled thermostats in their rooms shall be permitted to control temperatures in their rooms.

(4) STAFFING REQUIREMENTS. Each extended congregate care program shall:

(a) Specify a staff member to serve as the extended congregate care supervisor if the administrator does not perform this function. If the administrator supervises more than one facility, he/she shall appoint a separate ECC supervisor for each facility holding an extended congregate care license.

1. The extended congregate care supervisor shall be responsible for the general supervision of the day-to-day management of an ECC program and ECC resident service planning.

2. The administrator of a facility with an extended congregate care license and the ECC supervisor, if separate from the administrator, must have a minimum of two years of managerial, nursing, social work, therapeutic recreation, or counseling experience in a residential, long-term care, or acute care setting or agency serving elderly or disabled persons. A baccalaureate degree may be substituted for one year of the required experience. A nursing home administrator licensed under chapter 468, F.S., shall be considered qualified under this paragraph.

(b) Provide, as staff or by contract, the services of a nurse who shall be available to provide nursing services as needed by ECC residents, participate in the development of resident service plans, and perform monthly nursing assessments.

(c) Provide enough qualified staff to meet the needs of ECC residents in accordance with rule 58A-5.019 and the amount and type of services established in each resident's service plan.

(d) Regardless of the number of ECC residents, awake staff shall be provided to meet resident scheduled and unscheduled night needs.

(e) In accordance with agency procedures established in rule 58A-5.019, the agency shall require facilities to immediately provide additional or more qualified staff, when the agency determines that service plans are not being followed or that residents' needs are not being met because of the lack of sufficient or adequately trained staff.

(f) Ensure and document that staff receive extended congregate care training as required under rule 58A-5.0191.

(5) ADMISSION AND CONTINUED RESIDENCY.

(a) An individual must meet the following minimum criteria in order to be admitted to an extended congregate care program.

1. Be at least 18 years of age.

2. Be free from signs and symptoms of a communicable disease which is likely to be transmitted to other residents or staff; however, a person who has human immunodeficiency virus (HIV) infection may be admitted to a facility, provided that he would otherwise be eligible for admission according to this rule.

3. Be able to transfer, with assistance if necessary. The assistance of more than one person is permitted.

4. Not be a danger to self or others as determined by a health care provider, or mental health practitioner licensed under chapters 490 or 491.

5. Not be bedridden.

6. Not have any stage 3 or 4 pressure ulcers.

7. Not require any of the following nursing services:

a. Oral or nasopharyngeal suctioning;

b. Assistance with nasogastric tube feeding;

c. Monitoring of blood gases;

d. Intermittent positive pressure breathing therapy;

e. Skilled rehabilitative services as described in rule 59G-4.290; or

f. Treatment of a surgical incision, unless the surgical incision and the condition which caused it have been stabilized and a plan of care developed.

8. Not require 24-hour nursing supervision.

9. Have been determined to be appropriate for admission to the facility by the facility administrator. The administrator shall base his/her decision on:

a. An assessment of the strengths, needs, and preferences of the individual, the health assessment required by subsection (6) of this rule, and the preliminary service plan developed under subsection (7);

b. The facility's residency criteria, and services offered or arranged for by the facility to meet resident needs; and

c. The ability of the facility to meet the uniform fire safety standards for assisted living facilities established under s. 400.441, F.S., and rule chapter 4A-40.

(b) Criteria for continued residency in an ECC program shall be the same as the criteria for admission, except as follows:

1. A resident may be bedridden for up to 14 consecutive days.

2. A terminally ill resident who no longer meets the criteria for continued residency may continue to reside in the facility if the following conditions are met:

a. The resident qualifies for, is admitted to, and consents to the services of a licensed hospice which coordinates and ensures the provision of any additional care and services that may be needed;

b. Continued residency is agreeable to the resident and the facility;

c. An interdisciplinary care plan is developed and implemented by a licensed hospice in consultation with the facility. Facility staff may provide any nursing service within the scope of their license including 24-hour nursing supervision, and total help with the activities of daily living; and

d. Documentation of the requirements of this subparagraph is maintained in the resident's file.

(6) HEALTH ASSESSMENT. Prior to admission to an ECC program, all persons, including residents transferring within the same facility to that portion of the facility licensed to provide extended congregate care services, must be examined by a physician or advanced registered nurse practitioner pursuant to rule 58A-5.0181. A health assessment conducted within 60 days prior to admission to the ECC program shall meet this requirement. Once admitted, a new health assessment must be obtained at least annually.

(7) SERVICE PLANS.

(a) Prior to admission the extended congregate care supervisor shall develop a preliminary service plan which includes an assessment of whether the resident meets the facility's residency criteria, an appraisal of the resident's unique physical and psycho social needs and preferences, and an evaluation of the facility's ability to meet the resident's needs.

(b) Within 14 days of admission the congregate care supervisor shall coordinate the development of a written service plan which takes into account the resident's health assessment obtained pursuant to subsection (6); the resident's unique physical and psycho social needs and preferences; and how the facility will meet the resident's needs including the following if required:

1. Health monitoring;

2. Assistance with personal care services;

3. Nursing services;

4. Supervision;

5. Special diets;

6. Ancillary services;

7. The provision of other services such as transportation and supportive services; and

8. The manner of service provision, and identification of service providers, including family and friends, in keeping with resident preferences.

(c) Pursuant to the definitions of "shared responsibility" and "managed risk" as provided in s. 400.402, F.S., the service plan shall be developed and agreed upon by the resident or the resident's representative or designee, surrogate, guardian, or attorney-in-fact, the facility designee, and shall reflect the responsibility and right of the resident to consider options and assume risks when making choices pertaining to the resident's service needs and preferences.

(d) The service plan shall be reviewed and updated quarterly to reflect any changes in the manner of service provision, accommodate any changes in the resident's physical or mental status, or pursuant to recommendations for modifications in the resident's care as documented in the nursing assessment.

(8) EXTENDED CONGREGATE CARE SERVICES. All services shall be provided in the least restrictive environment, and in a manner which respects the resident's independence, privacy, and dignity.

(a) An extended congregate care program may provide supportive services including social service needs, counseling, emotional support, networking, assistance with securing social and leisure services, shopping service, escort service, companionship, family support, information and referral, assistance in developing and implementing self-directed activities, and volunteer services. Family or friends shall be encouraged to provide supportive services for residents. The facility shall provide training for family or friends to enable them to provide supportive services in accordance with the resident's service plan.

(b) An extended congregate care program shall make available the following additional services if required by the resident's service plan:

1. Total help with bathing, dressing, grooming and toileting;

2. Nursing assessments conducted more frequently than monthly;

3. Measurement and recording of basic vital functions and weight;

4. Dietary management including provision of special diets, monitoring nutrition, and observing the resident's food and fluid intake and output;

5. Assistance with self-administered medications, or the administration of medications and treatments pursuant to a health care provider's order. If the individual needs assistance with self-administration the facility must inform the resident of the qualifications of staff who will be providing this assistance, and if unlicensed staff will be providing such assistance, obtain the resident's or the resident's surrogate, guardian, or attorney-in-fact's informed consent to provide such assistance as required under s. 400.4256, F.S.;

6. Supervision of residents with dementia and cognitive impairments;

7. Health education and counseling and the implementation of health-promoting programs and preventive regimes;

8. Provision or arrangement for rehabilitation services; and

9. Provision of escort services to health-related appointments.

(c) Licensed nursing staff in an extended congregate care program may provide any nursing service permitted within the scope of their license consistent with the residency requirements of this rule and the facility's written policies and procedures, and the nursing services are:

1. Authorized by a health care provider's order and pursuant to a plan of care;

2. Medically necessary and appropriate for treatment of the resident's condition;

3. In accordance with the prevailing standard of practice in the nursing community;

4. A service that can be safely, effectively, and efficiently provided in the facility;

5. Recorded in nursing progress notes; and

6. In accordance with the resident's service plan.

(d) At least monthly, or more frequently if required by the resident's service plan, a nursing assessment of the resident shall be conducted.

(9) RECORDS.

(a) In addition to the records required under rule 58A-5.024, an extended congregate care program shall maintain the following:

1. The service plans for each resident receiving extended congregate care services;

2. The nursing progress notes for each resident receiving nursing services;

3. Nursing assessments; and

4. The facility's ECC policies and procedures.

(b) Upon request, a facility shall report to the department such information as necessary to meet the requirements of s. 400.407(3)(b)9., F.S.

(10) DISCHARGE. If the facility and the resident are unable to agree on a service plan, or if the facility is unable to meet the resident's needs as identified in the service plan, or if the resident no longer meets the criteria for continued residency, the resident shall be discharged in accordance with s. 400.426(8) and 400.428(1), F.S.

Specific Authority 400.407, 400.441 FS. Law Implemented 400.402, 400.407, 400.4255, 400.426, 400.428, 400.441 FS. History--New 9-30-92, Formerly 10A-5.030, Amended 10-30-95, 6-2-96, 4-20-98,_____.

(Substantial rewording of Rule 58A-5.031 follows. See Florida Administrative Code for present text.)

58A-5.031 Limited Nursing Services.

Any facility intending to provide limited nursing services as described in subsection (1) must meet the license requirements specified in s. 400.407, F.S., and obtain a license from the agency in accordance with rule 58A-5.014.

(1) NURSING SERVICES. A facility with a limited nursing license may provide the following nursing services in addition to any nursing service permitted under a standard license pursuant to s. 400.4255, F.S.

(a) Conducting passive range of motion exercises.

(b) Applying ice caps or collars.

(c) Applying heat, including dry heat, hot water bottle, heating pad, aquathermia, moist heat, hot compresses, sitz bath and hot soaks.

(d) Cutting the toenails of diabetic residents or residents with a documented circulatory problem if the written approval of the resident's health care provider has been obtained.

(e) Performing ear and eye irrigations.

(f) Conducting a urine dipstick test.

(g) Replacement of an established self-maintained indwelling urinary catheter, or performance of an intermittent urinary catheterizations.

(h) Performing digital stool removal therapies.

(i) Applying and changing routine dressings that do not require packing or irrigation, but are for abrasions, skin tears and closed surgical wounds.

(j) Care for stage 2 pressure ulcers. Care for stage 3 or 4 pressure ulcers are not permitted under this rule.

(k) Caring for casts, braces and splints. Care for head braces, such as a halo is not permitted under this rule.

(l) Conduct nursing assessments if conducted by a registered nurse or under the direct supervision of a registered nurse.

(m) For hospice patients, providing any nursing service permitted within the scope of the nurse's license including 24-hour nursing supervision.

(2) RESIDENT CARE STANDARDS.

(a) A resident receiving limited nursing services in a facility holding only a standard and limited nursing license must meet the admission and continued residency criteria specified in rule 58A-5.0181.

(b) In accordance with rule 58A-5.019, the facility must employ sufficient and qualified staff to meet the needs of residents requiring limited nursing services based on the number of such residents and the type of nursing service to be provided.

(c) Limited nursing services may only be provided as authorized by a health care provider's order, a copy of which shall be maintained in the resident's file.

(d) Facilities licensed to provide limited nursing services must employ or contract with a nurse(s) who shall be available to provide such services as needed by residents. The facility shall maintain documentation of the qualifications of nurses providing limited nursing services in the facility's personnel files.

(e) The facility must ensure that nursing services are conducted and supervised in accordance with chapter 464, F.S., and the prevailing standard of practice in the nursing community.

(3) RECORDS.

(a) A record of all residents receiving limited nursing services under this license and the type of service provided, shall be maintained.

(b) Nursing progress notes shall be maintained for each resident who receives limited nursing services.

(c) A nursing assessment conducted at least monthly shall be maintained on each resident who receives a limited nursing service.

Specific Authority 400.402, 400.441 FS. Law Implemented 400.402, 400.407, 400.4255, 400.426, 400.441 FS. History—New 9-30-92, Formerly 10A-5.031, Amended 10-30-95.

(Substantial rewording of Rule 58A-5.033 follows. See Florida Administrative Code for present text.)

58A-5.033 Administrative Enforcement.

Facility staff shall cooperate with agency personnel during surveys, complaint investigations, monitoring visits, implementation of correction plans, license application and renewal procedures and other activities necessary to ensure compliance with part III of chapter 400, F.S., and this rule chapter.

(1) INSPECTIONS.

(a) The agency shall conduct a survey, investigation, or appraisal of a facility:

1. Prior to issuance of a license;

2. Prior to biennial renewal of a license;

3. When there is a change of ownership;

4. To monitor facilities licensed to provide limited nursing or extended congregate care services, or who were cited in the previous year for a class I or class II, or 4 or more uncorrected class III violations;

5. Upon receipt of an oral or written complaint of practices that threaten the health, safety, or welfare of residents;

6. At any time if the agency has reason to believe a facility is violating a provision of part III of chapter 400, F.S., or this rule chapter;

7. To determine if cited deficiencies have been corrected; and

8. To determine if a facility is operating without a license.

(b) The inspection shall consist of full access to and examination of the facility's physical premises and facility records and accounts, and staff and resident records.

(c) Agency personnel may interview facility staff and residents. Interviews shall be conducted privately.

(d) Agency personnel shall respect the private possessions of residents and staff while conducting inspections.

(2) ABBREVIATED SURVEY.

(a) An applicant for license renewal who does not have any class I or class II violations or uncorrected class III violations, confirmed long-term care ombudsman council complaints reported to the agency by the LTCOC, or confirmed licensing complaints within the two licensing periods immediately preceding the current renewal date shall be eligible for an abbreviated biennial survey by the agency. Facilities that do not have two survey reports on file with the agency under current ownership are not eligible for an abbreviated inspection. The agency shall inform the facility that it is eligible for and that an abbreviated survey will be conducted prior to the survey.

(b) Compliance with key quality of care standards described in the following statutes and rules will be used by the agency during its abbreviated survey of eligible facilities:

1. Section 400.426, F.S., and rule 58A-5.0181, relating to residency criteria;

2. Section 400.427, F.S., and rule 58A-5.021, relating to proper management of resident funds and property;

3. Section 400.428, F.S., and rule 58A-5.0182, relating to respect for resident rights;

4. Section 400.441, F.S., and rule 58A-5.0182, relating to the provision of supervision, assistance with ADLs, arrangement for appointments and transportation to appointments, and assistance with or administration of medications;

5. Section 400.441, F.S., and rule 58A-5.019, relating to the provision of sufficient staffing to meet resident needs;

6. Section 400.441, F.S., and rule 58A-5.0191, relating to minimum dietary requirements and proper food hygiene;

7. Section 400.4075, F.S., and rule 58A-5.029, relating to mental health residents' community support living plan;

8. Section 400.407, F.S., and rule 58A-5.030, relating to meeting the environmental standards and residency criteria in a facility with an extended congregate care license; and

9. Section 400.407, F.S., and rule 58A-5.031, relating to the provision of care and staffing in a facility with a limited nursing license.

(c) The agency will expand the abbreviated survey or conduct a full survey for facilities in which significant problems are identified during the abbreviated survey. The facility shall be informed that a full survey will be conducted. If one or more of the following serious problems are identified during an abbreviated survey, a full biennial survey will be immediately conducted:

1. Violations of rule Chapter 4A-40, relating to firesafety, that threaten the life or safety of a resident;

2. Violations relating to staffing standards or resident care standards that adversely affect the health or safety of a resident;

3. Violations relating to facility staff rendering services for which the facility is not licensed; or

4. Violations relating to facility medication practices that are a threat to the health or safety of a resident.

(3) SURVEY DEFICIENCY.

(a) Prior to or in conjunction with a notice of violation issued pursuant to s. 400.419 and chapter 120, F.S., the agency shall issue a statement of deficiency for Class I, II, III, and IV and unclassified violations which are observed by agency personnel during any inspection of the facility. The deficiency statement shall be issued within 10 working days of the agency's inspection and shall include:

1. A description of the deficiency;

2. A citation to the statute or rule violated;

3. A time frame for the correction of the deficiency;

4. A request for a plan of correction which shall include time frame for correction of the deficiency; and

5. A description of the administrative sanction that may be imposed if the facility fails to correct the deficiency within the established time frame.

(b) Additional time may be granted to correct specific deficiencies if a written request is received by the agency prior to the time frame included in the agency's statement.

(c) The facility's plan of correction must be received by the agency within 10 working days of receipt of the deficiency statement and is subject to approval by the agency.

(4) EMPLOYMENT OF A CONSULTANT.

(a) Medication Deficiencies.

1. If a Class I, Class II, or uncorrected Class III deficiency directly relating to facility medication practices as established in rule 58A-5.0185, is documented by agency personnel pursuant to an inspection of the facility, the agency shall notify the facility in writing that the facility must employ, on staff or by contract, the services of a pharmacist licensed pursuant to s. 465.0125, F.S., or registered nurse, as determined by the agency.

2. The initial on-site visit shall take place within 7 working days of the identification of a class I or class II deficiency and within 14 working days of the identification of an uncorrected class III deficiency. The facility shall have available for review by the agency a copy of the pharmacist's or registered nurse's license and a signed and dated recommended corrective action plan no later than 10 working days subsequent to the initial on-site consultant visit.

3. The facility shall provide the agency with, at a minimum, quarterly on-site corrective action plan updates until the agency determines after written notification by the consultant and facility administrator that deficiencies are corrected and staff has been trained to ensure that proper medication standards are followed and that such consultant services are no longer required. The agency shall provide the facility with written notification of such determination.

(b) Dietary Deficiencies.

1. If a Class I, Class II, or uncorrected Class III deficiency directly related to dietary standards as established in rule 58A-5.020 is documented by agency personnel pursuant to an inspection of the facility, the agency shall notify the facility in writing that the facility must employ, on staff or by contract, the services of a registered dietitian or licensed dietitian/nutritionist.

2. The initial on-site consultant visit shall take place within 7 working days of the identification of a class I or class II deficiency and within 14 working days of the identification of an uncorrected class III deficiency. The facility shall have available for review by the agency a copy of the dietitian's license or registration card and a signed and dated dietary consultant's recommended corrective action plan no later than 10 working days subsequent to the initial on-site consultant visit.

3. The facility shall provide the agency with, at a minimum, quarterly on-site corrective action plan updates until the agency determines after written notification by the dietary consultant and facility administrator that deficiencies are

corrected and staff has been trained to ensure that proper dietary standards are followed and that such consultant services are no longer required. The agency shall provide the facility with written notification of such determination.

(5) ADMINISTRATIVE SANCTIONS. Administrative fines may be imposed for class I violations, or class II, III, or IV violations which are not corrected within the time frame set by the agency, and for repeat class II or III violations, as set forth in s. 400.419, F.S.

(a) The agency may impose a fine for unclassified violations which do not meet the criteria for either a Class I, II, III, or IV violation as provided under s. 400.419, F.S., but which are not trivial or are uncorrected. Unclassified violations include, but are not limited to, the following violations:

1. Exceeding licensed capacity except under emergency circumstances as permitted under rule 58A-5.026;
 2. Providing services beyond the scope of the license;
 3. Violation of a moratorium imposed pursuant to this rule;
- or
4. A prohibited solicitation by an agent, employee, owner, or representative of the facility as provided in s. 400.42, F.S.

(b) When an administrative fine payment is returned from the applicant's bank for whatever reason, the agency shall add to the amount due a service fee of \$20 or 5 percent of the face amount of the check, whichever is greater, up to a maximum charge of \$200. Proceeds from this fee shall be deposited in the same agency account as the fine.

(c) Facilities shall be notified by the agency of the imposition of sanctions, their right to appeal the imposition of sanctions, the remedies available, and the time limit for requesting such remedies as provided under chapter 120, F.S., and part II of rule Chapter 59-1.

(6) MORATORIUMS.

(a) An immediate moratorium on admissions to the facility shall be placed on the facility when it has been determined that any condition in the facility presents an immediate or direct threat to the health, safety, or welfare of the residents in the facility. The following conditions are examples of threats constituting grounds for a moratorium:

1. Presence of residents with stage 3 or 4 pressure ulcers;
2. The presence of residents who require 24-hour nursing supervision;
3. Food supply inadequate to provide proper nutrition to residents;
4. Lack of sufficient staff to supervision or meet immediate residents' needs;
5. Notification by the fire marshal or the county health department that conditions exist which pose an imminent threat to residents; or
6. Failure to provide medications as prescribed;

(b) The facility shall be notified of the placing of a moratorium by a telephone call from the appropriate agency area office. The effective date of the moratorium shall be the date a written notification is received by the facility from the area office and which contains the following information:

1. Confirmation of the placement of the moratorium;
2. A detailed explanation of the reasons for placing the moratorium;
3. The criteria which the facility shall be required to meet before the moratorium will be lifted;
4. Directions to contact the appropriate area office when the conditions have been corrected so that an appraisal survey can be conducted; and
5. Advising the facility of their right to request a hearing in accordance with part II of rule chapter 59-1 and chapter 120, F.S.

(c) Moratoriums shall not be lifted until the deficiencies have been corrected and the agency has determined through an appraisal survey that there is no longer any threat to the residents' health, safety, or welfare. The removal of the moratorium will be communicated by a telephone call and confirmed by written notification.

(d) During the moratorium, no new residents or previously discharged residents shall be admitted to the facility. Residents for whom the facility is holding a bed may return to the facility only after being informed that the facility is under a moratorium and with the prior approval of the local agency area supervisor or the supervisor's designee.

(e) When a moratorium is placed on a facility, agency notice of the moratorium shall be posted and visible to the public at the facility until the moratorium is lifted.

Specific Authority ~~400.415, 400.441, 400.442~~ FS. Law Implemented ~~420, 400 Part I, 400.317, 400.407, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.419, 400.4195, 400.42, 400.421, 400.422, 400.427, 400.428, 400.429, 400.431, 400.434, 400.441, 400.442, 400.447, 419, 465.004~~ FS. History--New 9-30-92, Formerly 10A-5.033, Amended 10-30-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Meta Calder

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gema G. Hernandez, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 11, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 1998, November 20, 1998, and January 15, 1999

authorized by the Department of Environmental Protection. All earthen dams for impounding, above natural ground elevation, liquid industrial wastes from phosphate mining and beneficiation processing operations shall be constructed in accordance with a design and set of detailed specifications prepared, sealed and signed by a professional engineer registered in Florida who is competent in the field of dam design, construction and maintenance. Results of field and laboratory tests from an adequate number of test borings and soil samples shall be the basis for computations pertaining to seepage and stability analyses. Construction specifications contained in this rule shall apply to dams on which construction begins after the effective date of the rule. Inspection and maintenance specifications contained in this rule shall apply to all active and retired phosphate industry dams immediately upon the effective date of the rule.

(2) Phosphogypsum Stack Systems. The provisions of rules 62-672.100(2), 62-672.200, and 62-672.600 through 62-672.870 apply to phosphogypsum stack system impoundments in the manner and to the extent set forth therein. The purpose of these rules is to ensure the physical integrity of impoundments used to manage Phosphogypsum and process water generated during the course of production of phosphate fertilizer. These rules establish minimum design, construction, operation, inspection and maintenance requirements to ensure that phosphogypsum stack system impoundments meet critical safety standards and do not cause unplanned releases to the environment. Owners of phosphogypsum stack systems are required to maintain inspection logs and to develop and maintain plans to respond to emergency conditions. All requirements of this rule shall apply upon effective date of this rule except as otherwise provided in specific provisions of this rule.

Specific Authority 403.061(22)(25), 403.4155 FS. Law Implemented 403.061(22)(25), 403.4155 FS. History—Revised 12-8-72, Formerly 17-9.01, 17-9.001, 17-672.100, Amended _____.

62-672.200 Definitions.

(1) 100-Year Rainfall Event – A rainfall event which is characterized by a mean return period of one hundred years, i.e., a rainfall event which has a 99% probability for not being exceeded during any given year.

(2) 100-Year Annual Rainfall – The 100-Year rainfall event representing total annual rainfall of 76 inches.

(1) renumbered (3) No change.

(4) Above-Grade Perimeter Earthen Dike – A perimeter earthen dike that has its design freeboard above the adjacent ground surface.

(2) renumbered (5) No change.

(6) Backup power – Two sources of power not likely to fail simultaneously.

(3) through (6) renumbered (7) through (10) No change.

(11) Department – The Florida Department of Environmental Protection.

(12) Dike – A barrier to the flow of phosphogypsum and process water which is constructed of naturally occurring soil (earthen dike) or of phosphogypsum and which is a component of a phosphogypsum stack system.

(13)(7) Drain – A material more pervious than the surrounding fill ~~dam~~ which allows seepage water to drain freely ~~from the dam~~ while preventing piping or internal erosion of the fill material.

(a) through (c) No change.

(14)(8) Earthen dam or dam – A barrier to the flow of liquids which is constructed of naturally occurring soil and which is a component of a clay settling area.

(15) Earthen dike – A barrier to the flow of phosphogypsum and process water which is constructed of naturally occurring soil and which is a component of a phosphogypsum stack system.

(16) Engineer – An engineer registered in the State of Florida in accordance with Chapter 471, F.S. and with experience in the design, construction, and operation of systems covered by this rule.

(9) renumbered (17) No change.

(18)(40) Freeboard – The height of the lowest point on the dam or dike crest, excluding the emergency spillway, above the highest adjacent liquid surface within the impoundment.

(19) Gypsum dike – The outermost dike constructed within the perimeter formed by a starter dike for the purpose of raising a phosphogypsum stack and impounding phosphogypsum and/or process water. This term specifically excludes any dike inboard of a rim ditch, any partitions separating stack compartments, or any temporary windows placed on the gypsum dike.

(20)(44) Inside (upstream) slope – The face of the dam or dike which will be in contact with the impounded liquids.

(21) Log – A written record maintained by the owner of an earthen dam or a phosphogypsum stack system that contains a schedule of inspections of system components, the findings of such inspections, and any remedial measures taken in response to such findings.

(22) New perimeter earthen dike – A perimeter earthen dike which is the subject of an application for a department permit to construct or laterally expand a phosphogypsum stack system completed after [effective date of rule].

(23) Non-clay phosphate mining impoundments – Above-grade, non-clay phosphate mining/reclamation berms and impoundments such as:

(a) units under reclamation receiving hydraulic fill;

(b) units constructed for impounding stormwater runoff;

(c) structures located in mine cuts that could impound water above grade, and where a failure of such structure could result in a release of waters to waters of the state; and,

(d) perimeter ditch and berm systems that impound water above grade.

(24) Operation plan – The operation plan required by 62-673.340(3).

(25)(42) Outside (downstream) slope – The face of the dam or dike which will not be in contact with the impounded liquids.

(26) Perimeter earthen dike – The outermost earthen dike surrounding a phosphogypsum stack system that has not been closed or any other earthen dike the failure of which could cause a release of process water outside the phosphogypsum stack system.

(27) Phosphogypsum or gypsum – The definition of “phosphogypsum” set forth in rule 62-673.200(13) is adopted and incorporated by reference.

(28) Phosphogypsum stack or stack – The definition of “phosphogypsum stack” set forth in rule 62-673.200(14) is adopted and incorporated by reference.

(29) Phosphogypsum stack system – The definition of “phosphogypsum stack system” set forth in rule 62-673.200(15) is adopted and incorporated by reference.

(30)(43) Phreatic Surface – The upper surface of the water table within the mass of the dam or dike. It would be the elevation of the water surface if an open hole were dug into the dam.

(31)(44) Piping – Progressive erosion of soil or solid material within the dam or dike, starting downstream and working upstream, creating a tunnel into the dam or dike. Piping occurs when the velocity of the flow of seepage water is sufficient for the water to transport material from the embankment.

(32) Process Water – The definition of “process wastewater” set forth in rule 62-673.200(16) is adopted and incorporated by reference.

(33) Qualified Company Employee – An employee trained pursuant to section 62-672.800 specifically in the area of their job duties.

(15) through (17) renumbered (34) through (36) No change.

(37)(48) Settling area – A phosphate mining clay settling area surrounded by dams, embankments, or natural soil masses in which liquids are introduced for the purpose of separating suspended solid matter from water used for transportation of such matter. The area surrounded by dikes, embankments, or natural soil masses into which liquids are introduced for the purpose of separating suspended solid matters from water used for transportation of such matter.

(38) Starter Dike – The initial dike constructed at the base of a phosphogypsum stack to begin the process of storing phosphogypsum.

(39)(49) Tailwater level – The elevation of the water at the downstream toe of the dam or dike.

(40) Third-party engineer – An engineer who is not an employee of any entity that owns or operates a phosphate mine or phosphate fertilizer manufacturing facility.

(41)(20) Toe – The toe of the dam or dike is the junction between the face of the dam or dike and the adjacent terrain.

Specific Authority 403.061(22)(25), 403.4155 FS. Law Implemented 403.061(22)(25), 403.4155 FS. History—Revised 12-8-72, Formerly 17-9.02, 17-9.020, 17-672.200, Amended.

Part I – Phosphate Mining and Beneficiation Operations

62-672.300 Construction of New Dams.

(1) Design.

(a) No change.

(b) Soil testing – A program of soil sampling and testing adequate to determine the characteristics of the foundation material which will support the proposed dam and of the material to be used for construction of the dam shall be performed. Sampling shall include borings and/or in-place samples from the exposed excavation face. All borings shall be logged using a recognized engineering soil classification system, (such as Unified System) with location and depths of all samples recorded on the log. Tests such as including, but not limited to, the determination of in-place densities, shear-strength; and permeabilities of the foundation and embankment soils shall be performed. Tests on foundation soils shall be performed on either undisturbed samples or on the in-place soil. Tests on embankment soils shall be performed on samples remolded to the densities to be used in construction. All soil test data used for design shall be derived from tests performed in compliance with the American Society of Testing Materials, American Association of State Highway Officials, or U.S. Army Corps of Engineers soil testing specifications and procedures.

(c) Cross Section design-There shall be a minimum freeboard of five feet (5') below the inside crest. The outside crest of the top of the dam shall be higher than the inside crest in order to force all crest drainage to the inside of the dam. Both inside and outside slopes shall be no steeper than two horizontal to one vertical. The design shall provide positive seepage control features, such as but not limited to:

1.(i) Cut-off trench in natural soil foundations.

2.(ii) Clay core.

3.(iii) Blanket drain.

4.(iv) Chimney drain and toe drain.

The top of the dam shall include a roadway which will permit wheeled vehicle traffic at all times. The design shall also incorporate an all-weather roadway near the downstream toe which will permit wheeled vehicle traffic around the perimeter of the dam for purposes of inspection of the slope, toe and natural ground beyond the toe, as well as maintenance.

(d) through (e) No change.

(f) If a cast dam is to be constructed where adequate site preparation, as defined in rule Section 62-672.300(2) below, has not been accomplished; or where the fill materials do not

meet the requirements of ~~rule Section~~ 62-672.300(3) below; then the design shall incorporate either of the following alternatives:

(i) through (ii) renumbered 1. and 2. No change.

(g) When the foundation for a cast dam meets the requirements of ~~rule Section~~ 62-672.300(2) and the materials used for the fill meet the requirements of ~~rule Section~~ 62-672.300(3), then the dam shall be designed in accordance with ~~rules Sections~~ 62-672.300(1)(a),(b),(c),(d) and (e); except that the computations of all required safety factors shall be based on only seventy-five percent (75%) of the indicated strengths of the cast materials which are tested at the same density as will exist within the dam.

(2) No change.

(3) Material to be Used – Material used for earthen dams shall be free of stumps, vegetation, trees, palmettos, muck, and other extraneous matter which could affect the compactability, density, permeability, or shear strength of the finished dam. Tailings may be used for dam fill when such a completed dam will meet the seepage and structural requirements in ~~rule Section~~ 62-672.300(1).

(4) No change.

(5) Methods of Construction.

(a) Each new dam shall be constructed to meet or exceed the minimum safety requirements of the specifications and design for that dam. Draglines, drag scrapers, tractor or other appropriate earth moving equipment shall be used to place materials in dam construction. Materials used in rolled dams shall be blended prior to compaction. The soil shall be compacted and density tests shall be performed to ensure that the designed densities are obtained. During dam construction, quality control/quality assurance inspections shall be conducted by the engineer of record or a personal representative under his or her direct supervision. A third-party engineer or his or her representative shall be on site at all times during dam construction and during installation of all spillways. A qualified representative of the design engineer shall be present on the site each working day during construction of a rolled dam or during the shaping and strengthening of a cast dam to ensure that materials and construction methods meet all specifications of the design. The Department of Environmental Protection Regional Engineer shall be advised 48 hours prior to the date on which construction or shaping of a new dam will begin so that a department representative he can inspect the site.

(b) No change.

(i) through (ii) renumbered 1. through 2. No change.

(c) Areas around any water level control structure pipe, any other conduit, or any surface of discontinuity between materials within the mass of the dam shall be carefully installed to avoid potential concentration of seepages. The design of spillway structures associated with earthen dams shall ensure that soils under and around a culvert are uniformly

compacted and are in continuous contact with the external culvert surface. All conduits through dams shall have two or more seepage collars spaced in accordance with good engineering practices pertinent to the material used for the fill. Two collars will be installed within the core when there is a core within a dam. A third-party engineer shall evaluate the potential for piping around culverts and the engineering design shall reduce or eliminate such potential based upon site specific conditions. All pipes and joints in pipes extending through a dam shall be made leakproof and shall be constructed of materials suitable for the fluids carried and the load imposed. The elevation difference of any spillway pipe from its inlet to the outlet at the discharge ditch shall not cause supercritical flow conditions within the culvert. In order to avoid leaks associated with differential settlement, conduits through dams shall not be rigidly supported by piles or piers. Backfill around conduits shall be of a density that is equal to or greater than those of the surrounding embankment. Particular attention shall be devoted to the lower third of the conduit. The engineering design for the construction of a culvert shall require the use of a lean concrete cradle and gravel drain system or a design resulting in an equivalent level of protection.

(6) Documentation.

(a) The owner of an earthen dam shall maintain in a permanent file the following construction records pertaining to said dam. The owner He shall furnish a similar file and certification of completion of construction within 30 days after completion of the dam to the Department for approval. of Environmental Protection Regional Engineer for future reference should it be needed. This approval shall constitute authorization to operate said dam.

(i) through (viii) renumbered 1. through 8. No change.

Specific Authority 403.061(22)(25) FS. Law Implemented 403.061(22)(25) FS. History—Revised 12-8-72, Formerly 17-9.03, 17-9.030, 17-672.300, Amended _____.

62-672.400 Operational Requirements.

(1) Active dams – The water level in a settling area shall not be raised or lowered more than one (1) foot during any twenty-four (24) hour period, except under emergency conditions. The water level shall not be lowered more than five (5) feet per month. Each active settling area shall be inspected as prescribed in ~~rule Section~~ 62-672.500(2). Instrumentation for monitoring of seepage pore pressures within dams shall be installed and operated unless the department has been provided reasonable assurance during the permitting process that such monitoring is unnecessary to ensure dam integrity. New or yet unused spillways shall be placed into operation during the daylight and morning hours when their performance can be effectively monitored by the dam inspectors and waste system operators. Vegetative cover adequate to inhibit wind and water erosion shall be established and maintained on all exposed

surfaces of the dam. Such vegetation shall be maintained sufficiently low to permit visual inspection of the soil surfaces in critical areas outlined in rule Section 62-672.500.

(2) Retired dams – The department shall be notified prior to the retirement of a dam. The vegetative cover on retired dams shall be maintained sufficiently low to permit visual inspection of the soil surfaces in critical areas outlined in rule Section 62-672.500. In addition, the water level control structures in retired dams shall be adjusted to suit the circumstances of storm drainage requirements as the solids concentrations of the impounded liquids becomes progressively higher. Pools of trapped stormwater and/or clarified wastewater shall be drained away from the upstream face of the dam to the greatest extent possible. A dam shall not be considered as retired so long as pools of free water remain in contact with the dam.

Specific Authority 403.061(22)(25) FS. Law Implemented 403.061(22)(25) FS. History—Revised 12-8-72, Formerly 17-9.04, 17-672.040, 17-672.400, Amended.

62-672.500 Inspections.

Personnel or agents of the ~~dDepartment of Environmental Protection~~ may accompany inspectors on any ~~routine~~ inspection required by this rule, or inspect settling areas at any other time which is reasonable under the circumstances involved. They may also examine any ~~routine~~ inspection reports and be furnished copies thereof upon request.

(1) A completed new dam shall be thoroughly inspected prior to the deposition of industrial wastes above ground level behind it. Toe drains, spillways and water level control structures shall be certified by the design engineer as meeting all specifications of the design, and degree of compaction of the fill shall also be certified. Legible photographs, either aerial or ground, may be used to document this initial inspection, but shall not in themselves constitute certification. A complete file describing the items inspected and their condition shall be maintained by the owner, and a copy shall be furnished to the ~~dDepartment of Environmental Protection Regional Engineer~~ prior to the above-grade deposition of industrial wastes behind the dam.

(2) Active dams shall be inspected weekly unless a defect has been disclosed, in which event the defective area of the dam shall be inspected daily until corrective maintenance has cured such defect. Inspections shall be made by competent employees of the owner of the dam who have been trained in accordance with rule 62-672.500(9) instructed and tested by a qualified engineer regarding items to be checked. The findings on each inspection shall be recorded, signed by the inspector, and filed after any necessary corrective action is initiated by supervisory personnel. The inspector shall travel on foot, horseback, or wheeled vehicle suitable for traversing the terrain involved at slow speeds. Dams shall be inspected from the crest and from the toe through the use of all-weather toe roads or

other means of direct inspection from the toe of the dam. Items to be noted on weekly (or daily) inspections shall include, ~~but not limited to:~~

(a) through (f) No change.

(3) Retired dams shall be inspected monthly by a competent employee of the owner of the dam who has been instructed and tested by a qualified engineer regarding items to be checked. The findings on each inspection shall be recorded, signed by the inspector, and filed after any necessary corrective action is initiated by supervisory personnel. Such inspection shall include, ~~but not limited to:~~

(a) through (b) No change.

(c) Determination of seepage characteristic through analyses of infra-red aerial photographs or thermal imagery when surveillance by such means has been proposed by the owner of the dam and approved by the ~~dDepartment of Environmental Protection Regional Engineer~~.

(d) No change.

(4) When a condition as listed in rule Section 62-672.500(7) is suspected found during a weekly or monthly inspection, the inspector shall ensure that a competent technical representative of the dam owner is made aware of the condition immediately. If the existence of the critical condition is confirmed, the department shall be notified immediately. A written report of the condition and the actions proposed for its correction shall be made to the ~~dDepartment of Environmental Protection Regional Engineer~~ within seven (7) days from the time existence of the critical condition is confirmed, at the earliest practicable time. The Regional Engineer may confirm correction of the condition at an appropriate time.

(5) Each active and each retired dam shall be inspected annually by an third-party engineer registered in Florida who is experienced in the field of construction and maintenance of dams. Costs for such inspections shall be borne by owners of the dams. One copy of the report pertaining to such annual inspections shall be furnished to the ~~dDepartment of Environmental Protection Regional Engineer~~, and the original of the report shall be retained by the owner. These inspections shall include, ~~but not be limited to:~~

(a) through (e) No change.

The annual inspection report shall include recommendations and corrective measures taken. If corrective measures are not completed by the time of annual submittal, then follow up inspections shall be conducted by the third-party engineer with quarterly project reports submitted until completion of all corrective measures.

(6) A retired dam which is to be abandoned shall be inspected by an engineer registered in Florida who is competent to determine that no further impoundment is being accomplished by the dam involved and that no further surveillance or maintenance is required. A copy of the final inspection used by the engineer for making his determination as above shall be furnished to the ~~dDepartment of~~

Environmental Protection Regional Engineer, and a copy shall be retained by the owner of the dam. The department shall be notified prior to abandonment of any dam. Costs for such terminal inspections shall be borne by the owners of the dams which are to be abandoned.

(7) No change.

(8) The following items shall be considered as indicating potential trouble areas which should be closely checked on subsequent inspections and repaired as necessary:

(a) through (e) No change.

(9) The owner of a dam shall provide annual training to all dam inspection personnel by an engineer experienced in dam design, construction, operation and inspection, and shall provide training to all appropriate employees in the implementation of the contingency plan required by rule 62-672.550. The owner shall maintain records documenting such training.

(9) renumbered (10) No change.

Specific Authority 403.061(22)(~~25~~) FS. Law Implemented 403.061(22)(~~25~~) FS. History—Revised 12-8-72, Formerly 17-9.05, 17-9.050, 17-672.500, Amended

62-672.550 Contingency Plans.

The owner of a dam shall prepare contingency plans to be followed in the event of a dam failure. Each plan shall include mapping showing areas subject to downstream flooding and a notification of local and state officials. The contingency plans shall be maintained on file for review by the department upon request.

Specific Authority 403.061(22) FS. Law Implemented 403.061(22) FS. History—New

62-672.570 Non-Clay Phosphate Mining Impoundments.

Each owner of a non-clay phosphate mining impoundment shall implement best management practices for such impoundment in accordance with “BMPs for Non-Clay, Phosphate Mining and Reclamation Berms and Impoundments,” dated July 23, 1996, which is adopted and incorporated by reference. Upon request by the department, each such owner shall provide verification of implementation of the foregoing best management practices to representatives of the department’s Bureau of Mine Reclamation during quarterly inspections of affected facilities.

Specific Authority 403.061(22) FS. Law Implemented 403.061(22) FS. History—New

Part II – Phosphogypsum Stack System Impoundments

62-672.600 Construction of New Perimeter Earthen Dikes.

(1) Design.

(a) Site investigation. The general area desired for construction of a perimeter earthen dike shall be carefully inspected by the design engineer prior to selection of the exact location for the dike. Areas of uneven natural subsidence,

sinkholes, pockets of organic matter, or other unstable soils shall be avoided, unless special provisions are made for their mitigation.

(b) Soil testing. The requirements for soil testing set forth in rule 62-672.300(1)(b) are adopted and incorporated by reference.

(c) Cross section design. The design freeboard of an above-grade perimeter earthen dike shall not be less than five (5) feet unless a design freeboard of less than five (5) feet is justified based on results of seepage and stability analyses and wave run-up analyses. However, in no event shall the design freeboard of an above-grade perimeter earthen dike be less than three (3) feet. The crest on the top of the dike shall be graded toward the inside or the outside slope. If the dike exceeds 10 feet in height and crest runoff is directed toward the outside slope, runoff controls shall be used to protect the outside slope against erosion. Both inside and outside slopes shall be no steeper than two and one-half (2.5) horizontal to one (1.0) vertical. Seepage control shall be provided by means of a liner placed on the inside slope of the dike and constructed in accordance with rule 62-673.400. The top of the dike shall include a roadway which will permit wheeled vehicle traffic at all times. The design of the outermost earthen dike shall also incorporate an all-weather roadway near the downstream toe which will permit wheeled vehicle traffic around the perimeter of the dike for purposes of inspection of the slope, toe and natural ground beyond the toe, as well as maintenance.

(d) Stability analysis. A seepage or flow net analysis shall be made, when applicable, for use in the stability analysis. The stability analysis shall consider the minimum fluid level as well as the fluid level at the design freeboard on the upstream slope of the dike, and possible fluctuations of the tail water level.

(e) Design safety factors. The design safety factors set forth in rule 62-672.300(1)(e) are adopted and incorporated by reference.

(2) Site preparation. The site preparation requirements of rule 62-672.300(2) are adopted and incorporated by reference.

(3) Material to be used. The requirements for materials to be used are set forth in rule 62-672.300(3) and are adopted and incorporated by reference.

(4) Process water control design. Conveyance ditches and hydraulic structures located within a phosphogypsum stack system shall have adequate capacity to circulate the process water stream(s), if applicable, and to contain or transfer runoff on the watershed upstream of the water control structures resulting from a storm event generating 12 inches of rainfall in 24 hours while maintaining at the same time the design freeboard of the perimeter earthen dike. If provisions are made to contain some or all of the storm surge resulting from such event within the phosphogypsum stack system upstream from the conveyance system or water control structures, then the transfer capacity of the ditches and structures may be reduced accordingly.

(5) Methods of construction.

(a) Each new dike shall be constructed to meet or exceed the minimum safety requirements of the specifications and design for that dike. Appropriate earthmoving equipment shall be used to place materials in dike construction. The soil shall be compacted and density tests shall be performed to ensure that the designed densities are obtained. A qualified representative of the third-party engineer shall be present on the site during construction of the dike and liner, and during construction and installation of spillways and penetrations through the dike or liner. The department shall be advised of the date on which construction of a new dike will begin so that a department representative can inspect the site.

(b) Areas around any water level control structure pipe, any other conduit, or any surface of discontinuity between materials within the mass of the dike shall be carefully inspected to avoid potential concentration of seepages and to ensure that soils under and around a culvert are uniformly compacted and are in continuous contact with the external culvert surface. All penetrations through the liner on the upstream slope of the dike shall be made using water tight joints or connections and shall be capable of maintaining their integrity under anticipated in-use conditions. All pipes and joints in pipes or conduits extending through a dike shall be made leak proof and shall be constructed of materials suitable for the fluids carried and the load imposed. In order to avoid leaks associated with differential settlement, conduits through dikes shall not be rigidly supported by piles or piers. Backfill around conduits shall be of a density that is equal to or greater than those of the surrounding embankment. Particular attention shall be devoted to the lower third of the conduit.

(6) Documentation. Applicable provisions of the documentation requirements set forth in rule 62-672.300(6) are adopted and incorporated by reference with the following exception. The owner shall furnish a certification of completion of construction within 30 days after completion of the dike. The remaining documents shall be submitted within six (6) months of placing the facility into operation.

Specific Authority 403.4155 FS. Law Implemented 403.4155 FS. History—New _____.

62-672.620 Assessment of Existing Perimeter Earthen Dikes.

(1) Within nine months of [the effective date this rule], the owner of a phosphogypsum stack system shall submit to the department documentation that existing perimeter earthen dikes have either been:

(a) authorized to be constructed or modified by a permit issued by the department in response to an application that addressed freeboard, dike seepage, factors of safety, and slope stability; or

(b) engineered, or retrofitted such that they are deemed by a third-party engineer to be in compliance with the seepage control feature provision of rule 62-672.300(1)(c), the

freeboard provisions of rule 62-672.600(1)(c), and the design factors of safety and slope stability provisions of rule 62-672.600(1)(d) and (e); or

(c) evaluated by a third-party engineer who certifies the safety and stability of the dikes as being adequate.

(2) Within nine months of a final determination that a dike's safety and stability cannot be so verified, the owner shall submit to the department a proposal to upgrade or retrofit the dike to comply with the requirements of rule 62-672.620(1)(b), or to take the dike out of service as soon as practicable but no later than three (3) years from [effective date]. The owner of any such dike shall implement, within nine months of [the effective date of this rule], interim measures recommended by a third-party engineer that will ensure the safety and stability of the dike until such time as it is upgraded or retrofitted or taken out of service. These interim measures must be submitted to the department.

(3) At the time of the assessment required by rule 62-672.620(1), a third-party engineer shall also determine whether the existing system is equipped with process water conveyance/containment capabilities that conform to the design requirements set forth in rule 62-672.600(4). Within one year of a final determination that a system does not meet these design criteria, the owner shall submit to the department a proposal to modify the system to attain compliance. Such modification shall be completed as soon as practicable but not later than three years after [the effective date of this rule] or 18 months after the owner receives all necessary governmental permits or other prior approvals whichever shall later occur.

Specific Authority 403.4155 FS. Law Implemented 403.4155 FS. History—New _____.

62-672.650 Operational Requirements for Perimeter Earthen Dikes.

(1) All perimeter earthen dikes shall be operated so as to maintain the design freeboard in accordance with 62-672.600(1)(c) unless temporary incursions into the freeboard are demonstrated to be safe pursuant to rules 62-672.650(2) or 62-672.870. Each perimeter earthen dike shall be inspected as prescribed in rule 62-672.670. Vegetative cover adequate to inhibit wind and water erosion shall be established and maintained on the outside slope of the dike. Such vegetation shall be maintained sufficiently low to permit visual inspection of the soil surfaces and critical areas outlined in rule 62-672.670.

(2) Temporary Use of Design Freeboard.

(a) To assure system safety and integrity or to reduce the probability of discharge, the department shall approve temporary use of the design freeboard of a perimeter earthen dike upon justification by the owner and review of written documentation prepared by a third-party engineer demonstrating that such use can occur while maintaining the safety and stability of the dike. Any department approval shall include as conditions any specific limitations or other

requirements recommended by the third-party engineer as necessary to maintain dike integrity and shall establish a specific time limit for such use. The third-party engineer shall base their recommendations on:

1. an inspection of the facility;
2. dike design and construction information;
3. results of seepage and stability analyses (including monitoring of seepage pressures within the dike if such monitoring is deemed necessary); and
4. wind surge and wave run-up analyses.

(b) The report by the third-party engineer shall specify conditions under which such use may be authorized, such as:

1. acceptable wind speeds in forecast;
2. acceptable rainfall levels in the forecast;
3. increased inspection frequencies; and
4. weekly monitoring of piezometric levels within the mass of the dike, if and as needed.

(c) No temporary use of the design freeboard pursuant to this section may be authorized unless the facility either:

1. prior to initiation of such temporary use has storage capacity adequate to contain a storm event generating 12 inches of rainfall in 24 hours below the design freeboard fluid level; or,
2. such action has been approved by the department under an action plan submitted pursuant to rule 62-672.780(8).

(d) Fluctuation in freeboard shall not result in activation of emergency overflow spillways.

(e) Changes in water levels during such temporary use shall not be deemed to reach any of the triggers established under 62-672.780.

Specific Authority 403.4155 FS. Law Implemented 403.4155 FS. History--New

62-672.670 Inspection and Maintenance Requirements For Perimeter Earthen Dikes.

(1) Personnel or agents of the department may accompany inspectors on any inspection required by this rule, or inspect perimeter earthen dikes at any other time which is reasonable under the circumstances involved. They may also examine any inspection reports and be furnished copies thereof upon request.

(2) A completed new perimeter earthen dike shall be thoroughly inspected prior to the placement of process water behind it. Spillways and water level control structures shall be certified by the design third-party engineer as meeting all specifications of the design, and degree of compaction of the fill shall also be certified. Legible photographs, either aerial or ground, may be used to document this initial inspection, but shall not in themselves constitute certification. A complete file describing the items inspected and their condition shall be maintained by the owner, and a copy shall be furnished to the department for approval prior to the deposition of process water behind the dike.

(3) All perimeter earthen dikes and water control structures shall be inspected weekly unless a critical condition listed in rule 62-672.670(5) has been disclosed, in which event the defective area of the dike shall be inspected daily until corrective maintenance has cured such defect. Water level elevations and freeboard compliance shall be determined at least every 12 hours. Piezometric water levels within the dike shall be measured quarterly if piezometers have been installed. The inspections shall be made by a qualified company employee or contractor employed or retained by the owner of the dike which employee or contractor has been trained in accordance with rule 62-672.800. The findings of each inspection shall be recorded in a log which log shall be made available to the department upon request.

(4) When a critical condition listed in rule 62-672.670(6) is suspected during an inspection, the inspector shall ensure that a competent technical representative of the dike owner is made aware of the condition immediately. If the existence of the critical condition is confirmed, the department shall be notified immediately. A written report of the condition and the actions proposed for its correction shall be made to the department within seven (7) days from the time existence of the critical condition is confirmed.

(5) Each perimeter earthen dike shall be inspected annually by a third-party engineer with experience in the field of construction and operation of perimeter earthen dikes. One copy of the report pertaining to such an inspection shall be furnished to the department, and the original report shall be retained by the owner. These inspections shall include:

(a) Analyses of seepage or other significant items shown on all aerial photographs of the dike which have been taken for any reason since the date of the last annual inspection.

(b) Condition of soil surfaces and top and slopes of the dike and in areas for fifty feet (50') downstream from the outside toe.

(c) Review of all periodic inspection reports to evaluate the effectiveness of maintenance which was done to the dike during the period since the last annual inspection.

(d) Examination and interpretation of data obtained from any instrumentation installed in the mass of the dike.

(e) Condition of spillway and water level control structures, including all conduits exiting the dike.

The annual inspection report shall include recommendations and corrective measures taken. If corrective measures are not completed by the time of annual submittal, then follow up inspection shall be conducted by the third-party engineer with quarterly project reports submitted until completion of all corrective measures.

(6) Any of the following items shall be considered as indicating a critical condition which requires immediate investigation and may require emergency maintenance action:

(a) Concentrated seepage on the downstream slope, at the toe of slope, or downstream from the toe of slope (e.g., boils, soil cones, springs or deltas).

(b) Evidence of slope instability including sloughing, bulging or heaving of the downstream slope, or subsidence of the dike slope or crest.

(c) Cracking of surface on crest or either face of the dike.

(d) General or concentrated seepage in the vicinity of or around any conduit through the dike.

(e) Observed or suspected damage to the liner system.

(7) The following items shall be considered as indicating potential trouble areas which should be closely checked on subsequent inspections and repaired as necessary:

(a) Abnormal dead vegetation or damp areas on the downstream slope, at the toe of slope, or downstream from the toe of slope that could be indicative of pond water seepage.

(b) Surface erosion, gulying or wave erosion on the upstream slope of the dike.

(c) Surface erosion or gulying on the downstream slope of the dike.

(d) Erosion below any conduit through the dike near or at the toe of slope of the dike.

(8) All logs and reports required under this section shall be retained by the owner of the phosphogypsum stack system for a period of not less than three years from the date of the last entry in the log or from the date of the report.

Specific Authority 403.4155 FS. Law Implemented 403.4155 FS. History--New

62-672.700 Construction of New Phosphogypsum Stacks.

(1) Any new phosphogypsum stack or lateral expansion thereof as defined in rule 62-673.200(9) shall be designed in accordance with the minimum standards of rule 62-673, F.A.C., with an overall factor of safety of 1.5 for any potential failure surface encompassing the impoundment on top of the stack and passing through the gypsum slope or bottom liner interfaces, or extending into earthen material in contact with the bottom liner.

(2) The maximum height of a starter dike for new phosphogypsum stacks or lateral expansions thereof shall be equal to or lower than the height of the associated lined perimeter dike.

Specific Authority 403.4155 FS. Law Implemented 403.4155 FS. History--New

62-672.720 Assessment of Existing Phosphogypsum Stacks.

(1) Within nine months of the effective date of the new rule, the owner of an existing phosphogypsum stack for which a closure permit has not been issued shall provide to the department documentation that the stack has either been:

(a) authorized to be constructed by a permit issued by the department in response to an application that addressed stack stability; or

(b) evaluated by a third-party engineer who certifies the safety and stability of the stack as being adequate.

(2) Within nine months of a final determination that the stability of a stack or stack compartment cannot be so verified the owner shall submit to the department a proposal to upgrade or retrofit the stack or stack compartment to assure safety and stack stability or to develop and implement revised operating procedures that will assure safety and stability. The owner of any such stack shall implement, within nine months of [effective date], interim measures recommended by a third-party engineer that will ensure the safety and stability of the stack or stack compartment until such time as it is upgraded or retrofitted or is made subject to revised operating procedures. These interim measures must be submitted to the department.

Specific Authority 403.4155 FS. Law Implemented 403.4155 FS. History--New

62-672.750 Procedures for Raising Phosphogypsum Stacks. Phosphogypsum stacks shall be raised in accordance with the following minimum standards:

(1) The crest width of each gypsum dike shall not be less than eighteen (18) feet.

(2) When constructing a gypsum dike, the thickness of each gypsum lift shall not exceed five (5) feet.

(3) The overall average exterior slope of the phosphogypsum stack shall be established based on the results of stability analyses previously performed by a third-party engineer to demonstrate or certify that the safety and stability of the stack are adequate throughout the life of the stack. The overall average exterior slope of the phosphogypsum stack shall be no steeper than two (2.0) horizontal to one (1.0) vertical for stacks greater than 50 feet in height.

(4) Except as provided in rule 62-672.750(5), sufficient lengths of the inboard dike, levee, or windrow used to create a rim ditch shall be maintained at a lower elevation than the crest of the associated gypsum dike so that the rim ditch will always discharge inward into a stack settling compartment.

(5) The fluid level in the rim ditch shall not be allowed to rise above the crest elevation of the gypsum dike in the vicinity unless site specific provisions or precautionary measures specifically outlined in the operation plan referred to in rule 62-672.780 are implemented. In no case shall the water level in the settling compartment be allowed to rise above the crest of the gypsum dike.

Specific Authority 403.4155 FS. Law Implemented 403.4155 FS. History--New

62-672.760 Procedures for Decanting Process Water From Top of Phosphogypsum Stack.

The owner of a phosphogypsum stack system, including inactive stacks or temporarily inactive stacks, shall comply with the following requirements for decanting process water from the top of phosphogypsum stacks.

(1) One or more of the following three methods may be used to decant water from the top of an active phosphogypsum stack:

(a) overflow broad crested weir dug in gypsum, such as controlled flow through an open cut;

(b) decant pipe placed in a backfilled cut; or

(c) siphon line or positive pressure line that does not penetrate the gypsum dike.

Any exception to the above shall be specifically approved, on a case-by-case basis, by a third-party engineer and the department. Any exception to the requirements specified in rules 62-672.760(2)-(14) shall be specifically approved, on a case-by-case basis, by a third-party engineer and the department shall be notified of the exception in a timely manner.

(2) The maximum depth of any open cut used to decant water and any cut made to place or remove a decant pipe shall be limited to no more than 10 feet. The depth of cut shall be measured from the top of the fluid level elevation in the rim ditch at the decant location, i.e., from the maximum elevation of the slurry flowing in the rim ditch at any time prior to making the cut. The depth shall be measured to the bottom invert elevation of the decant pipe or open cut beneath the centerline of the gypsum dike.

(3) Each facility shall select a range of bottom widths and side slopes for any cut to be made that are consistent with the site-specific decanting and backfilling procedures adopted by that facility.

(4) The minimum distance from the decant location (within the settling compartment on top of the stack) to the outer edge of any cut on the exterior slope of the stack, measured along the invert of the cut, shall be no less than 40 feet. Moreover, if the distance from the decant location to the outer edge of the cut on the exterior slope is less than 55 feet, either one of the following additional precautionary measures shall be implemented:

(a) the cut made across the inner levee (upgradient from the rim ditch) shall be offset at least 15 feet relative to the cut made across the gypsum dike crest; or

(b) a gypsum "beach" or delta shall be placed or built into the inner settling compartment at the decant location prior to making the cut.

(5) The invert of any cut through a gypsum dike shall be located in material that has been allowed to consolidate and age for no less than 2 weeks.

(6) The centerline of a new decant cut shall be offset a minimum distance of 50 feet from the location of the most recently backfilled cut (i.e., older cut which is no longer being used to decant water).

(7) If an open cut is used to decant water, the depth of water over the broad-crested weir opening shall be controlled at less than 2 feet. If a decant pipe is used, the diameter of the pipe shall be no greater than 30 inches, and the pressure rating of the pipe shall be no less than 50 psi (e.g., for High Density Polyethylene (HDPE) pipes, the Standard Dimension Ratio (SDR) shall be no greater than 32.5; and for Polyvinyl Chloride (PVC) pipes, the pipe Schedule shall be equal to or greater than 40). Moreover, the horizontal section of any decant pipe placed in a backfilled trench shall be extended no less than 2 feet and no more than 5 feet beyond the edge of the cut on the exterior slope of the stack, or the discharge end of the pipe shall be laid along the exterior slope of the stack.

(8) Additional measures for decant pipe.

(a) If a decant pipe is used, and a cut is made to place or remove the pipe, the following precautionary measures shall be implemented prior to making the cut:

1. place a gypsum "beach" or delta into the inner settling compartment extending no less than 30 feet from the inside edge of crest of the inner levee, then lower the water level in the settling compartment below the bottom invert elevation of the decant pipe, and construct a temporary cofferdam on the gypsum beach as an added safety measure; or alternatively,

2. place a gypsum "beach" or delta into the inner settling compartment extending no less than 100 feet from the inside edge of crest of the inner levee, temporarily isolate the compartment where the decant is located to prevent the introduction of additional water or slurry, and construct a temporary gypsum cofferdam as needed to isolate the decant location. The cofferdam shall have a minimum crest width of 20 feet. The excavation shall not be allowed to extend across an imaginary 3.0 Horizontal : 1.0 Vertical line projected from the outside toe of the cofferdam towards the exterior slope of the stack; or alternatively,

3. place a gypsum "beach" or delta into the inner settling compartment extending no less than 500 feet from the inside edge of crest of the inner levee, and temporarily isolate the compartment where the decant is located to prevent the introduction of additional water or slurry.

(b) Once the excavation has progressed below the water level elevation in the settling compartment, the cut shall be completed and the excavation backfilled as expeditiously as possible but no later than within 48 hours.

(9) Prior to backfilling a cut, the exposed gypsum surface shall be scarified (e.g., with the dozer tracks or with the backhoe bucket) as needed to break up and remove any cemented surface crust, if present.

(10) Only moist or wet gypsum may be used in backfilling operations. Dry gypsum shall not be used unless it is moisture-conditioned prior to or during placement. Moreover, gypsum used in backfilling a decant cut shall have an equivalent texture and consistency to freshly sedimented gypsum excavated from the rim ditch.

(11) Backfilling operations shall incorporate one or more of the following construction steps or procedures, as applicable, or other equivalent methods approved by a third-party engineer.

(a) Any open cut through the gypsum dike shall be backfilled with wet or moist gypsum placed in lifts not exceeding 18 inches in thickness, as needed to ensure that the gypsum backfill is in intimate and complete contact with the sides of the cut and with the external surface of the decant pipe, when present.

(b) Either tracked equipment (e.g., dozer) shall be used to roll the surface and compact each lift of moist to wet gypsum, scarifying between lifts as needed; or the bucket of a hydraulic excavator (backhoe) shall be used to place and tamp wet to very wet (e.g., "sluiced" or flowable) gypsum, having a saturated paste consistency, in lifts, scarifying between lifts as needed. The latter method is suited for use in filling all around a decant pipe, when present, provided the pipe is restrained and prevented from being uplifted during any such filling operation.

(c) Construction equipment shall not be allowed to travel directly over any buried decant pipe until a gypsum cover thickness sufficient to prevent damage to the pipe has been placed over the pipe (as approved by a registered professional engineer).

(d) If saturated gypsum has been used in backfilling a cut through the gypsum dike (i.e., wet to very wet gypsum placed and tamped with the bucket of a hydraulic excavator), then the freshly backfilled plug shall be allowed to set for at least 48 hours before the remainder of the cut inboard of the restored outer dike is backfilled with gypsum slurry via the rim ditch, and before water is allowed to flow in the rim ditch across the backfilled cut.

(12) Backfilling of any decant cut through the gypsum dike shall be done during daylight hours only (unless the entire work area is well lighted); and shall be inspected and monitored by a qualified company employee familiar with the specified backfilling procedures.

(13) The placement in service and initial operation of the rim ditch adjacent to any backfilled cut shall be inspected and monitored by a qualified company employee, with periodic monitoring to continue at least once every 12 hours during the first 36 hours after re-activating the area adjacent to the cut. Any of the following items shall be considered as indicative of a potentially critical condition requiring immediate notification of supervisory personnel and performance of more frequent inspections until the situation has stabilized or remedial action

has been implemented: concentrated seepage on the outer face of the backfilled cut, any sign of sediment transport, cracking or subsidence of the exposed surface on the crest and downstream face, and concentrated seepage or boils in the vicinity of a decant pipe.

(14) All inspections shall be documented in writing and the findings shall be recorded, signed by the qualified company employee that conducted the inspection and maintained at the facility for a period of not less than three years.

Specific Authority 403.4155 FS. Law Implemented 403.4155 FS. History- New _____.

62-672.770 Phosphogypsum Stack Inspection And Maintenance.

(1) Personnel or agents of the department may accompany inspectors on any inspection required by this rule, or inspect starter dikes or gypsum dikes at any other time which is reasonable under the circumstances involved. They may also examine any inspection reports and be furnished copies thereof upon request.

(2) A completed new phosphogypsum stack system, including the starter dike, shall be thoroughly inspected prior to the deposition of process water in it. The liner, spillways and water level control structures shall be certified by the design third-party engineer as meeting all specifications of the design, and degree of compaction of the fill shall also be certified. Legible photographs, either aerial or ground, may be used to document this initial inspection, but shall not in themselves constitute certification. A complete file describing the items inspected and their condition shall be maintained by the owner, and a copy shall be furnished to the department.

(3) All stack compartments, including any noted areas containing critical conditions as listed in rule 62-672.770(5) until corrected, shall be inspected daily. Stack slopes, collection ditches, and drain outlets shall be inspected weekly. Flow from drain outlets shall be checked quarterly. The total areal coverage of water on the stack shall be estimated each month and the total water inventory on top of the stack shall be estimated annually. The then current height and elevation of the stack shall be measured and reported annually. The required inspections and estimates shall be carried out by a qualified company employee or contractor employed or retained by the owner of the phosphogypsum stack which employee or contractor has been trained in accordance with rule 62-672.800. The results of the required inspections and estimates shall be recorded in a log which shall be maintained by the owner of the phosphogypsum stack and made available to representatives of the department upon request.

(4) When a critical condition listed in rule 62-672.770(6) is suspected during an inspection, the inspector shall ensure that a competent technical representative of the phosphogypsum stack system owner is made aware of the condition immediately. If the existence of the critical condition is confirmed, the department shall be notified immediately. A

written report of the condition and the actions proposed for its correction shall be made to the department within seven (7) days from the time existence of the critical condition is confirmed.

(5) Each phosphogypsum stack shall be inspected annually by a third-party engineer with experience in the field of construction and operation of phosphogypsum stacks at the same time that the annual inspection of the associated perimeter earthen dike occurs as required by rule 62-672.670. One copy of the report pertaining to such an inspection shall be furnished to the department, and the original report shall be retained by the owner. The report shall include an updated aerial photograph and shall state the area of the top of the stack and the current height or elevation of the stack. The annual inspection report shall include recommendations and corrective measures taken. If corrective measures are not completed by the time of annual submittal, then follow up inspections shall be conducted by the third-party engineer on a quarterly basis with quarterly project reports submitted until completion of all corrective measures.

(6) Any of the following items shall be considered as indicating a critical condition which requires immediate investigation and may require emergency maintenance action:

(a) Concentrated seepage (e.g., springs or boils) on the face of a stack slope, at the toe of the slope, or beyond the toe of slope with active signs of piping at the point of seepage (e.g., a gypsum or soil cone or delta at the point of seepage).

(b) Evidence of slope instability including sloughing, bulging or heaving of the face of the stack or the toe of the slope.

(c) Lateral movement or subsidence of the slope or crest of the stack.

(d) Formation of new non-shrinkage cracks or enlargement of wide cracks in the surface of the slope or crest of the stack.

(e) Observed or suspected damage to the liner system.

(f) Drains discharging turbid water.

(g) Concentrated seepage (i.e., springs or boils) in the vicinity of a decant pipe.

(7) The following items shall be considered as indicating potential trouble areas which should be closely checked on subsequent inspections and repaired as necessary:

(a) Concentrated seepage (e.g., springs or boils) on the face of a stack or at the toe of slope without active signs of piping at the point of seepage.

(b) Previously observed localized sloughing at the toe of slope of the stack.

(c) Previously observed cracks in the surface of the slope or crest of the stack.

(d) Nonflowing drains.

(8) All logs and reports required under this section shall be retained by the owner of the phosphogypsum stack system for a period of not less than three years from the date of the last entry in a log or from the date of the report.

Specific Authority 403.4155 FS. Law Implemented 403.4155 FS. History New

62-672.780 Phosphogypsum Stack System Operation Plans.

The following items shall be included in the operation plan for each phosphogypsum stack system and shall be approved by an engineer experienced in the construction and operation of phosphogypsum stacks:

(1) The method used to raise and operate the stack.

(2) A description of the source and consistency of gypsum used in constructing the gypsum dikes and the method used for shaping and/or rolling the gypsum.

(3) The overall average exterior slope for raising the phosphogypsum stack and the maximum design height of the stack.

(4) The procedures used to assure that pipes used to transport phosphogypsum to the phosphogypsum stack systems and to return process water to the phosphate fertilizer production facilities are operated and maintained in a safe manner.

(5) The procedures used to decant process water from the top of the phosphogypsum stack.

(6) The location of pumps, spillways, and staff gauges.

(7) Provisions that address emergency measures to be taken in the event of mechanical failure of a pump or in the event of a power failure for any portion of a phosphogypsum stack system that relies on pumps or power to operate monitoring equipment or to transfer process water and/or rainfall-runoff from low areas to the main cooling pond. Such emergency provisions may include:

(a) back-up power (e.g. on-site power; diesel generator, etc.) and/or back-up pump which would be activated in the event of electrical or mechanical failure; or

(b) sufficient surge storage capacity or emergency surge capacity within the conveyance system to contain the process water stream(s), if applicable, as well as runoff from a storm event generating 12 inches of rainfall in 24 hours; or

(c) increased inspection frequencies or continuous monitoring (e.g., remote video camera or automatic water level control device tied to a warning system) to provide early warning of an imminent spill prior to its occurrence; and an emergency action plan that would be undertaken to prevent or contain an accidental spill.

(8) A site-specific water management plan updated annually to reflect changes in watershed area and storm surge.

(a) Each plan shall specify a set of specific actions that are put into motion when certain "triggers" are exceeded in the cooling/surge pond system. Each trigger shall correspond to

the storage volume or operating water level(s) needed to contain the storm surge (or a fraction of the storm surge) in the system from a specific design storm (e.g., 12 inches in 24 hours, or the 25-year/24-hour event). If provisions are made to contain the direct rainfall quantity from a storm event generating 12 inches of rainfall in 24 hours in the settling compartments atop the phosphogypsum stack, then the top area of the stack need not be considered in calculating the watershed of the cooling/surge pond system and corresponding storm surge capacity.

1. For facilities that do not have sufficient emergency surge storage capacity to contain a storm event generating 12 inches of rainfall in 24 hours within a department-approved emergency holding pond (EHP), the trigger levels in the cooling/surge pond system shall include:

a. The "action plan" trigger corresponding to the storage volume or operating water level (s) required to contain the rainfall quantity from a storm event generating 12 inches of rainfall in 24 hours. When this level is exceeded for 72 consecutive hours, the owner of the system shall contact the department and present for the department's review a site specific action plan (or refer the Department to a previously submitted site-specific action plan) for process water inventory management and/or consumption.

b. The "may treat" trigger corresponding to the storage volume or operating water level (s) required to contain the 25-year/24-hour storm event. When this trigger is exceeded for 48 consecutive hours, the owner of the system shall notify the department on the next working day and begin implementing activities needed for activating any permitted treatment station(s), or, alternatively, the owner shall undertake actions to increase the available surge storage capacity within the process system which could include reductions in the volume of water reporting to the process water system. The initiation of process water treatment and discharge at this level by facilities that have a department permit to discharge is optional.

c. The "must treat" trigger corresponding to the storage volume or operating water level(s) required to contain one half of the 25-year/24-hour storm event. When this level is reached or exceeded, the owner of the system for which the department has issued a discharge permit shall notify the department in writing by facsimile within 24 hours and begin treatment of process water for reuse or discharge.

2. For facilities that have a department-approved EHP, the storage capacity of the EHP shall be taken into account in establishing the "action plan," "may treat," and "must treat" triggers. When process water is released into the EHP, the owner of the system shall notify the department within 24 hours and immediately begin implementing all measures needed to consume, remove or treat the water from the temporary emergency storage area within the time frame authorized under applicable provisions of rule 62-673.200(15), F.A.C.

(b) Each facility's water management plan shall be site-specific and shall be based on a water balance analysis performed annually which considers occurrence of the 100-year monthly rainfall during September, and total precipitation of 65 inches for the calendar year.

(c) Each facility must maintain records to identify the various "trigger" levels. This record should contain as a minimum a site-specific water balance summary sheet which includes the following elements:

1. water levels in each impoundment area;
2. operating levels and trigger levels of each impoundment area;
3. acreage of each impoundment area;
4. acreage of watershed that contributes to the impoundment area; and
5. available storage capacity at the various operation levels, in inches and acre feet.

Each facility shall also regularly monitor water levels as required elsewhere by this rule as well as be able to demonstrate the water levels and available storage capacity at any time upon the request of the department.

(9) The adequacy of the facility's site-specific action plan and emergency measures shall be based on a five-year water balance analysis which shall be rechecked at five year intervals. The water balance calculations shall be performed for the 5-year period using input rainfall quantities which shall include the 100-year September rainfall, the 100-year annual rainfall, and multi-year rainfall events that have an equivalent probability for not being exceeded during the 5-year period. The annual rainfall quantities shall be distributed amongst the various months, where applicable, in proportion to the long term normal monthly rainfalls. For any facility that has been issued a department permit authorizing the discharge of process water to surface waters of the state and that cannot demonstrate that the storage volume will remain below the "must treat" trigger in such a water balance analysis, the owner shall provide reasonable assurance that treatment systems are in place that will operate at a rate that will avoid overtopping of the perimeter dike, provided, however, that for inactive or temporarily deactivated phosphogypsum stack systems, alternate methods to comply with the intent of this recommendation may be proposed for department approval. Any additional treatment capacity necessary to meet the terms of this recommendation shall be installed within three years of the effective date of this rule or within 18 months of receipt by the owner of all necessary permits or other prior approvals whichever occurs later.

(10) The operation plan for each phosphogypsum stack system shall be modified to comply with all of the provisions of this section by no later than January 1, 2000.

Specific Authority 403.4155 FS. Law Implemented 403.4155 FS. History—
New _____

62-672.800 Training.

The owner of a phosphogypsum stack system shall provide annual training in inspection and operations requirements and contingency plan requirements to appropriate personnel. Newly hired personnel shall receive training prior to engaging in inspection or operations activities addressed by this rule. A training plan consistent with the requirements of this section shall be maintained at each facility and be available for inspection by the department upon request. Records demonstrating that appropriate personnel have received the necessary training shall be maintained by the facility owner for a period of three years.

Specific Authority 403.4155 FS. Law Implemented 403.4155 FS. History--New _____.

62-672.850 Contingency Plans.

The owner of a phosphogypsum stack system shall prepare, by January 1, 2000, and update annually thereafter, a contingency plan to address unplanned releases of process water. The elements of such a plan shall address the applicable elements of the "National Response Team's Integrated Contingency Plan Guidance [61 Fed. Reg. 28,641 (June 5, 1996)] which is incorporated herein by reference and shall demonstrate the ability to mobilize equipment and manpower to respond to emergency situations. The plan shall be maintained at the facility and be available for inspection by the department upon request.

Specific Authority 403.4155 FS. Law Implemented 403.4155 FS. History--New _____.

62-672.870 Emergency Measures.

(1) Temporary use of the design freeboard.

(a) Temporary use of the design freeboard of a perimeter earthen dike shall be authorized during emergency water conditions if such use can occur safely and is necessary to prevent the release of untreated process water. Such use of the freeboard shall only be allowed when a third-party engineer has approved such use and when documentation demonstrating the continued safety and stability of the dike is submitted to the department. Such documentation shall include a listing of any operational limitations or constraints recommended by the third-party engineer as set forth in this section together with confirmation that the owner will comply with such recommendations. The third-party engineer shall base their recommendations on:

1. an inspection of the facility;
2. dike design and construction information;
3. results of seepage and stability analyses (including monitoring of seepage pressures within the dike if such monitoring is deemed necessary); and
4. wind surge and wave run-up analyses.

(b) The report by the third-party engineer shall specify conditions under which such use may be authorized, such as:

1. acceptable wind speeds in forecast;
2. increased inspection frequencies; and
3. weekly monitoring of piezometric levels within the mass of the dike, if and as needed.

(c) The third-party engineer shall reevaluate the facility each time such action is proposed by the owner. The department shall be informed of the proposed use and the engineer's recommendations prior to or within 24 hours of each such occurrence.

(2) If the perimeter earthen dike of the phosphogypsum stack system is an above-grade earthen dike, the system may incorporate an emergency spillway to allow for the controlled release of process water during emergencies and avoid overtopping of the perimeter earthen dike. The spillway shall be located so as to minimize the environmental impact of any release to the extent practicable. This provision shall not be deemed to authorize a discharge from the spillway and shall not be construed to limit the department's exercise of its enforcement discretion in the event that such discharge causes or contributes to a violation of applicable department rules.

(3) Notwithstanding any provision of rule 62-673, the department is authorized to allow the temporary use of unlined emergency diversion impoundments to receive and store discharges of process water through a spillway authorized by rule 62-672.870(2) or by pumping to avoid infringement of the design freeboard where such action will avoid or reduce the discharge of process water to surface waters of the state. Following any such discharge, the owner of the system shall initiate all steps reasonably necessary to remove the process water from the unlined emergency diversion impoundment as expeditiously as practicable. Any department approval under this section or any other department approval of measures designed to mitigate impacts of emergency discharges of process water shall not be construed to limit the department's exercise of its enforcement discretion in the event that such measures cause or contribute to a violation of applicable department rules.

Specific Authority 403.4155 FS. Law Implemented 403.4155 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mimi Drew, Director, Division of Water Facilities

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Struhs, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 1998

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 458.347(7)(b)3. FS.

LAW IMPLEMENTED: 458.347(7)(b)3. FS.

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

TIME AND DATE: 8:30 a.m., April 23, 1999

PLACE: Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0797

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anne Marie Frazee, Attorney, Department of Health General Counsel's Office, 2020 Capital Circle, S. E, Bin # A02, Tallahassee, Florida 32399-1703

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-1.015 Physician Assistant Examination for Graduates of Foreign Medical Schools.

(1) The physician assistant examination for graduates of foreign medical schools shall consist of the following parts:

(a) a general written examination containing 325 questions; and.

(b) a specialty primary care multiple-choice written examination containing 150 questions; and/or.

(c) a specialty surgery multiple-choice written examination containing 150 questions.

(2) In order to be eligible for licensure, the candidate must pass:

(a) the general written examination; and.

(b) either the specialty surgery or primary care written examination.

(3) The minimum passing scores for the examination shall be:

(a) a standardized score of 600 for the general written examination;

(b) a standardized score of 600 for the specialty surgery written examination; and.

(c) a standardized score of 600 for the specialty primary care written examination.

(4) The general written examination shall assess candidate knowledge, and skill in applying knowledge, related to health care functions that physician assistants should be skilled in performing. The examination questions may be drawn from the entire range of physician assistant activities, including, but not limited to, the content area listed below:

<u>(a) Endocrine System</u>	
<u>1. General Skills</u>	<u>2-4%</u>
<u>2. Primary Care</u>	<u>3-5%</u>
<u>3. Surgical Skills</u>	<u>1-3%</u>
<u>(b) Pediatric</u>	
<u>1. General Skills</u>	<u>6-8%</u>
<u>2. Primary Care</u>	<u>5-10%</u>
<u>3. Surgical Skills</u>	<u>1-3%</u>
<u>(c) Nutritional /Metabolism</u>	
<u>1. General Skills</u>	<u>1-3%</u>
<u>2. Primary Care</u>	<u>2-4%</u>
<u>3. Surgical Skills</u>	<u>1-2%</u>
<u>(d) Blood and Blood-forming Hematology</u>	
<u>1. General Skills</u>	<u>2-4%</u>
<u>2. Primary Care</u>	<u>3-5%</u>
<u>3. Surgical Skills</u>	<u>1-3%</u>
<u>(e) Head and Neck</u>	
<u>1. General Skills</u>	<u>1-3%</u>
<u>2. Primary Care</u>	<u>2-4%</u>
<u>3. Surgical Skills</u>	<u>2-4%</u>
<u>(f) Eyes</u>	
<u>1. General Skills</u>	<u>1-3%</u>
<u>2. Primary Care</u>	<u>2-3%</u>
<u>3. Surgical Skills</u>	<u>1-3%</u>
<u>(g) Ears</u>	
<u>1. General Skills</u>	<u>1-3%</u>
<u>2. Primary Care</u>	<u>1-3%</u>
<u>3. Surgical Skills</u>	<u>1-3%</u>
<u>(h) Mental Health</u>	
<u>1. General Skills</u>	<u>1-2%</u>
<u>2. Primary Care</u>	<u>1-3%</u>
<u>3. Surgical Skills</u>	<u>0-1%</u>
<u>(i) Nervous System and Sense Organs</u>	
<u>1. General Skills</u>	<u>2-4%</u>
<u>2. Primary Care</u>	<u>3-5%</u>
<u>3. Surgical Skills</u>	<u>4-6%</u>
<u>(j) Circulatory System</u>	
<u>1. General Skills</u>	<u>3-5%</u>
<u>2. Primary Care</u>	<u>4-6%</u>
<u>3. Surgical Skills</u>	<u>8-10%</u>
<u>(k) Respiratory System</u>	
<u>1. General Skills</u>	<u>4-6%</u>
<u>2. Primary Care</u>	<u>4-6%</u>
<u>3. Surgical Skills</u>	<u>3-5%</u>
<u>(l) Digestive System</u>	
<u>1. General Skills</u>	<u>3-5%</u>
<u>2. Primary Care</u>	<u>4-6%</u>
<u>3. Surgical Skills</u>	<u>8-10%</u>
<u>(m) Genitourinary System</u>	
<u>1. General Skills</u>	<u>2-4%</u>

<u>2. Primary Care</u>	<u>2-4%</u>
<u>3. Surgical Skills</u>	<u>4-6%</u>
<u>(n) Gynecology and Pregnancy</u>	
<u>1. General Skills</u>	<u>3-5%</u>
<u>2. Primary Care</u>	<u>4-6%</u>
<u>3. Surgical Skills</u>	<u>5-7%</u>
<u>(o) Skin and Subcutaneous Tissue</u>	
<u>1. General Skills</u>	<u>2-3%</u>
<u>2. Primary Care</u>	<u>2-3%</u>
<u>3. Surgical Skills</u>	<u>2-4%</u>
<u>(p) Musculoskeletal System and Connective Tissue</u>	
<u>1. General Skills</u>	<u>2-4%</u>
<u>2. Primary Care</u>	<u>2-4%</u>
<u>3. Surgical Skills</u>	<u>6-8%</u>
<u>(q) Infectious Diseases</u>	
<u>1. General Skills</u>	<u>10-12%</u>
<u>2. Primary Care</u>	<u>10-20%</u>
<u>3. Surgical Skills</u>	<u>8-10%</u>
<u>(r) Trauma/Emergency</u>	
<u>1. General Skills</u>	<u>4-6%</u>
<u>2. Primary Care</u>	<u>6-8%</u>
<u>3. Surgical Skills</u>	<u>12-15%</u>
<u>(s) Preventative Disease Section</u>	
<u>1. General Skills</u>	<u>1-2%</u>
<u>2. Primary Care</u>	<u>1-2%</u>
<u>3. Surgical Skills</u>	<u>0-1%</u>
<u>(t) Pharmacology</u>	
<u>1. General Skills</u>	<u>5-7%</u>
<u>2. Primary Care</u>	<u>6-10%</u>
<u>3. Surgical Skills</u>	<u>6-10%</u>
<u>(u) Scope of Practice</u>	
<u>1. General Skills</u>	<u>1-3%</u>
<u>2. Primary Care</u>	<u>0%</u>
<u>3. Surgical Skills</u>	<u>0%</u>
<u>(v) Practice Competencies</u>	
<u>1. General Skills</u>	<u>20-22%</u>
<u>2. Primary Care</u>	<u>0%</u>
<u>3. Surgical Skills</u>	<u>0%</u>

(5) The specialty written examination shall assess candidates' knowledge, and skill in applying knowledge, related to health care functions that physician assistants should be skilled performing such as those noted above in paragraphs 64B-1.015(1)(a)-(v), F.A.C., as applied to patient care situations relevant to the appropriate specialty area.

(6) Examination fees shall be \$620 for candidates who want to take the general and one specialty examination and \$700 for candidates who want to take the general and both specialty examinations.

Specific Authority 458.347(7)(b)3. FS. Law Implemented 458.347(7)(b)3. FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tanya Williams, Executive Director, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gloria Crawford Henderson, Director, Division of Medical Quality Assurance
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 29, 1999

**DEPARTMENT OF HEALTH
Board of Occupational Therapy**

RULE TITLE: Fee; Certification of Public Record
RULE NO.: 64B11-5.007

PURPOSE AND EFFECT: The Board has determined that it is necessary to create a new rule which will charge a fee for certification of public record.

SUMMARY: The Board proposes to promulgate a new rule, pursuant to 455.587(7), Florida Statutes, which will charge a fee for certification of public record.

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 FS.

LAW IMPLEMENTED: 455.587(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 Capital Circle, S. E., Bin #05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.007 Fee: Certification of Public Record.
The fee for certification of a public record shall be \$25.00.

Specific Authority 468.204 FS. Law Implemented 455.587(7) FS. History—New

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: February 1, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 19, 1999

The following changes are made to address comments received by the public and the Joint Administrative Procedures Committee:

Paragraphs (d) and (e) of subsection (3) of the rule are amended to read:

(3)(d) If an insure's report to the International Commission investigating unpaid World War II era claims complies with the reporting requirements of section 626.9543, Florida Statutes, and this rule, and a copy of such report is filed with the Department, the report will be accepted as satisfaction of the reporting requirements herein.

(e) If an insurer's report to another state regarding unpaid World War II era claims complies with the reporting requirements of section 626.9543, Florida Statutes, and this rule, and a copy of such report is filed with the Department, the report will be accepted as satisfaction of the reporting requirements herein.

The last sentence in subsection (5) is amended to read:

An insurer that has no information to report may submit its report stating that fact in letter form.

Subsection (6) is amended to add the following sentence to the end of the subsection:

or calculated pursuant to the interest rate adopted by the International Commission investigating the unpaid World War II era claims.

The remainder of the rule reads as previously published.

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE NO.: 3D-30.025
RULE TITLE: Defaults on Sold or Discounted Installment Sales Contracts of Promissory Notes

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 24, No. 18, May 1, 1998, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE NO.: 3D-30.026
RULE TITLE: Charge for Installation and Maintenance of Marker or Monument

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 24, No. 18, May 1, 1998, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF INSURANCE

RULE NO.: 4-137.010
RULE TITLE: Holocaust Victims Insurance Report and Standards of Proof

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 24, No. 43, October 23, 1998, of the Florida Administrative Weekly and will supersede the changes published in Vol. 25, No. 1, January 8, 1999, Florida Administrative Weekly:

DEPARTMENT OF EDUCATION

Division of Community Colleges

RULE NO.: 6H-1.015
RULE TITLE: Committees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 4, January 29, 1999, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-43
RULE CHAPTER TITLE: Regulation of Encroachments Over State Rights of Way
RULE NO.: 14-43.001
RULE TITLE: Regulation of Encroachments Over State Rights of Way

WITHDRAWAL NOTICE

The proposed rule amendment noticed in Vol. 23, No. 20, May 16, 1997, issue of the Florida Administrative Weekly, is hereby withdrawn. An amended notice is being published in this same issue.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Marine Resources

RULE CHAPTER NO.: 62R-7
RULE CHAPTER TITLE: The Comprehensive Shellfish Control Code
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 5, February 5, 1999, issue of the Florida Administrative Weekly:

The Department has made changes to the proposed rule which appeared in the Florida Administrative Weekly, Vol. 25, No. 5, dated February 5, 1999, page 452. Changes were made to the regulation in response to comments made at the public hearing held on March 1, 1999. Changes are included as strike out for deletions, and underline for additions.

Changes to 62R-7.016(10)(1)11. to include the language as a subsection (11) as follows:

~~4-(11)~~ Monitoring records of HACCP plan critical points shall be maintained and reviewed as specified in the firm’s HACCP plan. Records shall be reviewed to ensure that the records are complete and to verify that they document values that are within the critical limits. The review shall occur within one week of the day that the records are made. The records shall be signed and dated by an individual who has received HACCP training.

Changes to 62R-7.016(12) as follows:

(12) Sanitation monitoring records shall be maintained and reviewed for those conditions identified in ~~62R-7.015(1)-(10)~~ 62R-7.015(11) per the schedule of the activity, e.g. daily, weekly, monthly.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NOS.: 64B3-9.001
RULE TITLES: Application Fees
64B3-9.006 Fee for Inactive Status

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 4, of the January 29, 1999, issue of the Florida Administrative Weekly. The changes are being made in response to written comments received from the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. In rule 64B3-9.001(9), the fee shall remain at \$200.

2. In rule 64B3-9.006, the fee shall be change to \$50.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NOS.: 64B17-6.0042
RULE TITLES: Medical Records of Deceased Physical Therapists or Physical Therapist Assistants
64B17-6.0044 Medical Records of Physical Therapists or Physical Therapist Assistants Relocating or Terminating Practice

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 25, of the June 19, 1998, issue of the Florida Administrative Weekly. The changes are being made in response to additional written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting on March 12, 1999, determined that the rules should be changed as follows:

1. In Rule 64B17-6.0042, subsection (1) shall be changed to read, “(1) Each physical therapist or physical therapist assistant engaged in practice, who maintains the responsibility for client/patient medical records, shall ensure that the executor, administrator, personal representative or survivor of such physical therapist or physical therapist assistant shall arrange to maintain those medical records in existence upon the death of the physical therapist or physical therapist assistant for a period of at least two (2) years from the date of the death of the physical therapist or physical therapist assistant.”

2. In Rule 64B17-6.0044, subsection (2) shall be changed to read, “(2) Each physical therapist or physical therapist assistant engaged in practice, who maintains the responsibility for client/patient medical records, shall, when terminating or relocating the practice, notify each client/patient of such termination or relocation. Such notification shall consist of at least causing to be published, in the newspaper of greatest general circulation in each county in which the licensee practices or practiced, a notice which shall contain the date of termination or relocation and an address at which medical records may be obtained. Such notice shall be published no less than 4 times over a period of at least 4 weeks. In addition, the licensee shall place in a conspicuous location in or on the facade of the licensee’s office, a sign, announcing the termination or relocation of the practice. The sign shall be placed at least thirty (30) days prior to the termination or relocation and shall remain until the date of termination or relocation. Both the notice and the sign shall advise the clients/patients of their opportunity to transfer or receive their medical records. Furthermore, each such licensee shall see that client/

patient records are maintained and may be obtained by the client/patient for a minimum of 2 years after the termination or relocation of practice.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Physical Therapy Practice, 2020 Capital Circle, S. E., Bin # C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self -Sufficiency Program

RULE NO.: 65A-1.5061
 RULE TITLE: Eligibility Requirements for Teens (Unwed Minor Parent)

NOTICE OF CHANGE

Notice is hereby given that changes are being made to the rule identified above as published in Vol. 24, No. 48, Florida Administrative Weekly, on November 25, 1998. These changes are the result of comments and material submitted at a public hearing on March 15, 1999, concerning this rule.

The specific changes are as follows:

The title of the rule was published for amendment. That amendment is stricken and the following title amendment substituted for it, “Teen Unwed Minor Parents”.

In paragraph 65A-1.5061(1), the first sentence, following the word “parent” delete the phrase “~~(ages 13 to 19)~~”. In the same paragraph, following the second sentence, insert a new sentence to read, “If the teen parent is not in school but expresses an interest in attending school, the assistance group will be given a ten-day pending period to verify registration and attendance.”

In paragraph 65A-1.5061(2), the first sentence, following the word “eligibility”, the phrase “~~when the teen parent is under 18 years of age or is 18 years of age and in school full time~~” will be deleted and the phrase “using parent-to-child deeming” will replace it. In the same paragraph, the second sentence will be deleted, “~~If the teen parent is 18 years old and not in school or is age 19, not parent-to-child deeming will be used.~~”

A new paragraph 65A-1.5061(1) will be inserted as follows:

“(1) A teen parent is defined as an individual who has a child or children of their own and who meets the definition of a minor child as stated in s. 414.0252, F.S. Participation in an approved program leading to a GED meets full-time student status for this purpose.”

The proposed paragraphs (1) through (3) are renumbered (2) through (4) as a result.

**Section IV
 Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game No. 63 “LUCKY 7’S DOUBLE BINGO”
 RULE NO.: 53ER99-14

SUMMARY OF THE RULE: This emergency rule replaces 53ER99-11. The rule relates to the Instant Game Number 63, “LUCKY 7’S DOUBLE BINGO” for which the Department of the Lottery will start selling tickets on a date determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-14 Instant Bingo Game No. 63, “LUCKY 7’S DOUBLE BINGO.”

(1) Name of Game. Instant Game No. 63, “LUCKY 7’S DOUBLE BINGO.”

(2) Price. LUCKY 7’S DOUBLE BINGO Lottery tickets sell for \$2.00 per ticket.

(3) LUCKY 7’S DOUBLE BINGO Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning LUCKY 7’S DOUBLE BINGO Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any LUCKY 7’S DOUBLE BINGO Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The Caller's Card play symbols are as follows:

INSERT CHART

(5) The Player's Card play symbols are as follows:

INSERT CHART

(6) Determination of Prize Winners. There is one Caller's Card and four Player's Cards numbered 1 through 4 on each LUCKY 7'S DOUBLE BINGO ticket.

(7) The holder of a ticket whose Caller's card numbers match the numbers on one of the four Player's cards in one of the following designs shall be entitled to the prize shown for that design on the card:

(a) Horizontal line of five numbers (or four numbers and "FREE")

(b) Vertical line of five numbers (or four numbers and "FREE")

(c) Diagonal line of five numbers (or four numbers and "FREE")

(d) Four corners

(e) "X" (consisting of eight numbers and "FREE")

(f) "7" pattern

(8) The "D" symbol in the Player's card area is a "FREE" spot.

(9) The holder of a ticket having the "D" symbol exposed in the Player's card area which completes any of the winning patterns on the Player's card shall be entitled to a prize of double the prize shown.

(10) Prize amounts for a particular design are different on each card.

(11) Players may win on one or more cards per ticket.

(12) Prizes which appear in the card play area are: FREE TICKET, \$3, \$7, \$10, \$25, \$77, \$150, \$250, \$777, \$1,000, \$7,777 and \$10,000.

(13) Number and Size of Prizes. The following prizes will be available in the Instant Bingo Game Number 63 LUCKY 7'S DOUBLE BINGO:

(a) Approximately 1,042,838 prizes falling in the cash categories of 63 pools of 120,000 tickets per pool.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 63 LUCKY 7'S DOUBLE BINGO are as follows:

		NUMBER IN 63 POOLS OF 120,000	TICKETS	ODDS
GET BINGO WITH:	WIN:			
LINE - CARD 1	TICKET		756,000	1 in 10.00
LINE - CARD 2	\$3		504,000	1 in 15.00
LINE - CARDS 1, 2	\$3 +			
	TICKET		151,200	1 in 50.00
LINE - CARD 2 + D	\$6		100,800	1 in 75.00
"7" - CARD 1	\$7		50,400	1 in 150.00
"7" - CARD 1 +				
LINE - CARD 2	\$10		50,400	1 in 150.00
LINE - CARD 3	\$10		50,400	1 in 150.00
"7" - CARD 1 +				
LINE - CARD 3	\$17		50,400	1 in 150.00
LINE - CARD 3 + D	\$20		50,400	1 in 150.00
4 CORNERS - CARD 1	\$25		25,200	1 in 300.00
"7" - CARD 1 +				
LINE - CARDS 2 & 4	\$35	3,780		1 in 2,000.00
LINE - CARDS 2, 3 & 4	\$38	2,520		1 in 3,000.00
LINE - CARD 4 + D	\$50	1,890		1 in 4,000.00
"7" - CARD 2	\$77	945		1 in 8,000.00
4 CORNERS - CARDS				
1 & 3 + LINE - CARD 4	\$200	315		1 in 24,000.00
4 CORNERS - CARDS 2				
& 3 + LINE - CARD 4	\$225	63		1 in 120,000.00
"X" - CARD 2	\$250	40		1 in 189,000.00
4 CORNERS - CARD 4	\$250	13		1 in 581,538.46
"X" - CARD 1 + D	\$300	44		1 in 171,818.18
"7" - CARD 3	\$777	10		1 in 756,000.00
"X" - CARD 3	\$1,000	8		1 in 945,000.00
"7" - CARD 4	\$7,777	6		1 in 1,260,000.00
"X" - CARD 4 + D	\$20,000	4		1 in 1,890,000.00

(14) The over-all odds of winning any prize in LUCKY 7'S DOUBLE BINGO Instant Game Number 63 are 1 in 4.20.

(15) This emergency rule replaces 53ER99-11, F.A.C.

Specific Authority 24.105(10)(a),(c),(e), 24.109(1) FS. Law Implemented 24.105(10)(a),(c),(e), 24.109(1) FS. History--New 3-15-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: March 15, 1999

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that on March 4, 1999, the Florida Public Service Commission received a Petition from Peoples Telephone Company, Inc. (Docket No. 990251-TC), seeking waiver of rule 25-24.515(8), Florida Administrative Code. The rule requires that all pay telephone stations allow incoming calls to be received. The location of the pay

telephone station(s) is as follows: Coastal #9032, 5812 15th Street E. Oneco, Bradenton, Florida 34203. Comments on this Petition should be filed with the Commission's Division of Records and Reporting, Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0863, within 14 days of publication of this notice. A copy of the Petition may be obtained from the Commission's Division of Records and Reporting, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0850, or by calling (850)413-6770. For additional information, contact C. Lee Fordham, Division of Legal Services, at 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862, or telephone (850)413-6226.

NOTICE IS HEREBY GIVEN that on March 4, 1999, the Florida Public Service Commission received a Petition from Global Tel*Link Corporation (Docket No. 990255-TC), seeking waiver of Rule 25-4.113(1)(f), Florida Administrative Code. The rule requires five days written notification of termination of telephone services. The collect-only pay telephone stations in question are located in confinement institutions within the State of Florida. Comments on this Petition should be filed with the Commission's Division of Records and Reporting, Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0863, within 14 days of publication of this notice. A copy of the Petition may be obtained from the Commission's Division of Records and Reporting, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0850, or by calling (850)413-6770. For additional information, contact Lee Fordham, Division of Legal Services, at 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862, or telephone (850)413-6226.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on March 1, 1999, the South Florida Water Management District (SFWMD) has received a petition for waiver from Palm Beach County for utilization of works or land of the SFWMD known as the C-18 Canal, Palm Beach County. The petition seeks relief from 40E-6.301(1)(i), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which requires the maximum pipe crown elevation be set at one-half foot below the design water.

A copy of the petition may be obtained from: Juli Triola, (561)682-6268, E-mail: jtriola@sfwmd.gov. The SFWMD will accept comments concerning the petition for 30 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, West Palm Beach, FL 33406, Attn.: Juli Triola, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Variance under Section 120.542, Fla. Stat. (Order), on February 11, 1999 to Miami-Dade County Water and Sewer Department (Miami-Dade County), located at 4200 Salzedo Street, Coral Gables, Florida 33146. Notice of filing of the Petition requesting the variance on January 18, 1999 was published in the Florida Administrative Weekly, Vol. 25, No. 3, on January 22, 1999. This Order provides a variance for operation of the "Northwest Dade Public Water Supply Wellfield" (Northwest Wellfield) in Miami-Dade County, which is currently permitted under Consumptive Use Permit 13-00037-W, as renewed and modified on February 11, 1999. Specifically, the Order grants a variance from Rule 40E-2.301(1)(c), Fla. Admin. Code, implemented under Part II of Chapter 373, Fla. Stat., regarding adverse environmental impacts from consumptive uses of water. The Order sets forth the basis of the Governing Board decision to grant the variance, as follows: 1) The underlying purpose of Section 373.223, Fla. Stat., is met through assurances provided by Miami-Dade County that predicted adverse environmental impacts as a result of continued operation of the Northwest Wellfield will be offset through a mitigation plan delineated in the Order and a Consent Agreement incorporated therein; and 2) The Order granting a variance from the subject rule is necessary to prevent Miami-Dade County from suffering substantial hardship as set forth in Section 120.542, Fla. Stat.

A copy of the Order can be obtained from Cecile Ross at South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406; telephone number (561)682-6343 on Monday through Friday, during the hours of 8:00 a.m. to 5:00 p.m.; or by e-mail at cross@sfwmd.gov.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Health, Bureau of Emergency Medical Services, received a Petition for Waiver on March 11, 1999 from St. Lucie County, Florida.

Applicable Rule: Section 64E-2.030, F.A.C.

Requested Action: To waive that portion of the Florida EMS County Grant Program Manual, January 1998, which requires that emergency medical services county award grant applications be submitted by a date noticed in the Florida Administrative Weekly.

Any interested person or agency may submit written comments on this petition until close of business April 9, 1999. Comments must be addressed to: Ms. Pam Lesley, Sr. Management Analyst, Emergency Medical Services, 2002 Old St. Augustine Road, Building D, Tallahassee, Florida 32301. P. O. EU0568

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on February 24, 1999, a petition from Regenesis Bioremediation Products seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under rule 62-522.300(2)(a), Florida Administrative Code, for the use of a remediation product to enhance the natural biological reductive dechlorination of chlorinated hydrocarbons in ground water. The petition has been assigned OGC case number 99-0344. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Cynthia Christen. Comments must be received no later than 14 days from the date of publication of this notice.

The Department of Environmental Protection has taken action on a petition for variance received from Shell Chemical Company, Lakeland, Florida, on October 13, 1998. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 24, No. 51, dated December 18, 1998. No public comment was received. The petition requested a variance from the zone of discharge prohibition for discharges through wells under rule 62-522.300(2)(a) of the Florida Administrative Code for the use of the remediation product to clean up sites contaminated with hydrocarbons, and specifically to allow a zone of discharge for pH and total dissolved solids within a twenty-five foot radius from the point of discharge for a duration of 365 days. On January 22, 1999, the Department granted a variance to Shell Chemical Company, Lakeland, Florida, in a final order, OGC File No.: 98-2889. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of chapter 62-528 of the Florida Administrative Code; that the extent of the zone of discharge for pH and total dissolved solids shall be a twenty-five foot radius from the point of injection; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifer;

and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions. For a copy of the final order write or call Cynthia Christen, Department of Environmental Protection, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; telephone 850/921-9610.

On March 3, 1999, the Department received a petition for variance under section 120.542 of the Florida Statutes from Indian River County Utilities to obtain a variance from the specific criteria of rule 62-699.311(10) of the Florida Administrative Code. This rule addresses the requirement that the lead/chief operator for a Class A or B treatment plant be on duty for one full shift each duty day.

The petition for variance is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., EST, Monday through Friday, except legal holidays, at the Department of Environmental Protection, Domestic Wastewater Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Telephone (850)488-4524. Any interested person or agency may submit written comments on the petition within 14 days of this notice. Comments should be filed with the Department at the above address.

The Department of Environmental Protection (Department) gives notice of its intent to issue a variance (File No. GAR-FM-CPB-VA) from the provisions of Section 378.209(1), Florida Statutes and paragraph 62C-16.0051(11)(b), Florida Administrative Code, to Cargill Fertilizer, Inc. (Cargill), 3900 Peebles Road, Fort Meade, Florida 33841, to allow a delay in the reclamation of lands disturbed by phosphate mining activities due to a temporary shut down of the mine and the associated lack of reclamation materials.

On January 31, 1997, Cargill initiated a temporary shut down of their Fort Meade Mine. Cargill does not anticipate reopening the mine until 2002. During the temporary shutdown, sand tailings and clay materials will not be available to fill and restore areas mined or created for clay storage to the elevations required in the approved conceptual reclamation plan GAR-FM-CPB. Subparagraph 62C-16.0051(11)(b)2., F.A.C., requires that contouring of all acres mined in a given calendar year be completed no later than 18 months after that calendar year or 18 months after an area is capable of being contoured when additional mining operations, such as waste disposal, occur. Section 378.209(1), F.S., and subparagraph 62C-16.0051(11)(b)4., F.A.C., require that reclamation and restoration be completed within two years of the actual completion of mining operations. As it will not be possible to complete reclamation of all the areas disturbed by mining

activities until mining resumes in 2002, Cargill is seeking approval of a variance to the timing of the completion of reclamation activities.

During the temporary shut down, Cargill will continue reclamation activities by reclaiming those areas that the Department has determined can be reclaimed to meet the requirements of Chapter 62C-16, F.A.C., without additional fill materials, and through active ditching and dewatering of two clay settling areas. As consideration for the granting of the variance on the areas where reclamation will be delayed, Cargill has agreed to post security for the sum of \$10,348,820. Reclamation of the 1,948 acres covered by this variance shall begin by July 2, 2002, unless mining is initiated prior to this date or unless a different schedule is approved by the Department. Failure to complete reclamation through revegetation by July 1, 2004, by a later date approved by the Department, or within two years of the completion of mining operations, whichever is applicable, will result in forfeiture of the security.

The areas included in the proposed variance are located in Sections 13, 14, 23, 24, Township 32, South, Range 24, East, and Sections 18, 19, 20, 21, 28, and 30, Township 32, South, Range 25, East, in Polk County, and Sections 1, 12, and 13, Township 33, South, Range 24, East, and Sections 5, 6, 7, and 8, Township 33, South, Range 25, East in Hardee County.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Mine Reclamation, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760.

This application for a variance will be granted unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57 of the Florida Statutes as provided below. The procedures for petitioning for a hearing are set forth below.

Mediation under Section 120.573 of the Florida Statutes is not available for this proceeding.

A person whose substantial interests are affected by the Department's agency action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application.

Under Rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

In accordance with Rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3) of the Florida Statutes must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;

- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency’s proposed action; and
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency’s proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency’s proposed action.

A petition that does not dispute the material facts on which the Department’s action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, Florida Administrative Code. Under Sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This intent to issue a variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68 of the Florida Statutes, by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Board of Directors of the **Central West Florida Preservation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 7, 1999, 3:00 p.m.
 PLACE: Asolo Theater, Ringling Museum of Art, North Tamiami Trail, Sarasota, FL
 PURPOSE: General Business Meeting

A copy of the agenda may be obtained by writing: Division of Historical Resources, Tampa Regional Office, 1802 East 9th Avenue, Tampa, Florida 33605.

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 Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting to request special assistance.

The **African-American Heritage Advisory Committee** announces the following meeting to which all interested persons are invited.

DATE AND TIME: Thursday, April 15, 1999, 10:00 a.m.
 PLACE: Union Bank, Black Archives Research Center and Museum Extension, Tallahassee, Florida
 PURPOSE: To provide guidance and leadership in the development of cooperative projects by the Black Archives Research Center, the Museum and the Division of Historical Resources to promote a greater knowledge and appreciation of African-American heritage in Florida.

A copy of the agenda may be obtained by writing: Florida African-American Heritage Advisory Committee, Division of Historical Resources, Department of State, The Capitol, Tallahassee, Florida 32399-0250.

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 Chapter 286.26, Florida Statutes, any person with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Florida Folklife Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 9, 1999, 10:00 a.m. – 4:00 p.m.
 PLACE: R. A. Gray Building, Room 307, Tallahassee, FL
 PURPOSE: To review staff reports including an update on the annual Florida Folk Festival.

A copy of the agenda may be obtained by writing: Florida Folklife Council, Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)487-2333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Chapter 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The Board of Directors of the **Historic Pensacola Preservation Board** announce a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 12, 1999, 12:00 noon

PLACE: 330 S. Jefferson Street, Pensacola, FL 32501

PURPOSE: General business meeting

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, 330 S. Jefferson Street, Pensacola, Florida 32501.

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 verbatim recording of the proceedings in order to provide a record for judicial review.

The Board of Directors of **Historic Pensacola, Inc.**, the direct support organization of the Historic Pensacola Preservation Board announce a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 12, 1999, immediately following the meeting of the Historic Pensacola Preservation Board, which will begin at 12:00 noon

PLACE: T. T. Wentworth Museum, 330 S. Jefferson Street, Pensacola, FL 32501

PURPOSE: General business meeting

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, 330 S. Jefferson Street, Pensacola, Florida 32501.

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 verbatim recording of the proceedings in order to provide a record for judicial review.

The **Department of State, Division of Cultural Affairs**, announces the following public meetings, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Thursday, April 8, 1999, 1:00 p.m.

PLACE: Post, Buckley, Shue & Jernigan, 1560 N. Orange Avenue, Winter Park, FL 32789, (850)877-7275

PURPOSE: To hold an Orientation meeting to determine potential artwork sites for Art in State Buildings Projects No. DOT 243373 Florida Turnpike Headquarters, DOT 243374 Turnpike Operations Facility, DOT 243375 Law Enforcement Building, Orlando, Florida.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida, 32399-0250, (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Kirby Mole, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling TTY (850)488-5779.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council, announces public Committee meetings, to which all persons are invited:

COMMITTEE: Governmental Affairs Committee

DATE AND TIME: Wednesday, April 21, 1999, 9:30 a.m. – 11:30 a.m.

PLACE: R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

PURPOSE: To discuss issues and budget request relating to the 1999 Legislative Session.

COMMITTEE: Arts in Education Committee

DATE AND TIME: Wednesday, April 21, 1999, 9:30 a.m. – 11:30 a.m.

PLACE: R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

PURPOSE: Ongoing Committee activities as necessary.

COMMITTEE: Quarterly Assistance/UACAP Committee

DATE AND TIME: Wednesday, April 21, 1999, 2:00 p.m. – Conclusion

PLACE: R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

PURPOSE: To discuss, review and make recommendations regarding the applications received for the Quarterly Assistance Grant and Underserved Arts Communities Assistance Programs.

A copy of the agenda may be obtained by writing: Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250 or by calling Dianne Alborn, Administrative Assistant, (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Dianne Alborn, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council, announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, April 22, 1999 9:30 a.m. – Conclusion

PLACE: R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

PURPOSE: To discuss, review and make recommendations regarding the Division of Cultural Affairs’ programs and grants and to conduct other business as necessary.

A copy of the agenda may be obtained by writing: Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250 or by calling: Dianne Alborn, Administrative Assistant, (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record this meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Dianne Alborn, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Aquaculture Review Council:

DATE AND TIME: April 13, 1999, 10:00 a.m.

PLACE: Collins Building, 2051 East Dirac Drive, Tallahassee, Florida

PURPOSE: To conduct the business of the Committee.

A copy of the agenda may be obtained from: Ms. Joanne McNeely, (850)488-0163

If special accommodations are needed to attend this meeting because of a disability, please contact Kal Knickerbocker as soon as possible.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Florida Forestry Council which is open to all interested persons.

DATE AND TIME: April 22, 1999, 9:30 a.m.

PLACE: Department of Agriculture and Consumer Services, Doyle Conner Building, George Eyster Auditorium, First Floor, Tallahassee, Florida

PURPOSE: Updates on Division of Forestry Programs.

A copy of the agenda may be obtained by contacting: L. Earl Peterson, Director, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Telephone (904)488-4274

DEPARTMENT OF EDUCATION

The State **Board of Nonpublic Career Education** announces a public meeting to which all persons are invited.

DATE AND TIME: March 26, 1999, 9:00 a.m.

PLACE: Double Tree Hotel, 101 S. Adams Street, Tallahassee, Florida 32301

PURPOSE: Consider licenses for appropriate schools, cases for licensure as specified in the agenda and other general Board business.

Any person who decides to appeal a decision of the Board 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: State Board of Nonpublic Career Education, Department of Education, 325 W. Gaines Street, Tallahassee, Florida 32399.

The public is invited to a telephone conference call meeting of the Florida **Board of Regents**.

DATE AND TIME: April 9, 1999, 9:00 a.m.

PLACE: Conference Room, 15th Floor, Florida Education Center, Tallahassee, Florida

PURPOSE: To consider: legislative issues and updates; and other matters pertaining to the State University System.

A copy of the agenda may be obtained by writing: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 325 West Gaines Street, Tallahassee, Florida 32399-1950.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity Programs, (850)487-1896 (Voice), (850)921-2413 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows.

DATE AND TIME: April 8, 1999, 10:00 a.m. (CST)

PLACE: Gardner Seminar Room, Panama City, Florida

PURPOSE: Regular monthly meeting.

Contact person for the meeting is: Dr. Robert L. McSpadden, President.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meetings to which all persons are invited:

THE FLORIDA BUILDING COMMISSION, “the COMMISSION”

DATES AND TIMES: April 12, 1999, 8:00 a.m. – 6:00 p.m.; April 13, 1999, 7:30 a.m. – 4:30 p.m.

PLACE: Holiday Inn International Drive Resort, 6515 International Drive, Orlando, Florida 32819, (407)351-3500

PURPOSE: Meeting of the Florida Building Commission; Meeting of Technical Advisory Committees (TACs) for the development of the Florida Building Code; Meeting of the Accessibility Advisory Council – Accessibility Code Waivers; Meeting of Task Groups for Development of Product Approval and Education Systems to Support the Florida Building Code Certification of Threshold Building Inspectors; Review and action on request for waivers from accessibility requirements.

April 12, 1999

1. Plenary Session of the Commission (Discussion of meeting goals, consideration of the EDA software for wind-load design, consideration of adopting the 1999 National Electrical Code (NEC) prior to year 2001).

2. Meeting of the Accessibility Advisory Council.

3. Meetings of the Code Enforcement, Mechanical, Building Fire, Energy, Accessibility, Technical Advisory Committees, the Education and Product Approval Task Groups to consider Systems Designed and consider Code Modifications.

4. Meeting of the Threshold Building Inspector Certification Committee.

April 13, 1999

1. Meetings of Plumbing/Gas, Building Structural, Electrical/Alarm, Technical Advisory and Committees and Product Approval Task Group.

2. Commission Plenary Session to hear committee reports and take action on committee recommendations.

3. Discussion and consideration on incorporating or correlating portions of the Florida Fire Prevention Code and Life Safety Code with sections of the Florida Building Code for: egress, occupancy criteria, special occupancy requirements, definitions, terminology, types of building construction and requirements for special hazards.

4. Authorization for printing and distribution the first draft of the Florida Building Code and discussion of Glitch Bill.

5. Discussion of May meeting planning retreat and May code workshops.

6. Review and action on requests for waivers from accessibility requirements.

Waivers are: American Tool & Mold, Inc.; Graphics Systems, Inc.; AMC 20 Fashion Mall Theater; Abacoa Town Center, Phase II; Country Club Commons Shopping Center; Safe & Sound Storage; Anchor Academy Preschool; Fire Station No. 4.

7. Public Comments.

A copy of the Committee and Commission meeting agendas may be obtained by sending a request in writing to: Jean Easom, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at these meetings because of a disability or physical impairment should contact Ms. Jean Easom, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** – announces that the Criminal Justice Standards and Training Commission’s Executive Planning Committee is schedule to meet for the purpose of reviewing future direction and project priorities for the criminal justice standards and training system. All parties are invited to attend.

DATE AND TIME: Wednesday, April 14, 1999, 9:00 a.m.

PLACE: Pat Thomas Law Enforcement Academy, Route 1, Box 3250, Havana, FL 32333-9735

PURPOSE: The Executive Planning Committee will be reviewing and discussing issues relating to the training and certification of criminal justice officers.

A copy of the April Executive Planning Committee meeting agenda can be obtained by calling: Jay Preston, (850)410-8658, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489.

Any person requiring special accommodation at this meeting, because of a disability or physical impairment, should contact Jay Preston, (850)410-8658, at least two (2) weeks prior to the meeting.

The **Division of Criminal Justice Standards and Training** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

DATE AND TIME: Tuesday, April 6, 1999, 1:00 p.m. – Open
PLACE: Florida Department of Law Enforcement, Tampa Bay Regional Bureau, 4211 North Lois Avenue, Tampa, Florida 33614

PURPOSE: To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case agenda can be obtained by calling: Brenda S. Miller, (850)410-8648, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Post Office Box 1489, Tallahassee, Florida 32302-1489.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

The **Criminal Justice Professionalism Program** announces the following meetings: Quarterly Criminal Justice Standards and Training Commission meeting, Training Center Directors' Committee and Plenary meetings, Criminal Justice Standards and Training Commission Workshop and presentation of Officer Discipline Cases for final disposition. These meetings are held to present to the Criminal Justice Standards and Training Commission any issues relating to standards and training, certification, decertification and record management of law enforcement, correctional and correctional probation officers. All parties are invited to attend.

Training Center Directors' Committee and Plenary Meetings
DATE AND TIMES: Wednesday, May 5, 1999, 8:30 a.m. and 10:00 a.m.

Criminal Justice Standards and Training Commission Workshop
DATE AND TIME: Wednesday, May 5, 1999, 1:00 p.m.

Criminal Justice Standards and Training Commission Meeting
Regular Business Agenda and Officer Discipline cases
DATES AND TIME: Thursday and Friday, May 6-7, 1999, 8:30 a.m. – Open

PLACE: Holiday Inn Beachside Resort, 3841 N. Roosevelt Boulevard, Key West, Florida 33040

TELEPHONE NUMBER FOR HOTEL RESERVATIONS IS: (305)294-2571.

PURPOSE: To conduct a Commission workshop to discuss upcoming issues in detail; to discuss training issues as they relate to upcoming Commission issues on the Commission

business agenda; to conduct regular Commission business regarding funding, standards and training and certification of officers; and to present officer discipline cases to the Commission for final disposition.

COMMISSION MEETING AGENDAS: A copy of the May 1999 Commission Meeting agenda may be obtained by contacting Donna Hunt, (850)410-8615 and a copy of the Officer Discipline Agenda may be obtained by contacting Brenda Miller, (850)410-8648. If you wish to write the Commission for a copy of the above agendas, please write: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt or Brenda Miller. If you wish to call or write for a copy of the Training Center Directors' Association agenda, please call Training Center Director Association Chairman, Ed Mandt, (954)475-6788, Broward Community College, Criminal Justice Institute, 3501 Southwest Davie Road, Fort Lauderdale, Florida 33314.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Donna Hunt, (850)410-8615, at least two (2) weeks prior to the meeting.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation** announces one public meeting of the Freight Stakeholders Task Force Executive Committee, one public meeting of the Highway Subcommittee and one public meeting of the Air Subcommittee which all interested persons are invited.

MEETING: Executive Committee
DATE AND TIME: April 8, 1999, 9:00 a.m. – 11:00 a.m.

PLACE: Crowley American Transport, 9487 Regency Square Boulevard, Jacksonville, FL 32203

MEETING: Highway Subcommittee
DATE AND TIME: April 13, 1999, 11:00 a.m. – 4:00 p.m.

PLACE: Florida Department of Transportation, Orlando Urban Office, 5151 Adanson Street, 2nd Floor, Room A, Orlando, Florida 32804

MEETING: Air Subcommittee
DATE AND TIME: April 16, 1999, 10:00 a.m.

PLACE: Miami International Airport, 7th Floor, Conference Center, 4200 N. W. 21st Street, Miami, FL

PURPOSE: General Business Meetings; Executive Committee and Subcommittees.

A copy of the Agenda for each meeting may be obtained one week in advance by writing: Robert G. Hebert, Jr., Administrator – Ports/Intermodal, Florida Department of Transportation Rail Office, M.S. #25, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in the meetings should advise: Robert G. Hebert, Jr., (850)414-4546.

The **Department of Transportation**, Turnpike District, announces a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, April 27, 1999, Informal Open House – 5:00 p.m., Formal Hearing – 6:00 p.m.

PLACE: River Ridge High School Cafeteria, 11646 Town Center Road, New Port Richey, Florida 34654

PURPOSE: This 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 also being held in accordance with the Federal-aid Highway Act of 1968, as amended, 23 U.S.C. 128, 40 C.F.R. 1500-1508, 23 C.F.R. 771 and 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. This hearing is being held to afford interested persons the opportunity to express their views concerning the preliminary design of the Ridge Road and Suncoast Parkway Interchange, Financial Project Identification Number: 258958-1.

Anyone needing project or Public Hearing information or special accommodations under the Americans with Disabilities Act of 1990, should contact Ms. Catherine Bradley, by telephone (850)488-4671, or by mail at the address listed below. Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Ms. Catherine Bradley, P. E., Project Development Engineer, Florida Department of Transportation, Turnpike District, 1211 Governor's Square Boulevard, Suite 100, Tallahassee, Florida 32301.

The **Department of Transportation**, Turnpike District, announces a public hearing to which all persons are invited.

DATE AND TIME: April 20, 1999, 7:00 p.m.

PLACE: Bronson High School, 350 School Street, Bronson, Florida

PURPOSE: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID: 190568-1, State Project Number 97869-1314 and Work Program Item Number 0150255 otherwise known as the Northern Extension of Florida's Turnpike PD & E Study. The study limits are from U.S. 41 in Marion County west to U.S. 19 in Levy County.

Anyone needing project or Public Hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call telephone number (850)488-4671.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Ms. Catherine Bradley, P. E., Project Development Engineer, Florida Department of Transportation, Turnpike District, 1211 Governor's Square Boulevard, Suite 100, Tallahassee, Florida 32301.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 7, 1999, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C., Third Floor, Tallahassee, Florida

PURPOSE: 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.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a staff workshop to be held in the following matter, to which all interested persons and parties are invited to attend.

UNDOCKETED: Regional Transmission Organizations

DATE AND TIME: Thursday, April 8, 1999, 10:00 a.m.

PLACE: Commission Hearing Room 166, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

PURPOSE: The purpose of this workshop is to continue the study of Florida-specific issues regarding the advisability of establishing a regional Transmission Organization (RTO) or Independent System Operator (ISO) and other related issues.

If you wish to comment but cannot attend the workshop, please file your comments with the Division of Records and Reporting, Gerald L. Gunter Building, 2540 Shumard Oak

Boulevard, Tallahassee, Florida 32399-0850, on or before April 1, 1999, specifically referencing "Undocketed – Regional Transmission Organizations".

A copy of the agenda may be obtained by writing: Director, Division of Records and Reporting, at the address previously noted or by calling (850)413-6770.

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

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 980770-TP – Petition by AT&T Communications of the Southern States, Inc. and d/b/a Connect 'N Save for modification of BellSouth Telecommunications, Inc.'s policies regarding porting of Direct-In-Dial (DID) Numbers.

DATE AND TIME: April 14, 1999, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To permit parties to present testimony and exhibits relative to the petition by AT & T Communications of the Southern States, Inc. and d/b/a Connect 'N Save for modification of BellSouth Telecommunications, Inc.'s policies regarding porting of Direct-In-Dial (DID) Numbers and for such other purposes as the Commission may deem appropriate. At the hearing, all parties shall be given the opportunity to present testimony and other evidence on the issues identified by the parties at the prehearing conference held on March 29, 1999. All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S. and Chapters 25 and 28, F.A.C.

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

The Florida **Public Service Commission** announces that the Section 120.54, Florida Statutes, rulemaking hearing held on March 15, 1999, in Docket No. 981104-EU, will be continued as set out below. All interested persons are invited to attend.

DOCKET NO. 981104-EU – Proposed Amendment of Rule 25-6.049, F.A.C., Measuring Customer Service

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

DATE AND TIME: Wednesday, May 5, 1999, 9:30 a.m.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: A notice of rulemaking was published in the February 19, 1999, edition of the Florida Administrative Weekly, which offered a rulemaking hearing upon request. A rulemaking hearing was requested and was held on March 15, 1999. This rulemaking proceeding will be continued on May 5, 1999. This continuance will enable interested persons to participate in the staff workshop in Docket No. 990188-EI – Generic Investigation into Requirement for Individual Electric Metering by Investor-Owned Electric Utilities Pursuant to Rule 25-6.049(5)(a), F.A.C., prior to closing the record for the rulemaking hearing in Docket No. 981104-EU. In addition, the continuance should allow all participants to address the concerns raised in the hearing request filed by Valencia Condominium Association and Point Management, Inc.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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

DOCKET NO. 980569-PU

RULE TITLES: RULE NOS:

Minimum Filing Requirements for Rate-of-Return Regulated Local Exchange Companies; Commission Designee	25-4.141
Construction and Waivers	25-4.202
Application and Scope	25-6.002
Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee	25-6.043
Non-Firm Electric Service - Terms and Conditions	25-6.0438
Interconnection and Standards	25-17.087
Scope and Waiver	25-24.555
Rules for General Application	25-30.010
Application and Scope	25-30.011
General Information and Instructions Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase	25-30.436

Burden of Proof and Audit Provisions	25-30.450
Staff Assistance in Rate Cases	25-30.455
Staff Assistance in Alternative Rate Setting	25-30.456
Imputation of Contributions-in-Aid-of-Construction	25-30.570
Guidelines for Designing Service Availability Policy	25-30.580

NOTICE OF HEARING

The Public Service Commission notifies all interested persons that a hearing has been requested in the above docket and the date of the hearing will be August 12, 1999. The proposed rule changes were published in the December 31, 1998 Florida Administrative Weekly, Vol. 24, No. 53.

An order will be issued establishing prehearing and hearing procedures to be followed. Persons who intend to participate in this rulemaking proceeding should file a notice of intent to participate with the Division of Records and Reporting by April 15, 1999 in order to receive the prehearing order.

The hearing will be held at the following time and place:

DATE AND TIME: Thursday, August 12, 1999, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL 32399-0862

PERSON TO BE CONTACTED: Christiana Moore, Division of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0852, (850)413-6098.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor** announces a Board Meeting of the **Florida Black Business Investment Board** which has been scheduled as follows. All interested persons are invited.

DATE AND TIME: April 9, 1999, 10:00 a.m. – 2:00 p.m.

PLACE: The Doubletree Hotel, 101 South Adams Street, Tallahassee, FL

PURPOSE: To further discuss the Board's business plan to identify areas for future Board priorities and approve actions taken by the Executive Director and Chairman under delegated authority.

A copy of the agenda may be obtained by contacting: Gregory L. Hobbs, Executive Director, Florida Black Business Investment Board, 1711 S. Gadsden Street, Tallahassee, FL 32301, Telephone (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at this meeting, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting, please notify the FBBIB office at (850)487-4850, at least seven (7) days prior to the meeting. If you are hearing or speech impaired, please contact the Office of the Governor by using the Citizen Service Office, (850)488-4441.

REGIONAL PLANNING COUNCILS

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, April 19, 1999, 9:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, St. Petersburg, Florida 33702

PURPOSE: Area Agency on Aging.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, April 8, 1999, 9:00 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, Florida

PURPOSE: Agency on Bay Management Executive Steering and Subcommittee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, April 12, 1999, 10:00 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., Suite 219, St. Petersburg, FL 33702

PURPOSE: Regular Council Meeting

SUBJECTS TO BE CONSIDERED: Routine Council Business; DRI Development Order Amendment Reports; Local Government Comprehensive Plan Reviews; Aging Policy Committee; Agency on Bay Management; Local Emergency Planning Committee; Chairman's Report.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, April 26, 1999, 9:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, Florida

PURPOSE: IC & R Clearinghouse Review Committee

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 21, 1999, 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

PURPOSE; To discuss the LEPC's ongoing regional hazardous materials activities for FY 1998/99, to review training bids, to discuss the development of a shared facilities reporting database system for the region and to discuss implementation options for the FY 1999 project activities program.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, Florida 33021, (954)985-4416 in Broward, SunCom 473-4416 and 1(800)985-4416 for area codes 305, 561 and 407.

The District XI, **Local Emergency Planning Committee's Training Technical Advisory Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 21, 1999, 9:00 a.m. – 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, FL 33021

PURPOSE: To implement FY 1998-99 USDOT HMEP Training Grant funds by review bids for training and further planning of the for FY 1998-99 planning project.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, or by calling (954)985-4416 in Broward, SunCom 473-4416 and 1(800)985-4416 for area codes 305, 561 and 407

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Department of Labor and Employment Security, Division of Workers' Compensation**, Special Disability Trust Fund Privatization Commission, announces a meeting to which the public is invited.

DATE AND TIME: Friday, April 2, 1999, 8:00 a.m. – 9:30 p.m.

PLACE: 535 John Knox Road, Tallahassee, FL 32399-4101

PURPOSE: The purpose of the meeting is for the RFP team designated by the Commission to review, discuss and revise the RFP's presented at the March 26, 1999 Special Disability Trust Fund Privatization Commission meeting and to prepare for the April 9, 1999 Special Disability Trust Fund Privatization Commission meeting.

For further information regarding the meeting, please contact: Anne Mackenzie or Sarah Selders, (850)488-4896.

Persons with a disability or handicap requiring reasonable accommodations should contact Anne Mackenzie by telephone at least two business days in advance to make appropriate arrangements. If you are hearing or speech impaired, please contact Anne Mackenzie using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The Florida **Department of Labor and Employment Security, Division of Workers' Compensation**, a meeting of the Self-Insurance Customer Council to which the public is invited.

DATE AND TIME: April 16, 1999, 11:00 a.m. – 1:00 p.m.

PLACE: Forrest Building, 2728 Centerview Drive, Room 301-F, Tallahassee, Florida

PURPOSE: To provide a forum for comments from self-insured employers, service companies, labor and the public on issues relating to the regulation of self-insured employers and their employees. Issues to be discussed will be a legislative and work load updates.

For further information regarding this meeting you may contact: W. Warren Mulherin, P. O. Box 5497, Tallahassee, Florida 32314-5497, telephone number (850)487-3591.

Persons with a disability or handicap requiring reasonable accommodation should contact W. Warren Mulherin in writing or by phone at least two business days in advance to make appropriate arrangements. If you are hearing or speech impaired, please contact Mr. Mulherin using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following public meetings to which all persons are invited:

MEETING: Governing Board Workshop
DATE AND TIME: Tuesday, April 13, 1999, 10:00 a.m.
PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177
PURPOSE: Discussion of District informational items and consideration of District business.
DATE AND TIME: Tuesday, April 13, 1999, 1:00 p.m.
MEETING: Regulatory
PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177
PURPOSE: Consideration of permit applications, other regulatory matters and other District business.
DATE AND TIME: Tuesday, April 13, 1999, following the Regulatory meeting
MEETING: Policy Committee
PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177
PURPOSE: Discussion of Policy Committee agenda items followed by committee recommendations to be approved by the full Board.
DATE AND TIME: Tuesday, April 13, 1999, following the Policy Committee meeting
MEETING: Finance Committee
PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177
PURPOSE: Discussion of Finance Committee agenda items followed by committee recommendations to be approved by the full Board.
DATE AND TIME: Tuesday, April 13, 1999, following Finance Committee meeting
MEETING: Facilities/Planning/Construction Committee
PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177
PURPOSE: Discussion of Facilities/Planning/Construction Committee agenda items followed by committee recommendations to be approved by the full Board.
DATE AND TIME: Tuesday, April 13, 1999, following Facilities/Planning/Construction Committee meeting

MEETING: Land Acquisition and Management Committee meeting
PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177
PURPOSE: Discussion of Land Acquisition and Management Committee agenda items followed by committee recommendations to be approved by the full Board.
DATE AND TIME: Tuesday, April 13, 1999, following Land Acquisition and Management Committee meeting
MEETING: Personnel Committee
PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177
PURPOSE: Discussion of personnel agenda items followed by committee recommendations for approval by the full Board.
DATE AND TIME: Tuesday, April 13, 1999, following Personnel Committee
MEETING: Information Technology Committee
PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177
PURPOSE: Discussion of Information Technology agenda items followed by committee recommendations for approval by the full Board.
 Any committee agenda items not acted upon on Tuesday, April 13, 1999, may be considered by the committees on Wednesday, April 14, 1999, 8:00 a.m., prior to the opening of the Governing Board meeting.
DATE AND TIME: Wednesday, April 14, 1999, 9:00 a.m.
MEETING: Public Hearing for land acquisition pursuant to Section 373.139, Florida Statutes
PLACE: District Headquarters, Highway 100, West, Palatka, Florida, 32177
PURPOSE: Public Hearing to consider District acquisition of land.
DATE AND TIME: Wednesday, April 14, 1999, following Public Hearing on land acquisition
MEETING: Governing Board
PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177
PURPOSE: Discussion of District informational items and consideration of District business.
 A copy of the agenda for meetings on April 13 or 14, 1999 may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Governing Board Support Specialist. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is requested to advise the District at least 48 hours before the workshop/hearing/meeting by contacting: Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearing(s), such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** announces the following public meeting to which all persons are invited:
MEETING: Public Hearing

DATE AND TIME: Tuesday, April 20, 1999, 1:00 p.m.

PLACE: Halifax Plantation Club House, 3990 Old Dixie Highway, Ormond Beach, Florida

PURPOSE: Discussion of federal funds administered by the United States Environmental Protection Agency for an alternative water supply development project at Halifax Plantation in Volusia County.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is requested to advise the District at least 48 hours before the hearing by contacting: Carol Taylor, (904)329-4170. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

AGRICULTURAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, April 6, 1999, 11:00 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Bldg. 1, Tampa, Florida

PUBLIC SUPPLY ADVISORY COMMITTEE

DATE AND TIME: Friday, April 16, 1999, 9:30 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Bldg. 1, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Building 1, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida), or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

DATES AND TIMES: April 27, 1999, 9:00 a.m.; continuing April 28, 1999, 9:00 a.m., if necessary

PLACE: Governing Board Room, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899

PURPOSE: The acquisition of certain lands eligible to be considered for funding from the Water Management Lands Trust Fund (Save Our Rivers)/Florida Preservation 2000 Trust Fund which lands are further described as follows:

Part of the Weekiwachee Preserve project comprised of four parcels referred to as SWF Parcel Nos. 15-773-116, 132, 138 and 141 which range in size from approximately 7.5 acres to 720 acres. The parcels are generally located north and south of County Road 550, west of Shoal Line Boulevard (County Road 597) and north and south of Osowaw Boulevard (County Road 595) and east and west of Aripeka Road (County Road 595) in Sections 16, 21, 28, Township 22, South, Range 17, East, Sections 25 and 36, Township 23, South, Range 16, East, in Hernando County, Florida; and

Part of the Myakka River project comprised of two parcels referred to as SWF Parcel Nos. 21-708-119 and 120, consisting of approximately 1,109 and 2,005 acres, respectively. Parcel no. 119 lies east of South Moon Drive, east of the Myakka River along the north and south sides of Interstate 75 in portions of Sections 5, 6, 8 and 9, Township 39 South, Range 20 East. Parcel no. 120 lies south of Interstate 75, bound on the west by the Myakka River and is in portions of Sections 8, 9, 10, 14, 15, 16 and 17, Township 39, South, Range 20, East. Both parcels are in Sarasota County, Florida; and

Part of the Little Manatee River project comprised of nine parcels referred to as SWF Parcel Nos. 11-058-106, 107, 108, 110, 111, 112, 113, 116 and 117 which range in size from approximately 8 acres to 2,195 acres. The parcels are generally located east of U. S. Highway 301 and south of State Road 674 along the Little Manatee River in Sections 27, 31, 32, 33 and 34, Township 32, South, Range 20, East in Hillsborough County, Florida.

Any person deciding to appeal any decision made by the District Governing Board concerning the above-referenced hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

A copy of the agenda or a more specific legal description of the lands proposed for acquisition may be obtained by contacting Fritz H. Musselmann, Land Resources Director, Southwest Florida Water Management District, at the above address.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the Americans With Disabilities Act should contact: Cheryl Hill, (352)796-7211 or 1(800)423-1476 (Florida only), Extension 4452, Fax (352)754-6877, TTD only 1(800)231-6103, Fax Number (352)754-6877, Suncom 663-6877.

The **South Florida Water Management District** announces a public meeting to which all interested persons are invited:

DATE AND TIME: March 26, 1999, 1:00 p.m. – 4:00 p.m.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL

PURPOSE: Meeting of a Sub-Committee of the Lower East Coast Regional Water Supply Plan Advisory Committee to discuss definitions of water resources and water supply development. All interested parties are invited to attend.

A copy of the agendas may be obtained by writing: South Florida Water Management District, 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 Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

For more information, contact: John Mulliken, Project Manager, (561)682-6649.

The **South Florida Water Management District** announces public meetings to which all interested parties are invited and in which all Governing Board members may participate:

COMMITTEE: Executive Council

DATES AND TIME: April 5, 1999; April 26, 1999; May 3, 1999, 9:00 a.m.

COMMITTEE: Executive Management Group

DATES AND TIME: March 29, 1999; April 12, 1999; April 19, 1999; May 10, 1999; May 17, 1999, 10:00 a.m.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: A live broadcast of senior management discussions, with possible participation of Governing Board members.

A copy of the agendas may be obtained by writing: South Florida Water Management District, 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 Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

For additional information, contact: Philip Kochan, (561)682-6857.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: April 2, 1999, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District, Fort Myers Service Center, 2301 McGregor Boulevard, Fort Myers, Florida.

PURPOSE: A meeting of the Lower West Coast Water Supply Plan Advisory Committee to review and gather public input on the development of the Lower West Coast Water Supply Plan. The Plan will project future water demands and plan for water supplies to meet those demands for all or a portion of Hendry, Collier, Glades, Lee and Charlotte Counties through the year 2020. The public is invited.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 34680, 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 Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

For more information, contact: Jim Gross, Planning Department, (561)682-6803.

The **South Florida Water Management District** announces public meetings to which all interested persons are invited:

DATE AND TIME: April 4, 1999, 9:00 a.m.

PLACE: District Headquarters, 3301 Gun Club Road, Building B-50, Conference Room 1, West Palm Beach, Florida

PURPOSE: Meeting of the Evaluation Committee to discuss and tabulate scores of evaluations of proposals submitted in response to Request for Proposals (RFP) C-10711, Kissimmee River Ground Water Sampling.

A copy of the agendas may be obtained by writing: South Florida Water Management District, 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 Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

For additional information, contact: Patrick Ryan, Contract Administrator, (561)682-6757.

The **South Florida Water Management District** announces regular and special public workshops and meetings which may be conducted by means of or in conjunction with communications technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: April 7, 1999, 8:30 a.m.

PLACE: Kissimmee Civic Center, 201 East Dakin Avenue, Kissimmee, Florida

PURPOSE: Governing Board workshop and meeting to discuss and consider District business including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

DATE AND TIME: April 14, 1999, 9:00 a.m.

PLACE: IFAS, Indian River Research & Education Center, 2199 South Rock Road, Fort Pierce, Florida

PURPOSE: Governing Board Workshop and meeting to discuss and consider District business including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

DATE AND TIME: April 14, 1999, 1:00 p.m.

PLACE: Tour departs from Indian River Citrus League, 7925 20th Street, Vero Beach, Florida

PURPOSE: Tour of Upper St. John's Marsh

DATE AND TIME: April 21, 1999, 8:30 a.m.

PLACE: Miami-Dade County Commission Chambers, Stephen P. Clark Government Center, 111 N. W. 1st Street, Miami, Florida

PURPOSE: Special Workshop/meeting for consideration of District business other than regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

DATE AND TIME: May 5, 1999, 8:30 a.m.

PLACE: Plantation Yacht Harbor, 87000 Overseas Highway (MM87), Islamorada (Plantation Key), Florida

PURPOSE: Special Workshop/meeting for consideration of District business other than regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

DATE AND TIME: May 12, 1999, 9:00 a.m.

PLACE: Southwest Florida International Airport, International Training Center, Fort Myers, Florida

PURPOSE: Regular Workshop/meeting for consideration of District business other than regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

DATE AND TIME: May 12, 1999, 1:00 p.m.

PLACE: To be determined

PURPOSE: Possible tour of the Six Mile Cypress Slough

A copy of the agendas may be obtained by writing: South Florida Water Management District, 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 Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Tony Burns, District Clerk, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680, (561)682-6206.

MARINE FISHERIES COMMISSION

The **Marine Fisheries Commission** announces a public workshop regarding the shrimp fishery in Biscayne Bay to which all interested persons are invited.

DATE AND TIME: April 6, 1999, 5:00 p.m. – 8:00 p.m.

PLACE: University of Miami, Rosenthal School of Marine Science, 4600 Rickenbacker Causeway, Miami, Florida

PURPOSE: The Marine Fisheries Commission is interested in receiving public comment regarding the development of a fishery management plan that would result in the removal of the shrimp minimum size limit requirement (or count law)

from the commercial harvest of dead production shrimp within Biscayne Bay. Interested and knowledgeable persons are encouraged to attend and participate in this workshop.

Special accommodations at this meeting for persons with disabling conditions should be requested in writing at least 7 days in advance. Contact: Lisa Rubenstein, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554.

For further information or to receive a copy of the agenda for this workshop, contact: Lee Schlesinger, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554.

DEPARTMENT OF ELDER AFFAIRS

The **State Long-Term Care Ombudsman Council** announces a public meeting for all districts in Florida to which all persons are invited. You may contact the State Long-Term Care Ombudsman Office, (850)488-6190 for further information.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to the Long-Term Care Ombudsman Program.

- DATE AND TIME: April 15, 1999, 8:30 a.m.
- CITY: District One, Pensacola, FL
- DATE AND TIME: April 21, 1999, 10:00 a.m.
- CITY: District Two, Blountstown, FL
- DATE AND TIME: April 15, 1999, 1:00 p.m.
- CITY: District Three-A, Gainesville, FL
- DATE AND TIME: April 8, 1999, 1:00 p.m.
- CITY: District Three-B, Ocala, FL
- DATE AND TIME: April 20, 1999, 12:00 noon
- CITY: District Four, St. Augustine, FL
- DATE AND TIME: April 15, 1999, 1:30 p.m.
- CITY: District Five, Largo, FL
- DATE AND TIME: April 20, 1999, 10:00 a.m.
- CITY: District Six, Tampa, FL
- DATE AND TIME: April 1, 1999, 12:30 p.m.
- CITY: District Seven, Orlando, FL
- DATE AND TIME: April 6, 1999, 11:00 a.m.
- CITY: District Eight, Ft. Myers, FL
- DATE AND TIME: April 19, 1999, 12:30 p.m.
- CITY: District Nine, West Palm Beach, FL
- DATE AND TIME: April 13, 1999, 1:30 p.m.
- CITY: District Ten, Plantation, FL
- DATE AND TIME: April 20, 1999, 1:15 p.m.
- CITY: District Eleven-South, S. Miami, FL
- DATE AND TIME: April 8, 1999, 10:30 p.m.
- CITY: District Eleven-North, N. Miami, FL

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration**, Long Term Care Office announces a meeting of the Nursing Home Advisory Committee.

DATE AND TIME: Thursday, April 1, 1999, 9:00 a.m. – 1:00 p.m.

PLACE: Agency Conference Room I, 2728 Ft. Knox Blvd., Tallahassee, Florida

Anyone needing project or meeting information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address below or call telephone number (850)488-5861.

A copy of the agenda may be obtained by writing: Jim Crochet, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308.

The **Agency for Health Care Administration** would like to announce a meeting to which all persons are invited to attend.

DATE AND TIME: April 14, 1999, 4:00 p.m. – 7:00 p.m. (CST)

PLACE: Chipola Community College’s P.C.A. Center’s Conference Room, Marianna, Florida

PURPOSE: To make recommendations about the legal definition of “rural hospital” in ss. 395.602 and 408.07, Florida Statutes, as referenced in Laws of Florida 98-21.

A copy of the agenda may be obtained by writing: Dehryl McCall, Office of Health Policy, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308, or by telephone at (850)922-5529.

Persons requiring special accommodations due to disability or physical impairment should contact Dehryl McCall, by April 2, 1999.

If anyone requires a transcription of the meeting tapes, it will be at the requestor’s expense.

The **Agency for Health Care Administration** would like to announce a meeting to which all persons are invited to attend.

DATE AND TIME: April 20, 1999, 4:00 p.m. – 7:00 p.m.

PLACE: Suwannee River Water Management District Headquarters, East Highway 90, Live Oak, Florida

PURPOSE: To make recommendations about the legal definition of “rural hospital” in ss. 395.602 and 408.07, Florida Statutes, as referenced in Laws of Florida 98-21.

A copy of the agenda may be obtained by writing: Dehryl McCall, Office of Health Policy, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308, or by telephone (850)922-5529.

Persons requiring special accommodations due to disability or physical impairment should contact Dehryl McCall, by April 9, 1999.

If anyone requires a transcription of the meeting tapes, it will be at the requestor's expense.

The **Agency for Health Care Administration** would like to announce a meeting to which all persons are invited to attend.

DATE AND TIME: May 4, 1999, 4:00 p.m. – 7:00 p.m.

PLACE: Highlands County Department of Health, 7205 South George Boulevard, Sebring, Florida

PURPOSE: To make recommendations about the legal definition of "rural hospital" in ss. 395.602 and 408.07, Florida Statutes, as referenced in Laws of Florida 98-21.

A copy of the agenda may be obtained by writing: Dehryl McCall, Office of Health Policy, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308, or by telephone (850)922-5529.

Persons requiring special accommodations due to disability or physical impairment should contact Dehryl McCall, by April 23, 1999.

If anyone requires a transcription of the meeting tapes, it will be at the requestor's expense.

The **Agency for Health Care Administration** would like to announce a meeting to which all persons are invited to attend.

DATE AND TIME: May 5, 1999, 4:00 p.m. – 7:00 p.m.

PLACE: Mariner's Hospital Conference Room, 91500 Overseas Highway (MM91.5), Tavernier, Florida

PURPOSE: To make recommendations about the legal definition of "rural hospital" in ss. 395.602 and 408.07, Florida Statutes, as referenced in Laws of Florida 98-21.

A copy of the agenda may be obtained by writing: Dehryl McCall, Office of Health Policy, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308, or by telephone (850)922-5529.

Persons requiring special accommodations due to disability or physical impairment should contact Dehryl McCall, by April 23, 1999.

If anyone requires a transcription of the meeting tapes, it will be at the requestor's expense.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a meeting of the Commission for Purchase from the Blind or Other Severely Handicapped to which all persons are invited.

DATE AND TIME: April 7, 1999, 10:00 a.m.

PLACE: Work Oriented Rehabilitation Center, 1100 Jimmy Ann Drive, Daytona Beach, Florida

PURPOSE: Fair market price determination and assignment of the following service contracts and products to qualified agencies for persons with disabilities through the provisions of Section 413.035, Florida Statutes:

Department of Transportation, Carabelle Beach Wayside Park and Carabelle and Sopchoppy Maintenance Yard Offices Janitorial Services Contract; Florida Department of Health, Orange County Health Department Janitorial Services Contract; cloth bulletin boards; drug testing kits; and laser printer cartridges.

Price adjustments of various service contracts and products and other matters related to the business of the Commission are also on the agenda.

Written public comments relative to the above items are invited. Please mail comments to the address below prior to the scheduled meeting.

A copy of the agenda may be obtained by contacting: RESPECT of Florida, 2475 Apalachee Parkway, Suite 205, Tallahassee, Florida 32301-4946, (850)942-0905.

Any person requiring a special accommodation at the meeting because of a disability should call RESPECT, (850)942-0905 at least five (5) workdays prior to the meeting. If you are hearing or speech impaired, please contact RESPECT by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers** announces a Probation Committee, Continuing Education Committee, Application Review Committee and a General Business Meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATES AND TIMES: May 5, 1999, 9:00 a.m. – Committee Meetings. General Business Meeting will begin at conclusion of Committee Meetings; May 6, 1999, 8:00 a.m. – General Business Meeting; May 7, 1999, 8:00 a.m. – General Business Meeting, if necessary

PLACE: Hilton Gardens Inn Tallahassee, 3333 Thomasville Road, Tallahassee, FL 32312

PURPOSE: Board Business

A copy of the agenda may be obtained by writing: Jim Rimes, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Jim Rimes by Thursday, April 22, 1999.

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: April 13, 1999, 8:00 a.m.

PLACE: Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, FL 32207, (904)396-5100.

PURPOSE: General Board and Business meeting

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-2404, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy**, Committee on Continuing Professional Education, announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, May 20, 1999, 9:00 a.m.

PLACE: Via Conference Call

PURPOSE: To review reporting forms and requests for course approval.

If you wish to participate in this meeting or receive a copy of the agenda, please contact: Kim Thompson, Board of Accountancy, 2610 N. W. 43rd Street, Suite 1-A, Gainesville, FL 32606, (352)955-2165, as soon as possible.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public workshop to which all persons are invited:

DATE AND TIME: April 16, 1999, 9:00 a.m.

PLACE: Room A204/A208, Laboratory Complex, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PURPOSE: Rule development workshop for the capacity development program for public drinking water systems.

A copy of the agenda or a copy of the draft rules may be obtained by writing: Virginia Harmon, Drinking Water Section, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, or by calling Virginia Harmon, (850)921-6844.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, April 6, 1999, 7:00 p.m. (EDT)

PLACE: Mount Olive Baptist Church, 8250 County Road 13 (State Road 204), Hastings, Florida 32145

PURPOSE: To present the current management plan for Faver Dykes State Park to the public.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting.

Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 3, Administration, 1800 South Wekiwa Circle, Apopka, Florida 32712.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Wednesday, April 7, 1999, 7:00 p.m. (EDT)

PLACE: Hammock Community Center, 69 Malacompra Road, Palm Coast, Florida 32145

PURPOSE: To present the current management plan for Washington Oaks State Gardens to the public.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting.

Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 3, Administration, 1800 Wekiwa Circle, Apopka, Florida 32712.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group meeting.

DATE AND TIME: Thursday, April 8, 1999, 9:00 a.m. (EDT)
PLACE: Hammock Community Center, 69 Malacompra Road, Palm Coast, Florida 32145

PURPOSE: To discuss the current draft management plan for Faver Dykes State Park.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 3, Administration, 1800 Wekiwa Circle, Apopka, Florida 32712.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group meeting.

DATE AND TIME: Thursday, April 8, 1999, 9:00 a.m. (EDT)
PLACE: Hammock Community Center, 69 Malacompra Road, Palm Coast, Florida 32145

PURPOSE: To discuss the current draft management plan for Washington Oaks State Park.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 3, Administration, 1800 Wekiwa Circle, Apopka, Florida 32712.

DEPARTMENT OF JUVENILE JUSTICE

The **Department of Juvenile Justice** announces a meeting of the Juvenile Justice Standards and Training Commission, to which any interested parties are invited.

DATE AND TIME: April 8, 1999, 8:30 a.m. – 5:00 p.m.
PLACE: The Castle DoubleTree Hotel, 8629 International Drive, Orlando, FL, Telephone number 1(800)952-2785

PURPOSE: Regular meeting to discuss issues related to staff training for juvenile justice programs, as well as future plans for the juvenile justice training system.

A copy of the agenda may be obtained by contacting: Ed Bell, Department of Juvenile Justice, Bureau of Staff Development, 2737 Centerview Drive, Tallahassee, Florida 32399-3100, or call (850)414-2482.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Ed Bell, (850)414-2482. TDD users, please contact the agency through the Florida Relay Service, 1(800)955-8771.

DEPARTMENT OF HEALTH

The **Correctional Medical Authority** announces a meeting of the Mental Health Committee to be held in Tallahassee, Florida. All persons are invited.

DATE AND TIME: April 9, 1999, 10:00 a.m. – 2:00 p.m.
PLACE: CMA Conference Room – 2201, Alexander Building, 2020 Capital Circle, S. E., Tallahassee, FL 32399-1732

PURPOSE: Continued discussion of issues relating to mental health care in the Florida Department of Corrections.

PLEASE NOTE THE ABOVE ADDRESS IS NEW – CMA IS NO LONGER LOCATED AT WASHINGTON SQUARE.

A copy of the agenda may be obtained by writing: Murdina Campbell, Correctional Medical Authority, 2020 Capital Circle, S. E., B-04, Tallahassee, FL 32399-1732 or phone (850)487-3580.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The **Board of Massage Therapy** announces a meeting to which all interested persons are invited to attend.

DATES AND TIMES: Monday, April 12, 1999, 9:00 a.m. or soon thereafter; continuing Tuesday, April 13, 1999, 9:00 a.m., if necessary.

PLACE: The Clarion Hotel, 2101 Dixie Clipper Road, Jacksonville, FL, (904)741-1997.

PURPOSE: Regular Board Business and Disciplinary Matters.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Massage Therapy, (850)488-0595, 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 at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259.

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 **Board of Massage Therapy** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Monday, April 12, 1999, 1:00 p.m. or soon thereafter

PLACE: The Clarion Hotel, 2101 Dixie Clipper Road, Jacksonville, FL, (904)741-1997

PURPOSE: A public meeting of the Probable Cause Panel for reconsiderations. Agenda available on request.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Massage Therapy, (850)488-0595, 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 at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259.

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 Pharmacy**, announces a public meeting to which all persons are invited.

DATES AND TIMES: April 19-20, 1999, 9:00 a.m., Central Daylight Time

PLACE: Hampton Inn Pensacola Beach, Two Via de Luna, Pensacola Beach, Florida

PURPOSE: The Board will conduct disciplinary proceedings and general board business.

The probable cause panel will meet after the April 19, 1999 session.

This meeting is closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered.

A copy of the board agenda and any probable cause materials which are open to the public may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Sharon Knowles, (850)488-7220, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he 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 based.

The **Department of Health, Board of Pharmacy**, announces a public meeting to which all persons are invited.

DATE AND TIME: April 20, 1999, 11:30 a.m., Central Daylight Time

PLACE: Hampton Inn Pensacola Beach, Two Via de Luna, Pensacola Beach, Florida

PURPOSE: The Rules Committee will conduct a meeting to consider Revisions to 64B16-28.850 Special Pharmacy-ESRD and 64B16-28.118 Unit Dose Returns by In-patients.

A copy of the agenda may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Sharon Knowles, (850)488-7220, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he 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 based.

The **Department of Health, Community Environmental Health Advisory Board**, announces a meeting to be held by way of conference telephone hookup.

DATE AND TIME: March 26, 1999, 1:00 p.m.

PLACE: (850)413-9827, Suncom 293-9827

PURPOSE: To conduct general board meeting.

A copy of the agenda may be obtained by writing: Emily J. Wilson, R.S., M.P.H., Department of Health, Environmental Epidemiology, 1000 N. E. 16th Avenue, Box 19, Gainesville, FL 32601, or by calling (352)955-5792.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the Department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 14, Health and Human Services Board announces the following meetings to which all persons are invited.

Alcohol, Drug Abuse and Mental Health Council meeting.

DATE AND TIME: Monday, March 5, 1999, 2:00 p.m.

PLACE: Children and Family Services Office, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: To discuss mental health and substance abuse issues.

Board Executive Committee Meeting.

DATE AND TIME: Thursday, April 8, 1999, 11:30 a.m.

PLACE: Children and Family Services, Administration Office, Conference Room 269, 4720 Old Highway 37, Lakeland, FL

PURPOSE: Develop board agenda.

Child Protection Council meeting.

DATE AND TIME: Thursday, April 8, 1999, 3:30 p.m.

PLACE: Children and Family Services Office, 1055 Highway 17, Bartow, FL

PURPOSE: Discuss foster care, adoptions, family preservation and other children's issues.

Family Care Council meeting.

DATE AND TIME: Monday, April 19, 1999, 6:30 p.m.

PLACE: Children and Family Services Office, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: Address issues relating to services for the developmentally disabled.

Health and Human Services Board Business meeting.

DATE AND TIME: Tuesday, April 20, 1999, 4:30 p.m.

PLACE: Children and Family Services Office, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: Regular board meeting for general business.

For copies of the agenda, further information or persons needing accommodation to participate in these meetings please contact: Patty Harrison, (941)619-4100, Extension 157, 1(800)342-0825 or TDD (941)648-3337.

The Family Preservation and Support Coalition Planning Committee, sponsored by the District 12, **Department of Children and Family Services**, announces the following public meeting to which all persons are invited.

DATE AND TIME: March 25, 1999, 10:00 a.m.

PLACE: Department of Children and Family Services, 210 North Palmetto Avenue, Room 447, Daytona Beach, Florida

PURPOSE: Regular Business Meeting

A copy of the agenda may be obtained by writing: Family Preservation and Support, Department of Children and Family Services, 210 North Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Rose van der Berg.

If you need special accommodations (i.e., assistive listening devices, sign language interpreter, etc.) please notify Rose van der Berg, (904)226-7826, at least 48 hours in advance of the meeting. (Hearing impaired please use Florida Relay 1(800)955-8771.)

The Family Preservation and Support Coalition Child Abuse and Neglect Prevention Committee, sponsored by the District 12, **Department of Children and Family Services**, announces the following public meeting to which all persons are invited.

DATE AND TIME: March 30, 1999, 12:00 noon

PLACE: United Way of Volusia and Flagler Counties, 3747 West International Speedway Blvd., Daytona Beach, Florida

PURPOSE: Regular Business Meeting

A copy of the agenda may be obtained by writing: Family Preservation and Support, Department of Children and Family Services, 210 North Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Rose van der Berg.

If you need special accommodations (i.e., assistive listening devices, sign language interpreter, etc.) please notify Rose van der Berg, (904)226-7826, at least 48 hours in advance of the meeting. (Hearing impaired please use Florida Relay 1(800)955-8771.)

The Family Preservation and Support Coalition Membership Committee, sponsored by the District 12, **Department of Children and Family Services**, announces the following public meeting to which all persons are invited.

DATE AND TIME: March 31, 1999, 9:00 a.m.

PLACE: Domestic Abuse Council, 211 N. Ridgewood Avenue, Daytona Beach, Florida

PURPOSE: Regular Business Meeting

A copy of the agenda may be obtained by writing: Family Preservation and Support, Department of Children and Family Services, 210 North Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Rose van der Berg.

If you need special accommodations (i.e., assistive listening devices, sign language interpreter, etc.) please notify Rose van der Berg, (904)226-7826, at least 48 hours in advance of the meeting. (Hearing impaired please use Florida Relay 1(800)955-8771.)

The Family Preservation and Support Coalition Communities In Action Coalition, sponsored by the District 12, **Department of Children and Family Services**, announces the following public meeting to which all persons are invited.

DATE AND TIME: April 1, 1999, 6:30 p.m.

PLACE: DeLand Family Resource Center, 254 West Voorhis Avenue, DeLand, Florida

PURPOSE: Regular Business Meeting

A copy of the agenda may be obtained by writing: Family Preservation and Support, Department of Children and Family Services, 210 North Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Rose van der Berg.

If you need special accommodations (i.e., assistive listening devices, sign language interpreter, etc.) please notify Rose van der Berg, (904)226-7826, at least 48 hours in advance of the meeting. (Hearing impaired please use Florida Relay 1(800)955-8771.)

The Family Preservation and Support Coalition Executive Committee, sponsored by the District 12, **Department of Children and Family Services**, announces the following public meeting to which all persons are invited.

DATE AND TIME: April 7, 1999, 9:00 a.m.

PLACE: Domestic Abuse Council, 211 N. Ridgewood Avenue, Daytona Beach, Florida

PURPOSE: Regular Business Meeting

A copy of the agenda may be obtained by writing: Family Preservation and Support, Department of Children and Family Services, 210 North Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Rose van der Berg.

If you need special accommodations (i.e., assistive listening devices, sign language interpreter, etc.) please notify Rose van der Berg, (904)226-7826, at least 48 hours in advance of the meeting. (Hearing impaired please use Florida Relay 1(800)955-8771.)

The Family Preservation and Support Coalition Training Committee, sponsored by the District 12, **Department of Children and Family Services**, announces the following public meetings to which all persons are invited.

DATE AND TIME: April 13, 1999, 9:30 a.m.

PLACE: United Way of Volusia and Flagler Counties, 3747 West International Speedway Blvd., Daytona Beach, Florida

PURPOSE: Regular Business Meeting

A copy of the agenda may be obtained by writing: Family Preservation and Support, Department of Children and Family Services, 210 North Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Rose van der Berg.

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify Rose van der Berg, (904)226-7826, at least 48 hours in advance of the meeting. (Hearing impaired please use Florida Relay 1(800)955-8771.)

The **Department of Children and Family Services**, District 5, Health and Human Services Board announces the following public meetings to which all persons are invited:

Health and Human Services Board

DATE AND TIME: April 7, 1999, 9:30 a.m.

PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Rd., Largo, FL

PURPOSE: Regular meeting for general business.

The Health and Human Services Board standing committees will meet as follows:

Organization Committee

DATE AND TIME: April 7, 1999, 8:15 a.m.

PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Rd., Largo, FL

Planning, Budget and Evaluation Committee

DATE AND TIME: April 7, 1999, immediately following board meeting

PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Rd., Largo, FL

PURPOSE: Regular meeting for general business.

Legislative Committee

DATE AND TIME: April 16, 1999, 10:00 a.m.

PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Rd., Largo, FL

PURPOSE: Regular meeting to discuss general business.

Comprehensive Services for Adults and Children Committee

DATE AND TIME: April 12, 1999, 3:00 p.m.

PLACE: Emmanuel Community Baptist Church, 1150 Co. Rd. 1, Palm Harbor, FL

PURPOSE: Regular meeting to discuss general business.

Family Support Committee

DATE AND TIME: April 21, 1999, 9:00 a.m.

PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Rd., Largo, FL

PURPOSE: Regular meeting to discuss general business.

Family Care Council

DATE AND TIME: April 28, 1999, 7:00 p.m.

PLACE: Countryside Library, 2741 Route 580, Clearwater, FL

PURPOSE: Regular meeting to discuss general business.

Community Based Care Initiative Pasco Task Force

DATE AND TIME: April 14, 1999, 2:30 p.m.

PLACE: Counsel Square II, Conference Room 150, 7601 Little Road, New Port Richey, FL

PURPOSE: To look at issues of implementing community based care initiatives in District 5 and to determine what action steps are needed by the Health and Human Services Board to help ensure a successful transition of services from the department to community based care agencies.

Community Based Care Initiative Pinellas Task Force

DATE AND TIME: April 28, 1999, 9:00 a.m.

PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Rd., Largo, FL

PURPOSE: To look at issues of implementing community based care initiatives in District 5 and to determine what action steps are needed by the Health and Human Services Board to help ensure a successful transition of services from the department to community based care agencies.

Agendas can be obtained seven days in advance of each meeting at: Suite 414, Mary Grizzle State Office Building, 11351 Ulmerton Road, Largo, Florida.

Persons needing accommodation to participate in these meetings should call at least 3 days in advance of the meeting at (727)588-7071 or TDD (727)588-6662 to arrange assistance.

The **Department of Children and Family Services**, District Ten (Broward County), Health and Human Services Board will conduct the following meetings during the months of April and May.

The HHSB Officers/Executive Committee announces a public meeting to which you are invited:

DATES AND TIME: Wednesday, April 7, 1999; April 14, 1999; April 21, 1999; April 28, 1999; Wednesday, May 5, 1999; May 12, 1999; May 19, 1999; May 26, 1999, 3:00 p.m.

PLACE: Department of Children and Families District Office, 201 W. Broward Blvd., Suite 408, Ft. Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to the Health and Human Services Board.

The Nominations Qualifications Review Committee announces a public meeting to which you are invited:

DATE AND TIME: April 22, 1999, 4:00 p.m.

PLACE: 201 W. Broward Blvd., Room 408, Ft. Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review applicant applications for Health and Human Services Board membership.

A copy of the agenda may be obtained by writing: Scott Silverman, Management Review Specialist, Regional Office, 201 W. Broward Blvd., Suite 406, Ft. Lauderdale, FL 33301.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Scott Silverman), at least 5 working days before the meeting, (954)467-4298 or (954)467-4509 (TDD).

The **Department of Children and Family Services**, Alcohol, Drug Abuse and Mental Health Program Office, announces a public meeting to which all persons are invited:

DATE AND TIME: Friday, April 9, 1999, 9:00 a.m.

PLACE: Brandon Service Center, Main Conference Room, 9325 Bay Plaza Blvd., Suite 201, Brandon, FL 33619

PURPOSE: The department is seeking public input and information regarding the re-designation of the Baker Act receiving facilities in Hillsborough and Manatee Counties.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Department of Children and Families, not later than five working days prior to the proceeding, at Alcohol, Drug Abuse and Mental Health, 4000 W. Dr. Martin Luther King, Jr., Blvd., Tampa, Florida 33614.

FOR FURTHER INFORMATION CONTACT: Kathy Horvath, (813)871-7785.

The **Department of Children and Family Services**, Alcohol, Drug Abuse and Mental Health Program Office, District 3, announces two public meetings to which all persons are invited.

DATE AND TIME: Tuesday April 20, 1999, 6:30 p.m.

PLACE: Vista Pavilion, 8900 N. W. 39th Ave., Gainesville, FL

DATE AND TIME: Wednesday, April 14, 1999, 7:00 p.m.

PLACE: Columbia County Public Library, 490 N. Columbia, St. Lake City, FL

PURPOSE: The purpose of the meetings is to gather public input as to the re-designation of the public receiving facilities in District 3. These facilities include Shands Teaching Hospital at the University of Florida, Shands at Visa Pavilion and Meridian Behavioral Healthcare Crisis Stabilization Unit in Gainesville. The facilities in Lake City include Lake City Medical Center and Meridian Behavioral Healthcare Crisis Stabilization Unit known as Gateway.

For further information regarding the hearing, contact: Carolyn TeStrake, (352)955-5045.

MARION SOIL AND WATER CONSERVATION DISTRICT BOARD

To all citizens of Marion County:

You are invited to attend and participate in a workshop meeting of the **Marion Soil and Water Conservation District Board**.

DATE AND TIME: March 30, 1999, 9:00 a.m.

PLACE: Conference Room, USDA District Service Center, 2303 N. E. Jacksonville Road, Ocala, Florida

PURPOSE: To discuss the board's budget and whatever other business that may come before the Board.

A copy of the agenda may be obtained by contacting the board at the above address.

Please be advised that if any person wishes to appeal any decision made by the Board with respect to any material considered at the above meeting, a record of the proceedings will be needed by such person and a verbatim record of the proceedings, which record includes the testimony and evidence upon which the appeal is to be based may be required.

It is further advised that should any physically handicapped person wishing to attend this meeting, they should contact the chairman, in writing, at least 48 hours in advance of the meeting time to arrange any special needs they may have.

FLORIDA HEALTHCARE PURCHASING COOPERATIVE

The **Florida Healthcare Purchasing Cooperative** announces a series of meetings of its Board of Directors as follows:

DATES AND TIME: April 6, 1999; April 27, 1999; May 18, 1999, Time TBA

PLACE: TBA

PURPOSE: To discuss transitional arrangements for the FHPC Plan and other business arrangements for the Cooperative. These meetings are subject to cancellation or change regarding location and format (by conference call or face-to-face).

For instructions and agenda, contact: Linda Patterson, (904)471-2400.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: April 7, 1999, 8:00 a.m.

PLACE: Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola, Orlando, Florida

PURPOSE: General Business Meeting

FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

The **Florida Local Government Finance Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, April 9, 1999, 10:30 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

PURPOSE: Meeting of the Commission relating to its statewide pooled commercial paper program.

FLORIDA CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION

The Region III, Training Advisory Council of the **Florida Criminal Justice Standards and Training Commission** announces a public meeting to which all interested persons are invited:

DATE AND TIME: April 13, 1999, 8:30 a.m.

PLACE: Lively Criminal Justice Training Academy, U.S. Highway 90, 14 miles West, Tallahassee, Florida

PURPOSE: This is a regularly scheduled meeting of the Region III Training Advisory Council of the Florida Criminal Justice Standards and Training Commission. The primary business of the meeting will be to discuss training issues.

A copy of the agenda for the above meeting may be obtained by writing: William R. Steverson, Lively Criminal Justice Training Academy, Route 1, Box 3250, Havana, Florida 32333.

FLORIDA HEALTHY KIDS CORPORATION

The **Florida Healthy Kids Corporation** announces the Board of Directors meeting to which all persons are invited to attend.

DATE AND TIME: April 15, 1999, 10:00 a.m.

PLACE: Capital Health Plan Auditorium, Tallahassee, FL

PURPOSE: Meeting of the Board of Directors.

Further details and an agenda for the meeting may be obtained by contacting: Amber Russell, Florida Healthy Kids Corporation, (850)224-KIDS (5437), Extension 6122.

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office** announces a regular meeting of the Board of Governors; where all interested parties are invited:

DATE AND TIME: Tuesday, April 20, 1999, 9:00 a.m.

PLACE: Fort Lauderdale Marriott North, 6650 N. Andrews Ave., Ft. Lauderdale, Florida

PURPOSE: Regular Board Meeting

A copy of the agenda may be obtained by contacting: Kristen DeVitto, P. O. Box 10968, Tallahassee, Florida 32302.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Kristen a week prior to the meeting at 1(800)562-4496.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition for a Declaratory Statement from GTC INC., d/b/a GT Com.

The petition seeks the agency's opinion as to 1) whether the Commission's Order No. PSC-98-1169-FOF-TL in Docket No. 970808-TL, terminating the interLATA access subsidy to GTC Inc., constitutes grounds under section 364.051(5), Florida Statutes, for the Commission to grant GTC authority to raise rates for basic local service; 2) whether the Commission may inquire beyond the issues of the amount of subsidy eliminated and the adjustments to basic local rates necessary to generate the subsidy amount; and 3) whether in a proceeding pursuant to 364.051(5), Florida Statutes, a party may seek discovery from GTC beyond a) the amount of subsidy eliminated; b) the adjustments to basic local rates necessary to generate the subsidy amount.

DOCKET NO. 990316-TL.

ADMINISTRATION COMMISSION

NOTICE IS HEREBY GIVEN that the Administration Commission has issued a Final Order dismissing a Petition for Declaratory Statement filed by Helen LaCount on December 10, 1998. The following is a summary of the Administration Commission's Final Order: The Administration Commission considered the Petition for Declaratory Statement on March 9, 1999 or denied the Petition for the following reasons: (1) lack of jurisdiction of the Commission to declare the rights of the Hillsborough County School Board and other parties in school board predisciplinary "hearings" or meetings; (2) the issue is moot; and (3) the issue has been decided in the proper forum, namely the Thirteenth Judicial Circuit in Hillsborough County.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, has issued a response to a Petition to Initiate Rulemaking received from Douglas Adams. Petitioner requested an amendment of Florida Administrative Code Chapter 33-22.012 that would alter in various fashions virtually the entirety of the rules of prohibited conduct. Petitioner asserted that some of the rules were too vague, that others constituted an unconstitutional delegation of authority or that others failed to require intent.

The Department denied the petition, holding that Section 944.09, Florida Statutes, provided sufficient authority for each of the rules, that the rules possessed sufficient clarity as written or rejecting Petitioner's assertion that specific intent must be required in order to prove a rule violation.

A copy of the Order, Case No. DC 99-8, may be obtained by writing: Gary L. Grant, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on March 3, 1999, from James Quigley. Petitioner is an inmate seeking an amendment of Chapter 33-29.011(3). Specifically, Petitioner seeks to set a time limit of twenty days for institutional responses to appeals that have been "approved for further inquiry."

A copy of the Petition may be obtained by writing: Gary L. Grant, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on March 10, 1999, from Richard Parrott. Petitioner is an inmate seeking an amendment of Florida Administrative Code Chapter 33-3.018(5). Specifically, Petitioner seeks a provision requiring that all money transfers be sent to an inmate's final destination rather than to a reception center.

A copy of the Petition may be obtained by writing: Gary L. Grant, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on March 11, 1999, from Douglas Jackson and Ronald Coleman. Petitioners are inmates seeking an amendment of Florida Administrative Code Chapter 33-22. Specifically, Petitioners seek a provision requiring Department staff who file disciplinary reports against inmates to swear under oath that the alleged facts in the reports are true.

A copy of the Petition may be obtained by writing: Gary L. Grant, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on March 9, 1999, from Milton Garey. Petitioner is an inmate seeking amendments to Florida Administrative Code Chapter 33-29. Specifically, Petitioner seeks a provision that would require that grievance responses be logged and receipt acknowledged by the inmate grievant by signature. Petitioner also seeks a provision that would require Department staff responding to grievances to type or print their name on the response.

A copy of the Petition may be obtained by writing: Gary L. Grant, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Paul J. Webber, M.D. The Petitioner seeks the Board's interpretation as to whether certain unique and one-of-a-kind laboratory specimens are "medical records" as defined in section 455.667, Florida Statutes. Should these be deemed medical records, the Petitioner also seeks direction as to the manner in which and the conditions under which these records can be disseminated to other practitioners.

The Board will consider this petition at its meeting on Saturday, April 10, 1999, in Ft. Lauderdale, Florida. Copies of the petition may be obtained by writing: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

INVITATION TO BID

Sealed bids shall be received by the Florida State University Purchasing Department until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Purchasing Department
Suite A1400 University Center
Florida State University
Tallahassee, FL 32306-2370

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Facsimile Submittals are not acceptable. For information relating to this Invitation to Bid, contact Purchasing Agent referenced below at (850)644-6850.

K 3794-5: Fine Arts Stage Lift
Mandatory Pre-Bid Meeting: 9:00 a.m., Tuesday, April 8, 1999

Lobby of Fine Arts Building
Campus of Florida State University

Plans and Specifications: \$50.00 purchase, contact:
Welch and Ward Architects, Inc.
216 East Oakland Ave., Suite 06
Tallahassee, Florida 32301
Telephone (850)222-7075
Facsimile (850)425-1054

Public Bid Opening: 2:00 p.m., Thursday, April 15, 1999
Purchasing Department,
Conference Room
Suite A1400, University Center

Bid Documents: Purchasing Department
Florida State University
K 3795-5: Howser Stadium Waterproofing

Mandatory Pre-Bid Meeting: 11:00 a.m., Thursday, April 8, 1999
Dick Howser Baseball Stadium
Campus of Florida State
University

Plans and Specifications: Campus Design Section
Florida State University
Mendenhall Maintenance
Building
Tallahassee, Florida 32306-4153
Telephone (850)644-6801

Public Bid Opening: 2:30 p.m., Thursday, April 15, 1999
Florida State University
Purchasing Department
Conference Room
A1400 University Center
Tallahassee, Florida 32306-2370

Bid Documents: Purchasing Department
Florida State University

the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager’s contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/ administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm’s personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System’s construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents “Construction Manager Qualifications Supplement.” Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$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.

NOTICE TO CONSTRUCTION MANAGERS

The University of Central Florida, announces that construction management services will be required for the project listed below:

Project No.: BR-447, Project and Location: Student Housing Academic Villages, University of Central Florida, Orlando, Florida.

Project Description: The pre-construction and construction of a new student housing Academic Villages consisting of 352,113 NASF. This project will provide a total of 1600 new beds for the university housing system. Of this total, 900 beds will be designed to serve the specific needs of freshman. The remaining 700 beds will have apartment-style amenities to meet the needs of the non-freshman population. The estimated construction cost is \$49,720,413.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document. If the GMP is accepted, phase two,

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Peter Newman, Director, Office of Facilities Planning, University of Central Florida, 4000 Central Florida Boulevard, Post Office Box 163020, Orlando, FL 32816-3020, Phone (407)823-2166, Fax (407)823-5141, E Mail: gseabroo@mail.ucf.edu

The project fact sheet for Student Housing Academic Villages may be found on the UCF home page. Our Internet address is: <http://www.fp.ucf.edu>.

Four (4) bound copies of the required proposal data shall be submitted to: Mr. Peter Newman, Facilities Planning office, 4000 Central Florida Blvd., Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m. local time, Friday, May 14, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

The University of Central Florida, announces that construction management services will be required for the project listed below:

Project No.: BR-440, Project and Location: Recreational Services Building, Phase I, University of Central Florida, Orlando, Florida.

Project Description: The pre-construction and construction of Phase I of a new Recreational Services Building, to contain approximately 65,742 NASF which includes 1200 sq. ft. for classrooms, 58,162 sq. ft. for gymnasium, 2,680 sq. ft. for Offices, 3,100 for campus support services and 600 sq. ft. for other assignable spaces. The estimated construction cost is \$10,471,136.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost

estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Peter Newman, Director, Office of Facilities Planning, University of Central Florida, 4000 Central Florida Boulevard, Post Office Box 163020, Orlando, FL 32816-3020, Phone (407)823-2166, Fax (407)823-5141, E-Mail: gseabroo@mail.ucf.edu

The project fact sheet for Recreational Services Building, Phase I may be found on the UCF home page. Our Internet address is: <http://www.fp.ucf.edu>.

Four (4) bound copies of the required proposal data shall be submitted to: Mr. Peter Newman, Facilities Planning office, 4000 Central Florida Blvd., Orlando, FL 32816-3020.

Submittals must be received by 5:00 p.m. local time, Wednesday, May 12, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

DEPARTMENT OF TRANSPORTATION

The Department of Transportation, District 7 is soliciting Letters of Interest for the Design-Build project identified below.

PROJECT NAME: I-275 Dynamic Message Sign System, Pinellas County, Florida

FINANCIAL PROJECT ID: 403266 1 52 01

FEDERAL AID PROJECT NUMBER: FL37 001 R

ESTIMATED DESIGN AND CONSTRUCTION COSTS: \$1,500,000.00

PROJECT DESCRIPTION: The project consists of design and construction of equipment for the I-275 Dynamic Message Sign System (DMSS), Dynamic Message sign structures and foundations, Closed Circuit TV (CCTV) cameras, CCTV camera mounting, communications design and control center design (primary and secondary).

DESIGN/BUILD: The work shall also include, but not be limited to, the equipment procurement, installation, system integration, acceptance testing, training and documentation for a fully operational traffic management system in the City of St. Petersburg, Florida.

PREQUALIFICATION REQUIREMENTS: The contractor team members must be prequalified under Rule Chapter 14-22, Florida Administrative Code, by the Contracts Administration Office, on or before the due date for Letters of Interest in the following type of work:

Computerized Traffic Control Systems

Service Provider team members involved in construction services must have two years of FDOT experience in the following specific categories of work and should be indicated in the Letter of Interest:

- Changeable Message Sign Installation
- Closed Circuit Television Equipment Installation
- T-1 Digital Commination System Installation

Team members involved in professional services, as identified under Section 287.055, Florida Statutes, must be prequalified under Rule Chapter 14-75, Florida Administrative Code, on or before the due date for Letters of Interest, in the following types of work:

- 6.3.1 Traffic Systems Analysis and Design
- 6.3.3 Traffic Engineering Systems Communications
- 6.3.4 Traffic Engineering Systems Software Development

BONDING: A 5% bid bond will be required from any firm submitting a proposal. A 100% performance bond will be required from the firm awarded the project.

RESPONSE PROCEDURE: Any prequalified firm interested in being considered for the project should submit four copies of a letter of interest, not to exceed five pages in length, including the following information:

1. Project name/Financial Project ID
2. Firm's name, address, phone number and contact person
3. Names of companies proposed as team members and key personnel with titles and/or classifications (do not include resumes)
4. Statement regarding prequalification of contractor and consultant firms in advertised types of work
5. Other information relative to the team's qualifications for this project

SELECTION PROCEDURE: The Department shall determine the relative ability of each firm to perform the services required for this project based on prequalification information, past performance with the Department and the Letter of Interest. Criteria to be considered include staff training and experience, past performance and current and projected work load. At least three firms shall be short listed from the responses to this solicitation. The short listed firms will be provided a scope of services and requested to provide a technical proposal and bid for the project. The award of the project will be based on an adjusted score using a combination of both the price and technical proposal. A value of time factor may also be considered.

LETTER OF INTEREST RESPONSE DUE DATE: April 9, 1999

POSTING DATE: The names of firms short listed for the project will be posted on or before 2:30 p.m. on April 19, 1999 at the address below.

RESPOND TO: John D. Ellis, District Contracts Administrator, MS 7-830, 11201 N. McKinley Dr., Tampa, FL 33602, (813)975-6036

QUESTIONS REGARDING PROJECT: Call Jamal S. Nagamia, P.E., Project Manager, Phone (813)975-6164

DEPARTMENT OF CORRECTIONS

NOTICE TO VENDOR

The Department of Corrections is soliciting competitive bids for 4,883 Square Feet of full service office space in the Tampa area with the following boundaries:

- North: Fowler Ave. West: North Dale Mabry Ave.
- South: Hillsborough Ave. East: US Highway 301

Bid Specifications and blank proposal forms can be obtained from Malcolm K. Wilson, General Services Manager, Department of Corrections, Regional Office, 4520 Oak Fair Blvd., Tampa, Florida 33610, Telephone (813)744-8742 or Suncom 512-1487, Fax (813)744-8549

There will be no pre-proposal conference. Bids will be accepted prior to the bid opening which is scheduled for Tuesday April 20, 1999, 10:00 a.m. in the Department of Corrections, Regional Office, 4520 Oak Fair Blvd., Tampa, Florida 33610. Bids should be addressed to Malcolm K. Wilson, General Services Manager.

Historical properties will be considered pursuant to section 267.061, Florida Statutes.

The Department of Corrections reserves the right to reject any bids which are not in the best interest of the State of Florida or to reject all bids.

METROPOLITAN PLANNING ORGANIZATIONS

REQUEST FOR LETTERS OF INTEREST AND
 QUALIFICATIONS
 BAY COUNTY COMMUNITY
 TRANSPORTATION COORDINATOR (CTC)

The Panama City Metropolitan Planning Organization and its advisor, the Bay County Transportation Disadvantaged Coordinating Board, in Panama City, Florida, is seeking letters of interest from qualified firms interested in coordinating transportation services in Bay County. The Community Transportation Coordinator is defined by Chapter 427, Florida Statutes, as “a transportation entity recommended by a metropolitan planning organization or the appropriate designated official planning agency as provided for in ss. 427.011-427.017 in an area outside the purview of a metropolitan planning organization, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designed service area.” In FY 97/98 there were 147,960 trips coordinated in Bay County. Interested parties should contact Mr. Chip Chism of the West Florida Regional Planning Council, 1(800)226-8914 for copies of applicable rules and laws and the schedule and requirements for submittal of letter and qualifications.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The District 7, Alcohol, Drug Abuse and Mental Health Program Office is accepting proposals with the intent to negotiate for substance abuse detoxification services. The services to be purchased will include:

- 5-10 bed facility for \$425,000 annually
- No capital outlay provided; service funding only
- Preference to geographic areas, not easily accessible to current detox facilities
- Preference to providers currently under contract with ADM
- Proposal may or may not include an Outpatient Detox component

- All proposals considered will address the following:
 Expense and Revenue, projected budget _ Rate/fee for service(s)
- Most recent financial audit, if available
- Agency Operational Plan (description of service to be provided)
- Copy of existing substance abuse license(s), if applicable

Please address proposals to: Andry Sweet, Contract Manager
 Department of Children and Family Services, District 7,
 Alcohol, Drug Abuse and Mental Health, 400 West Robinson
 St., Suite S-430, Orlando, Florida 32801

No phone inquiries please. All proposals must be received no later than Close of Business (5:00 p.m.) on Friday, April 9, 1999.

This is a solicitation for interest in an exempt procurement. This is not a competitive procurement, and there are no protest or appeal rights. This is not an offer to contract.

The Department will consider any proposal received. The Department retains the right: to enter into private negotiations regarding any proposal of interest and may negotiate with more than one proposer; to modify the plans for the program, to abandon the procurement; or to procure the services from a non-proposer; and retains all other incidents of exempt procurement. The Department will not pay proposal costs.

Any response received will immediately become a public record. Do not submit trade secrets or confidential information.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO DESIGN-BUILD FIRMS

HILLSBOROUGH COUNTY AVIATION AUTHORITY

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, Letters of Interest from Design-Build firms desiring to render Design-Build Services for the following project at Tampa International Airport, Tampa, Florida.

DESIGN AND CONSTRUCTION OF PAINTING
 STRUCTURAL STEEL AT AIRSIDE “F” AND THE
 AIRSIDE “F” SHUTTLE STRUCTURE AND RELATED
 WORK AT TAMPA INTERNATIONAL AIRPORT

Services to be furnished shall include, but not be limited to, all architectural design and engineering design related to metal restoration and coatings; basic engineering and architectural services and resident inspection during construction and construction by a qualified contractor. A more detailed Scope of Services will be included in the formal Request for Qualifications.

Qualified Consultants desiring consideration for this Project must give written notification in the form of a Letter of Interest to: William J. Connors, Jr., Senior Director of Planning and Development, Hillsborough County Aviation Authority, Post Office Box 22287, Tampa, FL 33622.

Interested parties may inquire as to project description, details and required data submissions, to William J. Connors, Jr., Senior Director of Planning and Development, telephone number (813)870-8704. ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR QUALIFICATION IS REQUIRED AT THIS TIME. Subsequent to receiving Letters of Interest, a Request for Qualifications will be sent to all respondents and adequate response set forth in that package.

A MANDATORY Pre-Qualification Conference will be held Tuesday, April 20, 1999 at 10:00 a.m., Local Time, at the offices of Hillsborough County Aviation Authority located in the Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport. Details of this conference will be included in the Request for Qualifications.

Replies to this Notice must be received at or before 5:00 p.m., Local Time, Wednesday, April 7, 1999.

HILLSBOROUGH COUNTY AVIATION AUTHORITY
By Louis E. Miller, Executive Director.

IMMOKALEE WATER AND SEWER DISTRICT

REQUEST FOR PROPOSALS

Sealed bids will be received by the Immokalee Water & Sewer District, 1020 Sanitation Rd., Immokalee, Florida 34142, until Friday, April 16, 1999, 3:00 p.m., when they will be opened and publicly read. The bids are concerning:

Wage and Efficiency Study for the
Immokalee Water & Sewer District

Complete specifications or additional information may be obtained upon application to: Senior Secretary, 1020 Sanitation Rd., Immokalee, FL 34142, phone (941)658-3630, Ext. 103, Fax (941)658-3634.

TOWN OF JUPITER

REQUEST FOR PROPOSALS

EPW 99-2

FOR PREPARATION OF THE FOLLOWING
DOCUMENTS:

- A. MULTI-MODAL CORRIDOR MASTER PLAN FOR TONEY PENNA DRIVE
- B. TOWN OF JUPITER BICYCLE TRANSPORTATION MASTER PLAN

PURPOSE:

The Town of Jupiter is soliciting technical proposals, in accordance with the Consultant's Competitive Negotiation Act, Section 287.055 of the Florida Statutes, for the preparation of master plans for the above two projects. A more complete description of the scope of services and criteria is available by calling (561)746-5134, Ext. 225, or by writing to the address listed below.

The Town of Jupiter, at its sole option, may award the contract for the planning studies to either one or two of the most qualified firms.

Five (5) copies of the Proposals must be submitted to the following address not later than 2:00 p.m., April 7, 1999: Town of Jupiter, Department of Engineering and Public Works, 210 Military Trail, Jupiter, Florida 33458

ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY

**NOTICE TO PROFESSIONAL APPRAISERS
ORLANDO-ORANGE COUNTY EXPRESSWAY
AUTHORITY**

The Orlando-Orange County Expressway Authority (OOCEA) requires the services of a consultant to provide Appraisal and Review Appraisal services in connection with the acquisition of right of way for the proposed Goldenrod Road Extension, Western Beltway and other systemwide miscellaneous appraisal services in Orange County, Florida. Shortlist consideration will be given to only those firms or individuals who are qualified pursuant to law and who have experience in preparing appraisals conforming with the Uniform Standards of Professional Appraisal Practice, as promulgated by the Appraisal Standards Board of the Appraisal Foundation.

TYPE OF WORK: Group 20.0

LETTER OF INTEREST: Interested professionals are required to submit five (5) copies of a letter of interest indicating their desire to be considered. The letter must be brief (no more than ten (10) pages) and should indicate the key resources available. SELECTION/NEGOTIATIONS: Oral presentations may be required. Following an evaluation, a minimum of three (3) firms and/or individuals will be selected and asked to submit fee proposals on specific parcels and assignments will be issued following evaluation of the proposals.

Significant factors to be considered in the evaluation and selection are: State certification, staff support, M/WBE certification, discipline expertise, Orange County Court qualifications, Court testimony experience, including results.

The only information that will be considered responsive will be in relation to eminent domain actions. Other superfluous submittal information is discouraged.

LETTER OF RESPONSE DEADLINE: April 9, 1999, 12:00 p.m. (Orlando local time)

CONTACT PERSON: Deborah D. Keeter, (407)647-7275

LETTER OF RESPONSE ADDRESS: Orlando-Orange County Expressway Authority, Attention: Darlene Mazzillo, 525 South Magnolia Avenue, Orlando, Florida 32801

RE: Appraisal Services

ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY, Harold W. Worrall, P. E., Executive Director.

TAMPA BAY ESTUARY PROGRAM

**ADVERTISEMENT FOR
REQUEST FOR PROPOSALS**

The Tampa Bay Estuary Program (TBEP), is requesting proposals from qualified respondents to conduct the following project:

T-98-06 Technical Support

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 2:00 p.m., Monday, April 26, 1999, at which time they will be publicly opened.

The total TBEP FY 1998-99 budget is \$750,373, 55% 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 March 15, 1999.

**Section XII
Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

SECURITIES GUARANTY FUND PAYMENTS

The State of Florida, Department of Banking and Finance, Division of Securities and Investor Protection, pursuant to Section 517.1203, Florida Statutes (1998), has entered a Notice of Intent to Issue a Final Order which may Grant or Deny a Claim for Payment from the Securities Guaranty Fund regarding GIC Government Securities, Inc. Those persons whose substantial interests may be determined by the proceeding, including settlements, grants or denials, are advised that they may request a hearing concerning the Notice of Intent to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petitions for hearing should comply with Rule 28-106.104, Florida Administrative Code, and must be filed within twenty-one (21) days of publication of this notice. Petitions shall be filed with: Clerk, Department of Banking and Finance, Suite 526, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350

In deference to the rights of substantially affected persons, the Department will not settle or otherwise reach a final resolution of these matters for a period of twenty-one (21) days from the date of this publication.

**NOTICE OF FILINGS OF APPLICATIONS
FOR LICENSES AND MERGERS**

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Banking, has received the following applications. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., April 16, 1999):

APPLICATION FOR A NEW FINANCIAL INSTITUTION
Applicant and Proposed Location: Advantage Bank, Village of North Palm Beach, Florida

Correspondent: R. Michael Caldwell, 13085 Coastal Circle, Palm Beach Gardens, FL 33410

Received: March 11, 1999

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Columbia Bank, Tampa, Florida

Persons Acquiring Control: Conrad Ferlita, Tampa, Florida, John A.R. Grimaldi, Tampa, Florida, Anthony J. Grimaldi, Tampa, Florida, Stella G. Lopez, Tampa, Florida

Received: March 15, 1999

DEPARTMENT OF COMMUNITY AFFAIRS

**IN RE: MONROE COUNTY LAND DEVELOPMENT
REGULATION ADOPTED BY MONROE
COUNTY ORDINANCE NO. 010-1998**

**FINAL ORDER APPROVING LAND
DEVELOPMENT REGULATIONS**

The Department of Community Affairs ("Department") hereby issues its Final Order pursuant to Sections 380.05(6) and (11), Fla. Stat. (Supp. 1998), and 380.0552(9), Fla. Stat. (1997), which require the Department to enter a final order approving or rejecting land development regulations adopted by Monroe County.

FINDINGS OF FACT

1. On January 25, 1999, the Department received for review Monroe County Ordinance No. 010-1998, Protection of Sea Turtles, which was adopted by the Monroe County Board of County Commissioners on March 11, 1998. Ordinance No. 010-1998 amends Ordinance No. 008-1994 (Sections 13-61 through 13-67, Monroe County Code) regarding the protection of sea turtles from lighting and development.

2. The Department has reviewed the land development regulations adopted by Ordinance No. 010-1998 for consistency and compliance with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern, and for consistency with the Monroe County 2010 Comprehensive Plan.

3. The land development regulations adopted by Ordinance No. 010-1998 requires that the 50-foot setback in turtle nesting areas be measured from the landward toe of the most landward beach berm, or from fifty (50) feet landward of mean high water, whichever results in the smaller total setback. A maximum setback of one hundred (100) feet from the mean high water line is established. The land development regulations adopted by the Ordinance also establish standards for exterior and interior artificial lighting and for mechanical beach cleaning in the vicinity of turtle nesting areas.

4. The land development regulations adopted by Ordinance No. 010-1998 are consistent with Policy 207.8.6 of the Monroe County 2010 Comprehensive Plan. Policy 207.8.6 directs that Monroe County adopt a marine turtle protection ordinance, which it did by Ordinance No. 008-1994 which, in turn, is amended by Ordinance No. 010-1998. The land development regulations adopted by Ordinance No. 010-1998 are consistent with and implement Policy 207.8.6 by continuing to provide a marine turtle protection ordinance.

5. Policy 207.8.7. of the Monroe County 2010 Comprehensive Plan provides that Monroe County shall protect marine turtles, crocodiles, and alligators through land development regulations which generally prescribe four criteria: restrict existing lighting and prohibit new outdoor lighting in the vicinity of nesting areas, provide a 50-foot setback from active nesting areas, establish general standards for coastal construction in the vicinity of active nesting areas, and require removal of invasive exotic vegetation.

6. The land development regulations adopted by Ordinance No. 010-1998 are consistent with and implement Policy 207.8.7 by

- (a) prescribing a setback for structures,
- (b) establishing standards for exterior and interior lighting in the vicinity of nesting areas, and (c) establishing standards for mechanical beach cleaning.

CONCLUSIONS OF LAW

1. Monroe County is a “local government” within the Florida Keys Area of Critical State Concern. Section 380.0552, Fla. Stat. (1997).

2. Section 380.0552(9), Fla. Stat., requires the Department to approve or reject land development regulations adopted by Monroe County within sixty (60) days of receipt of the regulations. Accord, Section 380.05(11), Fla. Stat. This Final Order is issued within the 60-day time period provided by statute.

3. Section 380.031(8), Fla. Stat., defines “land development regulation” as including local zoning, subdivision, building and other regulations controlling the development of land. The regulations adopted by Monroe County Ordinance No. 010-1998 are land development regulations, as defined by the statute.

4. The Department is required to approve or reject land development regulations adopted in Areas of Critical State Concern in a final order. Section 380.05(6), Fla. Stat.

5. The Department’s approval or rejection of land development regulations adopted by Monroe County is based upon whether the regulations are consistent with and in compliance with the Principles for Guiding Development in Section 380.0552(7), Fla. Stat., as a whole.

6. Principles for Guiding Development (b) and (c) in Section 380.0552(7) provide:

(b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife and their habitat.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

7. The land development regulations adopted by Ordinance No. 010-1998 are consistent with and comply with Principles for Guiding Development (b) and (c) by protecting sea turtles and their habitat.

8. Principle for Guiding Development (a) in Section 380.0552(7) provides:

To strengthen local government capabilities for managing land use and development so that [the] local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

9. The land development regulations adopted by Ordinance No. 010-1998 are consistent with and comply with Principle for Guiding Development (a) in that they are consistent with and implement the policies in the Monroe County 2010 Comprehensive Plan identified above. The County cannot strengthen its capabilities for managing land use and development, or achieve the objectives set forth in the Principles, unless its land development regulations are consistent with and implement its adopted comprehensive plan.

10. The land development regulations adopted by Ordinance No. 010-1998 do not affect the Principles for Guiding Development in Sections 380.0552(7)(d), (e), (f), (g), (h), (i), (j), (k) and (l), Fla. Stat. The land development regulations adopted by Ordinance No. 010-1998 are not inconsistent with, and are therefore deemed to be consistent with, said Principles.

11. The land development regulations adopted by Ordinance No. 010-1998 are consistent with the Principles for Guiding Development as a whole.

ACCORDINGLY, IT IS ORDERED that the land development regulations adopted by Monroe County Ordinance No. 010-1998 are consistent with and comply with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and are therefore APPROVED. This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

J. THOMAS BECK, DIRECTOR, Division of Community Planning, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

FILING AND ACKNOWLEDGMENT:

FILED on this date with the designated Agency Clerk, receipt of which is hereby acknowledged.

Paula Ford, Agency Clerk

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE

REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

IN RE: COUNTY OF LAKE)
LAND DEVELOPMENT)
REGULATIONS ADOPTED) Docket No. DCA99-OR-056
BY ORDINANCE NO.)
1998-89)

FINAL ORDER

The Department of Community Affairs (Department) hereby issues this Final Order pursuant to Section 380.05(6), Florida Statutes (Supp. 1998), approving Lake County's land development regulations adopted by Ordinance No. 1998-89. A copy of the complete ordinance is attached hereto.

FINDING OF FACTS

1. Lake County is located within the area designated by Section 380.0551, Florida Statutes, as the Green Swamp Area of Critical State Concern.
2. On February 5, 1999, Lake County rendered to the Department Ordinance No. 1997-44 which was adopted by Lake County on November 17, 1998. The ordinance created section 14.00.05 of the Lake County Land Development Regulations.
3. Subsection 163.3164(23), Florida Statutes, defines "land development regulations" as "...ordinances enacted by governing bodies for the regulation of any aspect of development...."
4. The Ordinance sections are as follows:
 - a. Section 1.
 - A. Application.
 - B. Communications Between Staff and Public.
 - C. Communications Between Board or Commission Members and the Public.
 - D. Communications Between Board or Commission Members and Staff.
 - E. Appearance Before the Board or Commission.
 - F. Exceptions.
 - G. Procedures.
 - H. Written Communications.
 - I. Site Visits.
 - J. Basis of Board or Commission Decisions.
 - K. Conduct of Hearing.
 - L. Standing.
 - M. Files to be Maintained.
 - b. Section 2. Severability.
 - c. Section 3. Inclusion in Code.
 - d. Section 4. Effective Date.

CONCLUSIONS OF LAW

5. Section 380.05(6), Florida Statutes (Supp. 1998), requires the Department to enter a Final Order accepting or rejecting the County's adopted land development regulations within 60 days of submission to the Department.
6. Subsection 163.3194(1)(b), Florida Statutes, requires "...all development regulations... [to] be consistent with the adopted comprehensive plan...."
7. Pursuant to Subsection 380.05(1)(a), Florida Statutes (Supp. 1998), the Department has conducted a review of Ordinance No. 1998-89 and finds that the Ordinance is consistent with the Lake County Comprehensive Plan and the Principles for Guiding Development in the Green Swamp Area of Critical State Concern.

WHEREFORE IT IS ORDERED that Ordinance 1998-89, Sections 1 through 4 are consistent with Section 380.0551, Florida Statutes and are hereby APPROVED.

Steven M Seibert, Secretary, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY SUBSTANTIALLY AFFECTED PERSON SHALL HAVE THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER ONE ALLEGES ANY DISPUTED ISSUE OF MATERIAL FACT IN THE PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, SUCH PERSON IS ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF THE PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, A SUBSTANTIALLY AFFECTED PERSON MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR SUCH PERSON MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF THERE IS A DISPUTE OF ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, A SUBSTANTIALLY AFFECTED PERSON MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, SUCH PERSON MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDING OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

MEDIATION IS AVAILABLE WITH RESPECT TO THIS ACTION.

IF A SUBSTANTIALLY AFFECTED PERSON DESIRES EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS WITHIN 21 CALENDAR DAYS OF RECEIPT OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY, THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

THE PETITION MUST INCLUDE THE SIGNATURE OF SOMEONE AUTHORIZED TO ACT ON BEHALF OF THE SUBSTANTIALLY AFFECTED PERSON. A PETITION MUST SPECIFICALLY REQUEST AN ADMINISTRATIVE PROCEEDING, IT MUST ADMIT OR DENY EACH MATERIAL FACT CONTAINED IN THE NOTICE OF AGENCY ACTION, AND IT MUST STATE ANY DEFENSE WHICH IS RELIED UPON.

THE RIGHT TO AN ADMINISTRATIVE PROCEEDING WILL BE WAIVED IF A PETITION IS NOT FILED WITH THE AGENCY CLERK WITHIN 21 DAYS OF RECEIPT OF THIS NOTICE.

A copy of Ordinance No. 1998-89 can be obtained by contacting: Paula Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1682.

NOTICE OF APPROVAL FOR PRESERVATION 2000 FUNDS

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program, Series P1A, P4A, P7A and P8A funding cycles. The project plans were reviewed in accordance with Rule 9K-4.011, F.A.C., at its March 12, 1999, meeting by the Trust governing body, which authorized that the project plans be approved, that the Chair execute the agreements for acquisition of the project sites and all other documents necessary to close the projects and that funds be released as follows:

Project: 91-002-P1A/North Anclote River Nature Park (1 parcel)

Grantee: City of Tarpon Springs

Amount of Approved Funds: the lesser of 87.60% of the final total project costs or \$1,850,000.

Project: 94-042-P4A/Sun'n Lake Preserve (5 parcels)

Grantee: Highlands County

Amount of Approved Funds: the lesser of 50% of the final total project costs or \$1,129,300.

Project: 96-017-P7A/St. Lucie Pinelands (1 parcel)

Grantee: St. Lucie County

Amount of Approved Funds: the lesser of 50% of the final total project costs or \$1,257,402.28

Project: 96-022-P7A/Keystone Beach - Smysor Park (2 parcels)

Grantee: City of Keystone Heights

Amount of Approved Funds: the lesser of 100% of the final total project costs or \$226,513, contingent on FCT staff approval of the management plan.

Project: 96-033-P7A/North Escambia River Site (1 parcel)

Grantee: Town of Century

Amount of Approved Funds: the lesser of 100% of the final total project costs or \$138,500, contingent on FCT staff approval of the management plan.

Project: 96-055-P7A/Atkins Park Addition (1 parcel)

Grantee: St. Lucie County

Amount of Approved Funds: the lesser of 100% of the final total project costs or \$654,500.

Project: 98-008-P8A/Riverview Pointe (1 parcel)

Grantee: Manatee County

Amount of Approved Funds: the lesser of 88% of the final total project costs or \$1,597,490.82, contingent on FCT staff approval of the management plan.

Project: 98-090-P8A/Old Chimney Property (1 parcel)

Grantee: City of Pensacola

Amount of Approved Funds: the lesser of 50% of the final total project costs or \$130,375, contingent on FCT staff approval of the management plan and memorialization of real estate transaction.

Project: 98-112-P8A/North Beach Community Park (1 parcel)

Grantee: City of New Smyrna Beach

Amount of Approved Funds: the lesser of 96.92% of the final total project costs or \$3,144,175, contingent on FCT staff approval of the management plan.

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal

proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 9K-1.008, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

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, Ducati North America, Inc., intends to allow the establishment of Keenan and Keenan, Inc. d/b/a Palm Beach Ducati, as a dealership for the sale of Ducati motorcycles, at 12550 South Military Trail, Boynton Beach (Palm Beach County), Florida 33436, on or after April 15, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Keenan and Keenan, Inc. d/b/a Palm Beach Ducati are: Robert M. and Margaret B. Keenan.

The notice indicates an 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: Mr. Donald S. Wood, Industry Compliance Manager, Ducati North America, Inc., 237 West Parkway, Pompton Plains, NJ 07444-1028.

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.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

NOTICE OF CHANGE

NOTICE IS HEREBY GIVEN that the following changes have been made to the Notice of Availability, published in Vol. 25, No. 9, March 5, 1999, issue of the Florida Administrative Weekly. The changes are in the deadline for the application and the addition of the division's website address.

The Notice of Availability now reads as follows: The Division of Blind Services is pleased to announce the availability of awards from the Gifts and Donations Funds. The purpose of these awards is to provide assistance and/or funding to entities with an interest in serving Floridian's who are blind or visually impaired. The current funding cycle is July 1, 1998 through June 30, 1999. Applications must be turned in to the Division of Blind Services, Director's Office, 2551 Executive Center Circle, W., Suite 200, Tallahassee, Fl 32399 no later than April 15, 1999. Applications may be requested by writing Phyllis Dill at the above address or calling (850)488-1330 or through the Florida Dual party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) or you may access our website at: <http://fcn.state.fl.us/dbs/>.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for nursing facilities participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for nursing facilities, the Agency is publishing the final rates the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its long-term care reimbursement plan to phase in a case-mix reimbursement methodology. Notice of proposed rates, the methodologies underlying the establishment of such rates and justification for the proposed rates were published in the Florida Administrative Weekly, Vol. 25, No. 10 on March 12, 1999. Providers, beneficiaries and their representatives and other concerned State residents were invited to submit comments. Comments have been received, evaluated and incorporated into the final rates.

FINAL RATES: The final rates effective April 1, 1999, for nursing facilities participating in the Florida Medicaid Program will be rates resulting from the current methodology used to calculate rates, except that there will be a case-mix adjustment, which will be paid as an add-on to the patient care component of the per diem rate.

METHODOLOGIES: The methodology underlying the establishment of the final rates for nursing facilities is based on the methodology currently being used for calculating rates, except that a case-mix adjustment will be made to the patient care component of the per diem rate.

The Agency will utilize the Minimum Data Set (MDS) assessments currently being submitted by nursing facilities to classify residents based on their acuity levels and resource needs. Based on the MDS assessments for individual Medicaid residents an average case-mix score will be determined for each nursing facility. The average case-mix score will be computed by using the Resource Utilization Grouper (RUGS III) to classify the MDS assessments into one of thirty-four (34) RUGS III categories. To establish a maximum and minimum case-mix score, the facility specific case-mix scores will be arrayed from high and low and the outliers at the top and bottom will be truncated. The facility specific average case-mix scores will then be adjusted so that no provider either exceeds or falls below the maximum or minimum case-mix score. An average case-mix rate will be used to calculate each facility's add-on and will be calculated by dividing the available case-mix dollars by the projected number of Medicaid days in the prospective rate period. Each facility's add-on will be then determined by multiplying the average case-mix rate times each facility's average case-mix score divided by the average case-mix score for all facilities. If in total the add-on for each facility times that facility's projected

Medicaid days will exceed the total funds available for the case-mix add-on, then each facility's add-on will be proportionately adjusted to ensure that total payments for the case-mix add-on do not exceed the available funds.

JUSTIFICATION: The justification for the final rates is based on the legislative direction provided in proviso language following Specific Appropriation 255 of the 1998-99 General Appropriations Act, Chapter 98-46, Laws of Florida. This language directs the agency to phase in a case-mix reimbursement methodology, which uses a resident classification system that accounts for the relative resource utilization by different acuity levels of residents. The case-mix methodology is to be implemented no earlier than April 1, 1999. The Agency will begin paying the case-mix add-on effective April 1, 1999, to comply with the legislative direction.

Copies of the reimbursement plan that incorporates the above change may be obtained by contacting: Medicaid Cost Reimbursement Section, Agency for Health Care Administration, Post Office Box 12400, Tallahassee, Florida 32317-2400.

**CERTIFICATE OF NEED
GRACE PERIOD LETTER OF INTENT**

County: Okaloosa	District: 1
Date Filed: February 19, 1999	LOI#: H990240
Facility/Project: Twin Cities Hospital	
Applicant: Okaloosa Hospital, Inc.	
Project Description: Add up to 10 acute care beds to Twin Cities Hospital through the conversion and/or delicensure of up to 10 hospital-based skilled nursing unit beds	
County: Bay	District: 2
Date Filed: February 24, 1999	LOI#: H990241
Facility/Project: HealthSouth Emerald Coast Rehabilitation Hospital	
Applicant: Lakeshore System Services of Florida, Inc.	
Project Description: Add up to 22 Comprehensive Medical Rehabilitation Beds	
County: Pinellas	District: 5
Date Filed: February 24, 1999	LOI#: H990242
Facility/Project: St. Anthony's Hospital	
Applicant: St. Anthony's Hospital, Inc.	
Project Description: Establish an Adult Inpatient Bone Marrow Transplant Program by relocating the Adult Inpatient Bone Marrow Transplant Program from Bayfront Med. Ctr.	
County: Hillsborough	District: 6
Date Filed: March 3, 1999	LOI#: H990243
Facility/Project: Flagship Health Care, Inc.	
Applicant: Flagship Health Care, Inc.	

Project Description: Establish a Medicare Certified Home Health Agency

County: Hillsborough District: 6
Date Filed: March 3, 1999 LOI#: H990244

Facility/Project: Flagship Home Health of Tampa, Inc.
Applicant: Flagship Home Health of Tampa, Inc.

Project Description: Establish a Medicare Certified Home Health Agency

County: Brevard District: 7
Date Filed: February 26, 1999 LOI#: H990245

Facility/Project: Visiting Nurse Association of the Treasure Coast, Inc.

Applicant: Visiting Nurse Association of the Treasure Coast, Inc.

Project Description: Establish a Medicare Certified Home Health Agency

County: Orange District: 7
Date Filed: March 1, 1999 LOI#: H990246

Facility/Project: Florida Hospital-Orlando Campus
Applicant: Adventist Health System/Sunbelt, Inc.

Project Description: Add up to 36 acute care beds through the conversion of up to 36 adult psychiatric beds at the Orlando Campus

County: Sarasota District: 8
Date Filed: March 2, 1999 LOI#: H990247

Facility/Project: Sarasota Memorial Hospital
Applicant: Sarasota County Public Hospital Board

Project Description: Establish an Adult Autologous Bone Marrow Transplant Program

County: Palm Beach District: 9
Date Filed: March 1, 1999 LOI#: H990248

Facility/Project: Palms West Hospital
Applicant: Columbia Palms West Hospital, L.P.

Project Description: Add up to 10 Level II Neonatal Intensive Care Unit Beds at Palms West Hospital

County: St. Lucie District: 9
Date Filed: March 1, 1999 LOI#: H990249

Facility/Project: Sebastian Hospital, Inc.
Applicant: Sebastian Hospital, Inc.

Project Description: Establish a new 100 Bed Acute Care Hospital

County: Broward District: 10
Date Filed: March 3, 1999 LOI#: H990250

Facility/Project: American Providers, Inc.
Applicant: American Providers, Inc.

Project Description: Establish a Medicare Certified Home Health Agency

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after April 21, 1999 the date the application is scheduled to be deemed complete. Tentative dates for hearings will be published on April 2, 1999.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**NOTICE OF AVAILABILITY
FLORIDA FINDING OF NO SIGNIFICANT IMPACT
CITY OF PORT ORANGE
STORMWATER MANAGEMENT FACILITIES
(BUSHMAN PARCEL – HALIFAX CANAL)**

The Florida Department of Environmental Protection has determined that the City of Port Orange’s proposed Stormwater Project will not have a significant adverse impact on the environment. The total project cost is estimated at \$1,623,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

DEPARTMENT OF HEALTH

Notice of Award

1998 Emergency Medical Services Rural Matching Grants

The following is a list of the applicants selected for these grants and the state funds awarded for their respective projects. This is followed by a list of applicants not selected for award and the amounts of state funding requested.

Applicants who wish to appeal the funding decisions made by the Department must do so in writing and the appeal must be received by the Department within 21 calendar days of the publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes (F.S.); Chapter 401, F.S.; Chapter 64E-2, Florida Administrative Code (F.A.C.), and section 65-2.036, F.A.C. The appeal and request for an administrative hearing must be made in writing to: Roger Twitchell, Department of Health, Bureau of Emergency Medical Services, 2002-D Old St. Augustine Road, Tallahassee, Florida 32301-4881, Telephone (850)487-6735 or SunCom 277-6735. Twenty-one days after publication of this notice, all applicants for these grants waive any right to challenge or protest the award or denial of award decisions in this notice.

SELECTED FOR AWARD

Organization	Amount Awarded
Baker County BCC	\$ 18,000.00
Baker County BCC	\$ 5,378.00
Baker County BCC	\$ 36,000.00
Hardee County BCC	\$ 71,460.00
Madison County BCC	\$ 18,000.00
Union County BCC	\$ 57,800.00
Walton County BCC	\$ 88,362.00
Walton County BCC	\$ 18,000.00
Walton County BCC	<u>\$ 18,000.00</u>
	\$331,000.00

NOT SELECTED FOR AWARD

Organization	Amount Requested
Bradford County BCC	\$109,350.00
DeSoto County BCC	\$120,600.00
DeSoto County BCC	\$118,116.00
Flagler County BCC	\$103,500.00
Hendry County BCC	\$108,900.00
P.O. Number EU0568	

On March 9, 1999, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Enrique L. Cortinas, M.D., license number ME 0013946.

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 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On March 11, 1999, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Valerie Vallely, R.C.P., license number TT 0005253. 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 455.225(8) and 120.60(8), 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.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN March 9, 1999
and March 15, 1999

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

DEPARTMENT OF INSURANCE

4-137.001	3/15/99	4/4/99	25/2	
4-138.001	3/15/99	4/4/99	25/2	
4-138.005	3/15/99	4/4/99	24/52	
4-138.044	3/15/99	4/4/99	25/2	

DEPARTMENT OF REVENUE

12-21.050	3/11/99	3/31/99	24/50	
12-21.201	3/11/99	3/31/99	24/50	
12-21.203	3/11/99	3/31/99	24/50	
12-21.204	3/11/99	3/31/99	24/50	
12-21.205	3/11/99	3/31/99	24/50	
12-21.206	3/11/99	3/31/99	24/50	
12-21.207	3/11/99	3/31/99	24/50	

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

15C-1.0101	3/11/99	3/31/99	24/49	25/5
15C-1.0102	3/11/99	3/31/99	24/49	25/5
15C-1.0103	3/11/99	3/31/99	24/49	25/5
15C-1.01031	3/11/99	3/31/99	24/49	25/5
15C-1.0104	3/11/99	3/31/99	24/49	25/5
15C-1.0107	3/11/99	3/31/99	24/49	25/5
15C-1.0108	3/11/99	3/31/99	24/49	

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Labor, Employment and Training

38H-11.005	3/11/99	3/31/99	25/1	
38H-14.010	3/11/99	3/31/99	25/1	
38H-14.011	3/11/99	3/31/99	25/1	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

61G6-5.008	3/9/99	3/29/99	25/3	
------------	--------	---------	------	--

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-788.100	3/11/99	3/31/99	25/5	
62-788.200	3/11/99	3/31/99	25/5	
62-788.300	3/11/99	3/31/99	25/5	
62-788.400	3/11/99	3/31/99	25/5	
62-788.900	3/11/99	3/31/99	25/5	

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

64B17-3.005	3/15/99	4/4/99	25/4	
64B17-4.005	3/15/99	4/4/99	25/4	

NAVIGATION DISTRICTS

66B-1.004	3/11/99	3/31/99	24/52	
66B-1.005	3/11/99	3/31/99	24/52	
66B-1.008	3/11/99	3/31/99	24/52	
66B-1.011	3/11/99	3/31/99	24/52	
66B-2.004	3/11/99	3/31/99	24/52	
66B-2.008	3/11/99	3/31/99	24/52	
66B-2.011	3/11/99	3/31/99	24/52	