

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Style and Form for Filing Rules; Certification
RULE NO.: 1S-1.002

PURPOSE AND EFFECT: 1S-1.002 is being amended to add the requirement that, in addition to the original and two copies required to be submitted for rule adoption, the rule text must also be submitted on a diskette.

SUBJECT AREA TO BE ADDRESSED: Submission of adopted rules on diskette.

SPECIFIC AUTHORITY: 120.55(1)(c) FS.

LAW IMPLEMENTED: 120.54(2),(3)(e)4., 120.55(1)(c),(d),(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING A DRAFT OF THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Liz Cloud, Chief, Bureau of Administrative Code, 401 South Monroe Street, The Elliot Building, Tallahassee, FL 32399-0250, Telephone (850)488-8427

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1S-1.002 Style and Form for Filing Rules; Certification Accompanying Materials.

(1) In addition to the following requirements, the text of all rules filed for adoption shall be submitted on 3.5" diskette, and shall comply with the specifications listed in Rule 1S-1.003(2)(a), F.A.C.

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

Specific Authority 120.55(1)(c) FS. Law Implemented 120.54(3)(e)4.,(6), 120.55(1)(c),(d), 403.8055 FS. History--New 5-29-80, Formerly 1-1.02, Amended 12-30-81, 2-9-84, 10-1-84, 11-14-85, 10-19-86, 4-10-90, 6-17-92, 10-1-96, 9-13-98.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLES: Transportation; Operation of Vehicles
RULE NOS.: 4A-2.015

Transportation; Blasting Agents 4A-2.018

PURPOSE AND EFFECT: To amend the rules to conform to Section 552.12, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: These rules are being amended to conform with the requirements of Section 552.12, Florida Statutes.

SPECIFIC AUTHORITY: 552.13 FS.

LAW IMPLEMENTED: 552.12, 552.13 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., June 28, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Terry Barrow, State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0329

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least five (5) calendar days before the program by contacting Yvonne White at (850)922-3110, ext. 4214.

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property
RULE NO.: 12A-1.051

PURPOSE AND EFFECT: The proposed amendment to Rule Chapter 12A-1.051, F.A.C., is needed to incorporate statutory changes to Chapter 212, F.S., made by the 1998 Legislature; to remove provisions that are inconsistent with those statutory changes; to reorganize and restructure the rule to make it easier for the reader to locate relevant provisions; to eliminate obsolete provisions; to address certain recurring issues that are not currently addressed in the rule; and to incorporate judicial interpretations of the relevant statutes and of the rule.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is the application of the sales and use tax law to the purchase, use, or sale of tangible personal property by real property contractors. Particular areas to be addressed include distinguishing real property from tangible personal property, contract pricing methods, treatment of mixed contracts that involve both real and personal property, and taxation of the cost of items fabricated by real property contractors.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(4), (7), (16), (20), (21), 212.06(1), 212.06(14), 212.07(1), (8), 212.08(6), 212.14(5), 212.183 FS.

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

TIME AND DATE: 9:00 a.m., June 14, 1999

PLACE: Auditorium, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Linda W. Bridges, Tax Law Specialist, Sales and Use Tax Section II, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9412

Pursuant to the provisions of the American with Disabilities Act, any persons requiring special accommodations to participate in this program are asked to advise the Department at least five (5) calendar days before the program by contacting Tracie Grantham at (850)488-2577. If you are hearing or speech impaired, please contact the Department by calling 1-800-DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda W. Bridges, Tax Law Specialist, Sales and Use Tax Section II, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9412

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial Rewording of Rule 12A-1.051 follows. See Florida Administrative Code for present Text.)

12A-1.051 Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property.

(1) Scope of the rule. This rule governs the taxability of the purchase, sale, or use of tangible personal property by contractors and subcontractors who purchase, acquire, or manufacture materials and supplies for use in the performance of real property contracts other than public works contracts performed for governmental entities, which are governed by the provisions of Rule 12A-1.094, F.A.C. If a real property project involves multiple subcontractors, each subcontractor is responsible for paying, accruing, collecting and remitting tax on his subcontract in accordance with this rule.

(2) Definitions. For purposes of this rule, the following terms have the following meanings:

(a) "Fabricated cost" means the cost to a real property contractor of fabricated items, as defined in the following paragraph. The elements of cost included in fabricated cost are set forth in Rule 12A-1.043, F.A.C. Fabricated cost does not include the cost of transporting fabricated items from the contractor's plant to the job site or the cost of labor at the job site where the fabricated items are incorporated into the real property improvement.

(b) "Fabricated items" means items contractors manufacture, produce, process, compound, or fabricate for their own use in performing contracts for improvements to real property. The term applies only to items the contractor manufactures, produces, processes, compounds, or fabricates at a plant or shop maintained by the contractor. For this purpose, a temporary facility established at a job site that is used exclusively in connection with performing a contract for a real property improvement at that job site is not considered to be a plant or shop maintained by the contractor.

(c)1. "Fixture" means an item that is an accessory to a building, other structure, or to land, that retains its separate identity upon installation, but that is permanently attached to the realty. Fixtures include such items as wired lighting, kitchen or bathroom sinks, furnaces, central air conditioning units, elevators or escalators, or built-in cabinets, counters, or lockers.

2. In order for an item to be considered a fixture, it is not necessary that the owner of the item also own the real property to which the item is attached. A retained title provision in a sales contract or in an agreement that is designated as a lease but is in substance a conditional sales contract is not determinative of whether the item involved is or is not a fixture. Similarly, the fact that a lessee or licensee of real property rather than the lessor/owner enters into a contract for an item to be permanently attached to the real property does not prevent that item from being classified as a fixture.

3. The determination whether an item is a fixture depends upon review of all the facts and circumstances of each situation. Among the relevant factors that determine whether a particular item is a fixture are the following:

a. The method of attachment. Items that are screwed or bolted in place, buried underground, installed behind walls, or joined directly to a structure's plumbing or wiring systems are likely to be classified as fixtures. Attachment in such a manner that removal is impossible without causing substantial damage to the underlying realty indicates that an item is a fixture.

b. Intent of the property holder in having the item attached. If the property holder who causes an item to be attached to realty intends that the item will remain in place for an extended or indefinite period of time, that item is more likely to be a fixture. That intent may be determined by reviewing all of the property holder's actions in regard to the item, including how the item is treated for purposes of ad valorem and income tax purposes. For example, if a property owner reports the value of the item for purposes of ad valorem taxation of the realty and depreciates the item for tax and financial accounting purposes as real property, that indicates an intent that the property is permanently attached as a fixture.

c. Real property law. If an interest in an item arises upon acquiring title to the land or building, the item is more likely to be considered a fixture. For example, if the seller of real property would be expected to leave an item behind when

vacating the premises for a new owner without the contract specifically requiring that it be left, that item is likely to be classified as a fixture.

d. Customization. If items are custom designed or custom assembled to be attached in a particular space, they are more likely to be classified as fixtures. Customization indicates intent that the items are to remain in place following installation.

e. Permits and licensing. If installation of an item requires a construction permit or licensing of the contractor under statutes or regulations governing the building trades, that item is more likely to be regarded as a fixture.

f. Legal agreements. The terms of any purchase agreement, deed, lease, or other legal document pertaining specifically to an item may be relevant in determining whether that item is a fixture of real property.

The foregoing list of factors relevant to determining whether an item is a fixture is intended to be illustrative only. Additional factors may exist in any particular case, and the weight to be given to the factors will also vary in each case.

4. The term "fixture" does not include the following items, whether or not such items are attached to real property in a permanent manner:

- a. Trade fixtures.
- b. Titled property.
- c. Machinery or equipment.

(d) "Improvement to real property" or "real property improvement" includes the activities of building, erecting, constructing, altering, improving, repairing, or maintaining of real property.

(e)1. "Machinery or equipment" means and includes property that:

a. is intended to be used in the production, manufacturing, processing, packaging, moving, or otherwise handling personal property for sale or other commercial use, in the performance of commercial services, or for other purposes not related to a building or other fixed real property improvement;

b. may, on account of its nature, be attached to the real property but which does not lose its identity as a particular piece of machinery and equipment; and

c. if attached, is removable without substantial damage to the real property or part thereof to which it is attached.

2. "Machinery or equipment" does not include junction boxes, switches, conduits, wiring, valves, pipes, and tubing incorporated into fixed works, buildings, or other structures, whether or not such items are used solely or partially in connection with the operation of machinery and equipment.

3. Machinery or equipment serves a particular commercial activity that is carried on at a location rather than serving general uses of land or a structure. Examples of machinery and equipment include conveyor systems, printing presses, drill presses, or lathes. Examples of items that are not machinery or

equipment because they are integrated into the structure or realty and retain their usefulness no matter what activity is carried on at the site include heating and air conditioning system components or water heaters. Any property that would qualify for exemption as machinery or equipment under section 212.08(5), Florida Statutes, or any other provision of Chapter 212, Florida Statutes, is considered to be machinery or equipment for purposes of this rule.

(f) "Manufacture, produce, compound, process, or fabricate" means:

1. to convert or condition tangible personal property by changing the form, composition, quality, or character of the property;

2. to make, build, create, produce, or assemble components or items of tangible personal property in a new or different manner;

3. to physically apply materials and labor necessary to modify or change the characteristics of tangible personal property.

The terms do not include activities that do not result in any change in the character or quality of tangible personal property. For example, a repair or restoration of property to return it to its original state and level of functionality is not included within the defined activities.

(g) "Real property" means land, improvements to land, and fixtures. It is synonymous with the terms "realty" and "real estate."

(h)1. "Real property contract" means an agreement, oral or written, whether on a lump sum, time and materials, cost plus, guaranteed price, or any other basis, to:

a. Erect, construct, alter, repair, or maintain any building, other structure, road, project, development or other real property improvement;

b. Excavate, grade, or perform site preparation for a building, other structure, road, project, development or other real property improvement; or

c. Furnish and install tangible personal property that becomes a part of or is directly wired or plumbed into the central heating system, central air conditioning system, electrical system, plumbing system, or other structural system that requires installation of wires, ducts, conduits, pipes, vents or similar components that are embedded in or securely affixed to the land or a structure thereon.

2. The term "real property contract" does not include:

a. A contract for the sale or for the sale and installation of tangible personal property such as machinery and equipment, or

b. A contract to furnish tangible personal property that will be installed or affixed in such a way as to become a fixture or improvement to real property if the person furnishing the property has not also contracted to affix or install it.

3. A contract is a real property contract if described in subparagraph 1. above whether or not such agreement also involves providing property or services that would not be considered improvements to real property.

4. A contract contains the terms of the agreement between the contractor and the owner (or other interest holder) of the real property and is entered into in advance of any work being undertaken. A proposal prepared by a contractor prior to entering an agreement is not a contract. Statements, invoices, or other billings submitted after work has begun are not contracts. For example, a developer solicits bids on the plumbing work for a project. A contractor prepares a proposal that lists all the materials anticipated to be necessary with unit pricing, labor costs, and a markup based on a percentage of the total material and labor costs. The developer accepts the proposal. The parties enter into an agreement that requires the contractor to provide all the materials and labor necessary to supply the plumbing system for the project for a single lump sum price. When the work is completed, the contractor sends an invoice for the lump sum amount that shows a breakdown into materials and labor. Neither the proposal nor the invoice is a contract under which the developer agrees to pay separately for materials and labor. They are documents prepared by the contractor to explain or justify the price. The contract is the agreement between the parties that an entire installed plumbing system will be provided for a single lump sum.

(i) "Titled property" means property that must be registered, licensed, titled, or documented by this state or by the United States, such as airplanes, boats, and motor vehicles. A houseboat, even if permanently docked and used as a primary residence, is not real property. Mobile homes are titled property unless they are assessed for ad valorem tax purposes as real property. Owners may report mobile homes as real property and have them assessed as such for ad valorem tax purposes. These mobile homes are issued special decals. Classification of a mobile home as personal property by a seller or a lender does not prohibit the owner of the mobile home from having the property assessed as a real property. A mobile home that is issued a real property decal is treated as real property for purposes of this rule.

(j) "Trade fixtures" means items that are attached to real property by the operator of a trade or business that occupies the premises, are useful solely in connection with or to facilitate that trade or business, and are removable without causing substantial damage to the underlying real property. For example, the operator of a bakery has a special glass display counter installed for displaying cookies and doughnuts. The counter would not be useful to a different type of retail business because of the shelving configuration and materials used. The counter is bolted to the floor but could be removed without causing substantial damage. The counter is a trade fixture and not a fixture of the realty. If the bakery has a sign installed to identify the location by name of the business, that

sign is a trade fixture unless it is attached in such manner that it cannot be removed without causing substantial damage to the building or land. If the same bakery operator has built-in storage shelving installed in a supply room or overhead lighting installed in the shop area, those items are not trade fixtures because the storage shelving and lighting are equally functional for any subsequent user of the premises.

(3) Classification of contracts by pricing. The taxability of purchases and sales by real property contractors is determined by the pricing arrangement in the contract. Contracts generally fall into one of the following categories:

(a) Lump sum contracts. These are contracts in which a contractor or subcontractor agrees to furnish materials and supplies and necessary services for a single stated lump sum price.

(b) Cost plus or fixed fee contracts. These are contracts in which the contractor or subcontractor agrees to furnish the materials and supplies and necessary services in exchange for reimbursement of costs plus a fee that is fixed in advance or calculated as a percentage of the costs.

(c) Upset or guaranteed price contracts. These are contracts in which the contractor or subcontractor agrees to furnish materials and supplies and necessary services based on costs plus fees but with an upset or guaranteed maximum price which may not be exceeded.

(d) Retail sale plus installation contracts. These are contracts for improvements to real property in which the contractor or subcontractor agrees to sell specifically described and itemized materials and supplies at an agreed price or at the regular retail price and to complete the work either for an additional agreed price or on the basis of time consumed. In order for a contract to fit in this category, all the materials that will be incorporated into the work must be itemized and priced in the contract before work begins. If a contract itemizes some materials but does not itemize other materials that will be incorporated into the work, the contract is not included in this category. Because the sale of the materials is a separable transaction from the installation, the purchaser must assume title to and risk of loss of the materials and supplies as they are delivered rather than accepting title only to the completed work. The contractor may remain liable for negligence in handling and installing the items.

(e) Time and materials contracts. These are contracts in which the contractor or subcontractor agrees to furnish materials and supplies and necessary services for a price that will be calculated as the sum of the contractor's cost or a marked up cost for materials to be used plus an amount for services to be based on the time spent performing the contract. These contracts are similar to cost plus or fixed fee contracts because the final price to the property holder will be determined based on the cost of performance. A time and materials contract may or may not also have a guaranteed or upset price clause. Time and materials contracts differ from

contracts described in paragraph (d) because the materials are not completely identified, itemized, and priced in the contract in advance and because the property owner is contracting for a finished job rather than the purchase of materials.

(4) General rule of taxability of real property contractors. Contractors are the ultimate consumers of materials and supplies they use to perform real property contracts and must pay tax on their costs of those materials and supplies, unless the contractor has entered a retail sale plus installation contract. Contractors performing only contracts described in paragraphs (3)(a), (b), (c), or (e) do not resell the tangible personal property used to the real property owner but instead use the property themselves to provide the completed real property improvement. Such contractors should pay tax to their suppliers on all purchases. They should also pay tax on all materials they fabricate for their own use in performing such contracts, as discussed in subsection (10). They should charge no tax to their customers, regardless of whether they itemize charges for materials and labor in their proposals or invoices, because they are not engaged in selling tangible personal property. Such contractors should not register as dealers unless they are required to remit tax on the fabricated cost of items they fabricate to use in performing contracts.

(5) Rule for (3)(d) contractors. Contractors who perform contracts described in paragraph (3)(d) do sell tangible personal property. They should register as dealers and provide resale certificates for materials that are itemized and resold under paragraph (3)(d) contracts. They should not provide resale certificates for items that they use themselves rather than reselling, such as hand tools, shop equipment, or office supplies. They must charge their customers tax on the price paid for tangible personal property, unless a valid exemption certificate is provided, but not on the charges for installation labor.

(6) Sales of tangible personal property. Contractors, manufacturers or dealers who sell and install items of tangible personal property, including those enumerated in Rule 12A-1.016, F.A.C., must collect tax on the full selling price, including any installation or other charges, even though such charges may be separately stated. The items listed in Rule 12A-1.016, F.A.C., are tangible personal property even after installation, and their sale with installation is not classified as a real property contract. Contractors, manufacturers, or dealers who sell property over-the-counter without performing installation services must collect tax on the full sales price of such items, even though those items will become improvements to real property upon installation by the purchaser. At the point at which they are sold in over-the-counter transactions, those items are tangible personal property.

(7) Repairs to machinery and equipment. Any owner or lessee that engages another to make repairs to or perform maintenance services on machinery and equipment that,

because of its size, configuration, method of attachment, or other characteristics, has the appearance of real property, must inform the service provider that the machinery or equipment is tangible personal property. The owner or lessee should pay sales tax on the full price of the repair or maintenance to any service provider that is a registered dealer. If the service provider ordinarily operates as a real property contractor and is not a registered dealer, the owner or lessee must remit tax on the full price of the repair or maintenance directly to the state.

(8) Mixed contracts. A real property contract may also include materials and labor that are not real property improvements. In such cases, taxability depends upon the predominate nature of the work performed under the contract and upon the contract terms.

(a) If the predominate nature of a mixed contract is a contract for real property improvements, taxability will be determined as if the contract was entirely for real property. For example, a residential developer routinely provides some items of tangible personal property, such as free standing appliances, with new homes sold under cost-plus contracts. The predominate nature of the contract is for a dwelling. The developer should pay sales or use tax on the appliances. A contractor constructs a factory under a turnkey contract that includes providing and installing some manufacturing equipment. The contract is predominately for a factory, a real property improvement, and the contractor should pay use tax on the cost of the equipment. No tax is collected from the property owner in either case, even though some tangible personal property is included in the project.

(b) If the predominate nature of a mixed contract is a contract for tangible personal property, taxability of the contract will be determined as if the contract was entirely for tangible personal property. For example, a vendor of manufacturing equipment under a lump sum contract pours concrete footings and embeds steel plates in the concrete to permit installation of the equipment by bolting it to the plates. The contract is predominately for the sale of equipment. The contractor should buy the equipment, concrete, and steel plates using a resale certificate and charge tax on the full price charged to the customer.

(c) The determination of the predominate nature of a contract will depend upon the facts and circumstances of each case. Consideration will be given to the description of the project and the responsibilities of the contractor as set forth in the contract. Consideration will also be given to the relative cost of performance of the real property and tangible personal property components of the contract.

(d) If a mixed contract clearly allocates the contract price among the various elements of the contract, and such allocation is bona fide and reasonable in terms of the costs of materials and nature of the work to be performed, taxation will be in accordance with the allocation. For example, a residential developer builds and sells a home on a cost plus basis, but the

contract provides separately stated prices for the sale and installation of certain optional free standing appliances that are tangible personal property and are not classified as real property fixtures. The contractor may purchase those appliances using a resale certificate and charge sales tax on the price paid for the appliances, including installation, by the home buyer. The contractor is responsible for paying tax on all the materials that are included in the cost plus price of the home other than the separately itemized appliances. Similarly, a manufacturer who sells and installs industrial machinery, which is tangible personal property, could state a separate charge in the contract for providing concrete footers and embedded steel plates to support the machinery. The footings and plates would be considered a real property improvement. The contractor should pay tax on the materials used for the real property part of the contract and not charge tax to the customer on the related charge. The customer should pay tax on the rest of the contract price allocable to the machinery itself.

(9) Dual operators. Some contractors both use materials themselves in the performance of contracts and resell materials either in over-the-counter sales or under contracts described in paragraph (3)(d). Those contractors should register as dealers. When they purchase materials of a type that they may either use themselves or resell, they may issue a resale certificate. If those materials are subsequently resold, tax should be collected from the buyer and remitted to the state. If the materials are used by the contractor, use tax should be paid instead.

(10) Use tax on fabrication costs. Contractors may maintain plants where they manufacture, produce, compound, process, or fabricate items for their own use in performing contracts. Contractors are required to pay use tax on the fabricated cost of those items. The elements that must be included in the taxable cost of such items are set forth in Rule 12A-1.043, F.A.C. In the case of real property contractors, the taxable cost of an item manufactured, produced, compounded, processed, or fabricated for use in performing a contract does not include labor that occurs at the job site where the item will be incorporated into a real property improvement or transportation from the plant where an item was fabricated to the job site. Examples of real property contractors who are subject to tax under this subsection include cabinet contractors who build custom cabinets in their shops, roofing contractors who operate tile plants, or heating/air conditioning/ventilation contractors who maintain sheetmetal shops for making ductwork. Real property contractors that are required to remit use tax on fabricated items must register as dealers for purposes of remitting such tax if they are not already registered as dual operators.

(11) Percent of contract price method.

(a) The Department is authorized to adopt rules that establish an elective percent of contract price method for calculating use tax obligations of real property contractors that manufacture, produce, compound, process, or fabricate

tangible personal property for their own use in performing contracts. For example, a rule could be adopted to provide that cabinet makers that build cabinets at their own shops and install them could elect to pay use tax on a certain percentage of the contract price paid by the real property holder rather than keeping track of the elements of taxable cost of the fabricated cabinets.

(b) In order to initiate a rulemaking project to adopt the percent of contract price method for an industry group, the Department must receive a petition from the majority of the members of the group or from a statewide association representing the group. The petition must be accompanied by a proposal setting forth the percent of contract price the group believes should be adopted in the rule and by sufficient information and documentation to establish that the proposed percentage is based on a reasonable estimate of average taxable costs incurred by members of the petitioning group. The industry group may propose and the Department may in appropriate cases establish alternative percentages for members of the group who are registered dealers and do not pay tax on purchases of direct materials that are incorporated into fabricated items and for members of the group who pay sales tax on those purchases. The Department will consider the information supplied with the petition as well as any other relevant information that is available. Petitions should be submitted to Department of Revenue, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443.

(c) The Department may review rules adopted at the petition of industry groups and amend them to adjust the percentage to insure it continues to reflect a reasonable estimate of taxable costs for that industry group. The percentage of contract price established in a rule described in this subsection can not be amended during the first five years after its adoption. After that time, the Department may review and amend the rule, but all such reviews must be at least five years apart. In conducting a review, the Department will consider any information submitted by the industry group affected as well as any other available information.

(d) If the Department adopts a percent of contract price rule for an industry group, members of that group may elect to apply the method on a contract-by-contract basis or to apply it to all contracts in any period by timely accruing and remitting tax using the method. Timely accrual and remittance means accrual as of the time invoices are issued based on applying the established percentage to the amount invoiced to calculate the taxable cost and remittance with a timely filed return filed in the reporting period immediately after the accrual (i.e., in the month following the issuance of the invoice and accrual of the tax for a contractor who is required to file on the regular monthly schedule). The contractor must maintain records to document the timely accrual and payment of the tax on each contract for which the method is used.

(e) Application of the established percentage to the contract price is intended to capture the taxable cost of fabricated items used in performing the contract. If the contractor pays sales tax on purchases of materials incorporated into the fabricated items, the use tax due on the fabricated cost under the percent of contract method should be reduced to reflect the tax already paid on those materials. For example, a real property contractor who fabricates some of the items used in performing contracts is entitled to use a 50% of contract price method to compute use tax on fabricated cost. The contractor agrees to fabricate and install items for a lump sum price of \$10,000. The contractor does not make any sales of tangible personal property. He can not issue a resale certificate and pays sales tax on all purchases of materials and supplies. The cost of materials incorporated into the fabricated items for the contract is \$3,000, on which the contractor has already paid \$180 ($\$3,000 \times 6\%$) in sales tax to the supplier. Those materials costs on which tax has already been paid are subtracted from the taxable percentage of the contract price before calculating the use tax due on the finished item. The use tax to be accrued and remitted under the percent of contract method is \$120 ($50\% \text{ of } \$10,000 = \$5,000 - \$3,000 = \$2,000 \times 6\% = \120).

(f) Use of the percent of contract price method applies only to the use tax owed on fabricated items. Other taxes may also be owed in connection with performance of a contract. For example, a real property contractor who fabricates some of the items used in performing contracts is entitled to use a 50% of contract price method to compute use tax on fabricated cost. The contractor agrees to fabricate items, install those items, and supply materials and labor for on-site work that does not require shop fabrication. The contract is for a lump sum price of \$10,000. The contractor also makes over-the-counter sales. He is therefore a registered dealer and buys all the materials involved using a resale certificate. The cost of materials used for the on-site work is \$1000. Use tax must be remitted on 50% of the contract price for the fabricated items and on \$1,000 for the on-site materials. The total tax owed is \$360 ($\$5,000 + \$1,000 = \$6,000 \times 6\% = \360).

(g) The percent of contract price method involves an alternative way to calculate the use tax owed and alternative timing for accrual and payment of tax. It does not change the nature of the tax liability. The tax involved is still a use tax on fabricated cost. It is not a tax on the income earned from contracts. Election of the method, therefore, does not affect the jurisdiction where the tax is owed. Tax is owed in the jurisdiction where fabrication occurs, not in the jurisdiction where the contract is performed. For example, if a real property contractor purchases materials and fabricates items in Florida for a contract, taxable fabrication has occurred in Florida and tax is owed to Florida. Subsequent transportation of the item to another state for installation does not make the fabrication exempt from Florida use tax.

(12) Asphalt contractors. Contractors that manufacture asphalt for their own use in the performance of improving real property must calculate the tax on that asphalt based on the sum of the following:

(a) the cost of materials which become a component part or which are an ingredient of the finished asphalt multiplied by 6 percent; plus

(b) the costs of transportation of such components and ingredients to the plant site multiplied by 6 percent; plus

(c) an indexed tax per ton representing all other costs associated with the manufacture of the asphalt.

If sales tax has been paid on the purchase of materials or transportation in (a) or (b) above, the cost of such materials or transportation is not included in computing the total use tax due. The indexed tax is computed based on the "materials and components for construction" series of the producer price index, as calculated and published by the United States Department of Labor, Bureau of Statistics. The indexed tax is revised annually effective each July 1. The Department is responsible for publishing the new rate each year in time to permit timely accruals and payment of use tax by asphalt contractors.

(13) Use tax on rock, shell, fill dirt, etc. A real property contractor is taxable on the cost of rock, shell, fill dirt, or similar materials the contractor uses to perform a real property contract for another person.

(a) If the contractor acquires the materials from a location the contractor owns or leases, the contractor must remit use tax based on one of the following methods:

1. the fair retail market value, which means either the price the contractor would have to pay on the open market or the price at which the contractor would sell the materials to third parties; or

2. the cost of the land plus all costs of clearing, excavating, and loading the materials, including labor, power, blasting, and similar costs.

(b) If the contractor purchases the materials and as part of the agreement excavates and removes them from the seller's land (including state-owned submerged land), the taxable cost is the purchase price paid to the seller plus all the costs incurred by the contractor in clearing, excavating, and removing the materials, including labor.

(c) A contractor on a road project owes no tax on borrow materials that are provided at no charge by the Department of Transportation, including materials extracted from pits that are provided at no charge by that department.

(14) Mobile homes. A contractor who makes improvements or repairs to a mobile home is required to ascertain the status of that home to determine how tax should be paid. If the mobile home has a real property decal, the contract should be treated as a real property contract. In that case, the contractor generally will be subject to tax on the materials used, and the customer will pay no tax. If the mobile

home does not have a real property decal, the job is a sale or repair of tangible personal property. The contractor should charge tax on the full price paid by the customer, including charges for installation labor. In that case, the contractor is not subject to tax on the materials that are incorporated into and become a part of the improvement or repair of the mobile home.

(15) Contracts performed for nongovernmental tax-exempt entities. Contractors who perform lump sum, cost-plus, guaranteed price, or time and materials contracts for nongovernmental entities that are exempt from sales taxes, such as private schools, hospitals, or churches, are taxable on materials the contractor purchases for use in performing those contracts. Such contractors are not permitted to use the consumer's certificate of exemption issued to the exempt entity in order to purchase materials for the contract exempt from taxes. The entity's exempt status is not relevant because it applies only to sales of tangible personal property to the entity, not to the contractor. The contractor, not the exempt entity, is the taxable consumer of the materials the contractor purchases to use in performing that contract. The fact that an exempt entity will bear the economic burden of the taxes paid by the contractor in the form of a higher contract price does not change the contractor's tax liabilities.

(16) Subdivision and similar improvements.

(a) Subdivision owners and developers or their contractors are subject to tax on purchases of materials for use in the construction of streets, roadways, water distribution systems, sewers, and similar improvements that the owner or developer subsequently transfers to a municipality or other governmental unit. These transfers are not donations or sales of tangible personal property to a governmental unit.

(b) If a municipality or other governmental unit purchases and installs water mains and distribution pipes for a property owner, including a subdivision developer, under an arrangement whereby the municipality retains ownership, possession, and control of the mains and pipes, but recovers all or part of its cost from the property owner through the collection of an installation charge, such installation charge is equivalent to an assessment for benefits. It is not taxable.

(17) Specific activities classified as real property contracts. Contractors who are engaged in the following activities are generally considered to be real property contractors, although any particular job may be determined not to involve an improvement to real property:

(a) Awning installation;

(b) Block, brick and stone masonry;

(c) Bridge construction;

(d) Burglar and fire alarm system installation;

(e) Cabinetry (built-in only);

(f) Carpentry;

(g) Carpeting installed with tacks, glue, or other permanent means and serving as the finished floor;

(h) Cement and concrete work;

(i) Closet system installation;

(j) Dock, pier, seawall, and similar construction, maintenance, or repair;

(k) Door and window installation or on-site repair;

(l) Driveway installation or repair;

(m) Electrical system installation and repairs, including structural wiring and cabling, meter boxes, switches, receptacles, wall plates, and similar items;

(n) Elevator and escalator installation and maintenance;

(o) Fencing and gates installation intended for permanent use;

(p) Flooring;

(q) Foundations;

(r) Glass and mirror installation if installed in a permanent manner;

(s) Heating, ventilating, and air conditioning system work;

(t) Insulation of structures or structural components;

(u) Iron work, such as railings, banisters, and stairs incorporated into buildings;

(v) Landscaping work, including walls, walkways, permanent structures such as greenhouses, arbors, or gazebos, and permanent plantings such as trees, perennial shrubs, and lawns;

(w) Lathing;

(x) Painting of buildings, decks, and other real property structures;

(y) Paving and surfacing work, including driveways, parking lots, patios, roadwork, and sidewalks;

(z) Plastering;

(aa) Plumbing work;

(bb) Radio and telephone transmission towers;

(cc) Roofing work;

(dd) Septic tank installation or maintenance;

(ee) Sheetmetal/ductwork;

(ff) Siding installation;

(gg) Site work, including clearing, grading, demolition, and excavation;

(hh) Signs that are permanently attached to realty and are not excluded as trade fixtures;

(ii) Solar systems;

(jj) Sprinkler system installation for lawn and garden irrigation or for fire prevention;

(kk) Stucco;

(ll) Structural steel and concrete installation;

(mm) Swimming pool installation, including accessories and parts that are permanently attached or are plumbed or wired into plumbing or electrical systems;

(nn) Tile work;

(oo) Utility poles and lines installation and maintenance;

(pp) Wallpaper installation;

- (qq) Water, sewer, and drainage systems;
- (rr) Waterproofing of structures, decks, driveways, and other real property components; and
- (ss) Well drilling and installation.
- (18) Specific activities not classified as real property contracts. The sale, installation, maintenance or repair of the following items is not considered to be a real property contract.
 - (a) Area rugs and carpets;
 - (b) Art work (paintings, statuary);
 - (c) Cabinets and shelving (freestanding);
 - (d) Computer system components;
 - (e) Drapes, curtains, blinds, shades, etc.;
 - (f) Entertainment system (e.g., stereo systems, home theater systems) components;
 - (g) Furniture;
 - (h) Household appliances;
 - (i) Lawn markers;
 - (j) Mail boxes;
 - (k) Mirrors (freestanding);
 - (l) Radio and television antennas;
 - (m) Sprinkler systems for lawns or gardens if made up of unburied hoses or tubing and movable sprinkler heads;
 - (n) Stepping stones;
 - (o) Telecommunications system components;
 - (p) Television satellite dishes;
 - (q) Temporary fencing and gates (e.g., for construction sites); and
 - (r) Window air conditioning units.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), (7), (16), (20), (21), 212.06(1), 212.06(14), 212.07(1)(8), 212.08(6), 212.14(5), 212.183 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 2-3-80, 3-27-80, 6-3-80, 8-26-81, 11-15-82, 6-11-85, Formerly 12A-1.51, Amended 1-2-89, 8-10-92.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Environmental Resource Permits RULE CHAPTER NO.: 40E-4
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to amend the rules to indicate that a permit may be issued to a contractual buyer of property with certain restrictions. The proposed rule amendments will also correct citations and clarify language currently in the rule.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment addresses issuance of permits to contractual buyers of property; content of permit applications; permits required; permit thresholds; modification of exempt projects; duration of permits; and conversion from construction phase to operation phase. This rule will also correct citations and clarify language currently in the rule.

SPECIFIC AUTHORITY: 373.016, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.117, 373.413, 373.416, 373.426 FS.

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

- TIME AND DATE: 1:00 p.m., June 14, 1999
 PLACE: Lee County Extension Service, 3406 Palm Beach Boulevard, Ft. Myers, FL 33916
- TIME AND DATE: 1:00 p.m., June 22, 1999
 PLACE: Fletcher Recreation Center, 7960 Johnson Street, Pembroke Pines, FL 33024
- TIME AND DATE: 1:00 p.m., June 25, 1999
 PLACE: Osceola County Courthouse, 17 South Vernon Avenue, Room 155, Kissimmee, FL 34741
- TIME AND DATE: 10:00 a.m., June 29, 1999
 PLACE: South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Jennison, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206 at least two business days in advance to make appropriate arrangements.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency Agreements Incorporated by Reference RULE NO.: 40E-4.091
 PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to change the homeowners association documentation requirements, to change the certification required of a registered engineer, to correct citations, and clarify language currently in the rule.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment addresses changes to the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – November 1996" incorporated by reference in Rule 40E-4.091, F.A.C. Additionally, the language regarding homeowners association documentation found in sections 9.2.3 and 9.2.4 will be modified to provide homeowners with notice of rights

already conveyed to the District by the permit. These rights include the right of District access to the property containing the surface water management system and the right to take enforcement action. Also, amendments to association documents, that require a modification of a District permit, may not be finalized until the permit modification is approved. Section 10.1 will be amended to require a registered engineer to certify that the surface water management system "is functioning" in substantial conformance with approved plans and specifications. Sections 4.2.1.2 and 4.3.7.4 will have language clarified.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.416, 373.426 FS.

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

TIME AND DATE: 1:00 p.m., June 14, 1999

PLACE: Lee County Extension Service, 3406 Palm Beach Boulevard, Ft. Myers, FL 33916

TIME AND DATE: 1:00 p.m., June 22, 1999

PLACE: Fletcher Recreation Center, 7960 Johnson Street, Pembroke Pines, FL 33024

TIME AND DATE: 1:00 p.m., June 25, 1999

PLACE: Osceola County Courthouse, 17 South Vernon Avenue, Room 155, Kissimmee, FL 34741

TIME AND DATE: 10:00 a.m., June 29, 1999

PLACE: South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Jennison, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206 at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District - ~~October 1999~~ ~~November 1996~~"

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.4135, 373.416, 373.421, 373.426 FS. History--New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-1-97, 12-3-98, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE:

RULE NO.:

Publications, Rules and Interagency

Agreements Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to change Section 7.4 of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - November 1996" incorporated by reference in Rule 40E-4.091, F.A.C., specifically the language relating to side slope requirements for wet retention/detention and stormwater attenuation areas. This proposed rule amendment also adds a section on side slopes for conveyances. SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment addresses wet retention/detention and stormwater attenuation area side slopes and adds a section on side slopes for conveyances.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.426 FS.

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

TIME AND DATE: 10:00 a.m., June 14, 1999

PLACE: Lee County Extension Service, 3406 Palm Beach Boulevard, Ft. Myers, FL 33916

TIME AND DATE: 10:00 a.m., June 22, 1999

PLACE: Fletcher Recreation Center, 7960 Johnson Street, Pembroke Pines, FL 33024

TIME AND DATE: 10:00 a.m., June 25, 1999

PLACE: Osceola County Courthouse, 17 South Vernon Avenue, Room 155, Kissimmee, FL 34741

TIME AND DATE: 10:00 a.m., June 28, 1999

PLACE: South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ken Todd, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6874 or (561)682-6874 (internet:

ktodd@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, at (561)682-6206 at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – ~~October 1999~~ ~~November 1996~~.”

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.4135, ~~373.414~~, ~~373.4142~~, 373.416, ~~373.418~~, 373.421, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-1-97, 12-3-98, _____.

(The following represents proposed changes to section 7.4 of the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – November 1996” incorporated by reference in Rule 40E-4.091, F.A.C.)

7.4 Wet Retention/Detention Area Dimensional Criteria (As Measured at or from the Control Elevation) –

(a) through (c) No change.

(d) Side Slopes for Wet Retention/Detention and Attenuation Areas – for purposes of public safety, water quality enhancement and maintenance, all wet retention/detention and stormwater attenuation areas shall be designed with ~~have~~ side slopes no steeper than 5:1 ~~4:1~~ (horizontal:vertical) out to a depth of two feet below the control elevation, or an equivalent substitute. A one foot (horizontal:vertical) construction tolerance shall be accepted in the construction completion certification process. Side slopes shall be topsoiled and either nurtured or planted from 2 feet below to 1 foot above control elevation to promote vegetative growth. Littoral zone vegetative growth survival shall be a consideration of operation permit issuance. Side slope dimensional criteria for above ground impoundments are set forth in Appendix 6.

The final constructed side slopes for tee boxes and/or greens in golf courses that are contiguous to wet retention/detention and stormwater attenuation areas shall be no steeper than 2:1 (horizontal:vertical) for the area above the permitted control

elevation. For purposes of this rule, the tee box is limited to an area specifically constructed and designated as the location from which a golfer makes his/her first shot toward a designated hole. The green is the area of shortest grass around the hole. Sand traps and bunkers contiguous to the green shall be considered part of the green for purposes of this rule. For those portions of the wet retention/detention and attenuation areas adjacent to tee boxes and/or greens with constructed side slopes steeper than 4:1 (horizontal:vertical), the side slopes below the control elevation shall be designed to a final constructed side slope of no steeper than 8:1 (horizontal:vertical) to a depth of two feet below the control elevation or equivalent substitute and shall be topsoiled and either nurtured or planted from 2 feet below to 1 foot above control elevation to promote vegetative growth. Littoral zone vegetation growth survival shall be a consideration of operation permit issuance. Side slopes above the control elevation that are steeper than 4:1 (horizontal:vertical) shall be planted with dense vegetation at minimum one foot centers to discourage access.

(e) Side Slopes for Conveyances – that are not designed for water quality treatment or stormwater attenuation and which are not incorporated into a residential community, shall be designed with slopes no steeper than 3:1 (horizontal:vertical). A one foot (horizontal:vertical) construction tolerance shall be accepted in the construction completion certification process. Side slopes shall be topsoiled and either nurtured or planted from above the control elevation to the top of the bank for erosion control purposes.

~~(f)(e)~~ Bulkheads – Bulkheads shall be allowed for no more than 40 percent of the shoreline length, but compensating littoral zone must be provided based on appropriate maximum allowable side slope including local government requirements.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Miscellaneous Provisions
 RULE CHAPTER NO.: 40E-7

RULE TITLE: Scope and Applicability
 RULE NO.: 40E-7.520

PURPOSE AND EFFECT: This rule development concerns proposed revisions to the document entitled, “Public Use Guide for Designated Land Management Areas” (PUG). This document is incorporated by reference in Rule 40E-7.520, F.A.C. The proposed revisions provide that lands acquired by the District under the Save Our Rivers and Preservation 2000 programs are made available to the public for recreational use and enjoyment, while protecting natural resources and ecosystems. Regulations concerning the use of certain existing management areas are to be amended and new management areas are to be added, and others may be deleted.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments are to provide additional public outdoor and recreational opportunities in the Lower Reedy Creek Management Area. The proposed amendments are to include a change to the restriction of access from 6:00 a.m. to 4:30 a.m. and allowing the use or possession of saddle animals only when in the possession of a Special Use License. Other changes to the rule and PUG may be considered based upon the Rule Development process, including public input and additional staff analysis.

SPECIFIC AUTHORITY: 279.101, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 259.101, 373.016, 373.056, 373.103, 373.139, 373.1395, 373.1401, 373.59 FS.

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

TIME AND DATE: 6:30 p.m., June 15, 1999

PLACE: Kissimmee Civic Center, 201 E. Dakin Avenue, Kissimmee, FL 34741-5725, (407)935-1412

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janetta Worth, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6640 or (561)682-6640, internet: jworth@sfwmd.gov. Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, at (561)682-6206 at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-7.520 Scope and Applicability.

(5) The District shall publish and make available to the public, upon request, a "Public Use Guide for Designated Land Management Areas". The Public Use Guide will be considered by the Governing Board at a public meeting advertised in accordance with Chapter 120, F.S. Only rules adopted by the Governing Board shall be effective. Copies of the Public Use Guide are available during working hours from the District headquarters.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.056, 373.139, 373.1395, 373.1401, 373.59 FS. History--New 5-24-94, Amended 9-10-98,_____.

**LOWER REEDY CREEK MANAGEMENT AREA
SPECIAL PROVISIONS**

1. through 4. No change.

5. Notwithstanding provisions 1 through 4 above, public access is prohibited from February 15 through August 15 within the posted areas generally located above the divergence of Reedy Creek and the Dead River. Public access to this area is permitted only between the hours of ~~6:00~~ 4:30 a.m. to 9:00 p.m. from August 16 through February 14. Users of this area must be in possession of a Special Use License, which can be obtained from the District's Orlando Service Center at 1(800)250-4250 (see 40E-7.534 of the General Rules and Regulations).

6. The use of possession of saddle animals is allowed only when in the possession of a Special Use License.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Environmental Resource Standard

RULE CHAPTER NO.:

General Permits 40E-40

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to correct citations and clarify language currently in the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment addresses permit thresholds.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.406(5) FS.

LAW IMPLEMENTED: 373.103, 373.118, 373.413, 373.416, 373.419, 373.426 FS.

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

TIME AND DATE: 1:00 p.m., June 14, 1999

PLACE: Lee County Extension Service, 3406 Palm Beach Boulevard, Ft. Myers, FL 33916

TIME AND DATE: 1:00 p.m., June 22, 1999

PLACE: Fletcher Recreation Center, 7960 Johnson Street, Pembroke Pines, FL 33024

TIME AND DATE: 1:00 p.m., June 25, 1999

PLACE: Osceola County Courthouse, 17 South Vernon Avenue, Room 155, Kissimmee, FL 34741

TIME AND DATE: 10:00 a.m., June 29, 1999

PLACE: South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Jennison, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680,

telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206 at least two business days in advance to make appropriate arrangements.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: No Notice and Notice of General

RULE CHAPTER NO.: 40E-400

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to correct citations, statutory time periods, and clarify language currently in the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment intends to amend the table of contents and addresses the processing procedures for noticed general permits. This rule will also correct citations, statutory time periods, and clarify language currently in the rule.

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

LAW IMPLEMENTED: 373.109, 373.118, 373.413, 373.416, 373.426 FS.

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

TIME AND DATE: 1:00 p.m., June 14, 1999

PLACE: Lee County Extension Service, 3406 Palm Beach Boulevard, Ft. Myers, FL 33916

TIME AND DATE: 1:00 p.m., June 22, 1999

PLACE: Fletcher Recreation Center, 7960 Johnson Street, Pembroke Pines, FL 33024

TIME AND DATE: 1:00 p.m., June 25, 1999

PLACE: Osceola County Courthouse, 17 South Vernon Avenue, Room 155, Kissimmee, FL 34741

TIME AND DATE: 10:00 a.m., June 29, 1999

PLACE: South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Jennison, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is

to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206 at least two business days in advance to make appropriate arrangements.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Compliance and Enforcement of Individual Permits

RULE NO.: 40E-63.145

Basin Compliance Appendix 40E-63-3

PURPOSE AND EFFECT: The Everglades Forever Act mandates a 25 percent reduction in the total phosphorus load discharged from the Everglades Agricultural Area (EAA). The District is required to calculate this EAA basin compliance annually. Chapter 40E-63, F.A.C., established a formal procedure to calculate these phosphorus loads. Chapter 40E-63, F.A.C. anticipated that refinements to the EAA Basin phosphorus calculation procedures would be required over time to incorporate changes in the surface water management within the EAA, such as the construction of Stormwater Treatment Areas. The proposed amendments are in order to enable that the total phosphorus load discharged can be accurately measured.

SUBJECT AREA TO BE ADDRESSED: The proposed rule is to amend the FORTRAN code used to calculate basin compliance contained in Chapter 40E-63, F.A.C., Appendix 3 which is incorporated by reference in Rule 40E-63.145, F.A.C., Compliance and Enforcement of Individual Permits, to formally modify the basin phosphorus load calculation procedures by adding two inflow pump stations to Stormwater Treatment Area Five as new discharge points from the EAA, removing inflow pump station G-250 due to completion of STA-1W, and update associated phosphorus load calculation procedures.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.016, 373.085, 373.086, 373.119, 373.129, 373.136, 373.451, 373.453, 373.4592, 373.603 FS.

IF REQUESTED 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., June 11, 1999

PLACE: South Florida Water Management District Headquarters, William V. Storch Conference Room, 3301 Gun Club Road, West Palm Beach, FL

NOTE: If no requests are received, this workshop will not be held.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Paul Whalen, Director, Everglades Regulation Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, Telephone 1(800)432-2045, extension

6719 or (561)682-6719 (internet: pwhalen@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, at (561)682-6206 at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-63.145 Compliance and Enforcement of Individual Permits.

(3)(a) The District shall begin collecting monitoring data from the EAA Basin on January 1, 1995, for the purpose of determining compliance with the phosphorus load reduction requirement calculated in accordance with Appendix 40E-63-3 (Basin Compliance) (Amended October, 1999) which is incorporated by reference to this Chapter. Copies of Appendix 40E-63-3 are available from the South Florida Water Management District, Regulation Department, Everglades Regulation Division, 3301 Gun Club Road, West Palm Beach, FL 33406-3089.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.119, 373.129, 373.136, 373.451, 373.453, 373.4592, 373.603 FS. History—New 1-22-92, Amended 7-7-92, 8-25-96, 10-1-98, 6-3-99,

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE TITLE: Area Agency on Aging Functions and Responsibilities

RULE NO.: 58A-1.007

PURPOSE AND EFFECT: This notice is in addition to four previous notices regarding amending 58A-1.007 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, will be revised as originally noticed. A prioritization methodology for serving clients on waiting lists for service will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.101 FS.

LAW IMPLEMENTED: 20.41, 430.101 FS.

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

TIME AND DATE: 10:00 a.m., Friday, June 11, 1999; 10:00 a.m., Friday, June 18, 1999; 10:00 a.m., Friday, June 25, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (904)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Horatio Soberon-Ferrer, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (904)414-2000

DEPARTMENT OF ELDER AFFAIRS

Community Care for the Elderly

RULE TITLE: Administration

RULE NO.: 58C-1.003

PURPOSE AND EFFECT: This notice is in addition to four previous notices regarding amending 58C-1.003 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, will be revised as originally noticed. A prioritization methodology for serving clients on waiting lists for service will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.203-.205 FS.

LAW IMPLEMENTED: 430.201-.207 FS.

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

TIMES AND DATES: 10:00 a.m., Friday, June 11, 1999; 10:00 a.m., Friday, June 18, 1999; 10:00 a.m., Friday, June 25, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (904)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Horatio Soberon-Ferrer, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

DEPARTMENT OF ELDER AFFAIRS

Alzheimer's Disease Initiative

RULE TITLE: Program Administration
RULE NO.: 58D-1.005

PURPOSE AND EFFECT: This notice is in addition to four previous notices regarding amending 58D-1.005 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, will be revised as originally noticed. A prioritization methodology for serving clients on waiting lists for service will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.501-.503 FS.

LAW IMPLEMENTED: 430.501-.504 FS.

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

TIMES AND DATES: 10:00 a.m., Friday, June 11, 1999; 10:00 a.m., Friday, June 18, 1999; 10:00 a.m., Friday, June 25, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (904)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Horatio Soberon-Ferrer, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

DEPARTMENT OF ELDER AFFAIRS

Home Care for the Elderly

RULE TITLE: Administration
RULE NO.: 58H-1.003

PURPOSE AND EFFECT: This notice is in addition to four previous notices regarding amending 58H-1.003 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, will be revised as originally noticed. A prioritization methodology for serving clients on waiting lists for service will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.608 FS.

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

TIME AND DATE: 10:00 a.m., Friday, June 11, 1999; 10:00 a.m., Friday, June 18, 1999; 10:00 a.m., Friday, June 25, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (904)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Horatio Soberon-Ferrer, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Definitions
RULE NO.: 61G4-12.011

PURPOSE AND EFFECT: Rule 61G4-12.001 is being amended within subsection (3) to include any electronic media, including Internet sites, to the list of tools used under the definition of "advertise" or "advertises."

SUBJECT AREA TO BE ADDRESSED: Organization and Purpose.

SPECIFIC AUTHORITY: 489.103(5), 489.105(3), 489.108, 489.113(3) FS.

LAW IMPLEMENTED: 489.103(5), 489.105(3), 489.113(3), 489.115(6), 489.119(5) 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: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G4-12.011 Definitions.

(1) through (2) No change.

(3) The terms “advertise” and “advertises” shall apply to business cards, business proposals, contracts, construction site signs, all newspapers, airwave transmission (other than internal company communications), any electronic media including Internet sites, phone directory, and other media including handbills, billboards, flyers, shopping and service guides (coupon offerings), magazines (including trade association publications), classified advertisements, manufacturer's “authorized dealer” listings, and signs on vehicles. They shall not apply to balloons, pencils, pens, hats, shirts, articles of clothing, or other promotional novelties. Neither shall the terms apply to any single line phone directory listing; nor to free phone directory listings (regardless of page color) of one, two or three lines, which display nothing more than the proper name, company name, address, and telephone numbers in whole and in part in an unbolded or unhighlighted print or without further textual or pictorial elaboration or touting in its overall display.

(4) through (13) No change.

Specific Authority 489.103(5), 489.105(3), 489.108, 489.113(3) FS. Law Implemented 489.103(5), 489.105(3), 489.113(3), 489.115(6), 489.119(5) FS. History—New 9-16-80, Formerly 21E-12.11, Amended 1-1-89, 4-18-89, 7-4-89, 4-22-90, 7-3-91, 12-21-92, Formerly 21E-12.011, Amended 11-4-93, 11-22-94, 10-10-95, 4-29-96, 9-18-96, 12-3-96, 11-25-97.

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: Functions for the Advanced Registered Nurse
 RULE NO.: 64B9-4.009

PURPOSE AND EFFECT: The purpose of the rule development will be to implement the decision of the joint committee appointed pursuant to Section 464.003(3)(c), F.S., regarding prescriptive authority for controlled substances.

SUBJECT AREA TO BE ADDRESSED: Functions for the Advanced Registered Nurse.

SPECIFIC AUTHORITY: 464.006, 464.012 FS.

LAW IMPLEMENTED: 464.012 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: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLES: Obtaining Inactive Status; Delinquent Status
 RULE NOS.: 64B9-6.001
 Reactivation of Inactive or Delinquent License 64B9-6.003

PURPOSE AND EFFECT: The board will be amending the rules in order to separate the requirements for delinquent licenses and inactive licenses, and to establish the conditions for reactivation necessary to ensure that a licensee who has been on inactive status for more than two biennia can practice with care and skill sufficient to protect the public.

SUBJECT AREA TO BE ADDRESSED: Obtaining Inactive Status; Delinquent Status; Reactivation of Inactive or Delinquent License.

SPECIFIC AUTHORITY: 464.006, 464.014 FS.

LAW IMPLEMENTED: 455.271, 464.014, 464.016 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: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: Fees
 RULE NO.: 64B9-7.001

PURPOSE AND EFFECT: The purpose of the amendment will be to increase the initial licensure fee for persons applying through endorsement, and to clarify renewal fees and eliminate redundant provisions.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 455.564(2), 455.574, 455.587, 455.711, 464.006, 464.0141(1) FS.

LAW IMPLEMENTED: 119.071(1)(a), 455.564(2), 455.574(1)(c), 455.587, 455.711, 464.008, 464.009, 464.012, 464.013, 464.014 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: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Exemption of Spouse of Member of Armed Forces from License Renewal Requirements
RULE NO.: 64B11-5.0065

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule which will set forth the requirements regarding a spouse's exemption from license renewal.

SUBJECT AREA TO BE ADDRESSED: Exemption of spouse of member of armed forces from license renewal requirements.

SPECIFIC AUTHORITY: 455.507(2), 468.204 FS.

LAW IMPLEMENTED: 455.507(2) 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., or shortly thereafter on June 14, 1999

PLACE: The Nova Southeastern University, Health Professions Division, Hall Auditorium, 3200 S. University Drive, Ft. Lauderdale, Florida

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 HEALTH

Board of Optometry

RULE TITLE: Delinquent Status License
RULE NO.: 64B13-11.004

PURPOSE AND EFFECT: The Board proposes the development of an amendment to the rule to clarify the criteria for changing from delinquent status to active status.

SUBJECT AREA TO BE ADDRESSED: Change to active status from delinquent status.

SPECIFIC AUTHORITY: 455.711, 463.005(1) FS.

LAW IMPLEMENTED: 455.711 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-11.004 Delinquent Status License.

(1) through (2) No change.

(3) The delinquent status licensee who applies for active or inactive license status shall:

(a) No change.

(b) pay to the board either the active status fee of rule 64B13-6.001(4) or the inactive status license fee of rule 64B13-6.001(8), the delinquent status license fee of rule 64B13-6.001(15), and, if applicable, the change of status fee of rule 64B13-6.001(14), ~~and~~

(4) The delinquent status licensee who applies for active status license shall, in addition to complying with (3) immediately above, affirm (c) demonstrate compliance with the continuing education requirements of rule 64B13-11.001(2).

Specific Authority 455.711, 463.005(1) FS. Law Implemented 455.711 FS. History--New 12-22-94, Formerly 59V-11.004, Amended

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation

RULE TITLE: Case Supervision Responsibilities
RULE NO.: 65C-12.008

PURPOSE AND EFFECT: This rule modification will ensure that parents, legal custodians and other caregivers are aware of how they may maintain telephone and letter contact with children placed into shelter. It will also ensure the confidentiality of the shelter location.

SUBJECT AREA TO BE ADDRESSED: Emergency Shelter Care.

SPECIFIC AUTHORITY: 39.0121, 409.026(8) FS.

LAW IMPLEMENTED: 39.402, 409.145(1)(d),(2)(a), 409.165(1) FS.

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

TIME AND DATE: 9:00 a.m., June 18, 1999
PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, Florida 32399
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Perry, Adm., 1317 Winewood Blvd. Building 8, Room 221, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-12.008 Case Supervision Responsibilities.

When a child who is not already under supervision is placed into shelter care by a child protective investigator, case supervision responsibilities remain with the child protective investigator until the case is referred and accepted for early service intervention. The primary supervision of the child is then transferred to the service counselor, but the child protective investigator will maintain overall case management responsibility until case disposition. For cases that are already under supervision at the time of placement, the service counselor maintains primary responsibility for case supervision and for overall case management.

(1) Notification of Parent.

(a) through (c) No change.

(d) Telephone calls and letters are a way to maintain contact between the parent, legal custodian or other caregiver and the child. The department will not give the telephone number or address where the child is located without the written permission of the shelter parent. The child's counselor will arrange for telephone calls at a Family Safety and Preservation office or some other appropriate location. Letters from a parent, legal custodian or other caregiver must be sent to the district Family Safety and Preservation office to be delivered, unopened, to the child. If circumstances arise which appear to warrant monitoring of calls or prior review of letters by the counselor, the court must be requested to authorize such monitoring or prior review before the counselor can take such an action.

(2) through (10) No change.

Specific Authority 39.0121, 409.026(8) FS. Law Implemented 39.402, 409.145(1)(d), (2)(a), 409.165(1) FS. History--New 5-26-92, Amended 12-25-96, Formerly 10M-41.015, Amended _____.

Section II Proposed Rules

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Outdoor Advertising Sign Regulation and Highway Beautification

RULE CHAPTER NO.: 14-10

RULE TITLES: Permits

RULE NOS.: 14-10.004

Maintenance of Nonconforming Signs 14-10.007

PURPOSE AND EFFECT: The amendment to 14-10.007(1)(d)3. is an editorial correction of a cross reference. The amendment to 14-10.004(1)(a) is to increase the annual permit fee for each sign facing from \$35.00 to \$41.00 for 200 square feet or less, and from \$55.00 to \$61.00 for more than 200 square feet. The increase is based upon increases in program costs. Comparisons between Fiscal Years 1997-98 and 1996-97 showed increased costs for administering the program compared to the revenue generated by the fees.

Table with 3 columns: Fiscal Year, 1997-98, 1996-97. Rows include Total Costs, Total Revenue, and Deficit.

SUMMARY: The amendment to 14-10.007(1)(d)3. is an editorial correction of a cross reference. The amendment to 14-10.004(1)(a) is to increase the annual permit fee for each sign facing from \$35.00 to \$41.00 for 200 square feet or less, and from \$55.00 to \$61.00 for more than 200 square feet. The increase is based upon increases in program costs. Comparisons between Fiscal Years 1997-98 and 1996-97 showed increased costs for administering the program compared to the revenue generated by the fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Statement of Estimated Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 334.044(2), 479.02(7) FS.

LAW IMPLEMENTED: 339.05, 479.01(14), 479.02, 479.07, 479.24 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: 10:00 a.m., June 17, 1999

PLACE: Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 RULES IS:

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 02/98, incorporated herein by reference, to the district office within whose boundaries the proposed site is located. Applications may be obtained from the State Outdoor Advertising License and Permit Office at the address listed in Rule Section 14-10.003(2) or from any of the Department's district offices. Applications for outdoor advertising sign permits on the Florida Turnpike shall be submitted to the district office of the district in which the specific portion of the Turnpike is located.

(a) Payment of the permit fee shall be made in the same manner provided for license fees in Rule Section 14-10.003(2)(b). The annual permit fee for each sign facing is \$41.00 ~~35.00~~ for 200 square feet or less and \$61.00 ~~55.00~~ for more than 200 square feet. A permittee shall notify, in writing, the district within whose boundaries the sign is located, prior to making any changes in the dimensions of a permitted conforming sign which would increase the area of the sign facing to over 200 square feet and shall submit an additional \$20.00.

(b) through (11)(d) No change.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.01(14), 479.02, 479.07, 479.24 FS. History--(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, _____.

14-10.007 Maintenance of Nonconforming Signs.

(1) The following shall apply to nonconforming signs:

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

3. The materials to be included in the replacement materials costs to reerect the sign shall be all materials that would be used to return the sign to its configuration immediately prior to destruction and shall not include any material that is repaired on-site, but shall include any material obtained from a source other than the sign itself, whether used, recycled, or repaired. The repairs to the sign shall be with like materials and shall be those reasonably necessary to

permanently repair the sign in a manner normally accomplished by the industry in that area. The cost of such materials shall be as described in paragraph (1)(d)2. ~~(2)(e)2.~~

(e) through (2) No change.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.07(9) FS. History--New 3-28-77, Amended 12-10-77, 1-1-86, Formerly 14-10.07, Amended 6-28-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth Towcimak, Director, Office of Right of Way

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P. E., Secretary

DATE PROPOSED RULE APPROVED: May 18, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 1999

DEPARTMENT OF CORRECTIONS

RULE TITLE:

RULE NO.:

Employee Grooming, Uniform and Clothing Requirements

33-4.007

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to simplify the requirements for obtaining shaving exemptions; to clarify that shaving exemptions do not exempt employees from particular work assignments; to specify conditions for wearing the correctional officer badge; to provide for the issuance of specific colored badges based upon rank; and to clarify that the uniform cap will be furnished by the agency rather than the employee.

SUMMARY: The proposed rule allows for a permanent shaving exemption upon verification that the medical condition warranting the exemption is permanent; specifies that employees with shaving exemptions are not exempt from work assignments utilizing facial equipment; specifies conditions for wearing the correctional officer badge; provides for issuance of gold badges for officers of the rank of lieutenant and above; and provides for the Class B uniform cap to be furnished by the department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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., June 24, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-4.007 Employee Grooming, Uniform and Clothing Requirements.

(1) No change.

(2) In addition to the standards set forth in (1), all male employees shall comply with the following grooming standards:

(a) through (d) No change.

(e) The only exception to the shaving policy shall be based on medical need. Any employee who cannot adhere to the shaving policy based on a medical diagnosis must provide a statement from a dermatologist or other skin specialist stating the medical condition, ~~and~~ describing proposed treatment, ~~and stating whether it is a temporary or permanent condition.~~ If the physician indicates that it is a temporary condition and facial hair growth is prescribed, the physician's statement shall be forwarded through the chain of command for review, comment and recommendation to the appropriate Assistant Secretary or Deputy Secretary. The Deputy Secretary or Assistant Secretary may grant a temporary exemption to the shaving policy for medical reasons for a three to six month period. At the end of a period of temporary exemption, the employee shall be re-evaluated by his physician or a physician chosen by the department. Further temporary exemption periods of up to 12 months each may be granted under the foregoing criteria and procedures. If the physician states that the medical condition is permanent with no likelihood of improvement, a permanent exemption will be approved by the regional director, assistant secretary, or deputy secretary. Facial hair in cases of exemption shall be neatly trimmed to 1/4 1/8 inch.

(f) Employees authorized to wear facial hair based upon a medical condition must read and sign Form DC4-877, Employee Grooming Policy Exemption. Form DC4-877 is hereby incorporated by reference. Copies of this form are available from the Office of Security and Institutional Management, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is _____.

(g) Employees with shaving exemptions shall not be exempt from assignment responsibilities utilizing protective masks or other facial equipment.

(3) No change.

(4) The following provisions shall apply to employees in the positions of correctional officer colonel, correctional officer major, correctional officer captain, correctional officer lieutenant, correctional officer sergeant and correctional

officer, with the exception of employees at community correctional centers and probation and restitution centers. For the purposes of this rule, "correctional officer" is used to refer to the individual position or the class which includes all of the above-listed positions.

(a) Class A Uniform. The correctional officer class A uniform issued by the department shall be worn while performing official duties as determined by the superintendent. The class A uniform will be mandatory for all court appearances. The class A uniform will consist of:

1. through 5. No change.

6. Correctional officer badges. Badges shall be issued to all certified correctional officers regardless of their work location. Correctional officer badges will be issued by the department to be worn as part of the ~~class A uniform only while performing official duties off the grounds of a correctional facility such as court or other appearances.~~ The badge will be worn above the left shirt pocket affixed through the pre-sewn holes. Wearing the department issued badge carries a significant responsibility. The wearer is not only representing the Department of Corrections, but the law enforcement community and the State of Florida. The badge shall be routinely cleaned and presented in a manner so as to reflect the pride and professionalism of the Department of Corrections. Use of the issued badges as credentials for personal purposes is prohibited. Only badges issued by the department shall be used to conduct officially designated duties. The badge shall be 2-1/4" x 1-15/16" in size, silver colored metal for correctional officers and sergeants and gold color for lieutenants and above with black lettering, and pre-numbered with a pin clasp for securing to the shirt ~~wallet clip~~. The badges shall be issued to certified officers upon employment and will be not be provided to uncertified officers until after certification is received. Correctional officers shall be responsible for reimbursing the department for any issued badge which is lost ~~or stolen~~. Issued badges are considered state property and, except for retirement under specific conditions, shall be returned to the department upon the officer's termination of employment with the department or removal from a position within the correctional officer class series. Correctional officers who retire from the department under honorable conditions and are eligible to retire under the State of Florida retirement system, including retirement under medical disability, shall be authorized to retain their issued badges. Correctional officer sergeants who are promoted to lieutenant shall return their silver colored badges to the superintendent prior to being issued gold colored badges.

7. No change.

8. ~~Gold Silver~~ colored lieutenant's bar for correctional officer lieutenants shall be worn on the collar military style.

9. ~~Gold Silver~~ colored captain's bar for correctional officer captains shall be worn on the collar military style.

10. No change.

11. ~~Gold Silver~~ colored colonel's insignia for correctional officer colonel shall be worn on the collar military style.

12. through 27. No change.

(b) Class B Uniform. The correctional officer class B uniform shall consist of all items included in the correctional officer class A uniform, except that the trousers will be made of a material compatible with the needs of the employee's assignment. Five uniform shirts and three pairs of class B uniform trousers will be issued per officer.

1. No change.

2. The uniform cap can be worn for daily wear with the class B uniform within the institution at the option of the correctional officer. The uniform cap shall be solid brown with a departmental emblem embroidered on the center front above the bill of the cap. Additional lettering, logos or rank insignia are not authorized on caps. The uniform hat shall be mandatory for all public and official appearances. The uniform cap will be furnished by the department.

3. No change.

(c) through (i) No change.

(5) through (13) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Czerniak

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 4, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 1998; December 31, 1998; January 21, 1999

DEPARTMENT OF CORRECTIONS

RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

RULE NO.: 33-22.012

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the meaning of the term "self-mutilation" as used in the rules of prohibited conduct for inmates.

SUMMARY: The proposed rule defines self-mutilation to include body piercing or other non-life threatening acts as determined by health care staff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 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., June 23, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-22.012 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

SECTION 1 through SECTION 8 No change.

SECTION 9 – MISCELLANEOUS INFRACTIONS

9-1 through 9-29 No change.

9-30 Self Mutilation – includes body piercing 30 DC + 60 GT or other non-life threatening acts as determined by health care staff.

9-31 through 9-32 No change.

SECTION 10 through SECTION 11 No change.

Specific Authority 944.09, ~~944.14, 945.091~~ FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28, ~~945.04, 945.091~~ FS. History--New 3-12-84, Formerly 33-22.12, Amended 1-10-85, 12-30-86, 9-7-89, 11-2-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Czerniak

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 12, 1999

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
RULE CHAPTER NO.: 40D-1
RULE TITLE: Delegation of Authority
RULE NO.: 40D-1.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to incorporate by reference Well Construction Permitting Agreements between the Southwest Florida Water Management District and Sarasota and Manatee Counties which delegate authority for well construction permitting to Sarasota and Manatee Counties.

SUMMARY: The proposed rule amendments will incorporate by reference Well Construction Permitting agreements between the Southwest Florida Water Management District and Sarasota and Manatee Counties. The District has reauthorized Well Construction Permitting Agreements with Sarasota and Manatee Counties since 1978. The original agreements and subsequent amendments specify the procedures for permitting, inspection and enforcement of well construction pursuant to the delegation of the District's well construction permitting program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.002, F.A.C., will not result in a substantial increase in costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
LAW IMPLEMENTED: 253.002, 373.026, 373.427, 403.812(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.002 Delegation of Authority.

(1) through (2) No change.

(3) The Governing Board hereby incorporates by reference the following documents:

(a) "Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Manatee County" dated, 1999.

(b) "Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County" dated, 1999.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 253.002, 373.026, 373.427, 403.812(1) FS. History-New 3-1-84, Amended 3-10-96.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 1999

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
RULE CHAPTER NO.: 40D-1
RULE TITLE: Permit Application Procedures
RULE NO.: 40D-1.603

PURPOSE AND EFFECT: The proposed rule amendment incorporates the District's current practice of distinguishing the method of providing notice of agency action on Water Use Permits based upon the number of potentially affected property owners into the District's noticing procedures.

SUMMARY: The District currently provides notice of agency action on each Water Use Permit to potentially affected property owners as determined pursuant to subsection 40D-2.101(3), F.A.C. If the number of potentially affected property owners is less than 500 such notice is provided via U.S. mail. If the number of potentially affected property owners equals or exceeds 500, notice is provided by publication in a newspaper of general circulation in the area where the withdrawal is to occur.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.603, F.A.C., will not result in a substantial increase in costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.
LAW IMPLEMENTED: 373.116, 373.118, 373.171, 373.229, 373.413 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

- 40D-1.603 Permit Application Procedures.
- (1) through (3) No change.
- (4) Notwithstanding the provisions of subsection (2) and (3) above, the District will provide notice of its agency action on water use permit applications to potentially affected property owners, as determined pursuant to subsection 40D-2.101(3)(c), F.A.C. If the number of potentially affected property owners, is less than 500, the District will provide notice of its decision by regular U.S. mail. If the number of potentially affected property owners equals or exceeds 500, the District will publish notice of its decision in a newspaper of general circulation as set forth in Chapter 50, F.S., in the county or counties where the withdrawal is proposed.
- (5)(4) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.116, 373.118, 373.171, 373.229, 373.413 FS. History—New 10-1-84, Amended 5-10-88, 12-22-94, 10-19-95, 3-31-96, 12-16-97, 7-2-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 1999

**WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District**

RULE CHAPTER TITLE: Procedural
RULE TITLE: Emergency Authorization for

RULE CHAPTER NO.: 40D-1
RULE NO.: 40D-1.1022

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to allow the District's Executive Director to further delegate the authority to grant emergency well construction permits to staff.

SUMMARY: The proposed rule amendment will allow the Executive Director to delegate to designated staff the authority to grant emergency well construction permits. This delegation is necessary to effectively provide such emergency authorizations when the Executive Director is unavailable.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.1022, F.A.C., will not result in a substantial increase in costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.171, 373.309, 373.326, 373.342 FS.

LAW IMPLEMENTED: 373.306, 373.308, 373.309, 373.313, 373.342 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.1022 Emergency Authorization for Well Construction Permits.

Emergency permits may be issued by the Executive Director or the Executive Director's designee, when conditions exist which justify such issuance. Emergency permits may be applied for and issued orally. However, a serious set of unforeseen or unforeseeable circumstances must exist to create the emergency. The applicant for an emergency permit shall reduce his application to writing in accordance with Rule 40D-3.101, F.A.C., within 48 hours after making oral application. Rule 40D-3.411, F.A.C., shall apply to construction performed under an emergency permit.

Specific Authority 373.044, 373.171, 373.309, 373.326, 373.342 FS. Law Implemented 373.306, 373.308, 373.309, 373.313, 373.342 FS. History—Readopted 10-5-74, Formerly 16J-3.12, Amended 7-1-90, 9-30-91, Formerly 40D-3.451, Amended 7-2-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 1999

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
 RULE CHAPTER NO.: 40D-2

RULE TITLE: Publications Incorporated by Reference
 RULE NO.: 40D-2.091

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to provide a reference to the provisions of Section 40D-2.101(3), F.A.C., in the Water Use Permitting Basis of Review.

SUMMARY: Each applicant for a water use permit is required to submit a list of property owners that may be affected by the proposed withdrawal in accordance with the provisions of the District's Rule 40D-2.101, F.A.C. The District provides notice of agency action on each Water Use Permit application to such potentially affected property owners. The proposed rule amendment will provide a reference to the provisions of Section 40D-2.101(3), F.A.C., in the Water Use Permitting Basis of Review.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-2.091, F.A.C., will not result in a substantial increase in costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 120.54, 373.044, 373.103, 373.113 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, 373.219, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.091 Publications Incorporated by Reference.
 The "Basis of Review for Water Use Permit Applications" ~~July 28, 1998~~, the "Agricultural Water Use Form, Form: WUP-15 (8/90)," and the "Agricultural Water Allotment Form, Form: WUP-11 (8/90)," are hereby incorporated by reference into this Chapter and are available from the District upon request.

Specific Authority 120.54, 373.044, 373.103, 373.113 FS. Law Implemented 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, 373.219, 373.239, 373.243 FS. History--New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98,_____.

BASIS OF REVIEW FOR WATER USE PERMIT APPLICATIONS

1.0 PERMITTING PROCEDURES

1.1 through 1.6 No change.

1.7 POTENTIALLY AFFECTED PARTIES

Upon receipt of a permit application, the District will publish notice in a newspaper of general circulation near the location of the proposed withdrawal. Interested persons may request to be provided notice of agency action on a permit application.

Permit Applicants must submit a list of names and addresses of property owners that may be affected by the proposed withdrawals as indicated on the application form, and required by 40D-2.101(3), F.A.C.

The District will provide a notice of agency action on each permit to potentially affected property owners as determined pursuant to subsection 40D-2.101(3), F.A.C., and interested persons, as well as the permit applicant. Affected persons may request a hearing on the agency action within 21 days of receipt of the notice in accordance with Chapter 120, F.S. and Chapter 28-106, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 1999

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

RULE TITLE: Exemptions RULE NO.: 40D-3.051

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to allow the District to receive requests for and grant certain exemptions from well construction requirements orally. Such a procedure is necessary to allow the District to ameliorate various emergencies encountered during well construction, repair or abandonment when strict adherence to the rule requirements of Chapter 40D-3, F.A.C., would cause undue hardship.

SUMMARY: The proposed rule language establishes the procedure for orally requesting and obtaining emergency exemptions from water well construction requirements from the District. Upon oral request, the Executive Director or the Executive Director's designee may grant the request orally. A Well Completion Report must be filed with the District documenting the request within 30 days of completion of the well construction.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-3.051, F.A.C., will not result in a substantial increase in costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.051 Exemptions.

(1) No change.

(2) In emergency situations when compliance with the requirements of Part III of Chapter 373, F.S., or Chapter 40D-3, F.A.C., will result in undue hardship, including those situations when an unexpected problem is encountered during the construction, repair or abandonment of a well, the Executive Director, or the Executive Director's designee, may authorize an exemption, by telephone, from the conditions required by a permit or rule requirements for a well. A Well Completion Report documenting the exemption must be submitted to the District in writing within 30 days of completion.

~~(3)~~ No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History—Readopted 10-5-74, Formerly 16J-3.13, Amended 7-1-90, 9-30-91, 12-31-92.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 1999

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Works or Lands of the District RULE CHAPTER NO.: 40E-6

RULE TITLES: Part I RULE NOS.:

Policy and Purpose 40E-6.011

Definitions 40E-6.021

Implementation 40E-6.031

Consent Required 40E-6.041

Exemptions 40E-6.051

Publications Incorporated by Reference 40E-6.091

Part II – Permits

Subpart A – Notice General Permits

Content of Application 40E-6.101

Conditions for Issuance of Notice General Permits 40E-6.121

Subpart B – Standard Permits
 Content of Application 40E-6.201
 Conditions for Issuance of Standard Permits 40E-6.221
 Subpart C – General Provisions
 Duration of Permits 40E-6.301
 Access to Works and Lands of the
 District; Closures 40E-6.311
 Modification of Permits 40E-6.321
 Revocation of Permits 40E-6.331
 Financial Assurances and Insurance 40E-6.341
 Transfer of Permits 40E-6.351
 Financial Assurances and Insurance 40E-6.361
 Limiting Conditions 40E-6.381
 Part III – Emergencies
 Emergency Authorization 40E-6.451
 Emergency Measures 40E-6.481
 Unlawful Use 40E-6.491
 Part IV – Violations
 Unlawful Use and Civil Penalties 40E-6.501
 Self Help 40E-6.521
 Part V – Processing Fees
 Permit Application Processing Fees 40E-6.601

PURPOSE AND EFFECT: The proposed rule incorporates changes to the South Florida Water Management District’s Right of Way Occupancy Permitting program. These changes are intended to allow the District to better respond to customer and community desires for use of the works or lands of the District without compromising the District’s ability to perform necessary routine and emergency operation and maintenance.

SUMMARY: The proposed rule streamlines the permitting and enforcement process including the introduction of a general permit category, maximizing the opportunities for consistent shared uses of works or lands of the District, including greenways and linear parks, and adjustment of the economic impact of certain permit application processing fees.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.109, 373.113, 373.129, 373.1395 FS.

LAW IMPLEMENTED: 120.60, 120.68, 196.199, 373.016, 373.044, 373.083, 373.085, 373.086, 373.103, 373.109, 373.113, 373.117, 373.118, 373.119, 373.129, 373.1395, 373.439, 373.603, 373.609, 373.613, 373.616, 373.3131, 380.06, 403.0877, 471.003 FS., Chapters 25209 and 25270, Laws of Florida.

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

TIME AND DATE: 9:00 a.m., July 15, 1999

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosie Byrd, Staff Administrative Resource Associate, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1-800-432-2045, extension 6262 or (561)682-6262 (internet: rbyrd@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, at (561)682-6206 at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART I

(Substantial rewording of Rule 40E-6.011 follows. See Florida Administrative Code for present text.)

40E-6.011 Policy and Purpose.

(1) This chapter governs the use of or connection to works or lands of the District. Conditions and criteria are established to ensure that uses are compatible with the construction, operation, and maintenance of such works or lands.

(2) Due to the critical importance of works and lands of the District in providing flood protection and other benefits, it is considered essential that the District retain complete

dominion and control over the use of such works or lands, including those subject to occupancy permits. The District acts in a proprietary capacity in acquiring lands or interests therein for utilization as works of the District. These rules are based upon proprietary concepts of property law. A "permit" to utilize works or lands of the District is a contract between the District and the "permittee," whereby the permittee obtains a license which is revocable at will, except as otherwise provided herein. All risk of loss regarding expenditures in furtherance of the permitted use is borne by the permittee. The District retains complete discretion as to the manner, if any, in which works or lands of the District shall be utilized, and nothing in these rules is intended to limit that discretion.

(3) An exception to subsection (2), above, is made for governmental entities and utilities, which may have their consent to utilize District works or lands revoked only for cause, pursuant to the criteria set forth in this chapter.

(4) The District has determined that an unencumbered 40 foot wide strip of right of way, measured from the top of bank landward, is required in order for the District to perform the required routine and emergency operations and maintenance activities necessary to insure flood protection to the entire community. In this 40 foot right of way, subject only to limited exceptions provided in this rule, the District shall not authorize any above ground facilities or other encroachments.

(5) The requirement for the unencumbered 40 foot right of way shall be applicable regardless of the District's quality of title to the right of way and regardless of the width of the overbank right of way.

(6) In the past, the District has authorized certain above ground facilities and uses on its rights of way within a 40 foot wide area adjacent to the top of bank, as set forth in subsection (4), above. However, over time and with experience gained in disaster preparation, operation and recovery, the District has determined that these previously authorized above ground facilities and uses are now inconsistent with the current and future operation and maintenance needs of the District. These facilities and uses have also been determined by the District to increase the operation and maintenance costs (for both routine and emergency operation and maintenance activities) and pose a significant additional physical burden on District staff. Subject to those uses specifically allowed in the criteria (Basis of Review), no future authorizations by the District shall allow above ground facilities or uses within that 40 foot wide area adjacent to the top of bank within the right of way, and all previous authorizations for facilities and uses shall be expressly limited to minimize their adverse impact on District operations and maintenance. Specifically, such authorizations shall not be modified or transferred, and shall be subject to the revocation provisions set forth herein as determined necessary by the District in order to meet its current and future operation and maintenance responsibilities to provide adequate flood protection to the community.

(7) In order to effectively and efficiently evaluate proposed installations of above ground facilities and uses, the District has segmented the canal and rights of way into five (5) operational zones shown on the diagram below:

The specific above ground facilities and uses which are consistent with the District's operation and maintenance needs, and which will generally be authorized are set forth in Rules 40E-6.121 and 40E-6.221, F.A.C.. Those facilities and uses not specifically identified as being consistent with the District's operation and maintenance needs for the respective zones have been determined by the District to be inconsistent with District operation and maintenance needs and no District authorization shall be granted.

(8) Due to the varying widths and physical limitations of the rights of way obtained by the District for the canals of the Big Cypress Basin, maintenance of the Basin canals is currently performed with different equipment than is utilized throughout the remainder of the District. Based on the differing maintenance needs of the Big Cypress Basin, application of the five operational zones, as set forth in subsection (7), above, will be reviewed on a case by case basis taking into account the width of overbank right of way, the accessibility of the right of way to land-based maintenance equipment and any site specific conditions that would impact the Basin's ability to operate and maintain the canal which is the subject of a particular application.

(9) The District reserves sole authority to make a determination that portions of the District's rights of way are inaccessible for routine maintenance activities due to a variety of physical limitations. While a determination that a certain segment of right of way is presently unusable for routine land-based maintenance activities and relaxation of the restrictions in zones 2, 3, 4, and 5 may be allowed, such determination shall be at the sole discretion of the District and does not obviate the need for individuals with proposed or existing facilities within these areas to obtain permits from the District. Further, the District reserves the right to enter these areas to conduct emergency operations or to require the removal of any encroachments that are inconsistent with these rules at such time as maintenance access is perfected through the area.

(10)(a) The District has further determined that certain facilities and uses meeting specific minimum criteria for various right of way zones shall more efficiently be granted authorization with a limited review by District staff, since these specific facilities and uses do not adversely impact the District's ability to operate and maintain the District's right of way and works of the District. Such authorizations shall be administered by the provisions of Rules 40E-6.101 and 40E-6.121, F.A.C., as a notice general permit. The District will incur less expense in the review of notice general permit applications, and, therefore the application processing fee associated with such facilities and uses shall reflect accordingly, as set forth herein.

(b) If multiple uses are being requested and any of those uses require a standard permit, all authorizations shall be requested under the standard permit application and a notice general permit will not be required.

(11) It is further the policy of the District to allow, without charge for admission or use, public, passive recreational uses of District owned rights of way, given legally sufficient District property interests. However, nothing contained herein shall limit the District's ability to, either temporarily or permanently, limit or otherwise preclude public access to certain portions of District works and lands, such as structures and associated facilities.

(12) In managing its canal and levee system the District must, from time to time, change its criteria and permit requirements based on regional and site specific conditions. Applicants are cautioned that the information provided by District staff is based on the best available information at the time the information is conveyed, but is subject to change. This is particularly true when applicants delay months or years in submitting an application for permit. Therefore the rules, criteria and requirements in effect at the time a formal application is received for review will be applied to the permit application.

Specific Authority 373.044, 373.113, 373.1395 FS. Law Implemented 373.016, 373.083(1), 373.085, 373.086, 373.118, 373.129, 373.1395, 373.616, 373.6161 FS. History—New 9-3-81, Amended 12-29-86, Formerly 16K-5.01(1), Amended _____.

40E-6.021 Definitions.

(1) The term "above ground facilities" when used in these rules is intended to mean any and all physical improvements or uses, whether man-made or natural (e.g. vegetation), that are extended above the existing surface of the ground.

(2) The term "Community Landscape Plan" when used in these rules is intended to mean a landscape scheme approved by the Governing Board that provides for use of the District's right of way for landscaping to a greater extent in certain zones than otherwise provided for by this rule.

(3) The term "change of ownership" when used in these rules is intended to mean the sale, purchase, or transfer of beneficial ownership of property adjacent to the District's right of way relative to a right of way occupancy permit; or in the case of utilities, bridges, or other such public facilities, the sale, purchase, or transfer of responsibility.

(4) The term "easement" when used in these rules is intended to mean the District's legal interest in the land for a specific limited use, such as construction, operation and maintenance of a canal or levee, access, stock piling of spoil material, or flowage of the land of another.

(5) The term "fee" ownership when used in these rules is intended to mean absolute and unconditional ownership by the District.

(6) The term “financial assurances” when used in these rules is intended to mean a cash bond to be held by the District in a non-interest bearing account, a performance bond issued by a licensed bonding company, a letter of credit issued by a financial institution authorized to do business in the State of Florida, or other such instrument approved by the District.

(7) The term “marina” when used in these rules is intended to mean a docking facility for three (3) or more watercraft.

(8) The term “modification” when used in these rules is intended to mean the addition or deletion of any facilities or uses not specifically authorized by the original permit.

(9) The term “notice general permit” when used in these rules is intended to mean a contractual license to occupy the works or lands of the District for specific types of proposed uses, with limited review by District staff, as set forth herein, and not requiring Governing Board approval.

(10) The term “owner” when used in these rules is intended to mean the individual or entity legally responsible for the ownership and control of the proposed facility or authorized use.

(11) The term “passive recreational use” when used in these rules is intended to mean conventional leisure activities, with minimal land or water resource impacts, which include such uses as walking, jogging, hiking, bicycling, fishing, nature appreciation, and equestrian use. Passive recreational use shall not include the use of motorized vehicles, with the exception of motorized wheelchairs necessary for use by disabled persons.

(12) The term “permit transfer” when used in these rules is intended to mean the changing of responsibility for the permit authorization from one person or entity to another.

(13) The term “right of way” when used in these rules is intended to mean those lands acquired by the District in fee, easement, or other type of grant, for the purpose of operations and maintenance of the District’s canal and levee system, spoil areas, Stormwater Treatment Area’s (STA’s), and access and other easements.

(14) The term “right of way occupancy permit” when used in these rules is intended to mean a contractual license to occupy the works or lands of the District, either by a notice general permit or a standard permit.

(15) The term “STA” when used in these rules is intended to mean the District’s Everglades Nutrient Removal Project (“ENR”), as well as those areas currently, or in the future, designated by the District as Stormwater Treatment Area’s.

(16) The term “standard permit” when used in these rules is intended to mean a contractual license to occupy the works or lands of the District for all uses not covered by a notice general permit, with a full review by District staff, as set forth herein, and requiring Governing Board approval.

(17) The term “top of bank” when used in these rules is intended to mean the point at which the flat or nearly level ground surface transitions down to the channel along the side slope of the canal bank.

(18) The term “tree” when used in these rules is intended to mean not only the trunk of the tree, but the farthest part of the canopy of the tree at maturity as well.

(19) The term “utility” when used herein means companies actually providing essential water, electric, telephone, sewer, or natural gas services. All other services shall be considered non-essential.

(20) The term “violator” when used in these rules is intended to mean any persons or entities acting contrary to the provisions of Chapter 373, F.S., these rules, as well as the provisions of any permit issued pursuant to these rules.

(21) The term “Works of the District” when used in these rules is intended to mean the canals, levees, structures, lands, water bodies, and other associated facilities which have been adopted as such by the District’s Governing Board.

(22) The term “Zone 1” when used in these rules is intended to mean the canal channel from the top of bank to the opposite top of bank, as depicted in Figure 1.

(23) The term “Zone 2” when used in these rules is intended to mean the point on the right of way from the top of bank to a point five (5) feet landward, as depicted in Figure 1.

(24) The term “Zone 3” when used in these rules is intended to mean the point on the right of way from a point five (5) feet landward from top of bank to a point twenty (20) feet landward, as depicted in Figure 1.

(25) The term “Zone 4” when used in these rules is intended to mean the point on the right of way from a point twenty (20) feet landward from top of bank to a point forty (40) feet landward, as depicted in Figure 1.

(26) The term “Zone 5” when used in these rules is intended to mean any right of way located further than forty (40) feet from the top of bank, as depicted in Figure 1.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.083(1), 373.085, 373.086 FS. History—New

(Substantial rewording of Rule 40E-6031 follows. See Florida Administrative Code for present text.)

40E-6.031 Implementation.

(1) The effective date for the program established in this chapter is _____.

(2) All permits issued prior to the effective date of these rules shall remain in effect, except as provided herein.

(3) All applications, including permit application processing fees, for permits received by the District prior to the effective date of these rules shall be processed using the criteria

set forth in Volume V, Criteria Manual for Use of Works of the District – Permit Information Manual, adopted December 24, 1991.

(4) All applications, including permit application processing fees, received by the District on or after the effective date of these rules shall be subject to the provisions of these rules and the criteria adopted pursuant to these rules as set forth in Rule 40E-6.091, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History–New 9-3-81, Amended 12-29-86, _____.

(Substantial rewording of Rule 40E-6.041 follows. See Florida Administrative Code for present text.)

40E-6.041 Consent Required.

(1) Unless expressly exempt by law or District rule, an right of way occupancy permit, either a notice general permit or a standard permit, must be obtained prior to connecting with, placing structures in or across, discharging into or making use of the works of the District and any additional lands or real property interest owned by the District, including the Stormwater Treatment Areas (STA's). Works or lands of the District subject to this requirement appear in the document listed in Rule 40E-6.091, F.A.C.

(2) All other use and occupancy of District works or lands must be consistent with the purposes and objectives of Ch. 373, F.S. and Title 40E, F.A.C.

(3) These rules do not apply to property managed by the District pursuant to Chapter 40E-7, Part V, Florida Administrative Code.

(4) These rules do not apply to the Seminole Tribe of Indians of Florida at such time as there exists a District approved agreement specifically addressing the use and management of District rights of way between the District and the Seminole Tribe of Indians of Florida.

(5) Except when works or lands of the District have been affirmatively opened to public vehicular use, an occupancy permit must be obtained prior to traveling on or across such works or lands.

(6) A conceptual approval for the use of works of the District may be obtained by processing a right of way occupancy permit application in conjunction with the request for a letter of conceptual approval only if the letter of conceptual approval is requested pursuant to section 380.06(9)(b), F.S.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.083(1), 373.085, 373.086, 380.06(9)(b), 373.118 FS. History–New 9-3-81, Amended 2-29-86, 12-24-91, _____.

(Substantial rewording of Rule 40E-6.051 follows. See Florida Administrative Code for present text.)

40E-6.051 Exemptions.

(1) The following uses are exempt from permitting under this chapter where such facilities and uses comply with the criteria contained in the document listed in Rule 40E-6.091(1), F.A.C.:

(a) the planting or maintenance of native or drought and insect resistant turf grasses;

(b) drain lines (pool, roof, air-conditioning);

(c) low lying groundcover in certain zones;

(d) irrigation lines, flush or pop-up sprinklers, draft lines;

(e) not-for-profit, organized boat races, regattas and similar activities; and

(f) passive recreational use.

(2) An exemption from these rules shall not relieve any person or entity from compliance with other District permit requirements and any applicable permit requirements of federal, state and local government.

(3) The District is not responsible for the repair of or claims of damage to any facilities and uses which may incur damage resulting from the District's utilization of its rights of way or use by third parties. Improvements placed within the right of way are done so at the sole risk of the owner.

(4) The District is not responsible for any personal injury or property damage which may directly or indirectly result from the use of water from the District's canal or any activities which may include use or contact with water from the District's canal, since the District periodically sprays its canals for aquatic weed control purposes and uses substances which may be harmful to human health or plant life.

(5) Based upon the proprietary nature of the District's right of way occupancy permit program, the District reserves the right to require permits for previously exempt activities which no longer further the objectives of Ch. 373, F.S. and Title 40E, F.A.C., as presently existing or as modified in the future.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.083(1), 373.085, 373.086 FS. History–New 12-24-91, Amended _____.

40E-6.091 Publications Incorporated by Reference.

(1) 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 – ~~December, 1991~~ _____", which includes separate and distinct criteria developed to address the unique characteristics and operational needs of the respective areas for the Okeechobee Basin, the Big Cypress Basin, and the STA's, is hereby published by reference and incorporated into this Chapter.

(2) District lands and works subject to this Chapter are adopted by the Governing Board in accordance with the provisions of section 373.086, F.S. The District's lands and works are listed in the document referenced in subsection (1) and are hereby published by reference and incorporated into this Chapter.

(3) The document listed in subsection (1) is published by the District and available upon request.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.083(1), 373.085, 373.086, 403.0877 FS. History--New 9-3-81, Amended 12-29-86, 12-24-91, Formerly 16K-5.01(3), Amended.

PART II – PERMITS

SUBPART A – NOTICE GENERAL PERMITS

40E-6.101 Content of Application.

(1) Applications for permits required by this ~~Subpart Chapter~~ shall be filed with the District. The application shall contain the following information:

(a) Form ~~NGP-1 RC-1~~ “Application to the South Florida Water Management District for Right of Way Notice General Permit” effective date _____ ~~April 1987~~, which is hereby incorporated by reference and which may be obtained at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406;

(b) The applicant’s name and address including zip code and phone number;

(c) ~~All The~~ owner’s names, as appearing on the tax rolls, and complete address’ and phone numbers if applicant or user is other than the owner(s);

(d) The project location relative to County, Section, Township and Range; Lot, Block and Subdivision; or a metes and bounds description;

(e) A description of the portion of the works or lands of the District to be used;

(f) Whether the proposed use is a modification, ~~or~~ an existing use, or is a new use;

(g) A description of the proposed use of or encroachment on portion of the works or lands of the District and in which zone, as depicted in Figure 1, the proposed use will be located to be used;

(h) ~~Six Three~~ copies of a scaled or fully dimensioned 8 1/2” x 11” drawing, reflecting the proposed use in plan and elevation views, related to the applicable work of the District, and tied to a known reference point in the immediate area of the proposed use. Larger drawings and/or aerial photographs may be required, if necessary to adequately show the location and nature of the proposed use. ~~Except when exempt pursuant to Section 471.003, F.S., drawings for bridge crossings shall be signed and sealed by a Florida registered professional engineer.~~ A property survey, indicating the location of the District right of way boundary line, shall also be provided, unless waived pursuant to prior written request by the applicant.

1. All drawings shall utilize English units of measure or a combination of both English and metric units of measure. Vertical datum shall be National Geodetic Vertical Datum (1929), North American Vertical Datum (1988), or Mean Sea Level and the datum utilized shall be specified on the drawing(s).

2. All drawings for seawalls or bulkheads and subaqueous or pile-supported crossings shall be supported with cross sections of the existing channel. Unless waived or modified by the District pursuant to prior written request by the applicant, soundings for the cross sections shall be taken at 10 foot intervals from top of bank to top of bank and shall be tied to both canal/levee right of way lines. For subaqueous or pile supported crossings a minimum of 3 cross sections shall be supplied by the applicant; one at the point where the proposed crossing crosses the centerline of the canal; and one each upstream and downstream of the crossing at points determined by the District. For seawall or bulkhead projects the District shall determine the number of cross sections required but said cross sections will be no more frequent than one cross section per every 25 feet of proposed bulkheading. Cross sections shall be plotted to the same horizontal and vertical scale using standard 10 x 10 cross section paper or similar CAD format. The cross sections shall have superimposed upon them the design section for the canal at the location and existing cross sectional area below the design water surface shall be accurately calculated by the applicant and printed on or adjacent to each cross section.

3. Except where exempt pursuant to section 471.003, F.S., drawings for bridge crossings and bulkhead or seawall installations shall be signed and sealed by a Florida registered professional engineer.

(i) Information sufficient to demonstrate that the proposed use meets the criteria established in the document referred to in Rule 40E-6.091, F.A.C.; and

(j) The estimated length of time needed for completion of the proposed work once construction has begun.

(2) Applications shall be signed by both the owner(s) the applicant or an and authorized agent, if applicable.

(3) Applications shall not be considered complete until such time as all required information as set forth in subsections (1) and (2), above, and insurance and financial assurances in accordance with Rule 40E-6.361, F.A.C., have been received by the District.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.083(1), 373.085(1), 373.086, 373.117, 373.118, 471.003 FS. History--New 9-3-81, Amended 12-1-82, 12-29-86, 12-24-91, _____.

40E-6.121 Conditions for Issuance of Notice General Permits.

(1) The District has determined that certain uses shall be authorized under a notice general permit when the proposed location is in an authorized operational zone and the criteria established in the Basis of Review, incorporated by reference in 40E-6.091, F.A.C., have been met. These uses are set forth in the Permit Index Chart included in the Basis of Review. Any facilities currently existing cannot be authorized by a notice general permit and must receive authorization through the standard permit application process or be promptly removed from the District’s right of way.

(2) Due to the nature of the projects, the following facilities and uses cannot be authorized by a Notice General Permit:

- (a) Roadway and highway projects;
- (b) Marinas and public boat launching facilities;
- (c) Linear Parks;
- (d) Permanent buildings and other above-ground structures;
- (e) Crude oil and petroleum product pipelines;
- (f) Other such facilities or uses.

(3) In determining whether a notice general permit should be issued, the District shall consider whether the proposed activity complies with the criteria set forth in Rule 40E-6.091, F.A.C.

(4) Except for utilities, both essential and non-essential, an applicant must own or lease the land adjacent to or served by the portion of the works or lands of the District involved.

(5) In addition to the requirements and restrictions set forth in subsections (1) to (4), the District, due to its proprietary interest in its lands and works, possesses and exercises all the rights and remedies available to owners of real property through statutory and common law.

(6) Except for Governing Board approved Community Landscape Plans, any and all above ground facilities located within the clear 40 foot wide right of way, as set forth in Rule 40E-6.011(4), F.A.C., or within the right of way at locations where the right of way is less than 40 feet wide, as measured from the top of the canal bank, are prohibited.

(7) The notice general permit provisions of this rule are not intended to apply to the notice general permit provisions in District Chapter 40E-62, F.A.C.

(8) The limiting conditions set forth in Rule 40E-6.361, F.A.C., shall be incorporated into every Notice General Permit issued.

Specific Authority 373.044, 373.113 FS, Law Implemented 373.016, 373.083(1), 373.085, 373.086, 373.118 FS, History—New

SUBPART B – STANDARD PERMITS

40E-6.201 Content of Application.

(1) Applications for permits required by this Subpart shall be filed with the District. The standard permit application shall contain the following information:

- (a) Form SP-1 “Application to the South Florida Water Management District” effective date _____, which is hereby incorporated by reference and which may be obtained at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida, 33406;
- (b) The applicant’s name and address including zip code and phone number;
- (c) All owner’s names, as appearing on the tax rolls, and complete address if applicant or user is other than the owner;

(d) The project location relative to County, Section, Township and Range; Lot, Block and Subdivision; or a metes and bounds description;

(e) A description of the portion of the works or lands of the District to be used;

(f) Whether the proposed use is a modification of an existing use, or is a new use;

(g) A description of the proposed use of or encroachment on works or lands of the District and in which zone, as depicted in Figure 1, the proposed use will be located;

(h) Six copies of a scaled or fully dimensioned 8 1/2” x 11” drawing, reflecting the proposed use in plan and elevation views, related to the applicable work of the District, and tied to a known reference point in the immediate area of the proposed use. Larger drawings and/or aerial photographs may be required, if necessary to adequately show the location and nature of the proposed use. A property survey, indicating the location of the District right of way boundary line, shall also be provided, unless waived pursuant to prior written request by the applicant.

1. All drawings shall utilize English units of measure or a combination of both English and metric units of measure. Vertical datum shall be National Geodetic Vertical Datum (1929), North American Vertical Datum (1988), or Mean Sea Level and the datum utilized shall be specified on the drawing(s).

2. All drawings for seawalls or bulkheads and subaqueous or pile-supported crossings shall be supported with cross sections of the existing channel. Unless waived or modified by the District pursuant to prior written request by the applicant, soundings for the cross sections shall be taken at 10 foot intervals from top of bank to top of bank and shall be tied to both canal/levee right of way lines. For subaqueous or pile supported crossings a minimum of 3 cross sections shall be supplied by the applicant; one at the point where the proposed crossing crosses the centerline of the canal; and one each upstream and downstream of the crossing at points determined by the District. For seawall or bulkhead projects the District shall determine the number of cross sections required but said cross sections will be no more frequent than one cross section per every 25 feet of proposed bulkheading. Cross sections shall be plotted to the same horizontal and vertical scale using standard 10 x 10 cross section paper or similar CAD format. The cross sections shall have superimposed upon them the design section for the canal at the location and existing cross sectional area below the design water surface shall be accurately calculated by the applicant and printed on or adjacent to each cross section.

3. Except where exempt pursuant to section 471.003, F.S., drawings for bridge crossings and bulkhead or seawall installations shall be signed and sealed by a Florida registered professional engineer.

(i) Information sufficient to demonstrate that the proposed use meets the criteria established in the document referred to in Rule 40E-6.091, F.A.C.; and

(j) The estimated length of time needed for completion of the proposed work once construction has begun.

(2) Applications shall be signed by both the owner(s) and authorized agent, if applicable.

(3) Applications shall not be considered complete until such time as all required information as set forth in subsections (1) and (2), above, and insurance and financial assurances in accordance with Rule 40E-6.361, F.A.C., have been received by the District.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.083(1), 373.085(1), 373.086, 373.117, 471.003 FS. History—New

40E-6.221 Conditions for Issuance of Standard Permits.

(1) The District has determined that certain uses shall be authorized under a standard permit when located in an authorized zone and comply with the criteria established in the Basis of Review, incorporated by reference in Rule 40E-6.091, F.A.C. These uses are set forth in the Permit Index Chart included in the Basis of Review.

(2) In determining whether standard permit should be issued, the District shall consider whether the proposed activity:

(a) interferes with the present or future construction, alteration, operation or maintenance of the works or lands of the District;

(b) is consistent with the policy and objectives of Chapter 373, F.S., including the legislative declaration of policy contained in section 373.016, F.S.

(c) has an actual or potential negative impact upon environmentally sensitive areas, which include: wetlands; endangered or threatened species habitat; aquatic preserves; Outstanding Florida Waters; Class I or Class II waters; federal, state and privately owned parks and wildlife management areas; designated areas of critical state concern; lands purchased by federal, state and local governments for the purpose of environmental protection, water resource protection and aesthetics; and lands which contain native terrestrial plant species in significant amounts. Environmentally sensitive areas include areas on and off-site that are affected by activities which occur on, or are initiated from, the works of the District;

(d) degrades water quality within the receiving water body or fails to meet the provisions of Ch. 373, F.S., the state water policy, and Title 40E, F.A.C.;

(e) involves a discharge of wastewater from a new wastewater source or an increased discharge from an existing wastewater source;

(f) will discharge debris or aquatic weeds into works of the District or cause erosion or shoaling within the works of the District;

(g) is supported by financial assurances, which will ensure that the proposed activity will be conducted in accordance with Chapter 373, F.S. and Chapter 40E-6, F.A.C.;

(h) interferes with scientific activities;

(i) presents an increased liability risk to the District;

(j) meets the general and specific criteria in the Basis of Review which is incorporated by reference in Rule 40E-6.091, F.A.C.;

(k) interferes with actual or potential public use of the District's works or lands, including public recreational or other facilities not within the District's works;

(l) meets applicable criteria in Chapters 40E-61 and 40E-62, F.A.C.

(3) The District shall consider a permit applicant's past and present violation of any District rules or permit conditions, including enforcement action, when determining whether the applicant has provided reasonable assurances that District standards will be met.

(4) Activities which can be carried out through the District's real property acquisition and disposal policy will not be eligible for a permit under this chapter.

(5) The District may also consider the cumulative impact of allowing the proposed use, and shall deny uses which appear insignificant with regard to the above criteria, based upon the cumulative impact of allowing similar uses in the affected area. The cumulative impact of projects or activities not using or proposing to use District works or lands may also be considered.

(6) The structural integrity of bridges across District works or lands shall be certified by a professional engineer registered in the State of Florida, except as provided in section 471.003, F.S.

(7) In those instances where the District does not own the underlying fee simple title, applicants may be required to show the necessary legal interest from the owner of the underlying fee. The District does not, however, assume any duty to protect the legal rights of the underlying fee owner.

(8) In general, no commercial uses will be allowed on District rights of way. In the event such a use is allowed, the District may enter into a lease therefor and charge a fee. However, when the anticipated annual income from a lease is less than \$500.00, the use, if allowed, will be authorized by a Standard Permit and no lease shall be required. There shall, however, be no presumption against allowing commercial use of the District right of way by utilities.

(9) Except for utilities, both essential and non-essential, an applicant must own or lease the land adjacent to or served by the portion of the works or lands of the District involved.

(10) In addition to the requirements and restrictions set forth in Subsections (1) through (9), the District, due to its proprietary interest in its lands and works, possesses and exercises all the rights and remedies available to owners of real property through statutory and common law.

(11) All of the items set forth in subsections (1) through (6) and (8) through (10), above, shall be considered by the District in those instances where the proposed use is located upon lands owned in fee simple by the District.

(12) The District may deny a proposed use based upon its property interest or upon any of these items set forth in subsections (1) and (11), above.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.083(1), 373.085, 373.086, 373.117, 471.003 FS. History—New _____.

SUBPART C GENERAL PROVISIONS

40E-6.301 Conditions for Issuance of Permits.

Specific Authority 373.044 FS. Law Implemented 373.016, 373.083(1), 373.085, 373.086, 373.093 FS. History—New 9-3-81, Amended 12-29-86, 12-24-91, Repealed _____.

40E-6.311 Access to Works and Lands of the District: Closures.

(1) Consistent with the District’s policy to allow for public access, without charge, to publicly owned lands, access to Works and Lands of the District by the public is generally allowed for passive recreational uses.

(2) Works and Lands of the District shall be closed to public use, either temporarily or permanently, under the following conditions:

(a) when necessary for public safety during wildfires or prescribed burns;

(b) when necessary for scientific activities;

(c) when necessary for construction, operation or maintenance activities;

(d) when necessary during emergency conditions such as floods, severe weather events, or wildfire danger for public safety and the protection of the natural resources; and

(e) when there is an insufficient District property interest to allow for such public use or access by the general public.

(3) When necessary on a permanent basis to protect natural, historic or archaeological resources, or for ongoing scientific activities, such closures shall require advance public notice and approval by the Governing Board.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.083(1), 373.085, 373.086, 373.119, 373.1395 FS. History—New _____.

(Substantial rewording of Rule 40E-6.321 follows. See Florida Administrative Code for present text.)

40E-6.321 Duration of Permits.

(1) Permits issued prior to the effective date of _____ and do not comply with the Basis of Review incorporated by reference in Rule 40E-6.091, F.A.C., shall expire upon the change of ownership of the property. These authorizations shall not be transferred to a new property owner and must be immediately removed from the District’s right of way unless a new permit application has been submitted and approved by the District.

(2) Unless revoked or otherwise modified the duration of an occupancy permit is:

(a) as set forth in the permit, including the special conditions to the permit; or

(b) after construction is complete, perpetual, unless revoked.

(3) Permits authorizing construction expire automatically on the date indicated on the face of the permit, unless a written request for extension is received by the District on or before the expiration date. If an extension has not been requested prior to the expiration of the permit, a new application, including the application processing fee, must be submitted. Upon the expiration of a permit, all construction activities must cease until the new permit has been issued. Extensions of the construction period may be granted administratively, or in cases involving litigation, environmental, water resource, or other impact, shall be referred to the Governing Board for final action. The District shall decline to extend a permit authorizing construction if the proposed use is no longer consistent with the objectives of the District or other provisions of these rules.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.083(1), 373.085, 373.086 FS. History—New 9-3-81, Amended 12-29-86, Formerly 16K-5.07, 40E-6.321, Amended _____.

(Substantial rewording of Rule 40E-6.331 follows. See Florida Administrative Code for present text.)

40E-6.331 Modification of Permits.

(1) Applications for permit modifications required by this Chapter shall be filed by formal application, including the permit modification application fee, with the District.

(2) Applications for modification to permitted uses shall be reviewed using the same criteria as new applications, pursuant to Rules 40E-6.091, 40E-6.121, and 40E-6.221, F.A.C.

(3) Letter modifications may be issued by District staff, provided the requested modification:

(a) does not substantially alter the permit authorization;

(b) does not interfere with construction, operation and maintenance of District lands or works; and

(c) is otherwise consistent with the purposes and policies of Chapter 373, F.S. and Chapter 40E-6, F.A.C.

(4) Under sections 373.083 and 373.085, F.S., the District is authorized to modify a permit when it determines that the currently permitted use has become inconsistent with the factors and conditions enumerated in Rules 40E-6.121 and 40E-6.221, F.A.C.

(5) Permit modifications may be initiated by the District in accordance with the provisions of Chapter 40E-1, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.083(1), 373.085, 373.086 FS. History—New 9-3-81, Amended 12-29-86, 12-24-91, Formerly 16K-5.11(1), Amended _____.

(Substantial rewording of Rule 40E-6.341 follows. See Florida Administrative Code for present text.)

40E-6.341 Revocation of Permits.

(1) Under sections 373.083 and 373.085, F.S., the District is authorized to revoke a right of way occupancy permit under any of the following circumstances:

(a) the permittee or his agent has committed any of the acts enumerated in Rule 40E-1.609, F.A.C.:

(b) the permitted use interferes or will interfere with the construction, alteration, operation, or maintenance of present or proposed works or lands of the District:

(c) the permittee has failed to immediately comply with an emergency or other order issued pursuant to Rules 40E-1.611 and 28-107.005, F.A.C.:

(d) the permitted use is no longer consistent with the factors and conditions enumerated in Rules 40E-6.121 and 40E-6.221, F.A.C., the provisions of Chapter 373, F.S., Title 40E, F.A.C., and the state water policy, Chapter 62-40, F.A.C.:

(e) is inconsistent with any provision of this rule, or any subsequent revisions to this rule, including any provision of the Basis of Review, incorporated by reference in Rule 40E-6.091, F.A.C.; or

(f) the permitted use is no longer consistent with District policy, based upon a change in District policy.

(2) Right of Way Occupancy permits are subject to immediate revocation by the District's Executive Director with the concurrence of the Governing Board if an emergency condition exists and the continued exercise of the permit might endanger lives, human safety or property.

(3) Revocations for reasons specified in subsection (1) shall be conducted in accordance with the procedures specified in Rules 40E-1.609 and 28-107.004, F.A.C. Emergency revocations under subsection (2) shall be conducted in accordance with the procedures specified in Rule 28-107.005, F.A.C.

(4) Revocation shall be effective as provided in the notice. Notice of revocation shall be provided by certified mail or personal service. If the permittee declines to accept notice or is otherwise unavailable, the District shall post notice on the premises and follow the constructive notice procedure set forth in section 120.60(5), F.S. The permitted use shall be removed within a reasonable time, which shall be specified in the notice of revocation.

(5) The provisions herein shall take precedence over the general revocation provisions, applicable to all District permits, provided for in Rule 40E-1.609, F.A.C., as the permit program governing use of works and lands of the District is a proprietary based program. To the extent there is any conflict between the general provisions of Chapter 40E-1, F.A.C., the specific provisions of Chapter 40E-6, F.A.C., shall prevail.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.60(5), 373.083(1), 373.085, 373.086, 373.129 FS. History—New 9-3-81, Amended 12-29-86, 12-24-91, Formerly 16K-5.07(3), (4), Amended _____.

(Substantial rewording of Rule 40E-6.351 follows. See Florida Administrative Code for present text.)

40E-6.351 Transfer of Permits.

(1) As the District has no control over the sale or transfer of real or personal property, it is the sole obligation of a permittee to disclose the existence of a Right of Way Occupancy Permit, its terms and conditions, to prospective purchasers.

(2) Right of Way Occupancy Permits will be considered for transfer when:

(a) The request is otherwise consistent with the provisions of these rules and Chapter 373, F.S.

(b) The applicant demonstrates that the permitted use still qualifies for a permit under Rules 40E-6.121 or 40E-6.221, F.A.C.

(c) The applicant agrees to abide by the provisions of Chapter 373, F.S., this chapter, and the terms and conditions of the permit, including these rules, including the standard limiting conditions, and criteria which are applicable at the time of the request for transfer.

(d) The adjoining land use has not changed.

(e) The request for transfer is accompanied, when required, with the correct fee.

(f) The applicant agrees to record a Notice of Permit in the official records of the county clerk's office as specified by the District.

(g) In cases where unauthorized facilities or uses have been added that are not included in the permit authorization, a permit transfer request must also be accompanied by a request for modification pursuant to Rule 40E-6.331, F.A.C.

(3) Right of Way Occupancy Permits will be transferred without a fee when the request for transfer is received within twelve (12) months from the change of ownership, as evidenced by the date of transfer of ownership appearing in the deed or other instrument of conveyance.

(4) Requests for transfer of Right of Way Occupancy Permits shall be assessed a fifty (\$50.00) dollar processing fee when the request is received by the District more than twelve (12) months from the date of change of ownership but prior to eighteen (18) months from the change of ownership, as evidenced by the date of transfer of ownership appearing in the deed or other instrument of conveyance.

(5) Transfers requested more than 18 months from the date of change of ownership shall be denied and require the submission of an application and the appropriate application processing fee.

(6) All transfers require a field inspection and shall not become effective until such inspection is conducted and confirms all existing facilities are permitted and all uses comply with the criteria in Rule 40E-6.091, F.A.C., and the conditions of issuance in Rules 40E-6.121 or 40E-6.221, F.A.C. If additional facilities are present, no transfer will be allowed unless the unauthorized facility or use is removed immediately and the right of way restored. Applicants must submit a new standard permit application, along with the

appropriate application processing fee, for all additional facilities not removed and not currently authorized by a Right of Way Occupancy Permit.

(7) The District staff shall not issue transfers until all financial assurance and insurance requirements, if any, have been provided and accepted by the District staff.

Specific Authority 373.044, 373.109, 373.113 FS. Law Implemented 373.083(1), 373.085, 373.086, 373.109 FS. History—New 9-3-81, Amended 12-29-86, Formerly 16K-5.10, 16K-5.11(2), 16K-5.12, Amended _____.

40E-6. 361 Financial Assurances and Insurance.

(1) The District may require the applicant requesting a right of way occupancy permit to provide and maintain financial assurances to the District and its successors, in the form of a cash bond to be held by the District in a non-interest bearing account, a performance bond issued by a licensed bonding company, a letter of credit issued by a financial institution authorized to do business in the State of Florida, or other such instrument approved by the District to ensure full compliance with terms of the permit, including the proper construction, operation, and maintenance of the facility. The amount and type of financial assurance shall be determined by the District.

(a) In instances where the District authorizes use of its rights of way as a temporary haul or access road, which does not include crossing over District structures or associated facilities, the amount of the financial assurance shall be Five Thousand (\$5,000.00) Dollars per half mile or multiple thereof, with a minimum amount of Five Thousand (\$5,000.00) Dollars.

(b) In instances where the District authorizes the construction of a private bridge on or across the District's right of way, the amount of the financial assurance shall be based upon a professional engineer's or certified demolition company's itemized estimate, to be provided by and paid for by the applicant, of the cost of the demolition of the bridge, removal of the debris, and restoration of the right of way. Such estimates shall be reviewed and approved by District staff.

(c) In instances where the District authorizes the installation of a water or sewer force main installation on or across the District's right of way other than those constructed by governmental entities, the amount of the financial assurance shall be based upon a professional engineer's or certified demolition company's itemized estimate, to be provided by and paid for by the applicant, of the cost of the demolition of the water or sewer force mains, removal of the debris, and restoration of the right of way. Such estimates shall be reviewed and approved by District staff. Upon acceptance by the governmental entity of the facility and the issuance of a permit transfer by District staff, such financial assurances shall be released.

(d) Any other uses of the District's right of way authorized by the District are subject to adequate financial assurances as determined necessary and reasonable by District staff based

upon a complete review of the unique circumstances and the potential liability, both personal injury and property damage, and environmental risks involved with the specific authorized use.

(2) In addition to the provision for financial assurances as provided in subsection (1), above, the District may require liability insurance, naming the District as an additional insured, in such amount and type as the District staff determines necessary. All insurance must be written by a company duly authorized to do business in the State of Florida or provided pursuant to a self insurance program consistent with the requirements of Florida law.

(3) Any applicable financial assurance or insurance requirement set forth above shall be maintained as a condition of the continued validity of the right of way occupancy permit.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.083(1), 373.085, 373.086, 373.103 FS. History—New _____.

(Substantial rewording of Rule 40E-6.381 follows. See Florida Administrative Code for present text.)

40E-6.381 Limiting Conditions.

The District's authorization to utilize lands and other works constitutes a revocable license (including both notice general permits and standard permits). In consideration for receipt of that license, permittees shall agree to be bound by the following standard limiting conditions, which shall be included within all permits issued pursuant to this chapter:

(1) All structures on District works or lands constructed by permittee shall remain the property of permittee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition. Permittees are advised that other federal, state and local safety standards may govern the occupancy and use of the District's lands and works. The District assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused to others by any such failure.

(2) Permittee solely acknowledges and accepts the duty and all associated responsibilities to incorporate safety features, which meet applicable engineering practice and accepted industry standards, into the design, construction, operation and continued maintenance of the permitted facilities/authorized use. This duty shall include, but not be limited to, permittee's consideration of the District's regulation and potential fluctuation, without notice, of water levels in canals and works, as well as the permittee's consideration of upgrades and modifications to the permitted facilities/authorized use which may be necessary to meet any future changes to applicable engineering practice and accepted industry standards. Permittee acknowledges that the District's review and issuance of this permit, including, but not limited to, any field inspections performed by the District, does not in any way consider or ensure that the permitted facilities/authorized use is planned, designed, engineered,

constructed, or will be operated, maintained or modified so as to meet applicable engineering practice and accepted industry standards, or otherwise provide any safety protections. Permittee further acknowledges that any inquiries, discussions, or representations, whether verbal or written, by or with any District staff or representative during the permit review and issuance process, including, but not limited to, any field inspections, shall not in any way be relied upon by permittee as the District's assumption of any duty to incorporate safety features, as set forth above, and shall also not be relied upon by permittee in order to meet permittee's duty to incorporate safety features, as set forth above.

(3) Permittee agrees to abide by all of the terms and conditions of this permit, including any representations made on the permit application and related documents. This permit shall be subject to the requirements of Chapter 373, F.S., and Chapter 40E-6, F.A.C., including all subsequent rule and criteria revisions. Permittee agrees to pay all removal and restoration costs, investigative costs, court costs and reasonable attorney's fees, including appeals, resulting from any action taken by the District to obtain compliance with the conditions of the permit or removal of the permitted use. If District legal action is taken by staff counsel, "reasonable attorney's fees" is understood to mean the fair market value of the services provided, based upon what a private attorney would charge.

(4) This permit does not create any vested rights, and except for governmental entities and utilities, is revocable at will upon reasonable prior written notice. Permittee bears all risk of loss as to monies expended in furtherance of the permitted use. Upon revocation, the permittee shall promptly modify, relocate or remove the permitted use and properly restore the right of way to the District's satisfaction. In the event of failure to so comply within the specified time, the District may remove the permitted use and permittee shall be responsible for all removal and restoration costs.

(5) This permit does not convey any property rights nor any rights or privileges other than those specified herein and this permit shall not, in any way, be construed as an abandonment or any other such impairment or disposition of the District's property rights. The District approves the permitted use only to the extent of its interest in the works of the District. Permittee shall obtain all other necessary federal, state, local, special district and private authorizations prior to the start of any construction or alteration authorized by the permit. Permittee shall comply with any more stringent conditions or provisions which may be set forth in other required permits or other authorizations. The District, however, assumes no duty to ensure that any such authorizations have been obtained or to protect the legal rights of the underlying fee owner, in those instances where the District owns less than fee.

(6) Unless specifically prohibited or limited by statute, Permittee agrees to indemnify, defend and save the District (which used herein includes the District and its past, present and/or future employees, agents, representatives, officers and/or Governing Board members and any of their successors and assigns) from and against any and all lawsuits, actions, claims, demands, losses, expenses, costs, attorneys fees (including but not limited to the fair market value of the District's inhouse attorneys' fees based upon private attorneys' fees/rates), judgments and/or liabilities which arise from or may be related to the ownership, construction, maintenance or operation of the permitted use and/or the possession, utilization, maintenance, occupancy and/or ingress and egress of the District's right of way which arise directly or indirectly and/or are caused in whole or in part by the acts, omissions and/or negligence of the District and/or of third parties. Permittee agrees to provide legal counsel acceptable to the District if requested for the defense of any such claims.

(7) The District does not waive sovereign immunity in any respect.

(8) The permittee shall not engage in any activity regarding the permitted use which interferes with the construction, alteration, maintenance or operation of the works of the District, including:

(a) discharge of debris or aquatic weeds into the works of the District;

(b) causing erosion or shoaling within the works of the District;

(c) planting trees or shrubs or erecting structures which limit or prohibit access by District equipment and vehicles, except as may be authorized by the permit.

Permittee shall be responsible for any costs incurred by the District resulting from any such interference:

(d) leaving construction or other debris on the District's right of way or waterway;

(e) damaging District berms and levees;

(f) the removal of District owned spoil material;

(g) removal of or damage to District locks, gates, and fencing;

(h) opening of District rights of way to unauthorized vehicular access; or

(i) running or allowing livestock on the District's right of way.

(9) The District is not responsible for any personal injury or property damage which may directly or indirectly result from the use of water from the District's canal or any activities which may include use or contact with water from the District's canal, since the District periodically sprays its canals for aquatic weed control purposes and uses substances which may be harmful to human health or plant life.

(10) Permittee shall allow the District to inspect the permitted use at any reasonable time.

(11) Permittee shall allow, without charge or any interference, the District, its employees, agents, and contractors, to utilize the permitted facilities before, during and after construction for the purpose of conducting the District's, routine and emergency, canal operation, maintenance, and construction activities. To the extent there is any conflicting use, the District's use shall have priority over the permittee's use.

(12) This permit is a non-exclusive revocable license. Permittee shall not interfere with any other existing or future permitted uses or facilities authorized by the District.

(13) The District has the right to change, regulate, limit, schedule, or suspend discharges into, or withdrawals from, works of the District in accordance with criteria established by the Big Cypress Basin, the District, and/or the U. S. Army Corps of Engineers for the works of the District.

(14) If the use involves the construction of facilities for a non exempt water withdrawal or surface water discharge, the applicant must apply for and obtain a water use or surface water management permit before or concurrently with any activities which may be conducted pursuant to the right of way occupancy permit.

(15) The District shall notify the local ad valorem taxing authority of the lands affected by the permitted use, where the permittee owns the underlying fee and derives a substantial benefit from the permitted use. The taxing authority may reinstate such lands on the tax roll. Failure to pay all taxes in a timely manner shall result in permit revocation. Such permit revocation shall not alleviate the responsibility of the permittee to pay all taxes due and payable.

(16) Permittee shall provide prior written notice to their successors in title of the permit and its terms and conditions.

(17) Permittee shall record a Notice of Permit through filing the appropriate notice agreed to by the District in the public records of the county or counties where the project is located and by providing the District with proof of filing or through an equivalent procedure. All costs associated with this requirement shall be the responsibility of the permittee. Governmental entities and utilities are not subject to this provision.

(18) This permit is contingent upon compliance with the recording of the Notice of Permit. Failure to provide proof of the recording of the Notice of Permit will result in the permit becoming invalid on its own terms, the removal of any existing facilities within the right of way, restoration of the right of way to the District's satisfaction, at the permittee's expense, and the possible assessment of civil penalties.

(19) Permittee shall be responsible for the repair or replacement of any existing facilities located within the District's right of way which are damaged as a result of the installation or maintenance of the authorized facility.

(20) All obligations under the terms of this permit authorization and any subsequent modifications hereto shall be joint and several as to all owners.

(21) It is the responsibility of the permittee to make prospective bidders aware of the terms and conditions of this permit. It shall be the responsibility of the permittee's contractors to understand the terms and conditions of this permit and govern themselves accordingly.

(22) It is the responsibility of the permittee to bring to the attention of the District any conflict in the permit authorization or permit conditions in order that they may be resolved prior to the start of construction. In resolving such conflicts the District's determination will be final.

Specific Authority 373.044, 373.113 FS. Law Implemented Chapters 25209 and 25270, Laws of Florida., 196.199(1), 373.083(1), 373.085(1), 373.086, 373.103, 373.109, 373.129, 373.1395, 373.603, 373.609, 373.613 FS. History--New 9-3-81, Amended 5-30-82, 12-29-86, 12-24-91, Formerly 16K-5.01(2), 16K-5.02(2), 16K-5.03(2), 16K-5.04(4), 16K-5.05, 40E-6.381, Amended _____.

PART III – EMERGENCIES

(Substantial rewording of Rule 40E-6.451 follows. See Florida Administrative Code for present text.)

40E-6.451 Emergency Authorization.

(1) Permission to begin use of works or lands of the District prior to the issuance of a permit shall be granted pursuant to Rule 40E-1.6115 and 40E-0.108, F.A.C.

(2) All requests for emergency authorizations must be submitted with both the emergency application processing fee set forth in Rule 40E-6.601(2)(h), F.A.C., in addition to the applicable standard permit application processing fee set forth in Rules 40E-6.601(2)(d) through (g), F.A.C.

(3) In order to be eligible for an emergency permit authorization the applicant must have already filed a standard permit application with the District or simultaneously file a standard permit application with the District.

(4) In addition to the required standard permit application contents, the applicant must also file a written statement with the District which fully explains the basis and circumstances which support and justify the request for emergency authorization.

(5) Mere carelessness or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of an emergency authorization.

(6) The Executive Director may grant an emergency authorization pursuant to section 373.119(2), F.S.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.083(1), 373.085, 373.086, 373.119, 373.439 FS. History--New 9-3-81, Amended 12-29-86, 7-1-98, Formerly 16K-5.09, 40E-6.451, Amended _____.

40E-6.481 Emergency Measures Actions.

(1) In addition to the provisions of Rule 40E-6.521, F.A.C., permitted uses are also subject to immediate alteration, repair or removal if an emergency condition exists and the continued exercise of the permitted use might endanger lives or property.

(2) In such event the permittee shall immediately comply with any written or oral instructions from the District regarding alteration, repair or removal of the permitted use. ~~The District shall provide written instructions, unless prevented by emergency conditions.~~

(3) If the permittee fails to remove, alter or repair a permitted use when so ordered by the District, the District may repair, alter or remove it at the permittee's expense.

(4) Permittee may request an administrative hearing regarding the emergency order in accordance with the procedures set forth in ~~Rule 28-107.004 40E-1.609(8), F.A.C.~~

(5) In addition to the provision of Rule 40E-6.521, F.A.C., unpermitted uses are also subject to the provisions of this section.

(6) In no circumstances shall the District be responsible for any claims or damages caused in whole or in part, from any necessary emergency removal, alteration, or repair of any permitted or unpermitted use.

(7) All permitted and unpermitted uses are subject to the specific terms of an Emergency Order(s) which may be issued by the District.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.083(1), 373.085, 373.086, 373.119, 373.439 FS. History—New 9-3-81, Amended 12-29-86, 7-1-98, Formerly 16K-5.08, 40E-6.481, Amended _____.

40E-6.491 Unlawful Use.

Specific Authority 373.044, 373.113, 373.129 FS. Law Implemented 120.68, 373.083(1), 373.085, 373.086 FS. History—New 9-3-81, Amended 12-29-86, Formerly 16K-5.08, Repealed _____.

PART IV – VIOLATIONS

40E-6.501 Unlawful Use and Civil Penalties.

(1) It shall be unlawful to connect with, place structures in or across, or otherwise make use of works or lands of the District without a Right of Way Occupancy Permit. The District may use any remedy available to it under Florida common law and statutory law and the District's rules, to remove or cause the unpermitted use to be removed, as well as the assessment of civil penalties pursuant to this rule.

(2) It shall be unlawful for any permittee to violate the provisions of Chapter 373, F.S., Chapter 40E-6, F.A.C., or the terms and conditions of a Right of Way Occupancy Permit. The District may use any remedy available to it under Florida common law and statutory law and the District's rules, to remove or cause the unpermitted use to be removed, as well as the assessment of civil penalties pursuant to this rule. The

District may at its discretion, in furtherance of the purposes of Chapter 373, F.S., allow the permitted use to be brought into compliance with the permit by means of a permit modification.

(3) Damage to works or lands of the District resulting from the violations specified in subsections (1) and (2), above, shall, within the timeframes and in a manner consistent with the District's requirements, be repaired by the violator to the satisfaction of the District, however, the District reserves the right to make any and all necessary repairs, the full cost of which shall be the responsibility of the violator.

(4) Violators shall be responsible for payment of civil penalties up to \$10,000.00 per day, per violation, pursuant to section 373.129, F.S., investigative costs and the District's attorney's fees (including appeals).

(5) Factors considered in the assessment of civil penalties shall be:

- (a) habitual violator;
- (b) threat to health, safety, and welfare (flooding);
- (c) immediacy of threat;
- (d) severity of impact (size of drainage);
- (e) potential for damage to surrounding property;
- (f) threat to District staff if self-help used
- (g) exposure of District to other liabilities;
- (h) environmental impact;
- (i) water quality; and
- (j) unusual circumstances.

(6) Vessels which are being occupied or used as a temporary or permanent residence or business, or other vessels which have an adverse impact on the District's ability to construct, operate, and maintain its canals and structures, will not be permitted within District works or lands.

(7) The planting of any non-native vegetation not included on the District's designated plant list or specifically authorized by District permit within District works or lands will not be permitted.

(8) The abandonment of personal property within District works or lands will not be permitted.

(9) Use of the works or lands of the District as a temporary or permanent place of residence or shelter will not be permitted.

(10) It shall be unlawful for any person or entity to remove any spoil, without authorization from the District, and the District specifically reserves any and all rights to pursue such violations in both criminal and civil proceedings, in addition to the provisions contained herein.

Specific Authority 373.044, 373.113, 373.129 FS. Law Implemented 120.68, 373.083(1), 373.085, 373.086, 373.603, 373.609, 373.613 FS. History—New _____, Formerly 16K-5.06, 40E-6.491.

40E-6.521 Self Help.

(1) Unlawful uses or facilities placed within the works or lands of the District are subject to removal and restoration at the District's discretion with no guarantee of salvageability. In

no circumstances shall the District be responsible for any claims or damages caused, in whole or in part, from any self help removal and restoration of any unlawful uses or facilities.

(2) When employing self help, the District is not required to provide any notice of its intended action.

(3) The District may seek to recover removal and restoration costs, investigative costs, and attorneys fees and costs (including appeals) incurred in carrying out self help done to resolve the unlawful use of District works and lands.

Specific Authority 373.044, 373.113, 373.129 FS. Law Implemented 120.68, 373.083(1), 373.085, 373.086, 373.603, 373.609, 373.613 FS. History—New

PART V – PROCESSING FEES

40E-6. 601 Permit Application Processing Fees.

(1) A permit application processing fee is required and shall be paid to the District when applications are filed pursuant to District rules to connect with and make use of the works and lands of the District. An application shall not be processed until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, and mailing required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure of any person to pay the applicable fees established herein is grounds for the denial of an application.

(2) Based upon years of experience in reviewing applications for District right of way occupancy permits, the District has determined that applications for existing facilities or uses require additional staff time and resources (as compared to proposed facilities) in order to thoroughly review and inspect, and this differential shall be reflected in the application processing fees for all right of way occupancy permit authorizations as set forth herein.

(3) The fee for permit applications reviewed pursuant to Chapter 40E-6, F.A.C. are as follows:

(a) Notice General Permit Application, Notice General Permit Modification Application relating to a single family residential use (Category NGP-1) – No Fee

(b) Notice General Permit Application, Notice General Permit Modification Application for uses proposed by homeowners associations and condominium associations relating to more than one individual lot or dwelling unit (Category NGP-2).....\$150.00

(c) Notice General Permit Application, Notice General Permit Modification Application for uses proposed by developers, builders, corporate entities, utilities, county, state, or local entities (Category NGP-3).....\$300.00

(d) Notice General Permit Application, Notice General Permit Modification Application relating to bridges, excluding culvert bridges (Category NGP-4)..... \$900.00

(e) Standard Permit Application, Standard Permit Modification Application relating to a single family residential use which does not meet Notice General Permit Criteria (Category SP-1)\$75.00

(f) Standard Permit Application, Standard Permit Modification Application relating to uses by homeowners associations and condominium associations and do not meet Notice General Permit Criteria (Category SP-2)\$300.00

(g) Standard Permit Application, Standard Permit Modification Application relating to uses by developers, builders, corporate entities, utilities, county, state, or local entities, as well as all other uses not covered in Categories SP-1, SP-2 and SP-4 (Category SP-3)\$625.00

(h) Standard Permit Application, Standard Permit Modification Application relating to uses involving bridges, linear parks, greenways, similar park and recreation projects, marinas and associated facilities (Category SP-4)\$1750.00

(i) Application for emergency authorization pursuant to Rule 40E-6.401, F.A.C.\$275.00

(j) Transfer Fees are set forth in Rule 40E-6.351, F.A.C., above.

(4) Notwithstanding the provisions set forth in this rule, upon request, the District shall waive any and all right of way occupancy permit application processing fees for right of way occupancy permit applications submitted by the governing body of a governmental entity only if provided with a resolution or other documentation as to the reciprocity commitment of the respective governmental entity applying for the right of way occupancy permit and clearly establishing that governmental entity’s reciprocal waiver of any and all fees required for the District to carry out canal operation, maintenance, and construction activities for the District.

(5) Notwithstanding the provisions set forth in this rule, no permit application processing fee will be required from utilities or other necessary service providers, where the permitted facility or use of the works or lands of the District is required to supply utility or other necessary service to an existing or proposed District facility.

(6) The above permit application processing fees shall not apply to either the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida for facilities and uses located exclusively within the boundaries of their respective reservations or included in leases with the District.

Specific Authority 373.044, 373.109, 373.113 FS. Law Implemented 373.109, 373.083(1), 373.085, 373.086 FS. History—New, Formerly 40E-1.607(6), F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas Fratz, Director, Right of Way Division, Department of Land Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 1999

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: Administrative Leave RULE NO.: 53-16.009

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend subsection 53-16.009(14)(b) to provide for one and one-half hours of administrative leave for specific family activities, and to add a new subsection to address administrative leave for mentoring and tutoring activities.

SUMMARY: The proposed rule amends the administrative leave time allotted for family activities from one hour to one and one-half hours, and a new subsection has been added to address administrative leave for mentoring and tutoring activities.

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: 24.105(10)(j) FS.

LAW IMPLEMENTED: 24.105(21)(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: 9:00 a.m. June 23, 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:

53-16.009 Administrative Leave.

(1) through (13) No change.

(14) Family Responsibility Requirements.

(a) Initial and continued participation will depend upon the operational requirements of the Lottery, the immediate supervisor's approval, and shall be limited to relationship to a child in the immediate family.

(b) Each employee shall be granted one and one-half (1 1/2) hours ~~one (1) hour~~ of administrative leave per month, including up to thirty minutes of travel time, to participate in the following family activities:

1. Involvement in local private and public school activities including preschools and kindergarten through high-school; and

2. Involvement with or visitation of children in child care centers.

(c) If an employee does not use administrative leave as authorized in this section, the employee shall not accrue or be paid for such unused leave.

(d) An employee will, upon request, be granted family leave without pay for family responsibilities other than family medical leave for a period not to exceed thirty (30) calendar days per fiscal year if workload requirements permit. Whether continuous or intermittent, eligibility for leave without pay shall commence on July 1 and end on June 30 of each fiscal year. Examples of family responsibilities include:

1. Caring for aging parents;
2. Involvement in settling parents' estates upon their deaths; or
3. Relocating dependent children into private or public schools.

(15) Mentoring and Tutoring Activities.

(a) Each employee shall be granted up to one and one-half (1 1/2) hours of administrative leave per week, including up to thirty minutes of travel time, for participation in tutoring and/or mentoring activities in local education programs.

(b) Any employee, including an employee without children and an employee who does not have school-age children, may participate in the mentoring and tutoring activities in local public or private schools, including preschools, kindergarten, and grades one (1) through twelve (12). Mentoring and tutoring activities include the following:

1. Tutoring assignments, guest speaking, assisting in career day activities;
2. Participation in the Partners for Excellence Program, After-School Homework Center Program or the Take Stock in Children Program; and
3. Other mentoring and tutoring activities or programs with local schools in which the employee's participation is pre-approved by the Lottery.

(c) Initial and continued participation in tutoring or mentoring activities will be contingent upon the operational requirements of the Lottery and upon approval from the employee's immediate supervisor.

(d) If an employee does not use administrative leave as authorized in this section, the employee shall not accrue or be paid for such unused leave.

~~(16)~~ (15) Accrual and payment of administrative leave. If an employee does not use administrative leave as authorized in this section, the employee shall not accrue or be paid for such unused leave.

~~(17)~~ (16) This section applies to employees who are filling authorized and established positions.

(18)(47) An employee who is terminated from employment due to abolishment of his or her position can be placed on administrative leave with pay and full benefits for up to thirty (30) calendar days.

(19)(48) An employee who is terminated from employment for any reason other than abolishment of his or her position can be placed on administrative leave with pay and full benefits, in lieu of notice, for up to ten (10) consecutive workdays.

(20)(49) All requests for leave pursuant to this rule shall be in writing prior to the initial date of leave, when possible.

Specific Authority 24.105(10)(j) FS. Law Implemented 24.105(21)(d) FS. History--New 2-25-93, Amended 8-15-93,_____.

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: May 18, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 23, 1999

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE: Hospital Licensure

RULE CHAPTER NO.: 59A-3

RULE TITLE: Physical Plant Requirements for General, Rehabilitation and Psychiatric Hospitals

RULE NO.: 59A-3.081

PURPOSE AND EFFECT: The purpose of the proposed rule amendment to Chapter 59A-3, F.A.C., is to promulgate the physical plant minimum standards to ensure that all new hospitals are structurally capable of serving as shelters for patients, staff and family members of patients and staff and equipped to be self-supporting during and immediately following disasters as required by section 395.1055, F.S. The proposed rule is a result of workshops held with interested parties between March 1994 and September 1996. The proposed rule amendment will not compromise public safety, human health, the environment, or any other protection afforded by law.

SUMMARY: The proposed rule addresses the required standards for space, site, structural, roofing, exterior unit, heating, ventilation and air conditioning (HVAC), plumbing and medical gas systems as they pertain to disaster preparedness. In addition, a provision for an external emergency communications system has been incorporated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 395.1055 FS.

LAW IMPLEMENTED: 395.1055, 553.73, 633.022 FS.

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

TIME AND DATE: 2:00 p.m., June 18, 1999

PLACE: Agency for Health Care Administration, Building #1, Plans and Construction Conference Room 100, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James (Skip) Gregory, Chief, Bureau of Plans and Construction, Agency for Health Care Administration, Building #1, Room 145, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)487-0713

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-3.081 Physical Plant Requirements for General, Rehabilitation and Psychiatric Hospitals.

(55) Physical Plant Requirements for Disaster Preparedness of New Hospital Construction.

(a) Definitions. The following definitions shall apply specifically to all new facilities as used in rule 59A-3.081(55):

1. "New facility" means a hospital, or an addition of a wing or floor to a hospital, which is not in operation or has not received a Stage II Preliminary Plan approval pursuant to Chapter 59A-3, F.A.C., prior to the effective date of this rule;

2. "Net square footage" means the clear floor space of an area excluding cabinetry and other fixed furniture or equipment;

3. "During and immediately following" means a period of 72 hours;

4. "Occupied patient area(s)" means the protected location of patients inside of the facility during and immediately following a disaster;

5. "Applicable building code" means the building code enforced by the building official with local jurisdictional authority.

6. "Patient support area(s)" means those area(s) required to ensure the safety and well being of patients during and immediately following a disaster.

(b) New Facility Construction Standards. The following construction standards are in addition to the physical plant requirements described in Chapter 59A-3.079 through Chapter 59A-3.081, F.A.C. These minimum standards are intended to increase the ability of the new facility to be structurally capable of serving as a shelter for patients, staff and the family of patients and staff and equipped to be self-supporting during and immediately following a disaster:

1. Space Standards.

a. For planning purposes, each new facility shall provide a minimum of 30 net square feet per patient served in the occupied patient area(s).

b. Adequate space for administrative and support activities shall be provided for use by facility staff to allow for care of patients in the occupied patient area(s).

c. Adequate space shall be provided for additional staff and family members of patients and staff.

2. Site standards.

a. All new facilities and additions shall be located above the 100-year flood plain or hurricane Category 3 (Saffir-Simpson scale) hurricane surge inundation elevation, whichever requires the highest elevation or the floor elevation of all new patient use area(s) and all patient support area(s) and patient support utilities, including mechanical, electrical, and food services shall be located above the 100-year flood plain or hurricane Category 3 (Saffir-Simpson scale) hurricane surge inundation elevations, whichever requires the highest elevation.

b. At a minimum, new additions or floors added to existing facilities, as determined by their site locations, shall be so designed and constructed as to be in compliance with the current standards of the National Flood Insurance Program of the Federal Emergency Management Agency.

c. Where an off-site public access route is available to the new facility at or above the 100-year flood plain, a minimum of one on-site emergency access route shall be provided that is located at the same elevation as the public access route;

d. New landscaping elements shall be located so if damaged they will not block the on-site emergency access route to the facility. Outdoor signs and their foundations shall be designed to meet the wind load criteria of the applicable building code;

e. New light standards and their foundations used for lighting the on-site emergency access route shall be designed to meet the wind load criteria of the applicable building code with a minimum wind load factor of 140 miles per hour.

3. Structural Standards. Wind load design of the building structure and exterior envelope including exterior wall systems shall be designed in accordance with the applicable building code.

4. Roofing Standards.

a. Roofing membrane material shall resist the uplift forces specified in the applicable building code. Roof coverings shall be installed according to the specifications provided by the manufacturer.

b. Loose-laid ballasted roofs shall not be permitted;

c. All roof appendages such as ducts, tanks, ventilators, receivers, dx condensing units and decorative mansard roofs and their attachment systems shall be structurally engineered to

meet the wind load requirements of the applicable building code. All attachment systems shall be connected directly to the underlying roof structure or roof support structure.

5. Exterior Unit Standards.

a. All exterior window units, skylights, exterior louvers and exterior door units including vision panels and their anchoring systems shall be designed to resist the wind load requirements and the debris impact requirements as specified by the applicable building code.

b. Permanently attached protective systems such as shutters and baffling shall be designed to meet the wind load requirements and the debris impact requirements as specified by the applicable building code;

c. Removable protective systems designed to intricately fit with the wall/window system of the facility and stored on-site at the facility and that meet the wind load requirements and the debris impact requirements specified by the applicable building code may be utilized to protect the exterior units;

d. All anchoring and attachment to the building of both the permanently attached and removable protective systems shall be designed to meet the impact requirements specified by the applicable building code. These designs shall be signed, sealed and dated by a Florida registered structural engineer;

e. The glazed openings inside or outside of the protective systems shall meet the cyclical loading requirements specified by the applicable building code;

f. All of the impact protective systems shall be designed and installed so that they do not come in contact with the glazing under uniform, impact or cyclic pressure loading;

g. No protective system shall restrict the operability of the windows in the occupied patient bedrooms.

h. No protective systems shall reduce the clear window opening below 8% of the gross square footage of the patient room.

6. Heating, Ventilation and Air Conditioning (HVAC) Standards.

(a) Air moving equipment, dx condensing units, through-wall units and other HVAC equipment located outside of or on the roof of the facility shall be permitted only when either of the following are met:

(I) They are located inside a penthouse designed to meet the wind load requirements of the applicable building code, or;

(II) Their fastening systems are designed to meet the wind load requirements of the applicable building code and they are protected from impact as specified by the applicable building code.

b. All occupied patient areas and patient support areas shall be supplied with sufficient HVAC to ensure the health, safety and well being of all patients and staff during and immediately following a disaster.

c. Systems providing HVAC and their associated support equipment such as a control air compressor essential to the maintenance of the occupied patient and patient support area(s) shall receive their power from the emergency power supply system(s).

d. Ventilation air change rates in occupied patient areas shall be maintained as specified in Chapter 59A-3, F.A.C.

e. Auxiliary equipment and specialties such as hydronic supply piping and pneumatic control piping shall be located and routed in such a manner as to ensure the equipment receiving the services will not be interrupted.

7. Plumbing Standards.

a. There shall be an independent on-site supply or storage capability of potable water tested and approved in accordance with the applicable building code at a minimum quantity of 3 gallons per patient served per day during and immediately following a disaster.

b. There shall be an independent on-site supply or storage capability of potable water tested and approved in accordance with the applicable building code at a minimum quantity of 1 gallon per facility staff and other personnel during and immediately following a disaster.

c. There shall be an independent on-site supply or storage capability of sufficient amount of non-potable water to provide for all patient services such as bathing, washing and flushing and support utilities during and immediately following a disaster.

d. When used, selected system appurtenances such as water pressure maintenance house pumps, and emergency water supply well pumps shall take power from the emergency power supply system(s).

8. Medical Gas Systems Standards. The distribution piping system and appurtenances shall be contained within a protected area(s) designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code.

9. Emergency Electrical Generator and Essential Electrical System Standards.

a. There shall be an on-site Level I emergency electrical generator system designed to support all occupied patient areas and patient support areas with at least the following support services:

(I) Ice making equipment to produce sufficient ice for the patients served;

(II) Refrigerator unit(s) and food service equipment if required by the emergency food plan;

(III) Life safety and critical branch lighting and systems as required by Chapter 59A-3.081(51), F.A.C.;

(IV) Selected HVAC systems and other systems as required by this rule;

b. The emergency generator system shall be fueled by a fuel supply stored on-site sized to fuel the generator for 100 percent load for 48 hours or for actual demand load of the occupied patient areas and patient support area(s) and patient support utilities during and immediately following a disaster.

(I) The fuel supply shall either be located below ground or contained within a protected area that is designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code. If an underground system is utilized, it shall be designed so as to exclude the entrance of any foreign solids or liquids and have approval from the Environmental Protection Agency (EPA);

(II) All fuel lines supporting the generator system(s) shall be protected also with a method designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code.

(III) All panel boards, transfer switches, disconnect switches, enclosed circuit breakers or emergency system raceway systems required to support the occupied patient area(s), patient support area(s) or support utilities shall be contained within a protected area(s) designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code, and shall not rely on systems or devices outside of this protected area(s) for their reliability or continuation of service.

(IV) The emergency generator(s) shall be air or self-contained liquid cooled and it and other essential electrical equipment shall be installed in a protected area(s) designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code.

10. Fire Protection Standards.

a. If the facility required fire sprinklers as part of its fire protection, either of the following shall be met:

(I) Sufficient on-site water storage capacity to continue sprinkler coverage, or;

(II) A plan to provide a Fire Watch as approved by the agency for all areas of the facility without sprinkler coverage.

b. If sprinkler coverage is adversely affected by interrupted water flow, the facility shall provide for additional fire extinguishers in the patient occupied areas.

11. External Emergency Communications Standards. In conjunction with the County Emergency Management Agency, each facility shall provide an alternative form of electronic communication such as on-site radio transmitter or a written agreement with an amateur radio operator volunteer group(s). This agreement shall provide for a volunteer operator and communication equipment to be re-located into the facility in the event of a disaster until communications are restored. Other methods shall be pre-approved by the agency.

Specific Authority 395.1055 FS. Law Implemented 395.1055, 553.73, 633.022 FS. History--New 1-1-77, Formerly 10D-28.81, Amended 1-16-87, 11-23-88, Formerly 10D-28.081, Amended 9-3-92, 6-29-97, 3-18-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: James (Skip) Gregory, Chief, Bureau of Plans and Construction, Agency for Health Care Administration, Building #1, Room 145, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)487-0713

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Executive Director, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 1999

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE: Nursing Home Licensure

RULE CHAPTER NO.: 59A-4

RULE TITLE: Plans Submission and Review and Construction Standards

RULE NO.: 59A-4.133

PURPOSE AND EFFECT: The purpose of the proposed rule amendment to Chapter 59A-4, F.A.C., is to promulgate the physical plant minimum standards to ensure that all new nursing homes are structurally capable of serving as shelters for residents, staff and family members of residents and staff and equipped to be self-supporting during and immediately following disasters as required by section 400.23(2)(a), F.S. The proposed rule is a result of workshops held with interested parties between March 1994 and September 1996. The proposed rule amendment will not compromise public safety, human health, the environment, or any other protection afforded by law.

SUMMARY: The proposed rule addresses the required standards for space, site, structural, roofing, exterior unit, heating, ventilation and air conditioning (HVAC), plumbing and medical gas systems as they pertain to disaster preparedness. In addition, a provision for an external emergency communications system has been incorporated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 400.23 FS.

LAW IMPLEMENTED: 400.23, 553.73, 633.022 FS.

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

TIME AND DATE: 2:00 p.m., June 18, 1999

PLACE: Agency for Health Care Administration, Building #1, Plans and Construction Conference Room 100, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James (Skip) Gregory, Chief, Bureau of Plans and Construction, Agency for Health Care Administration, Building #1, Room 145, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)487-0713

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-4.133 Plans Submission and Review and Construction Standards.

(18) Physical Plant Requirements for Disaster Preparedness of New Nursing Home Construction.

(a) Definitions. The following definitions shall apply specifically to all new facilities as used in rule 59A-4.133:

1. "New facility" means a nursing home, or an addition of a wing or floor to a nursing home, which is not in operation or has not received a Stage II Preliminary Plan approval pursuant to Chapter 59A-4, F.A.C., prior to the effective date of this rule;

2. "Net square footage" means the clear floor space of an area excluding cabinetry and other fixed furniture or equipment;

3. "During and immediately following" means a period of 72 hours;

4. "Occupied resident area(s)" means the protected location of residents inside of the facility during and immediately following a disaster;

5. "Applicable building code" means the building code enforced by the building official with local jurisdictional authority.

6. "Resident support area(s)" means those area(s) required to ensure the safety and well being of residents during and immediately following a disaster.

(b) New Facility Construction Standards. The following construction standards are in addition to the physical plant requirements described in Chapter 59A-4.133(1) through Chapter 59A-4.133(17), F.A.C. These minimum standards are intended to increase the ability of the new facility to be structurally capable of serving as a shelter for residents, staff and the family of residents and staff and equipped to be self-supporting during and immediately following a disaster:

1. Space Standards.

a. For planning purposes, each new facility shall provide a minimum of 30 net square feet per resident served in the occupied resident area(s).

b. Adequate space for administrative and support activities shall be provided for use by facility staff to allow for care of residents in the occupied resident area(s).

c. Adequate space shall be provided for additional staff and family members of residents and staff.

2. Site standards.

a. All new facilities and additions shall be located above the 100-year flood plain or hurricane Category 3 (Saffir-Simpson scale) hurricane surge inundation elevation, whichever requires the highest elevation or the floor elevation of all new resident use area(s) and all resident support area(s) and resident support utilities, including mechanical, electrical, and food services shall be located above the 100-year flood plain or hurricane Category 3 (Saffir-Simpson scale) hurricane surge inundation elevations, whichever requires the highest elevation.

b. At a minimum, new additions or floors added to existing facilities, as determined by their site locations, shall be so designed and constructed as to be in compliance with the current standards of the National Flood Insurance Program of the Federal Emergency Management Agency.

c. Where an off-site public access route is available to the new facility at or above the 100-year flood plain, a minimum of one on-site emergency access route shall be provided that is located at the same elevation as the public access route;

d. New landscaping elements shall be located so if damaged they will not block the on-site emergency access route to the facility. Outdoor signs and their foundations shall be designed to meet the wind load criteria of the applicable building code;

e. New light standards and their foundations used for lighting the on-site emergency access route shall be designed to meet the wind load criteria of the applicable building code with a minimum wind load factor of 140 miles per hour.

3. Structural Standards. Wind load design of the building structure and exterior envelope including exterior wall systems shall be designed in accordance with the applicable building code.

4. Roofing Standards.

a. Roofing membrane material shall resist the uplift forces specified in the applicable building code. Roof coverings shall be installed according to the specifications provided by the manufacturer.

b. Loose-laid ballasted roofs shall not be permitted;

c. All roof appendages such as ducts, tanks, ventilators, receivers, dx condensing units and decorative mansard roofs and their attachment systems shall be structurally engineered to meet the wind load requirements of the applicable building code. All attachment systems shall be connected directly to the underlying roof structure or roof support structure.

5. Exterior Unit Standards.

a. All exterior window units, skylights, exterior louvers and exterior door units including vision panels and their anchoring systems shall be designed to resist the wind load requirements and the debris impact requirements as specified by the applicable building code.

b. Permanently attached protective systems such as shutters and baffling shall be designed to meet the wind load requirements and the debris impact requirements as specified by the applicable building code;

c. Removable protective systems designed to intricately fit with the wall/window system of the facility and stored on-site at the facility and that meet the wind load requirements and the debris impact requirements specified by the applicable building code may be utilized to protect the exterior units;

d. All anchoring and attachment to the building of both the permanently attached and removable protective systems shall be designed to meet the impact requirements specified by the applicable building code. These designs shall be signed, sealed and dated by a Florida registered structural engineer;

e. The glazed openings inside or outside of the protective systems shall meet the cyclical loading requirements specified by the applicable building code;

f. All of the impact protective systems shall be designed and installed so that they do not come in contact with the glazing under uniform, impact or cyclic pressure loading;

g. No protective system shall restrict the operability of the windows in the occupied resident bedrooms.

h. No protective systems shall reduce the clear window opening below 8% of the gross square footage of the resident room.

6. Heating, Ventilation and Air Conditioning (HVAC) Standards.

a. Air moving equipment, dx condensing units, through-wall units and other HVAC equipment located outside of or on the roof of the facility shall be permitted only when either of the following are met:

(I) They are located inside a penthouse designed to meet the wind load requirements of the applicable building code, or;

(II) Their fastening systems are designed to meet the wind load requirements of the applicable building code and they are protected from impact as specified by the applicable building code.

b. All occupied resident areas and resident support areas shall be supplied with sufficient HVAC to ensure the health, safety and well being of all residents and staff during and immediately following a disaster.

c. Systems providing HVAC and their associated support equipment such as a control air compressor essential to the maintenance of the occupied resident and resident support area(s) shall receive their power from the emergency power supply system(s).

d. Ventilation air change rates in occupied resident areas shall be maintained as specified in Chapter 59A-4, F.A.C.

e. Auxiliary equipment and specialties such as hydronic supply piping and pneumatic control piping shall be located and routed in such a manner as to ensure the equipment receiving the services will not be interrupted.

7. Plumbing Standards.

a. There shall be an independent on-site supply or storage capability of potable water tested and approved in accordance with the applicable building code at a minimum quantity of 3 gallons per resident served per day during and immediately following a disaster.

b. There shall be an independent on-site supply or storage capability of potable water tested and approved in accordance with the applicable building code at a minimum quantity of 1 gallon per facility staff and other personnel during and immediately following a disaster.

c. There shall be an independent on-site supply or storage capability of sufficient amount of non-potable water to provide for all resident services such as bathing, washing and flushing and support utilities during and immediately following a disaster.

d. When used, selected system appurtenances such as water pressure maintenance house pumps, and emergency water supply well pumps shall take power from the emergency power supply system(s).

8. Medical Gas Systems Standards. The distribution piping system and appurtenances shall be contained within a protected area(s) designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code.

9. Emergency Electrical Generator and Essential Electrical System Standards.

a. There shall be an on-site Level I emergency electrical generator system designed to support all occupied resident areas and resident support areas with at least the following support services:

(I) Ice making equipment to produce sufficient ice for the residents served;

(II) Refrigerator unit(s) and food service equipment if required by the emergency food plan;

(III) Life safety and critical branch lighting and systems as required by Chapter 59A-4, F.A.C.;

(IV) Selected HVAC systems and other systems as required by this rule;

b. The emergency generator system shall be fueled by a fuel supply stored on-site sized to fuel the generator for 100 percent load for 48 hours or for actual demand load of the occupied resident areas and resident support area(s) and resident support utilities during and immediately following a disaster.

(I) The fuel supply shall either be located below ground or contained within a protected area that is designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code. If an

underground system is utilized, it shall be designed so as to exclude the entrance of any foreign solids or liquids and have approval from the Environmental Protection Agency (EPA);

(II) All fuel lines supporting the generator system(s) shall be protected also with a method designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code.

(III) All panel boards, transfer switches, disconnect switches, enclosed circuit breakers or emergency system raceway systems required to support the occupied resident area(s), resident support area(s) or support utilities shall be contained within a protected area(s) designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code, and shall not rely on systems or devices outside of this protected area(s) for their reliability or continuation of service.

(IV) The emergency generator(s) shall be air or self-contained liquid cooled and it and other essential electrical equipment shall be installed in a protected area(s) designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code.

10. Fire Protection Standards.

a. If the facility required fire sprinklers as part of its fire protection, either of the following shall be met:

(I) Sufficient on-site water storage capacity to continue sprinkler coverage, or;

(II) A plan to provide a Fire Watch as approved by the agency for all areas of the facility without sprinkler coverage.

b. If sprinkler coverage is adversely affected by interrupted water flow, the facility shall provide for additional fire extinguishers in the resident occupied areas.

11. External Emergency Communications Standards. In conjunction with the County Emergency Management Agency, each facility shall provide an alternative form of electronic communication such as on-site radio transmitter or a written agreement with an amateur radio operator volunteer group(s). This agreement shall provide for a volunteer operator and communication equipment to be re-located into the facility in the event of a disaster until communications are restored. Other methods shall be pre-approved by the agency.

Specific Authority 400.23 FS. Law Implemented 400.23, 553.73, 633.022 FS. History--New 4-1-82, Amended 4-1-84, 2-29-92, Formerly 10D-29.120, 59A-4.120, Amended 2-6-97.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James (Skip) Gregory, Chief, Bureau of Plans and Construction, Agency for Health Care Administration, Building #1, Room 145, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)487-0713

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Executive Director, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 1999

DEPARTMENT OF MANAGEMENT SERVICES

Career Service System

RULE CHAPTER TITLE: Disciplinary Actions, Grievances and Appeals
RULE CHAPTER NO.: 60K-9

RULE TITLE: Appeals to the Public Employees Relations Commission
RULE CHAPTER NO.: 60K-9.005

PURPOSE AND EFFECT: Repeals the subsection which limits an employees' appeals rights because of a demotion.

SUMMARY: The repeal removes the restriction on appeals to the Public Employees Relations Commission (PERC) by employees with Career Service status who have been demoted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: (None has been prepared).

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

SPECIFIC AUTHORITY: 110.227(2), 110.201(1) FS.

LAW IMPLEMENTED: 110.227(4),(5) FS.

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

TIME AND DATE: 2:00 p.m., June 22, 1999

PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard McLellan, Personnel Consultant, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60K-9.005 Appeals to the Public Employees Relations Commission.

(5)An employee who has earned permanent status in the Career Service in accordance with the provisions of Chapter 60K-4.004, F.A.C., shall have the right to appeal to the Public Employees Relations Commission any suspension, reduction in pay, transfer, layoff, demotion from a class in which the employee has permanent status in the Career Service System, or dismissal by the agency or officer by whom employed, except that:

(a) through (d) No change.

~~(e) An employee whose position is reclassified to a lower class which results in a demotion appointment shall not have the right to appeal the demotion to the Public Employees Relations Commission. If, however, the employee's salary is~~

~~reduced as a result of the demotion appointment, the employee shall have the right to appeal the reduction in pay to the Public Employees Relations Commission.~~

~~(e)(f)~~ When an action is both appealable to the Public Employees Relations Commission and grievable under the grievance procedure prescribed by a collective bargaining agreement, an employee who is in a position that is in a certified bargaining unit covered by the agreement shall have the option of utilizing the Career Service appeal procedure or the collective bargaining grievance procedure, but such employee cannot use both the Career Service appeal procedure and the grievance procedure. Further, agencies employing sworn law enforcement or correctional personnel must assure that the provisions of Part VI of Chapter 112, Florida Statutes, Law Enforcement Officers' and Correctional Officers' Bill of Rights, are followed in the case of any employee covered by that statute. Agencies employing firefighter personnel must assure that the provisions of Part VIII of Chapter 112, Florida Statutes, Firefighters' Bill of Rights, are followed in the case of any employee covered by that statute.

(6) through (7) No change.

Specific Authority 110.227(2), 110.201(1) FS. Law Implemented 110.227(4),(5) FS. History--New 7-1-68, Revised 6-10-70, 7-1-73, Amended 4-30-79, 7-1-80, Formerly 22A-10.05, Amended 10-12-86, Formerly 22A-10.005, Amended 10-24-94.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon D. Larson, Director of Human Resource Management, Department of Management Services.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Derick Daniel, Deputy Secretary, Department of Management Services.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 17, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Barbers'

RULE TITLES: Renewal of Inactive License Fee
61G3-20.015
Reactivation of Inactive License Fee
61G3-20.016

PURPOSE AND EFFECT: The proposed rules will set forth the fees charged for the renewal and reactivation of an inactive license.

SUMMARY: The proposed rules will set forth the fees for the renewal and reactivation of inactive barber and restricted barber licenses. Proposed rule 61G3-20.015 changes the fee charged for the renewal of an inactive license from \$100.00 to \$50.00; and, proposed rule 61G3-20.016 changes the fee charged for the reactivation of an inactive license from \$50.00 to \$100.00.

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: 476.064(4), 476.155 FS.

LAW IMPLEMENTED: 476.192(1)(a), 476.155 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ed Broyles, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G3-20.015 Renewal of Inactive License Fee.

The fee for renewal of an inactive ~~barber or restricted barber~~ license shall be ~~fifty one hundred~~ dollars (~~\$50.00~~) (~~\$100.00~~).

Specific Authority 476.064(4), 476.155 FS. Law Implemented ~~476.155(2)~~ ~~476.192(1)(a)~~ FS. History--New 3-25-84, Formerly 21C-20.15, 21C-20.015, Amended 5-1-96, _____.

61G3-20.016 Reactivation of Inactive License Fee.

The fee for reactivation of an inactive ~~barber or restricted barber~~ license shall be ~~one hundred fifty~~ dollars (~~\$100.00~~) (~~\$50.00~~).

Specific Authority 476.064(4), 476.155 FS. Law Implemented 476.155(2) FS. History--New 3-25-84, Formerly 21C-20.16, Amended 5-11-88, 7-6-93, Formerly 21C-20.016, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 1999

DEPARTMENT OF HEALTH

Board of Occupational Therapy

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

PURPOSE AND EFFECT: The purpose is amend the rule text to update the requirements for continuing education on HIV/AIDS.

SUMMARY: The Board proposes to make amendments to this rule by updating the rule text to meet the mandated requirements for continuing education on HIV/AIDS.

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: 455.604, 468.204 FS.

LAW IMPLEMENTED: 455.604 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE PUBLISHED IN THE NEXT AVAILABLE ISSUE OF THE 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 #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.007 HIV/AIDS Education for Initial Licensure.

(1) In order to comply with Section 455.604, Florida Statutes, each applicant for licensure as an Occupational Therapist must obtain for initial licensure a minimum of two hours of continuing education by participation in an approved formal training activity or self-study program on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. In addition, the course shall include information on current Florida Law on Acquired Immune Deficiency Syndrome and its impact on testing, confidentiality of test results, ~~and~~ treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, Florida Statutes.

(2) through (3) No change.

Specific Authority 455.604, 468.204 FS. Law Implemented 455.604 FS. History--New 12-11-96, Formerly 59R-61.016, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 1999

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: HIV/AIDS Education for Initial Licensure
RULE NO.: 64B11-3.005
PURPOSE AND EFFECT: The purpose is amend this rule to update the mandated requirements for continuing education on HIV/AIDS.

SUMMARY: The Board proposes to make amendments to this rule to update the rule text to meet the mandated requirements for continuing on HIV/AIDS.

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: 455.604, 468.204 FS.

LAW IMPLEMENTED: 455.604 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE PUBLISHED IN THE NEXT AVAILABLE ISSUE OF THE 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 #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.005 HIV/AIDS Education for Initial Licensure.

(1) In order to comply with Section 455.604, Florida Statutes, each applicant for licensure as an Occupational Therapy Assistant must obtain for initial licensure a minimum of two hours of continuing education by participation in an approved formal training activity or self-study program on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. In addition, the course shall include information on current Florida Law on Acquired Immune Deficiency Syndrome and its impact on testing, confidentiality of test results, ~~and treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, Florida Statutes.~~

(2) through (3) No change.

Specific Authority 455.604, 468.204 FS. Law Implemented 455.604 FS. History--New 12-11-96, Formerly 59R-62.013, Amended 4-5-98,_____.

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: April 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 1999

**Section III
Notices of Changes, Corrections and
Withdrawals**

GAME AND FRESH WATER FISH COMMISSION

RULE NO.: 39-15.005
RULE TITLE: Quota Permits; Antlerless Deer Permits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding Fisheating Creek Wildlife Management Area, published in Florida Administrative Weekly, Vol. 25, No. 15, April 16, 1999, has been withdrawn.

GAME AND FRESH WATER FISH COMMISSION

RULE NO.: 39-15.061
RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – South Region

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding Fisheating Creek Wildlife Management Area, published in Florida Administrative Weekly, Vol. 25, No. 15, April 16, 1999, has been withdrawn.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.091
RULE TITLE: Publications and Agreements Incorporated by Reference

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. 16, pages 1800 through 1805, April 23, 1999, issue of the Florida Administrative Weekly:

Environmental Resource Permitting Basis of Review Chapter Two – Administrative Criteria Paragraph 2.6.1(2) shall now read as follows:

The project is a residential subdivision, condominium, commercial subdivision or industrial park and responsibility for the operation and maintenance of the surface water

management system facilities will be transferred to a monomers' association, property owners' association, condominium owners' association or master association. The transfer of responsibility shall occur upon completion of the first reinspection of the surface water management system conducted pursuant to the permit following transfer to the operation phase, unless at the time of the first reinspection, the permittee requests, in writing, that the transfer of responsibility to the association occur at some specified later date. The District shall approve such request if the permittee demonstrates that it can perform all necessary operation and maintenance responsibilities during the extended time period. In any event, within thirty (30) days after the sale of the last lot, parcel or unit in the project, the permittee shall request the transfer of responsibility for the operation and maintenance of the surface water management system facilities to the association. The permittee must submit to the District, Form O&M/ASGN (/99). This form is available upon request at any District service office. The District must approve the transfer in writing before the transfer of responsibility to the association is effective. Protective covenants, deed restrictions or a declaration of condominium must be recorded for this option in accordance with section 2.6.2.2.6 below; or

Paragraph 2.6.2.2.7 shall now read as follows:

For projects which have on-site wetland mitigation as defined in section 1.7.24, which requires ongoing monitoring and maintenance, and a homeowners' association, property owners' association, condominium owners' association or master association is proposed as the operation and maintenance entity that will also assume responsibility for the wetland mitigation, the applicant shall submit, with the permit application, a proposed budget for the association. The budget shall specifically allocate sufficient funds for monitoring and maintenance of the wetland mitigation area(s) for the first year. A copy of the final budget shall be submitted to the District with the copy of the association's final articles of incorporation. The final budget shall include, at a minimum, the sum of money allocated for monitoring and maintenance of the wetland mitigation area(s) approved by the District during the permit application review process. Sufficient funds shall be allocated in subsequent budgets for monitoring and maintenance until the District determines that the wetland mitigation is successful in accordance with the Environmental Resource Permit (see section 2.6.2.2.5.k.). If the funds allocated any year are less than the funds allocated in the association's budget for its first year, the association shall so advise the District in writing within fifteen (15) days of adoption of the budget.

MARINE FISHERIES COMMISSION

RULE CHAPTER NO.: 46-22
 RULE CHAPTER TITLE: Red Drum (Redfish)

RULE NO.: 46-22.005
 RULE TITLE: Bag and Possession Limits; Sale Prohibited

NOTICE OF WITHDRAWAL OF PROPOSED RULES

The Marine Fisheries Commission announces withdrawal of proposed amendment to Rule 46-22.005, F.A.C., relating to red drum, which rule was proposed and published in the October 31, 1997 issue of the Florida Administrative Weekly, Vol. 23, No. 44, pages 5893-5894.

MARINE FISHERIES COMMISSION

RULE CHAPTER NO.: 46-22
 RULE CHAPTER TITLE: Red Drum (Redfish)

RULE NO.: 46-22.006
 RULE TITLE: Other Prohibitions; Applicability

NOTICE OF WITHDRAWAL OF PROPOSED RULES

The Marine Fisheries Commission announces withdrawal of proposed amendment to Rule 46-22.006, F.A.C., relating to red drum, which rule was proposed and published in the July 18, 1997 issue of the Florida Administrative Weekly, Vol. 23, No. 29, pages 3551-3552.

MARINE FISHERIES COMMISSION

RULE CHAPTER NO.: 46-37
 RULE CHAPTER TITLE: Spotted Seatrout

RULE NOS.: 46-37.003
 RULE TITLES: Size Limits
 46-37.005 Commercial Season and Daily Harvest Limit

NOTICE OF WITHDRAWAL OF PROPOSED RULES

The Marine Fisheries Commission announces withdrawal of proposed amendments to Rules 46-37.003 and 46-37.005, F.A.C., relating to spotted seatrout, which rules were proposed and published in the October 31, 1997 issue of the Florida Administrative Weekly, Vol. 23, No. 44, pages 5894-5896.

MARINE FISHERIES COMMISSION

RULE CHAPTER NO.: 46-37
 RULE CHAPTER TITLE: Spotted Seatrout

RULE NO.: 46-37.007
 RULE TITLE: Aquaculture of Spotted Seatrout

NOTICE OF WITHDRAWAL OF PROPOSED RULES

The Marine Fisheries Commission announces withdrawal of proposed new Rule 46-37.007, F.A.C., relating to spotted seatrout, which rule was proposed and published in the July 18, 1997 issue of the Florida Administrative Weekly, Vol. 23, No. 29, pages 3553-3554.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-18.001
 RULE TITLE: Continuing Education Requirements for Certificateholders and Registrants

NOTICE OF CHANGE

The Construction Industry Licensing Board hereby gives notice that the above rule, published in Vol. 25, No. 11, of the March 19, 1999, Florida Administrative Weekly, has been changed due to comments received from the Joint Administrative Procedures Committee.

The changes set forth below reflect the amendments effected in the adoption of this rule on May 11, 1999, which were not published on March 19, 1999. The rule shall now read as follows:

- (1) through (2) No change.
- (3) Any course approved for the continuing education requirements for persons certified under Chapter 468, Part XII, F.S., which meet the criteria for course content approved by this Board, shall be accepted for continuing education for renewal under this rule, for persons who are certified under Part XII or who are certified or registered under this part.
- (4) through (7) No change.

Specific Authority 455.213(7), 489.108 FS. Law Implemented 455.271(10), 489.115, 489.116 FS. History—New 12-2-93, Amended 5-19-94, 8-16-94, 10-12-94, 1-18-95, 2-4-98, 5-11-99.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rodney Hurst, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: 61G8-18.001
 RULE TITLE: Embalmer Intern Training Program

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 5, February 5, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. Subsection (5) of the rule shall now read as follows:

(5) If an intern fails to complete the intern training as stated in paragraphs 3. and 4., because of illness or personal injury, the Board shall permit the intern to reregister only for the period of time required to complete the one year of training.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Currie, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: 61G8-18.002
 RULE TITLE: Funeral Director Intern Training Program

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 5, February 5, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. Subsection (5) of the rule shall now read as follows:

(5) The funeral director intern shall be able to serve in said internship capacity only until he completes the one year of substantially full-time funeral director internship, and until the date and results of the immediately subsequent licensure examination are mailed to applicants for licensure. If the intern fails to complete his intern training because of illness or personal injury, the Board shall permit an intern to reregister for internship training and allow the intern to receive credit for previous training received upon payment of a one-hundred dollar (\$100.00) non-refundable fee.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Currie, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: 61G8-24.040
 RULE TITLE: Registration for Centralized Embalming Facilities

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 changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. Subsection (5) of the rule shall now read as follows:

(5) A full-time embalmer in charge shall be responsible for no more than one centralized embalming facility.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Currie, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: 61G8-24.041
RULE TITLE: Inspections
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 changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. Subsection (1) of the rule shall now read as follows:

(1) All centralized embalming facilities shall be subject to inspection by the Department at all times. The inspection shall include all buildings, grounds and vehicles used in the embalming business.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Currie, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: 61G8-27.001
RULE TITLE: Embalmer Apprentice Program
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 5, February 5, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

61G8-27.001 Embalmer Apprentice Program.

(1) Persons desiring to become an embalmer apprentice shall submit an application for registration to the Board together with a fifty dollar (\$50.00) fee. Such application shall demonstrate that the applicant is at least eighteen (18) years of age, and that he has received a high school diploma or equivalent degree.

(2) An embalmer apprentice may perform only those tasks, functions and duties relating to embalming which are performed at an approved training agency under the direct supervision of a Florida licensed embalmer in good standing who shall certify by quarterly reports the embalmer apprentice activities engaged in by the embalmer apprentice during the preceding calendar quarter.

(3) Funeral Establishments which meet the requirements set forth in Rule 61G8-18.004(1)-(4) pertaining to intern training agencies are eligible to serve as training agencies for the embalmer apprentice program. Such establishments shall submit applications for approval to the Board.

(4) An embalmer apprentice shall be eligible to serve in an apprentice capacity for a period not to exceed one year or for a period not to exceed three years if the apprentice is enrolled in and attending a course in mortuary science or funeral service education at any mortuary college, community or junior college, or funeral service education college or school. The time spent as an apprentice may not be applied toward internship training.

(5) If an embalmer apprentice is unable to complete the one-year apprenticeship due to illness or personal injury, he shall be permitted to reregister to complete his apprenticeship. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Currie, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1ER99-7
RULE TITLE: Fees
NOTICE OF CHANGE

The Board of Accountancy hereby gives notice that the above rule, published in Vol. 25, No. 16, of the April 23, 1999, Florida Administrative Weekly, has been changed due to comments received from the Joint Administrative Procedures Committee.

The rule shall now read as follows:

An equal assessment per license out of existing licensing fees, as set forth in Section 473.3065, Florida Statutes, and not to exceed \$10 per license shall be made in an amount needed to collect \$105,000.00 during the first fiscal year of the fund and to collect \$100,000.00 per fiscal year thereafter in order to fund the authorized scholarships.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha P. Willis, Division Director, Board of Accountancy, 2610 N.W. 43 Street, Suite 1A, Gainesville, Florida 32606

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE CHAPTER NO.: 64B-2
 RULE NO.: 64B-2.001
 RULE CHAPTER TITLE: Medical Quality Assurance
 RULE TITLE: Practitioner Profile

NOTICE OF CHANGE

The Department of Health, Division of Medical Quality Assurance, announces changes to proposed rule 64B-2.001, F.A.C., published in the February 26, 1999, issue of the Florida Administrative Weekly, Vol. 25, No. 8. The Proposed Rule was inadvertently listed under the Board of Chiropractic Proposed Rules section. It should have been placed under the Division of Medical Quality Assurance section. The changes are in response to written comments received from the Joint Administrative Procedures Committee. Also, this change is due to amendments to the applicable statute that passed in HB 2125 during the 1999 legislative session.

The proposed rule 64B-2.001, F.A.C., was changed to read as follows:

64B-2.001 Practitioner Profile.

The Practitioner Profile shall consist of:

(1) “Practitioner Information” shall consist of the practitioner’s license number, license status, year the practitioner began practicing his or her profession, primary business name, business address, business city and state, hospitals where practitioner has staff privileges, hospital city and state.

(2) “Education and Training” shall consist of the name of the school attended, the degree title, years attended, and date of graduation. It will also consist of other health related degrees the practitioner has received, the degree title, and years attended.

(3) “Professional and Postgraduate Training” shall consist of the program’s name, program type, specialty area, program city, state and country, and years attended.

(4) “Specialty” shall consist of the name of the certifying body and the title of the certification received by the practitioner.

(5) “Optional Information” may include, but is not limited to, the following:

- (a) Committees/memberships organization name;
- (b) Professional or community service award name and organization;
- (c) Publications in peer-reviewed medical literature including publication title and the year it was published;
- (d) Languages spoken other than English;
- (e) Other affiliations organization name;
- (f) E-mail address;

(g) Other professional licenses, including jurisdiction and profession;

(6) “Financial Responsibility” shall consist of the practitioner’s chosen method of demonstrating financial responsibility in accordance with s. 458.320 or s. 459.0085.

(7) “Criminal Offenses” shall include all criminal offenses that directly relate to the practitioner’s ability to competently practice his or her profession and shall consist of the offense to which the applicant pled guilty, pled nolo contendere, or was found guilty of, regardless of adjudication; the date of the offense; and the jurisdiction of the offense. The profile shall include a warning that the criminal history information, if any exists, may be incomplete and that federal criminal history is not available to the public. If the applicant indicates to the department and submits a copy of the document initiating an appeal, the department shall state this on the profile. If the criminal history information is not corroborated by a criminal history check, the profile shall so indicate.

(8) “Final Disciplinary Action” taken within the previous 10 years shall consist of the name of the board, organization, or institution other than a hospital; the date of the discipline; and description of the action taken, to the extent available. If the applicant indicates to the department and submits a copy of the document initiating an appeal, the department shall state this on the profile.

(9) “Liability Claims Exceeding \$5,000.00” within the previous 10 years shall consist of the nature of the claim, including the incident date, county, judicial case number, settlement date, settlement amount, and policy amount, to the extent available; and the statutory explanation of why a settlement may have occurred.

(10) When a profile question is not applicable to the practitioner being profiled or the practitioner has failed to provide the required information, the profile will so indicate.

Specific Authority 455.5654 FS. Law Implemented 455.565, 455.5651, 455.5652, 455.5653, 455.5654, 455.5655, 455.5656 FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.300
 RULE TITLE: Standards of Practice – Continuous Quality Improvement Program

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 13, of the April 2, 1999, issue of the Florida Administrative Weekly. The change is being made in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The change shall be as follows:

Subsection (6) of the rule is reworded to read, "Only those pharmacies located in a facility that is operating a medical review committee under the provisions of section 766.101(1)(a), Florida Statutes, shall be subject to the requirement of this section."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

CORRECTION TO NOTICE OF CHANGE PUBLISHED IN VOL. 25, NO.19, MAY 14, 1999 ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY

This notice was inadvertently referred to as the Second Notice of Change, it is the Third Notice of Change published on this proposed rule.

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: 64D-3.011
RULE TITLE: Control of Communicable Diseases, Public and Nonpublic Schools, Grades Preschool and Kindergarten Through 12; Forms and Guidelines

THIRD 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, January 29, 1999 issue of the Florida Administrative Weekly, Notices of Change published in Vol. 25, No. 6, February 12, 1999, and Vol. 25, No. 13, April 2, 1999 issues of the Florida Administrative Weekly.

In addition, the following paragraph was shown as an unnumbered paragraph, it should have been numbered (6):

(6) Adult Education Classes – Students under 21 years of age attending adult education classes will provide acceptable proof of immunization as specified in 64D-3.011(1).

DEPARTMENT OF CHILDREN AND CHILDREN SERVICES

Economic Self Sufficiency Program

RULE NO.: 65A-4.213
RULE TITLE: Learnfare

CONTINUATION OF PROPOSED RULEMAKING

The Department of Children and Family Services announces a public hearing to which all persons are invited.

DATE AND TIME: June 11, 1999, 11:00 a.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

PURPOSE: To discuss the department's intent to further amend administrative rule 65A-4.213, FAC, concerning the temporary cash assistance eligibility requirements of Learnfare.

This rule was previously scheduled for hearing on February 16, 1999 by notice of proposed rulemaking in the Florida Administrative Weekly, Vol. 25, No. 3, January 22, 1999. A notice of change was published in Vol. 25, No. 15, April 16, 1999, subsequent to a public hearing held on April 6, 1999.

The department intends to further amend verification of school attendance requirements in the proposed rule text and to amend forms associated with Learnfare.

These are the only items proposed for discussion in this public hearing. As a result, no itemized agenda will be prepared.

Any person desiring more information about this hearing or special accommodations under the Americans with Disabilities Act should contact Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Program, Building 3, Room 412D, 1317 Winewood Boulevard, Tallahassee, Florida 32300-0700 or Telephone (850)488-3090. If special accommodations are required, please make the contact at least 24 hours prior to the hearing.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 75 Specifics
RULE NO.: 53ER99-26

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game 75, "MANATEE MONEY" 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, determination of prize winners 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:

- 53ER99-26 Instant Game 75 Specifics.
- (1) Name of Game. Instant Game Number 75, "MANATEE MONEY."
- (2) Price. MANATEE MONEY tickets sell for \$1.00 per ticket.
- (3) MANATEE MONEY 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 MANATEE MONEY 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 MANATEE MONEY Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The “YOUR SYMBOLS” play symbols and play symbol captions in MANATEE MONEY are as follows:

INSERT GRAPH

(5) The “LUCKY SYMBOLS” play symbols and play symbol captions in MANATEE MONEY are as follows:

INSERT GRAPH

(6) The prize symbols and prize symbol captions in MANATEE MONEY are as follows:

INSERT GRAPH

(7) Determination of Prize Winners.

(a) The holder of a ticket having any symbol exposed in the “YOUR SYMBOLS” play area that matches either symbol in the “LUCKY SYMBOLS” play area and a TICKET shown as the prize shall be entitled to a prize of a \$1.00 ticket.

(b) The holder of a ticket having any symbol exposed in the “YOUR SYMBOLS” play area that matches either symbol in the “LUCKY SYMBOLS” play area shall be entitled to a prize of the amount shown for that number.

(c) The holder of a ticket having a “SEAHORSE” symbol exposed in the “YOUR SYMBOLS” play area shall be entitled to a prize of the amount shown.

(8) Prize amounts which may appear in the play area are: \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500, and \$5,000.

(9) Number and Size of Prizes. The following prizes will be available in Instant Game Number 75 MANATEE MONEY:

(a) Approximately 1,419,082 prizes falling in the cash categories of 42 pools of 240,000 tickets per pool.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 75 are as follows:

MATCH ANY OF YOUR SYMBOLS TO EITHER LUCKY SYMBOL OR GET A SEAHORSE WITH PRIZES OF:

WIN	NUMBER IN 42 POOLS	ODDS
TICKET	TICKET	
\$1	1,142,400	1 in 8.82
\$2	470,400	1 in 21.43
\$1 + (\$1(A))	235,200	1 in 42.86
\$1 + \$2	235,200	1 in 42.86
\$3	134,400	1 in 75.00
\$1 x 5	100,800	1 in 100.00
\$1 + (\$4(A))	67,200	1 in 150.00
\$2 x 5	67,200	1 in 150.00
\$1 + \$4 + (\$5 (A))	33,600	1 in 300.00
\$4 x 5	33,600	1 in 300.00
\$10 x 5	2,310	1 in 4,363.64
\$25 + (\$25 (A))	2,310	1 in 4,363.64
\$50 + (\$50 (A))	1,638	1 in 6,153.85
\$20 x 5	1,596	1 in 6,315.79
\$100 x 5	10	1 in 1,008,000.00
\$500	10	1 in 1,008,000.00
\$5,000	8	1 in 1,260,000.00

(10) The over-all odds of winning any prize in Instant Game Number 75 are 1 in 3.94.

Specific Authority 24.105(10)(a),(b),(c), 24.109 FS. Law Implemented 24.105(10),(a),(b),(c) FS. History—New 5-12-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: May 12, 1999

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from GTE Florida Incorporated in Docket No. 990562-TL, filed May 7, 1999, seeking waiver from Rule 25-4.080, Florida Administrative Code. The rule addresses weighted measurement of quality of service. Comments on the petition should be filed with: Commission's Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within

14 days of publication of this notice. For additional information, please write Diana W. Caldwell, Division of Legal Services, at the above address or telephone (850)413-6175.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection gives notice of its intent to issue a variance (File No. 0155223-002-EV) to the U.S. Army Corps of Engineers, from Rule 62-4.242(2)(a)2.b., Florida Administrative Code (F.A.C.) to allow a temporary elevation of turbidity, not to exceed 29 nephelometric turbidity units (NTUs) above background conditions, within the Pinellas County Aquatic Preserve, at the edge of a 150 meter mixing zone. The variance is associated with the dredging of the Blind Pass (File No. 0155223-001-JC). The activity is located in Sections 25, 26, and 36, Township 31, Range 15 East; in Pinellas County, prohibited shellfish harvesting area, Gulf of Mexico, within the Pinellas County Aquatic Preserve (Outstanding Florida Waters), Class III waters of the State of Florida.

A person whose substantial interests are affected by the Department's proposed decision may petition for an administrative hearing in accordance with sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any other person must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent of intent, whichever occurs first. A petitioner must 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 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, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number, and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interest are affected by the Department's action or proposed action;

(d) A statement of the material facts disputed by the petitioner, if any;

(e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action;

(f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the action or proposed action addressed in this notice of intent.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirement set forth above.

A party to this proceeding has the right to request review of this order's consistency with section 161.041, F.S., by the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, in accordance with Chapter 42-2, Florida Administrative Code, and specifically Rule 42-2.0131, Florida Administrative Code. To initiate such a review, your request must be filed within twenty (20) days of the date of this order with the Secretary of the Commission at Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001. A copy of the request must also be served on both the Department of Environmental Protection, Agency Clerk, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399, and on any person named in this order, within 20 days from the date of this order if the request for review is to be effective.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Department of Health issued an Order disposing of a petition for permanent waiver from Rule 64E-15.009(1)(a), Florida Administrative Code, filed by Craig S. Smith, President of Naples Progressive Gymnastics, Inc. Rule 64E-15.009(1)(a), Florida Administrative Code, requires that group campsites be well drained and maintained to inhibit the breeding of mosquitoes. In addition, it states that cabins and sleeping quarters shall not be developed within 200 feet of marshes, bottom lands, natural sinkholes, swamps, stagnant water pools or other surface

collectors of water. The petition was filed with the Department on February 22, 1999, and noticed in Florida Administrative Weekly on March 19, 1999.

No comments from interested persons were received.

The Order, which is dated April 30, 1999, provides, in summary, that:

The Petitioner seeks a waiver from Rule 64E-15.009(1)(a), Florida Administrative Code, for the purposes of constructing a residential gymnastic center which will be operated as a recreational camp having cabins at the gymnasium site. The South Florida Water Management District has issued a permit for the construction of the cabins on pile supported stilts. The Jacksonville Division of the Army Corps of Engineers has extended the Petitioner's permit for the cabins until September 15, 1999. The Division of Public Works of Collier County Government stated that the connection to the municipal sewer would be assured with this construction. The Collier County Building Department is awaiting approval from the Collier County Health Department before giving final approval of the building plans for the cabins. The Collier Mosquito Control District has assured the Department that the property in question is provided surveillance and treatment of adult and larval mosquitoes. Based on the foregoing, the petition for permanent waiver of Rule 64E-15.009(1)(a), Florida Administrative Code, is GRANTED. The Order is deemed valid for the duration of the property's use as a recreational camp. A copy of the Order may be obtained from: Angela Hall, Agency Clerk, Department of Health, Office of the General Counsel, BIN A02, 2020 Capital Circle, S. E., Tallahassee, FL 32399-1703, (850)414-8012.

Section VI

Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
 - Department of Veterans' Affairs
 - Information Resource Commission
 - Department of Highway Safety and Motor Vehicles
 - Department of Law Enforcement
 - Department of Revenue
 - Department of Education
 - Administration Commission
 - Florida Land and Water Adjudicatory Commission
 - Board of Trustees of the Internal Improvement Trust Fund
 - Department of Environmental Protection
- DATE AND TIME: June 8, 1999, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215, F.S. and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office at (904)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members, at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee,

Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs**, Florida Arts Council, announces a public Committee meeting, via conference call, to which all persons are invited:

Nominating Committee

DATE AND TIME: Monday, June 21, 1999, 2:30 p.m. – Conclusion

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

PURPOSE: To discuss and nominate three members of the Florida Arts Council to serve as Chair, Vice-Chair and Secretary for the 1999-2000 term.

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.

DEPARTMENT OF BANKING AND FINANCE

The **Unclaimed Property Advisory Board** announces a public Board Meeting and all persons are invited to attend.

DATE AND TIME: June 9, 1999, 10:00 a.m. – 5:00 p.m.

PLACE: Hilton Tampa Airport Westshore, Tampa, Florida

PURPOSE: Regular Board Business

A copy of the agenda may be obtained by contacting Anne Bodiford, Administrative Assistant I, Unclaimed Property Program Office, Fletcher Bldg., 101 E. Gaines St., Room 330-A, Tallahassee, FL 32399-0350, telephone number (850)410-9923, fourteen days prior to the 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 Anne Bodiford, (850)410-9923, at least 48 hours before the meeting. If you are

hearing or speech impaired, contact Anne Bodiford via the Florida Relay Service, 1(800)955-8771 (TDD), or 1(800)955-8770 (Voice), for assistance.

DEPARTMENT OF INSURANCE

The **Department of Insurance, Division of State Fire Marshal**, announces a public meeting to which all persons are invited.

DATE AND TIME: June 8, 1999, 8:30 a.m.

PLACE: Clarion Hotel, 9700 International Drive, Orlando, FL 32819-8114, Telephone (407)996-9700 for reservations

PURPOSE: Florida Fire Prevention Code TAC meeting.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

The **Department of Insurance, Division of State Fire Marshal**, announces a public meeting to which all persons are invited.

DATE AND TIME: June 9, 1999, 8:00 a.m.

PLACE: Clarion Hotel, 9700 International Drive, Orlando, FL 32819-8114, Telephone (407)996-9700 for reservations

PURPOSE: Florida Fire Code Advisory Council meeting.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services**, Florida **Dept of Environmental Protection**, and the **Suwannee River Water Management District** announce a public meeting of the Suwannee River Basin Nutrient Management Working Group to which all persons are invited:

DATE AND TIME: Tuesday, June 8, 1999, 7:00 p.m. – 9:00 p.m.

PLACE: Suwannee River Water Management District Office, 9225 County Road 49, Governing Board Room, Live Oak, Florida 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Working Group will discuss technical presentations and progress being made to reduce nutrients in the river through the actions of technical committees.

A copy of the agenda and directions may be obtained by contacting: Mr. Darrell Smith, c/o Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, 1(800)226-1066, Ext. 3023.

The **Citrus Budwood Technical Advisory Committee** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, June 10, 1999, 10:00 a.m.

PLACE: Doyle Conner Building Auditorium, 1911 S. W. 34 Street, Gainesville, Florida 32608

PURPOSE: Update on the budwood citrus tristeza virus situation, and a Dedication and Open House for Citrus Germplasm Introduction Program greenhouses.

If you need a special accommodation in order to attend this meeting because of a disability, please let us know by June 3, 1999.

A copy of the agenda may be obtained by writing: Mr. Michael Kesinger, Chief, Bureau of Citrus Budwood Registration, Division of Plant Industry, 3027 Lake Alfred Road, Winter Haven, Florida 33881, Telephone (941)294-4267.

DEPARTMENT OF EDUCATION

The **Community Hospital Education Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 9, 1999, 10:30 a.m. – 12:30 p.m.

PLACE: Florida Education Center, Room 1505, 325 West Gaines Street, Tallahassee, Florida

PURPOSE: Regular (Fourth Quarter) Meeting of the Council via Conference Call.

FOR AGENDA: Patricia C. Haynie, Ph.D., Vice Chancellor, State University System, 325 West Gaines Street, Suite 1520, Tallahassee, Florida 32399-1950, Telephone (850)488-5443.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity Program at least seven (7) days in advance, by calling (850)487-1896 (Voice), (950)414-0239 (TDD), so that their needs can be accommodated.

The **Board of Regents**, Presidential Selection Committee for Florida Gulf Coast University announces a public meeting to which all persons are invited.

DATES AND TIMES: June 13, 1999, 6:00 p.m. – completion of business; June 14, 1999, 7:30 a.m. – completion of business

PLACE: WGCU-TV, Broadcast Building, Florida Gulf Coast University, Fort Myers, Florida

PURPOSE: To interview the candidates; to receive the Search Advisory Committee's findings relative to the candidates and selection of presidential candidate finalists.

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 FGCU Office of Multi Access Services, (941)590-7925 or 1(800)590-7886 for TYY line, at least 7 days in advance, so that their needs may be accommodated.

The **Board of Regents** announces a public meeting to which all persons are invited.

DATE AND TIME: July 12, 1999, 10:00 a.m.

PLACE: Howard Hall, Room 111, Florida Gulf Coast University, Fort Myers, Florida

PURPOSE: To appoint the President of Florida Gulf Coast University.

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 FGCU of Multi Access Services, (941)590-7925 or 1(800)590-7886 for TYY line, at least 7 days in advance, so that their needs may be accommodated.

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows.

DATE AND TIME: June 10, 1999, 10:00 a.m. (CST)

PLACE: Gardner Seminar Room

PURPOSE: Regular monthly meeting.

Contact person for the meeting: Dr. Robert L. McSpadden, President.

DEPARTMENT OF COMMUNITY AFFAIRS

The Florida **Department of Community Affairs** announces the eighth meeting of the Florida Governor's Ocean Committee, to which all interested parties are invited.

DATES AND TIMES: Monday, June 14, 1999, 9:00 a.m. – 5:00 p.m.; Tuesday, June 15, 1999, 9:00 a.m. – 12:00 p.m.

PLACE: Clarion Capital Hotel, 316 West Tennessee Street, Tallahassee, FL

PURPOSE: To incorporate public comments into the Committee's recommendations, and to finalize and approve the Committee's final report. The final report will be available to the public.

Information on the meeting and a copy of the agenda may be obtained by contacting the Florida Coastal Management Program, (850)922-5438.

Persons requiring special accommodations at this meeting due to disability or physical impairment should contact Teresa Divers, Florida Coastal Management Program, before June 7, 1999. If you are hearing or speech impaired, please contact Ms. Divers 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 Building Commission** announces the following meetings to which all persons are invited:

THE FLORIDA BUILDING COMMISSION, "the COMMISSION"

DATES AND TIMES: June 6, 1999, 3:00 a.m. – 5:00 p.m.; June 7, 1999, 8:00 a.m. – 5:30 p.m.; June 8, 1999, 8:00 a.m. – 5:30 p.m.

PLACE: Clarion Hotel, 9700 International Drive, Orlando, Florida, (407)352-9700

PURPOSE: Meetings of the Technical Advisory Committees (TACs) to consider responses to comments received at the May public forums, and written comments submitted to the Commission, to develop recommendations for additional members and to consider pending business to be forwarded from the April meetings; meeting of the Accessibility Advisory Council to hear applications for waivers.

Meeting of the Florida Building Commission: To consider the recommendations of product approval and education system group. For conceptual designs of these supporting sub systems; to consider recommendations of the TACs and Task Groups (TGS) resolving memberships, supposed code modifications and response to public comment on the first draft of the Florida Building Code; To hear presentations by industry and state agencies regarding construction regulations of restaurants, hotels, hospitals and nursing homes, state-owned buildings, public schools, colleges and universities, coastal construction and fire prevention codes; to consider Miami-Dade and Broward Counties concern regarding integration of regional standards in the FBC; and to take action on certification of the threshold building inspection applications and applications for waivers of the Florida Accessibility Council.

Waivers are: Muvico 20 at Baywalk, St. Petersburg; Muvico 20 at Mainstreet, Jacksonville; Carmike Cinemas 20 Plex, Bradednton; Regal 10 Cinemas, St. Augustine; Oakwood 18 Regal Cinemas, Hollywood; Gulfcoast Wonder and Imagination Zone, Sarasota; Mote Marine Aquarium – Shark Theater, Sarasta; Snazzy's Men's Club, Tampa; Ozona Office Building, Ozona; Temple Dor Dorim, Weston; Public Comments

A copy of the Committee and Commission meeting agendas may be obtained by sending a request in writing: 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).

NOTICE OF CORRECTION – The notice of a workshop given by the **Florida Building Commission** published in the May 21, 1999, Florida Administrative Weekly has been changed to:

DATE AND TIME: June 9, 1999, 3:00 p.m. – 7:00 p.m.
 PLACE: South Dade Signature Gardens, 12725 S. W. 122nd Avenue, Miami, Florida, (305)251-5000
 PURPOSE: To solicit public comments on the first draft of the Florida Building Code.

The **Florida Communities Trust** announces a Public Meeting of the Governing Body to which all persons are invited.

DATE AND TIME: June 11, 1999, 2:00 p.m. – until conclusion
 PLACE: Kelley Training Center, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida
 PURPOSE: Extend grant contracts for certain funded projects; approve project plans for certain funded projects; other business that the governing board deems necessary.
 To obtain a copy of the agenda, contact the Trust, (850)922-2207.

If any person desires to appeal any decision with respect to any matter considered at the meeting, such person will need a record of the proceeding and may need to insure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

Persons requiring a special accommodation for a disability of physical impairment should contact Florida Communities Trust, (850)922-2207, SunCom 292-2207, at least five days prior to the meeting.

If hearing or speech impaired, contact Florida Communities Trust using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 10, 1999, 10:00 a.m.
 PLACE: The Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida
 PURPOSE: The Criminal and Juvenile Justice Information Systems Council will conduct its regular meeting to discuss state and national issues in areas of criminal and juvenile justice information and information systems.

Individuals with a disability as defined by the Americans with Disabilities Act (ADA) may call Senior Management Analyst, Becky Panebianco, (850)410-7126, about accommodations that would enable attendance.

A copy of the agenda may be obtained by writing: Senior Management Analyst, Becky Panebianco, Florida Department of Law Enforcement, Division of Criminal Justice Information Systems, Strategic Planning and Systems Integrity, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-7126, Suncom 210-7126.

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, June 15, 1999, 1:00 p.m. – 5:00 p.m.; Wednesday, June 16, 1999, 8:30 a.m. – 5:00 p.m.
 PLACE: The Adam's Mark Daytona Beach Resort, 100 North Atlantic Avenue, Daytona Beach, Florida 32118, Telephone number (904)254-8200.

PURPOSE: The Violent Crime Council will meet on June 15 and 16, 1999, to hear presentations and discuss issues relating to Drugs, Gangs and Violence. Speakers will include Director James McDonough, Governor's Office of Drug Control, to discuss the Statewide Comprehensive Drug Control Policy; Cory Godwin, Chairman of Florida Gang Investigator's Association to discuss Prison Gangs; Special Agent Ed DeVelasco, FDLE Miami, and Prosecutor Stephen Talpins, Miami State Attorney's Office, to discuss the Multi-Agency Gang Strike Force, and other items of interest.

A copy of the agenda may be obtained by writing: Senior Management Analyst, Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Investigations and Forensic Sciences Program, Post Office Box 1489, Tallahassee, Florida 32302, or by telephoning (850)410-7778.

Accommodations are made for individuals with disabilities as defined by the Americans With Disabilities Act (ADA).

DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a public meeting to which all persons are invited:

DATE AND TIME: June 7, 1999, 1:00 p.m. – 5:00 p.m.
 PLACE: Executive Conference Room, Department of Transportation, 605 Suwannee Street, Tallahassee, Florida
 PURPOSE: Special meeting of the Screening Committee of the Florida Transportation Commission to review applicants for the position of Secretary of the Florida Department of Transportation.

Information may be obtained by contacting: Florida Transportation Commission, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, Phone (850)414-4105.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of public workshops related to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATES AND TIMES: Monday, June 7, 1999; Tuesday, June 22, 1999; Tuesday, July 13, 1999; Tuesday, July 27, 1999, 1:00 p.m. – 4:00 p.m.

PLACE: Hermitage Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: These are workshops to explore the administration of the Florida Hurricane Catastrophe Fund, financial mechanisms to ensure the FHCF’s maximum capacity to respond to reimbursement requests, and any additional topics and ideas to ensure the maximum efficiency in FHCF operations.

Anyone wishing a copy of the agendas should contact: Anne Bert, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Patti Elsbernd, (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of public meetings of the Florida Commission on Hurricane Loss Projection Methodology to which all persons are invited.

DATES AND TIME: Thursday, July 15, 1999; Friday, July 16, 1999, 9:00 a.m. – 4:00 p.m.

PLACE: Hermitage Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: These are regular business meetings of individual committees of the Commission to discuss the Commission’s standards and acceptability process for 1999 and to discuss the general business of the Commission. The full Commission may also meet to discuss the general business of the Commission.

DATE AND TIME: Tuesday, August 17, 1999, 9:00 a.m. – 4:00 p.m.

PLACE: Hermitage Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: This is a regular business meeting of the Commission to discuss the Commission’s standards and acceptability process for 1999 and to discuss the general business of the Commission.

Anyone wishing to be placed on the Commission’s mailing list to receive copies of notices and agendas by mail or wishing a copy of the agenda for the meeting noticed above, should contact: Anne Bert, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend any of these meetings is requested to call Anne Bert, (850)413-1349, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of public meetings of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATES AND TIME: Tuesday, July 27, 1999, Wednesday, August 18, 1999, Tuesday, September 14, 1999; Tuesday, October 5, 1999, 1:00 p.m. – 4:00 p.m.

PLACE: Hermitage Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: These are regular business meetings of the Council to discuss filing several rules for notice and for adoption, to discuss the administration of the Florida Hurricane Catastrophe Fund and several related financial issues; to discuss the October, 1999, bonding capacity estimate; and to discuss the general business of the Council.

Anyone wishing a copy of the agenda should contact: Anne Bert, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Patti Elsbernd, (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

PUBLIC SERVICE COMMISSION

NOTICE OF CHANGE – The Florida **Public Service Commission** announces that Docket No. 971065-SU – Application for rate increase in Pinellas County by Mid-County Services, Inc., previously noticed for June 3, 1999, has been rescheduled as follows:

DATE AND TIME: June 2, 1999, 9:30 a.m.

PLACE: Commission Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 981637-WS – Application for amendment of Certificate Nos. 236-W and 179-S to extend service area in St. Johns County by United Water Florida Inc.

DATE AND TIME: June 16, 1999, 9:30 a.m.

PLACE: Commission Hearing Room 152 Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider 1) the simplification of the issues; 2) the identification of the positions of the parties on the issues; 3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; 4) the identification of the exhibits; 5) the establishment of an order of witnesses; and 6) such other matters as may aid in the disposition of the action.

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

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990373-TP – Establishment of a statewide emergency area code relief plan.

DATE AND TIME: June 16, 1999, 9:30 a.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider 1) the simplification of the issues; 2) the identification of the positions of the parties on the issues; 3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; 4) the identification of the exhibits; 5) the establishment of an order of witnesses; and 6) such other matters as may aid in the disposition of the action.

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

REGIONAL PLANNING COUNCILS

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, June 7, 1999, 8:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702

PURPOSE: Executive/Budget Committee Meeting

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's** Training Technical Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 16, 1999, 9:00 a.m. – 10:00 a.m.

PLACE: Fire Fighters Memorial Building, 8000 N. W. 21st Street, Miami, FL 33122-1605

PURPOSE: To implement FY 1998-99 USDOT HMEP Training Grant by review training courses conducted and review bids for upcoming training, and further planning of the for FY 1999/00 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.

P. O. #6644

The District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 16, 1999, 10:00 a.m.

PLACE: Fire Fighters Memorial Building, 8000 N. W. 21st Street, Miami, Florida 33122-1605

PURPOSE: To discuss the LEPC's ongoing regional hazardous materials activities for FY 1998/99, to discuss LEPC plan, to discuss the development of a shared facilities reporting database system for the region, and to discuss implementation options for the FY 2000 project activities program.

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.

P. O. #6643

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

The **Loxahatchee River Environmental Control District** announces a Public Hearing to which all persons are invited.

DATE AND TIME: Thursday, June 17, 1999, 6:50 p.m.

PLACE: District Administrative Building, 2500 Jupiter Park Drive, Jupiter, Florida 33458

PURPOSE: Public Hearing to receive public comments pertaining to the adjusting and reconfirming of Resolutions for the North Riverside Drive assessment area.

A copy of the Agenda may be obtained by writing: Loxahatchee River Environmental Control District, 2500 Jupiter Park Drive, Jupiter, Florida 33458-8964.

If a person decides to appeal any decision made by the Board with respect to any matter considered at such Meeting or Hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The **Florida Independent Living Council** announces the following meetings:

MEETING: Executive Committee Meeting

DATE AND TIME: Wednesday, June 9, 1999, 9:00 a.m., EDT

PLACE: Vocational Rehabilitation Headquarters, 2002 Old St. Augustine Road, Building A, Tallahassee, Florida 32399-0696

PURPOSE: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 2002 Old St. Augustine Road, Building A, Tallahassee, Florida 32399-0696, telephone (850)487-3431.

Any person who needs an accommodation to participate in this meeting because of a disability should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

The **Department of Labor and Employment Security, Division of Vocational Rehabilitation**, announces a public meeting of the Florida Rehabilitation Advisory Council, to which all persons are invited and to which all interested individuals are encouraged to attend.

Executive Committee Meeting

DATE AND TIME: Monday, June 14, 1999, 5:30 p.m. – 7:30 p.m.

Planning Committee Meeting

DATE AND TIME: Tuesday, June 15, 1999, 8:30 a.m. – 12:00 Noon

Evaluation Committee Meeting

DATE AND TIME: Tuesday, June 15, 1999, 8:30 a.m. – 12:00 Noon

“State of the Division” with Tamara Allen

DATE AND TIME: Tuesday, June 15, 1999, 1:15 p.m. – 2:30 p.m.

Workshop with Vocational Rehabilitation

DATE AND TIME: Tuesday, June 15, 1999, 2:30 p.m. – 4:00 p.m.

Full Council Business Meeting

DATE AND TIME: Wednesday, June 16, 1999, 8:30 a.m. – 12:00 Noon

PLACE: Division of Vocational Rehabilitation, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in these meetings should contact Ken Baer, no later than June 7, 1999, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696 or toll free at 1(800)451-4327.

This agenda is available in alternative formats upon request.

Should you not be able to attend, but would like a copy of the minutes, please contact Ken Baer, (850)487-3431 or toll free at 1(800)451-4327

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces that the Governing Board will tour the Waldo Wastewater Treatment Facility.

DATE AND TIME: June 2, 1999, 10:00 a.m.

PLACE: The Treatment Facility is located near Highway 301 and Waldo Road

PURPOSE: To tour the Waldo Wastewater Treatment Facility.

If you would like to obtain further information, contact: Sandra Keiser, (904)362-1001 or 1(800)226-1066 (Florida only).

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: June 8, 1999, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

PURPOSE: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

DATE AND TIME: June 8, 1999, following Board Meeting

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

PURPOSE: Board Workshop on Alligator Lake.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (904)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following public meetings, hearings, and workshop to which all persons are invited:

INFORMATION TECHNOLOGY COMMITTEE MEETING

DATE AND TIME: Tuesday, June 8, 1999, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Discussion of Information Technology Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

PERSONNEL COMMITTEE MEETING

DATE AND TIME: Tuesday, June 8, 1999, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Discussion of Personnel Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

BUDGET WORKSHOP, GOVERNING BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Tuesday, June 8, 1999, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Discussion of Draft Budget for Fiscal Year 1999-2000; and discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE COMMITTEE MEETING

DATE AND TIME: Wednesday, June 9, 1999, 8:00 a.m.

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 Governing Board.

GOVERNING BOARD MEETING

DATE AND TIME: Wednesday, June 9, 1999, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion and consideration of District business including regulatory and non-regulatory matters.

A copy of the agenda for meetings on June 8 or 9, 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 these workshops, meetings and hearings is requested to advise the District at least 48 hours before the workshop, meeting or hearing 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 hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

DATES AND TIMES: June 29, 1999, 9:00 a.m.; continuing June 30, 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 Green Swamp project comprised of one parcel referred to as SWF Parcel No. 10-200-1220, consisting of 5.10" acres, lying in Sections 10 and 35, Township 24 South, Range 24 East, in Lake County, Florida;

Part of the Weekiwachee Preserve project comprised of ten parcels referred to as SWF Parcel Nos. 15-773-109, 128, 129, 133, 135, 136, 137, 138, 140 and 142 which range in size from approximately 5 acres to 774 acres. The parcels are generally located north 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 and 28, Township 22, South, Range 17, East; Sections 25, 35 and 36, Township 23, South, Range 16, East; Sections 30 and 31, Township 23, South, Range 17, East, in Hernando County, Florida and Sections 1 and 12, Township 24, South, Range 16, East in Pasco County, Florida.

Part of the Annatteliga Hammock project comprised of numerous subdivision lots referred to as SWF Parcel Nos. 15-228-101C, 358, 359, 359 and 360 ranging in size from 40 acres to 758 acres and generally located north of Centralia Road, south of U.S. Highway 98, east of U.S. Highway 19, west of the proposed Suncoast Parkway and south of S.R. 476 in Sections 12, 13, 24, 25 and 36, Township 21, South, Range

17, East; and Sections 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, Township, 21, South, Range 18, East; and Sections 34 and 35, Township 21, South, Range 19, East in Hernando County, Florida.

Part of the Alafia River Corridor project consisting of approximately 212" acres referred to as SWF Parcel No. 11-709-118. The parcel is located along the north side of Jameson Road, approximately one mile east of S.R. 39 and three miles south of S.R. 640 in Section 5, Township 31, South, Range 22, 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.

Pursuant to the provisions of ADA, any person requiring special accommodations in order to participate in this meeting 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 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:

DATES AND TIMES: June 2, 1999, 8:00 a.m. – 7:00 p.m.; June 3, 1999, 8:00 a.m. – 7:00 p.m.; June 4, 1999, 8:00 a.m. – 7:00 p.m.; June 14, 1999, 8:00 a.m. – 7:00 p.m.; June 15, 1999, 8:00 a.m. – 7:00 p.m.; June 17, 1999, 8:00 a.m. – 7:00 p.m.; June 18, 1999, 8:00 a.m. – 7:00 p.m.

PURPOSE: Governing Board workshop 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.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

A copy of the agenda 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.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: June 4, 1999, 1:30 p.m. – 4:30 p.m.

PLACE: Headquarters, B-1 Building, Storch Conference Room, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: A meeting of the Technical Advisory Committee to discuss status report on the progress of the Indian Trail Water Control District Pilot Pump Project.

A copy of the agenda 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 Patricia Walker, (561)682-6302.

The **South Florida Water Management District** announces a regular and special public meeting which may be conducted by means of or in conjunction with communications technology, specifically by telephone conference, to which all interested parties are invited:

DATE AND TIME: June 9, 1999, time to be determined

PLACE: Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, Florida

PURPOSE: Possible dinner with Governing Board, staff and citizens following the Workshop/Meeting at a time and place announced at Workshop/Meeting.

A copy of the agenda 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.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: June 11, 1999, 9:00 a.m. – 12:00 Noon

PURPOSE: A meeting of the Caloosahatchee Advisory Committee, in combination with the Lower West Coast Water Supply Plan Committee, to address issues related to the Caloosahatchee Water Management Plan and to gather public input on the Lower West Coast Water Supply Plan. The development of 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.

PLACE: Fort Myers Service Center, 2301 McGregor Blvd., Fort Myers, Florida

A copy of the agenda 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 further information, contact either Richard Dawdy or Lynne Felknor, (941)338-2929, or Jim Gross, (561)682-6803.

The **South Florida Water Management District** announces public meetings to which all interested parties are invited:

DATE AND TIME: June 16, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

DATE AND TIME: June 23, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: Headquarters, B-1 Building, Bill Storch Room, 3rd Floor; 3301 Gun Club Road, West Palm Beach, Florida

DATE AND TIME: July 1, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: An open forum of the Advanced Treatment Technology Initiative to discuss current scientific knowledge on the development and application of advanced treatment technologies research projects.

A copy of the agenda 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: Dr. Susan Gray, (561)682-6919.

The **South Florida Water Management District** announces a private attorney-client session:

DATE AND TIME: June 10, 1999, Immediately following Governing Board Meeting, but not to begin before 2:00 p.m.

PLACE: South Florida Water Management District Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Attorney-Client session pursuant to Fla. Stat. Section 286.011(8)(1997) to discuss settlement negotiations or strategy related to litigation expenditures in Miccosukee Tribe of Indians, Fortin, Gonzalez-Rauchman, et. al. v. SFWMD, Miami-Dade DERM, et al.

ATTENDEES: Governing Board members M. Collins, M. Berger, V. Carter, G. Fernandez, P. Gleason, N. Gutierrez, Jr., M. Minton, H. Thornton, T. Williams, District attorneys J. Fumero, F. Bartolone, P. Sole-Calas, and outside counsel R. Rivas, Interim Executive Director J. Harvey, or in his absence and unavailability to attend, Deputy Executive Director T. Campbell.

The subject matter shall be confined to the pending litigation. At the conclusion of the session, the Governing Board shall be re-opened. Pursuant to Florida law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record.

Transcript of the attorney-client session shall be made part of the public record upon conclusion of the litigation.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Board Workshop and Public Meeting to which all persons are invited:

DATE AND TIME: Monday, June 14, 1999, 10:30 a.m.

PURPOSE: FY 1999/2000 Budget Workshop

DATE AND TIME: June 14, 1999, 1:30 p.m.

PURPOSE: Regularly Scheduled Board Meeting

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes 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.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org after 5/10/99.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Manning, (727)796-2355, at least 3 business days prior to the meeting.

DEPARTMENT OF ELDER AFFAIRS

The **State Long-Term Care Ombudsman Council** announces the following calls to which all persons are invited:

Executive Committee

DATES AND TIMES: June 9, 1999, July 14, 1999, 9:00 a.m. – 10:00 a.m.

Legislative Committee

DATES AND TIMES: June 8, 1999, July 13, 1999, 9:00 a.m. – 9:45 a.m.

Ways & Means Committee

DATES AND TIMES: June 9, 1999, July 7, 1999, 10:00 a.m. – 11:00 a.m.

Policy & Procedures Committee

DATES AND TIMES: June 10, 1999, July 8, 1999, 9:00 a.m. – 11:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to the Long-Term Care Ombudsman Program. You may contact the office of the Long-Term Care Ombudsman, (850)488-6190, for more information.

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: June 24, 1999, 8:30 a.m.

CITY: District One, Pensacola, FL

DATE AND TIME: June 16, 1999, 10:00 a.m.

CITY: District Two, Blountstown, FL

DATE AND TIME: June 17, 1999, 1:00 p.m.

CITY: District Three-A, Gainesville, FL

DATE AND TIME: June 10, 1999, 1:00 p.m.

CITY: District Three-B, Ocala, FL

DATE AND TIME: June 15, 1999, 12:00 noon

CITY: District Four, St. Augustine, FL

DATE AND TIME: June 17, 1999, 1:30 p.m.

CITY: District Five, Largo, FL

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

CITY: District Six, Tampa, FL

DATE AND TIME: June 3, 1999, 12:30 p.m.

CITY: District Seven, Orlando, FL

DATE AND TIME: June 1, 1999, 11:00 a.m.

CITY: District Eight, Ft. Myers, FL

DATE AND TIME: June 21, 1999, 2:30 p.m.

CITY: District Nine, West Palm Beach, FL

DATE AND TIME: June 8, 1999, 1:30 p.m.

CITY: District Ten, Plantation, FL

DATE AND TIME: June 15, 1999, 1:15 p.m.

CITY: District Eleven-South, S. Miami, FL

DATE AND TIME: June 10, 1999, 10:30 p.m.

CITY: District Eleven-North, N. Miami, FL

The **Department of Elder Affairs** announces a public meeting to which all persons are invited:

Alzheimer’s Disease Advisory Committee

DATE AND TIME: Thursday, June 10, 1999, 12:00 noon

PLACE: Orlando Regional Health System, at the corner of Sturdevant and Kuhl Avenue, Thorsen Building, Thorsen Boardroom, Orlando, FL

GENERAL SUBJECT MATTER TO BE ADDRESSED: Alzheimer’s Issues

A copy of the agenda may be obtained by contacting: Sharlene Mattice, (850)414-2180.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** would like to announce a meeting to which all persons are invited to attend.

DATE AND TIME: June 15, 1999, 2:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, 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 June 3, 1999. If anyone requires a transcription of the meeting tapes, it will be at the requestor’s expense.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN by the **Division of Retirement** of a rule development workshop to which all persons are invited. This workshop is being held pursuant to the provisions of Section 120.54, F.S.

DATE AND TIME: Wednesday, June 16, 1999, 10:00 a.m.
 PLACE: Room 317 Capitol, 402 South Monroe Street, Tallahassee, Florida
 PURPOSE: Rule Development Workshop. The Division is seeking public input regarding the promulgation of rules with respect to changes made in Chapters 175 and 185, Florida Statutes, by Chapter 99-1, Laws of Florida.
 A copy of the agenda may be obtained by contacting: Patricia F. Shoemaker, Benefits Administrator, Division of Retirement, Municipal Police Officers' and Firefighters' Retirement Trust Fund Office, Post Office Box 3010, Tallahassee, Florida 32315-3010, telephone (850)922-0667 or Suncom 292-0667.
 Persons requiring special accommodations due to disability or physical impairment should contact Patricia F. Shoemaker, least 5 working days prior to the meeting at (850)922-0667.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.
 DATES AND TIMES: Wednesday, June 9, 1999, 8:00 a.m.; Thursday, June 10, 1999, 8:00 a.m.; Friday, June 11, 1999, 8:00 a.m.
 PLACE: DoubleTree Hotel in the Gardens, Palm Beach Gardens, Florida
 PURPOSE: Workshop Committee, Disciplinary Actions and General Session meetings of the Board.
 Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
 Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467.
 Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Rodney Hurst, (904)727-3689, at least seven calendar days prior to the meeting. (Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Board of Cosmetology** announces a Board Meeting open to the public and all persons are invited to participate.
 DATES AND TIMES: Sunday, June 13, 1999, 10:00 a.m.; Monday, June 14, 1999, 9:00 a.m., if necessary
 PLACE: Sheraton Suites Cypress Creek Hotel, 555 N. W. 62nd Street, Fort Lauderdale, Florida 33309
 PURPOSE: Regular Board Business and Committee Matters.

A copy of the agenda may be obtained by writing: Board of Cosmetology, 1940 North Monroe Street, Suite #60, Tallahassee, Florida 32399-0790
 If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, 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.
 Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation**, Board of Employee Leasing Companies, announces an official telephone conference call regarding change of ownership applications.
 DATES AND TIMES: July 21, 1999, 10:00 a.m.; September 15, 1999, 10:00 a.m.
 PLACE: Meet Me #: (850)487-8587 or Suncom 277-8587
 PURPOSE: General Business Meeting of the Board regarding Change of Ownership Applications and other business as directed by the Board.
 A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Stacey Merchant, (850)921-7868.
 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 Stacey Merchant, (850)921-7868. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).
 If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.
 For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.
 The **Department of Business and Professional Regulation**, Board of Employee Leasing Companies, announces an official committee and general business meetings to which all persons are invited.

DATE AND TIME: June 24, 1999, 9:00 a.m. or shortly thereafter

PLACE: Department of Business and Professional Regulation, Division of Professions, Board Meeting Room, 1940 North Monroe Street, Tallahassee, Florida 32399

PURPOSE: Committee and General Business Meetings of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Stacey Merchant, (850)921-7868.

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 Stacey Merchant, (850)921-7868. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Board of Professional Engineers** announces a public meeting to conduct the business of the Board, including committee business which all persons are invited:

DATES AND TIME: Wednesday, June 9, 1999, 8:30 a.m. or as soon thereafter; continuing Thursday, June 10, 1999, if business of the Board is not concluded

PLACE: Marco Island Marriott, 400 S. Collier Boulevard, Marco Island, Florida 34145

PURPOSE: General Business of the Board.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty eight (48) hours before the meeting by contacting: Dennis Barton, (850)521-0500.

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: June 23, 1999, 8:00 a.m.

PLACE: DoubleTree Guest Suites, 3050 N. Rocky Point Drive, West, Tampa, Florida 33607, (813)888-8800

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 **Florida Real Estate Commission**, Education and Research Foundation Advisory Committee has scheduled a meeting to which all persons are invited.

DATE AND TIME: Thursday, June 17, 1999, 9:00 a.m.

PLACE: Suite 301, North Tower, 400 W. Robinson Street, Orlando, Florida

PURPOSE: Official business of the Foundation – including but not limited to proposed legislation affecting Chapter 475; review the progress of persons conducting research and studies, the results of any research project shall not be published or disseminated until it has been reviewed and approved in writing by the advisory committee, to create and promote education projects to expand the knowledge of the public and real estate licensees, to augment the existing real estate programs, to make studies of, and recommend changes in state statutes and municipal ordinances; request proposals for studies that are requested by the governor or the presiding officers of the Legislature, prepare information of consumer interest concerning Florida real estate and to make the information available to the public and appropriate state agencies.

Any persons requiring special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, Education Section, (407)245-0830, between the hours of 9:00 a.m. – 4:00 p.m., at least five calendar days prior to the meeting. If you are hearing

or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

A copy of the agenda can be obtained by contacting the Education Section.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces public hearings to which all interested persons are invited.

DATE AND TIMES: June 30, 1999, 1:00 p.m. and 2:00 p.m.

PLACE: Room 611, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

PURPOSE: At one o'clock p.m., to receive testimony and public comment and to take final action on proposed management of the Fiscal Year (FY) 1997/98 drinking water State Revolving Fund (SRF) loan priority list and on the proposed adoption and management of the FY 1999 drinking water SRF loan priority list. The Department may adopt, modify, or deny the proposed actions at the hearing. At two o'clock p.m., to receive testimony and public comment and to take final action on proposed adoption and management of the FY 2000 SRF wastewater preconstruction and construction loan priority lists; on the management of the FY 1999 SRF stormwater construction loan priority list; and on the adoption of the FY 2000 SRF stormwater construction loan priority list. The Department may adopt, modify or deny the proposed actions at the hearing. Projects may be added to the wastewater construction or preconstruction priority list pursuant to Rule 62-503.680, FAC, to the stormwater construction priority list pursuant to Rule 62-504.680, FAC, or to the drinking water priority list pursuant to Rule 62-552.680, FAC, if requests and required documentation are approved by the Department by the date of publication of this notice. Prior to Department action at the hearings, all interested persons will have the opportunity to testify regarding each of the lists and any proposed actions.

After the hearings, the Department will file the Final Orders for actions taken at the hearings.

A copy of the Final Orders will be sent to local governments sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearings or must be filed: Department's Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, no later than 5:00 p.m. on the first working day after the public hearing.

If an accommodation for a disability is needed in order to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Human Resources, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

A copy of the draft priority lists may be obtained by contacting: Gary Powell, Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, Phone (850)488-8163, Suncom 278-8163 or e-mail: powell_g@dep.state.fl.us.

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, June 8, 1999, 7:00 p.m. (EDT)

PLACE: Mascotte Civic Center, 121 North Sunset Avenue, Mascotte, Florida 34753

PURPOSE: To present the current management plan for General James A. Van Fleet State Trail 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 2, Administration, 4801 S. E. 17th Street, Gainesville, Florida 32601-9299.

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, June 9, 1999, 7:00 p.m. (EST)

PLACE: Polk City Womens Club, 203 Lake Shore Drive, Polk City, Florida 33868

PURPOSE: To present the current management plan for General James A. Van Fleet State Trail 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 2, Administration, 4801 S. E. 17th Street, Gainesville, FL 32601-9299.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group meeting.

DATE AND TIME: Thursday, June 10, 1999, 9:00 a.m. (EDT)

PLACE: Lake Louisa State Park, Administration Office, 12549 State Park Drive, Clermont, Florida 34711

PURPOSE: To discuss the current draft management plan for the General James A. Fleet State Trail.

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 2, Administration, 4801 S. E. 17th Street, Gainesville, Florida 32601-9299.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Thursday, June 10, 1999, 7:00 p.m. (EDT)

PLACE: Fort White Elementary School, State Road 47, (Located on the north side of the intersection of State Road 47 and U.S. Highway 27), Fort White, Florida

PURPOSE: To receive comments regarding management and land uses for Ichetucknee Springs State Park and Troy Spring prior to the development of management plans for these parks. 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 2, Administration, 4801 Southeast 17 Street, Gainesville, Florida 32641-9299.

The **Department of Environmental Protection, Division of Law Enforcement**, announces the following Boating Advisory Council public meeting, to which all persons are invited:

DATE AND TIME: July 21, 1999, 9:00 a.m. – 5:00 p.m.

PLACE: Holiday Inn, Jacksonville Airport, I-95 at Airport Road, Jacksonville, Florida

PURPOSE: Meeting of the Boating Advisory Council.

An agenda of the meeting may be obtained by contacting: Division of Law Enforcement, 3900 Commonwealth Boulevard, Douglas Building, Mail Station #650, Tallahassee, Florida 32399-3000, or by calling Captain Jim Brown or Shelly Gurr, (850)488-5600, Extension 141.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should notify the Bureau of Personnel Services, (850)488-2996, 1(800)955-8771 (TDD), not later than seven working days prior to the preceding event.

DEPARTMENT OF HEALTH

The Florida **Department of Health**, Bureau of HIV/AIDS announces a public meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, June 16, 1999, 12:15 p.m. – 3:15 p.m.

PLACE: Allstate Center Building, Room 103 of St. Petersburg Junior College, 3200 34th Street-South, St. Petersburg, Florida 33733

PURPOSE: To receive comment on the proposed use and distribution of funds made available to the state under the provisions of Title II of the Ryan White C.A.R.E. Act. The meeting is being held to meet the requirements of that Act.

All persons requesting to speak will be given the opportunity to do so. Individuals who prefer not to speak at the meeting may submit written comments. Individuals unable to attend the

meeting may mail written comments to the address below. Notice of this meeting has been distributed to all county health departments, HIV/AIDS Program Coordinators, and all consortia/lead agencies. Questions about this meeting may be directed to: David Poole, Administrator, Patient Care Section, Bureau of HIV/AIDS, 2020 Capital Circle, S. E., Bin A09, Tallahassee, FL 32399-1734, Phone (850)413-0736.

The **Department of Health** in conjunction with the **Department of Environmental Protection** and **Department of Community Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: June 14, 1999, 10:00 a.m.

PLACE: Department of Health, 1317 Winewood Blvd., Building 6, Room 103, Tallahassee, Florida, Local Telephone (850)488-6811

PURPOSE: Identify and discuss issues relating to the cumulative impact of onsite sewage treatment and disposal systems on ground and surface water in accordance with the Governor’s directive to the secretaries of the aforementioned agencies.

A copy of the agenda may be obtained by contacting: Sharon Heber, Department of Health, Bureau of Water and Onsite Sewage Programs, 2020 Capital Circle, S. E., Bin A08, Tallahassee, Florida 32399-1713.

The Florida **Board of Chiropractic Medicine** will hold a duly noticed meeting to which all persons are invited to attend.

DATES AND TIME: Friday, June 25, 1999; continuing Saturday, June 26, 1999, 9:00 a.m.

PLACE: The Sheraton Suites, 2001 S. Roosevelt Boulevard, Key West, Florida 33040, (305)292-9800

PURPOSE: General Board Business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Chiropractic Medicine, (850)487-3052, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence form which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra Causey, Professional Regulation Specialist II, Board of Chiropractic Medicine, 2020 Capital Circle, S. E., Bin C07, Tallahassee, Florida 32399-3257.

The Florida **Board of Clinical Laboratory Personnel** will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Friday, June 4, 1999, 11:00 a.m.

PLACE: Department of Health, 1940 North Monroe Street, Tallahassee, Florida 32399, Meet Me Number (850)921-2470

PURPOSE: Credentials Committee Meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Clinical Laboratory Personnel, (850)487-3052, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board of Clinical Laboratory Personnel using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra W. Causey, Professional Regulation Specialist II, Board of Clinical Laboratory Personnel, Department of Health, Division of Medical Quality Assurance, 2020 Capital Circle, S. E., Bin C07, Tallahassee, Florida 32399-3257.

The Florida **Board of Clinical Laboratory Personnel**, Probable Cause Panel will hold a duly noticed conference call meeting to which all persons are invited to attend:

DATE AND TIME: Monday, June 7, 1999, 10:30 a.m.

PLACE: Department of Health, 1940 North Monroe Street, Tallahassee, Florida 32399, Meet Me Number (850)488-8295

PURPOSE: Reconsideration of cases previously heard by the panel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Clinical Laboratory Personnel, (850)487-3052, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Clinical Laboratory Personnel using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If you respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra W. Causey, Professional Regulation Specialist II, Florida Board of Clinical Laboratory Personnel, Department of Health, Division of Medical Quality Assurance, 2020 Capital Circle, S. E. Bin C07, Tallahassee, Florida 32399-3257.

The Florida **Board of Dentistry** will hold the following meeting to which all persons are invited:

DATES AND TIMES: Friday, June 25, 1999, Committees – 8:00 a.m.; General Business Meeting – immediately following; reconvening Saturday, June 26, 1999, 8:00 a.m.

PLACE: Hilton Miami Airport, 5101 Blue Lagoon Drive, Miami, FL 33126, (305)265-3800

PURPOSE: To conduct Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: William H. Buckhalt, Executive Director, Board of Dentistry, 2020 Capital Circle, S. E., BIN C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Division of Medical Quality Assurance**, Florida **Board of Medicine**, Probationers Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 24, 1999 10:00 a.m.

PLACE: Florida Association of Realtors, 7025 Augusta National Drive, Orlando, FL 32872-5017, Telephone (407)438-1400

PURPOSE: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Dinah R. Skrnich, Medical Compliance Officer, Department of Health, Division of Medical Quality Assurance, Client Services Unit, 2020 Capital Circle, S. E., BIN CO1, Tallahassee, FL 32399-3251.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, he will need a record of the proceeding, and for such purpose, he may need to insure that a verbatim proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Dinah Skrnich, (850)487-9569, at least 10 calendar days prior to the meeting. If you are hearing or speech impaired, please

call Ms. Skrnich using the Florida Dual Party Relay System which can be reached, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health** and the Electrolysis Council, under the **Board of Medicine**, announces a conference call to which all persons are invited.

DATE AND TIME: June 28, 1999, 9:00 a.m., or soon thereafter

PLACE: Number: Nonsuncom (850)921-5551, Suncom 291-5551

PURPOSE: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Electrolysis Council, Northwood Centre, 2020 Capital Circle, S. E., BIN C05, Tallahassee, Florida 32399-3255, or by calling the council office, (850)487-2098.

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 council office, (850)487-2098. 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 or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Nursing** announces public meetings to which all interested persons are invited.

IPN Committee

DATE AND TIME: Wednesday, June 9, 1999, 8:00 a.m.

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Blvd., Duck Key, FL 33050-3756, (305)743-7000

PURPOSE: To discuss matters pertaining to the Intervention Project for Nurses.

Advanced Registered Nurse Practitioner Committee

DATE AND TIME: Wednesday, June 9, 1999, 8:00 a.m.

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Blvd., Duck Key, FL 33050-3756, (305)743-7000

PURPOSE: To consider matters relating to the practice of Advanced Registered Nursing.

Continuing Education committee

DATE AND TIME: Wednesday, June 9, 1999, 9:00 a.m.

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Blvd., Duck Key, FL 33050-3756, (305)743-7000

PURPOSE: To discuss matters relating to the policies and procedures of the Continuing Education.

Education Committee Meeting

DATE AND TIME: Wednesday, June 9, 1999, 10:00 a.m.

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Blvd., Duck Key, FL 33050-3756, (305)743-7000

PURPOSE: To consider matters relating to nursing programs and applications for licensure.

Regular Board Meeting

DATES AND TIMES: Wednesday, June 9, 1999, 1:30 p.m.; Thursday, June 10, 1999, 8:30 a.m.; Friday, June 11, 1999, 8:30 a.m.

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Blvd., Duck Key, FL 33050-3756, (305)743-7000

PURPOSE: Rule Hearing/Adoptions; Nursing Education Program Requests and Reports; Advanced Registered Nurse Practitioners Certificates and matters relating to advanced nursing practice; Continuing Education matters; Legal and Disciplinary Actions; Licensing Problems, Informal Hearings, Declaratory Statements, Correspondence and other miscellaneous matters relating to the practice of nursing.

A copy of the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Florida Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207.

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/she will need a record of the proceedings and for such purpose he/she may need to insure 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 special accommodation for this meeting because of a disability or physical impairment should contact the Board of Nursing office, (904)858-6940, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health** and the **Board of Occupational Therapy Practice** announces a meeting to which all persons are invited:

DATE AND TIME: June 14, 1999, 9:00 a.m. (EST) or soon thereafter

PLACE: Nova Southeastern University, Health Professions Division, Hall Auditorium, 3200 S. University Drive, Ft. Lauderdale, FL 33328, (954)262-1243

PURPOSE: General Business Meeting and Rules Review

A copy of the agenda may be obtained by writing: Department of Health, Board of Occupational Therapy Practice, 2020 Capital Circle, S. E., BIN C05, Tallahassee, Florida 32399-3255 or by calling the board office, (850)487-2098.

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)487-2098. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health** and the **Board of Physical Therapy Practice** announces a conference call to which all persons are invited.

DATE AND TIME: June 10, 1999, 8:30 a.m. or soon thereafter
 PLACE: Number: Nonsuncom (850)921-5551, Suncom 291-5551

PURPOSE: Education Committee Meeting

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 2020 Capital Circle, N. E., BIN C05, Tallahassee, Florida 32399-3255, or by calling the board office, (850)487-2098.

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)487-2098. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District Ten, will conduct the following meetings monthly:

The Department of Children and Family Services announces the Level of Care Review Committee which is a public meeting to which you are invited to attend:

DATE AND TIME: Every Wednesday, 2:30 p.m.
 PLACE: Department of Children and Family Services, 201 W. Broward Blvd., Room 104-A, Ft. Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review ADMH Client.

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 at (954)467-4298 or (954)467-4509 (TDD).

The Health and Human Services Board of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

EXECUTIVE COMMITTEE
 DATES AND TIME: June 3, 10, 17 and 24, 1999, 8:30 a.m.
 PLACE: Benton Regional Service Center, 337 North 4th Street, Fort Pierce, Florida
 For more information, please contact: Betty Robinson, HHSB Liaison, 337 North 4th Street, Fort Pierce, FL 34950, (561)467-4174.

The Health and Human Services Board of the **Department of Children and Family Services**, District 15, announces the following chair's office hours (to meet with staff, other Board members, etc.):

DATES AND TIME: June 3, 10, 17 and 24, 1999, 9:30 a.m.
 PLACE: Benton Regional Service Center, 337 North 4th Street, Fort Pierce, Florida
 For more information, please contact: Betty Robinson, HHSB Liaison, 337 North 4th Street, Fort Pierce, FL 34950, (561)467-4174.

The Health and Human Services Board of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

EXECUTIVE ROUNDTABLE/HHSB OKEECHOBEE COUNTY COMMITTEE
 DATE AND TIME: June 11, 1999, 1:30 p.m.
 PLACE: Mueller Center, 700 S. W. 2nd Avenue, Okeechobee, FL 34973
 For more information, please contact: Betty Robinson, HHSB Liaison, 337 North 4th Street, Fort Pierce, FL 34950, (561)467-4174.

The Health and Human Services Board of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

INDIAN RIVER COUNTY COMMITTEE
 DATE AND TIME: June 15, 1999, 3:00 p.m.
 PLACE: Vero Beach Service Center, 1436-C Old Dixie Highway, Vero Beach, Florida

For more information, please contact: Betty Robinson, HHSB Liaison, 337 North 4th Street, Fort Pierce, FL 34950, (561)467-4174.

The Health and Human Services Board of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

HEALTH AND HUMAN SERVICES BOARD MEETING

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

PLACE: Benton Regional Service Center, 337 North 4th Street, Room 104, Fort Pierce, FL

For more information, please contact: Betty Robinson, HHSB Liaison, 337 North 4th Street, Fort Pierce, FL 34950, (561)467-4174.

The Health and Human Services Board of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

SAINT LUCIE COUNTY COMMITTEE

DATE AND TIME: June 23, 1999, 12:00 p.m.

PLACE: Benton Regional Service Center, 337 North 4th Street, Room 104, Fort Pierce, FL 34950

For more information, please contact: Betty Robinson, HHSB Liaison, 337 North 4th Street, Fort Pierce, FL 34950, (561)467-4174.

The Health and Human Services Board of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

MARTIN COUNTY COMMITTEE

DATE AND TIME: June 23, 1999, 5:30 p.m.

PLACE: Stuart Service Center, 821 Martin Luther King Blvd., Stuart, FL 34994

For more information, please contact: Betty Robinson, HHSB Liaison, 337 North 4th Street, Fort Pierce, FL 34950, (561)467-4174.

The Florida **Department of Children and Family Services** announces the following meeting to which all parties are invited to attend.

MEETING: Executive Committee

DATE AND TIME: Tuesday, July 20, 1999, 1:00 p.m. – 3:00 p.m. (Eastern)

PLACE: Tallahassee/Cedars

MEETING: Full Board

DATE AND TIME: Tuesday, August 17, 1999, 12:30 p.m. – 3:30 p.m. (Central)

PLACE: Panama City/11 Street

MEETING: Executive Committee

DATE AND TIME: Tuesday, September 21, 1999, 1:00 p.m. – 3:00 p.m. (Eastern)

PLACE: Tallahassee/Cedars

MEETING: Full Board

DATE AND TIME: Tuesday, October 19, 1999, 12:30 p.m. – 3:30 p.m. (Central)

PLACE: Marianna/Sunland

MEETING: Executive Committee

DATE AND TIME: Tuesday, November 16, 1999, 1:00 p.m. – 3:00 p.m. (Eastern)

PLACE: Tallahassee/Cedars

MEETING: Full Board

DATE AND TIME: Tuesday, December 21, 1999, 1:00 p.m. – 4:00 p.m. (Eastern)

PLACE: Tallahassee

MEETING: Executive Committee

DATE AND TIME: Tuesday, January 18, 2000, 1:00 p.m. – 3:00 p.m. (Eastern)

PLACE: Tallahassee/Cedars

MEETING: Full Board

DATE AND TIME: Tuesday, February 15, 2000, 1:00 p.m. – 4:00 p.m. (Eastern)

PLACE: Gulf County/Port St. Joe

MEETING: Executive Committee

DATE AND TIME: Tuesday, March 21, 2000, 1:00 p.m. – 3:00 p.m. (Eastern)

PLACE: Tallahassee/Cedars

MEETING: Full Board

DATE AND TIME: Tuesday, April 18, 2000, 1:00 p.m. – 4:00 p.m. (Eastern)

PLACE: Tallahassee/Cedars

MEETING: Executive Committee

DATE AND TIME: Tuesday, May 16, 2000, 1:00 p.m. – 3:00 p.m. (Eastern)

PLACE: Tallahassee/Cedars

MEETING: Full Board

DATE AND TIME: Tuesday, June 20, 2000, 1:00 p.m. – 4:00 p.m. (Eastern)

PLACE: Madison County

Note: Meeting Sites To Be Announced Later.

Committee Meetings may be held prior to Board meetings, 10:00 a.m. – 12:00 p.m.

For more information call: Ima Brown, (850)488-0569.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting of the Corporation, to which all interested persons are invited:

DATE AND TIME: Wednesday, June 9, 1999, 9:00 a.m. – 11:00 a.m.

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

PURPOSE: To conduct a meeting of the Corporation's SAIL, HOME Rental and Housing Credit Combined Cycle Committee to discuss possible changes to the 2000 SAIL/HOME/HC Application and corresponding changes to Rule 67-48, Florida Administrative Code.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Hawthorne, Deputy Administrative Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings be made, which record include the testimony and evidence upon which the appeal is to be based.

Counsel for the **Florida Housing Finance Corporation** announces a public meeting of the Board of Directors to which all interested parties are invited:

New Board Member Orientation

DATE AND TIME: June 9, 1999, 1:00 p.m. – 5:00 p.m.

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

PURPOSE: To conduct an orientation workshop for members of the Florida Housing Finance Corporation Board of Directors to address Corporation policy pertaining to the Florida Statutes, budget, ethics, program rules, travel policies, Board meetings and meeting locations, Board committees and committee appointments, outside vendors and Corporation documents including the Annual Report, Program Fact Book, Brochure and organizational chart. No official action will be taken on any item.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Hawthorne, Deputy Administrative Officer, at the Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a

verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a public meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee; Guarantee Committee; Professional Services Selection Committee; FHFC Board Workshop

DATE AND TIME: June 10, 1999, 9:00 a.m.

PLACE: Tallahassee City Hall Commission Chambers, 300 South Adams Street, Tallahassee, Florida 32301

PURPOSE: 1) Consider, review and/or approve recommendations made by the Fiscal Committee; 2) Consider, review and/or approve recommendations made by the Guarantee Program Committee; 3) Consider, review and/or approve recommendations made by the Professional Services Selection Committee; 4) Consider, review and/or approve recommendations made by the Executive Committee; 5) Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds on upcoming multifamily issues; 6) Consider financing and inducement resolutions for various multifamily developments, under any multifamily program, including the ranking of projects; 7) Consider approval of trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs; 8) Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms; 9) Consider adopting resolutions authoring negotiated or competitive sale of bonds on various single-family and multifamily issues; 10) Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor; 11) Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues; 12) Consider and adopt targeting for use of the 1998 Multifamily Tax Exempt Bond Allocation; 13) Consideration of approval of underwriters for inclusion on approved master list and teams; 14) Consideration of all necessary actions with regard to the HOME Rental Program; 15) Consideration of all necessary actions with regard to the HC (Housing Credits) Program; 16) Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program; 17) Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program; 18) Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program; 19) Consideration of all necessary actions with regard to the Home Ownership Programs; 20) Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.

A copy of the agenda may be obtained by contacting: Mary Floyd, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, phone number (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Hawthorne, Deputy Administrative Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a public meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee; Guarantee Committee; Professional Services Selection Committee; FHFC Board Meeting

DATE AND TIME: June 11, 1999, 9:00 a.m.

PLACE: Tallahassee City Hall Commission Chambers, 300 South Adams Street, Tallahassee, Florida 32301

PURPOSE: 1) Consider, review and/or approve recommendations made by the Fiscal Committee; 2) Consider, review and/or approve recommendations made by the Guarantee Program Committee; 3) Consider, review and/or approve recommendations made by the Professional Services Selection Committee; 4) Consider, review and/or approve recommendations made by the Executive Committee; 5) Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds on upcoming multifamily issues; 6) Consider financing and inducement resolutions for various multifamily developments, under any multifamily program, including the ranking of projects; 7) Consider approval of trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs; 8) Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms; 9) Consider adopting resolutions authoring negotiated or competitive sale of bonds on various single-family and multifamily issues; 10) Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor; 11) Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues; 12) Consider and

adopt targeting for use of the 1998 Multifamily Tax Exempt Bond Allocation; 13) Consideration of approval of underwriters for inclusion on approved master list and teams; 14) Consideration of all necessary actions with regard to the HOME Rental Program; 15) Consideration of all necessary actions with regard to the HC (Housing Credits) Program; 16) Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program; 17) Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program; 18) Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program; 19) Consideration of all necessary actions with regard to the Home Ownership Programs; 20) Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.

A copy of the agenda may be obtained by contacting: Mary Floyd, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, phone number (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Hawthorne, Deputy Administrative Officer, at the Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

TAMPA BAY ESTUARY PROGRAM

The **Tampa Bay Estuary Program** announces scheduling of a Management Board Meeting to which all persons are invited.

DATE AND TIME: Friday, June 4, 1999, 9:00 a.m.

PLACE: University of South Florida, 140 7th Avenue, S., Davis Hall, Room 130, St. Petersburg, Florida

PURPOSE: Action will be taken on items related to the Bay Mini-Grants, the Technical Support contract for FFY 99, and an update on the Tampa Bay Estuary licence plate.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Management Board to any matter considered at the above cited meeting, 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 Estuary Program** announces scheduling of a Policy Board meeting to which all persons are invited:

DATE AND TIME: Friday, June 4, 1999, 1:00 p.m.

PLACE: University of South Florida, 140 7th Avenue, S., Davis Hall, Room 130, St. Petersburg, Florida

PURPOSE: Action will be taken on items related to the Bay Mini-Grants, the Technical Support contract for FFY 99, and an update on the Tampa Bay Estuary licence plate.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Policy Board to any matter considered at the above cited meeting, 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.

PINELLAS WAGES COALITION

The **Pinellas WAGES Coalition**, Transportation Sub-Committee announces the following meeting on:

DATE AND TIME: Monday, June 7, 1999, 10:00 a.m.

PLACE: Career Options of Pinellas, Inc., 13770 58th Street, N., Suite 312, Large Conference Room, Clearwater, Florida 34620

PURPOSE: Discuss, plan and implement vehicle voucher program.

SUBJECT MATTER: Vehicle Voucher Program and other Transportation Subcommittee business as brought up by voting members.

Members of the public are invited to attend. Agendas can be obtained seven days in advance of the meeting at Suite 304, Pinellas WAGES Coalition or by calling (727)507-6197. Persons needing special accommodations to participate in the meeting should call at least 3 days in advance at (727)507-6197.

If any person wishes to appeal any decision made by the Pinellas WAGES Coalition with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

The **Pinellas WAGES Coalition Board** Development Committee announces the following meeting on:

DATE AND TIME: Monday, June 7, 1999, 12:30 p.m.

PLACE: Career Options of Pinellas, Inc., 13770 58th Street, N., Suite 312, Large Conference Room, Clearwater, Florida 34620

PURPOSE: Establish Board nominating criteria, review membership applications, and formulate membership recommendations to the Pinellas WAGES Coalition.

SUBJECT MATTER: Pinellas WAGES Coalition Board Membership.

Members of the public are invited to attend. Agendas can be obtained seven days in advance of the meeting at Suite 304, Pinellas WAGES Coalition or by calling (727)507-6197. Persons needing special accommodations to participate in the meeting should call at least 3 days in advance at (727)507-6197.

If any person wishes to appeal any decision made by the Pinellas WAGES Coalition with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

PALM BEACH COMMUNITY COLLEGE

The **Region XII, Training Council** and Assessment Center Board of Directors announces a public meeting to which all interested persons are invited:

DATE AND TIME: Tuesday, June 8, 1999, 10:00 a.m.

PLACE: Palm Beach Community College, Criminal Justice Room 102, 4200 Congress Avenue, Lake Worth, FL 33461

PURPOSE: The agenda will include but is not limited to: FDLE/CJSTC updates; Palm Beach Community College/Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, Secretary of the Criminal Justice Institute, Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461, Phone number (561)439-8145.

TRANSPORTATION AND EXPRESSWAY AUTHORITY

The **Transportation and Expressway Authority** Membership of Florida, Inc.' (TEAMFL) announces a public meeting to which all persons are invited:

DATE AND TIME: June 10, 1999, 10:30 a.m. – 12:15 p.m.

PLACE: Jacksonville City Hall, 117 West Duval Street, Jacksonville, Florida 32202

GERERAL SUBJECT MATTER TO BE CONSIDERED: 1) Legislative Annual Wrap up; 2) Progress update of Y2K; 3) History of Transportation in Florida; 4) A look at the Transportation Future By Representative James B. Fuller.

A copy of the agenda may be obtained by contacting: Robert C. Hartnett, Executive Director, TEAMFL, 2121 Camden Road, Suite B, Orlando, FL 32803, Phone (407)896-0035, Fax (407)897-7012

FLORIDA RESIDENTIAL PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION

The **Florida Residential Property and Casualty Joint Underwriting Association** announces a meeting of its Service Company Committee to be held on:

DATES AND TIMES: Tuesday, June 15, 1999, 9:00 a.m. – 5:00 p.m.; Wednesday, June 16, 1999, 9:00 a.m. – 3:00 p.m.
PLACE: Grosvenor Resort, 1850 Hotel Plaza Boulevard, Lake Buena Vista, FL (407)828-4444.

PURPOSE: Items of discussion will include, but are not limited to, accounting, underwriting, producer administration and PMSC issues.

For additional information, please call 1(800)807-7647, extension 3798.

FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation** announces a public meeting of the Florida Sports Foundation Board of Directors to which all persons are invited.

DATE AND TIME: Friday, June 18, 1999, 9:00 a.m. – 4:30 p.m.

PLACE: The Biltmore Hotel, Danielson Gallery, 1200 Anastasia Avenue, Miami, Florida

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has denied the Petition for Declaratory Statement filed by Joseph Prycodzien, Unit Owner, Beach Terrace Resort Condominium Association, Inc., Docket Number DS1999059.

The petition was denied because it is the provisions of the declaration, or the lack thereof, rather than section 718.113, Florida Statutes, or any other section of the Condominium Act that is causing the controversy between the Petitioner and the Association. The Division is precluded from interpreting ambiguous provisions of a Declaration of Condominium in a declaratory statement proceeding.

A copy of the final order may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has denied the Petitions for Declaratory Statement filed by Edward P. Ladenberger, Unit Owner, Brookside Bluff Condominium Association, Inc., Division Docket Numbers DS1999040 and DS1999074.

The petition for declaratory statement in docket number DS1999040 was denied because the Petitioner failed to describe the potential impact of the Division’s statutes, rules, or orders upon the Petitioner’s interests; the petition implicated the rights of a third party; and the petition did not contain facts that would support a declaratory statement on the issue presented.

The petition for declaratory statement in docket number DS1999074 was denied because Petitioner sought a determination of the conduct of a third party.

A copy of the final order may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

The Construction Industry Licensing Board (Board) hereby gives notice that at a duly noticed meeting held on February 12, 1999, in Miami, Florida, the Board met and considered the Petition for Waiver of Rule 61G4-15.0021(3)(b), F.A.C., filed by the City of Miami on January 20, 1999. Notice of the petition was published in Vol. 25, No. 5, of the Florida Administrative Weekly on February 5, 1999. The City of Miami requested a waiver of Rule 61G4-15.0021(3)(b), F.A.C., which requires that a financially responsible officer post a fifty thousand dollar (\$50,000) bond. Based on its review of the facts and circumstances presented in the petition, the effect of the testimony given by the Petitioner, and the provisions of Chapters 120 and 489, Part I, Florida Statutes, the Board GRANTED the petition pursuant to the Order filed in this matter on April 8, 1999.

A copy of the Order can be obtained from: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467, or telephone (904)727-3689.

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:

Ardaman & Associates; Universal Engineering Sciences; Law Engineering & Environmental Services, Inc.; and PSI vs. Department of Transportation; Rule No.: 14-78; Case No.: 99-2016RX

Willard Bell and Justine Powell, by and through his next friend and parent, Barbara Powell vx. Agency for Health Care Administration; Rule No.: 59G-4.070; Case No.: 99-2060RX

Vance Hurd; James Aielb, Jr.; John Alexander; Rick Allegier; Dan Althoff; Conrad Anklam; Mrs. L. Anklam; Jack Asinger; Michael Atherton, M.D.; et al., vs. Department of Environmental Protection; Rule No.: 62N-22.005; Case No.: 99-2062RP

Malona Hooks vs. Department of Children and Family Services; Rule No.: 65A-1.400; Case No.: 99-2059RX

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

The Florida Department of Health HEREBY GIVES NOTICE that an administrative law judge has determined that Fla. Admin. Code Rule 64F-12.019 is invalid. The time for filing an appeal of this decision expired March 24, 1999. A copy of the ruling may be obtained from: Robert P. Daniti, Esquire, Department of Health, Office of the General Counsel, BIN A02, 2020 Capital Circle, S.E., Tallahassee, FL 32399-1703, (850)414-8012.

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

Project No. BR-234

Project and Location: Bellamy Building Remodeling

Reference Notice to Professional Consultants, FAW volume 25/19, published May 14, 1999 and FAW volume 25/20, published May 21, 1999.

Note the following corrections:

The project is budgeted at \$7,075,000 for construction; the delivery system will be construction management. Blanket professional liability insurance for this project will be required in the amount of \$500,000 and will be provided as a part of Basic Services.

For further information on the project, contact: Jim Reynolds, Project Manager, (850)644-2843.

CALL FOR BIDS

The made by the Florida State University, State of Florida.

PROJECT NAME & NUMBER: Campus Stormwater Improvements, Phase III, BR-238, Tallahassee, Florida

QUALIFICATION: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on:

DATE AND TIME: June 30, 1999, until 2:00 p.m., local time

PLACE: 101 Mendenhall, Maintenance Building A, Florida State University, Tallahassee, Florida 32306, at which time and place they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual, which may be obtained or examined at the office of the ARCHITECT/ENGINEER: Moore, Bass & Bibler, Inc., 805 N. Gadsden Street, Tallahassee, Florida 32303, (850)222-5678

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Minority Business Advocacy and Assistance Office, Department of Labor and Employment Security. Consideration will be given to the percentage of participation, as described in the Instructions to Bidders, in the award of the contract.

PRE-SOLICITATION/PRE-BID MEETING: Bidders are encouraged to attend the pre-solicitation/pre-bid meeting. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: June 22, 1999, 2:00 p.m., local time
PLACE: 101 Mendenhall, Maintenance Building A, Florida State University, Tallahassee, Florida 32306

DEPOSIT: \$175.00 per set of drawings and Project Manual is required with a limit of three (3) sets per general contractor or prime bidder; and two (2) sets of drawings and Project Manuals for plumbing, heating/ventilating/air conditioning and electrical contractors acting as subcontractors.

REFUND: The deposit shall only be refunded to those general contractors, prime bidders, or plumbing, heating/ventilating/air conditioning and electrical contractors acting as either prime or subcontractors, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning, or electrical work, and who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of bidding documents may be examined at the Architect/Engineer's office and local plan rooms. Full sets may be purchased through the Architect/Engineer for \$175.00 per set for the printing and handling cost. Partial sets may be purchased at \$5.00 per sheet of the drawings and \$50.00 per copy of the Project Manual, and are sold subject to the provisions of Article B-27 of the Instructions to Bidders.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor 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 PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of the State of Florida, Board of Regents, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-650 CO-ED MULTI-USE INDOOR ATHLETIC FACILITY

Project and Location: Florida Atlantic University, Boca Raton Campus

The project consists of approximately 34,000 square feet of an academic center with study and work areas for student's athletics, strength training/therapy facilities, locker room, coaches offices, meeting rooms, lounge space and equipment storage. The building will primarily function as a teaching, coaching and training area with parallel goals to maximize athletic, student, staff and coach recruiting and retention potential.

Construction budget is approximately \$4,475,087. The selected firm will provide design, construction documents and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$250,000, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated 9/15/97. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 5 (five) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Florida Atlantic University, 777 Glades Road, Facilities Planning Department, Building T-10, Room 9, Boca Raton, FL 33431, (561)297-3141 and Fax (561)297-2260

Submittals must be received in the Florida Atlantic University, 777 Glades Road, Facilities Planning Department, Building T-10, Room 9, Boca Raton, FL 33431, by 3:00 local time, on June 28, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

**LIFE BEHAVIORAL SCIENCE COMPLEX
NOTICE TO CONSTRUCTION MANAGERS**

Florida Atlantic University, on behalf of the State of Florida, Board of Regents, announces that Construction Management services will be required for the project listed below:

Project No.: BR-638, LIFE BEHAVIORAL SCIENCE COMPLEX, FLORIDA ATLANTIC UNIVERSITY, BOCA RATON, FLORIDA

This project consists of two phases. Phase I consists of the renovation and addition to the Sanson Science Building East. Phase II consists of the renovation and addition to the Biological Sciences Building and renovation and addition to Sanson Science Building West. Total new space to be constructed is approximately 25,880 GSF and total space to be renovated is approximately 116,364 GSF.

The estimated construction cost for both phases is \$14,247,000.

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 100% Construction Document phase. 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 \$10,000.00 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: Facilities Planning Department, Florida Atlantic University, (561)297-3141.

5 bound copies of the required proposal data shall be submitted to: Linda Cassese, Florida Atlantic University, 777 Glades Road, Facilities Planning Department, Building T-10, Boca Raton, FL 33431.

Submittals must be received by 3:00 p.m., local time, July 7, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

**CALL FOR BIDS/REVISED OPENING DATE AND
PRE-BID MEETING**

STATE OF FLORIDA, BOARD OF REGENTS

PROJECT: UNIVERSITY OF NORTH FLORIDA, FINE
ARTS COMPLEX, (UNF)

NO.: BR-929

FOR: UNIVERSITY OF NORTH FLORIDA,
JACKSONVILLE, FLORIDA

SEALED BIDS WILL NOW BE RECEIVED ON:

DATE AND TIME: June 22, 1999, until 2:00 p.m., local time

PLACE: UNF Building No. 6, Training Room, Room 1225,
Jacksonville, FL

At which time and place they will be publicly opened and read
aloud.

PRE-SOLICITATION/PRE-BID MEETING WILL NOW BE HELD ON:

DATE AND TIME: June 8, 1999, until 2:00 p.m., local time
PLACE: UNF Building No. 6, Training Room, Room 1225, Jacksonville, FL

PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES FOR ARCHITECTURE – ENGINEERING

Facilities Department announces that professional services are required for the project listed below. Applications are to be sent to: Mary H. Rios, Florida School for the Deaf and the Blind (F.S.D.B.), Facilities Department, 207 N. San Marco Avenue, St. Augustine, Florida 32084.

PROJECT NUMBER: FSDB 990001

PROJECT NAME: Physical Education and Activities Building
PROJECT LOCATION: The Florida School for the Deaf and the Blind, St. Augustine, Florida

SERVICES TO BE PROVIDED: Complete architectural and engineering services to include programming, design and construction documents, bidding and construction administration for a physical education and related activities building located on existing campus. The project will also include two new field houses, relocation of tennis courts and associate site work. Only programming and conceptual design fees are funded at this time. Additional funding is requested to provide a construction budget of up to \$2,500,000.00

AGENCY: The Florida School for the Deaf and the Blind

AGENCY REPRESENTATIVE: Mary H. Rios

PHONE NUMBER: (904)823-4158

RESPONSE DUE DATE: June 28, 1999, 4:30 p.m., local time
The results of this selection will be posted at the FSDB Facilities Department, 207 N. San Marco Avenue, Building 27, Hogel Maintenance, St. Augustine, Florida during regular business hours on July 2, 1999.

INSTRUCTIONS

Submit three (3) copies of the following:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBCS112.
3. Firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a Corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's Current Florida Corporate Chapter.
5. Complete SF-254.
6. Complete SF-255.

Please include one stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder.

Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Selections will be made in accordance with Chapter 60D-2, Florida Administrative Code.

Applicants are advised that plans and specifications for A/E projects may be reused. An appropriate contractual agreement will be made with the selected firm. Any protests of the selection must be made within 72 hours of posting the selection results. If no protest is received within 72 hours, negotiation and contract award will proceed with the selected firm. The selected firm will be notified and announcement of selected firm will be published in the Florida Administrative Weekly.

INVITATION TO BID

Sealed bids will be received by the Columbia County Schools, Purchasing Department, 528 W. Duval Street, Lake City, Florida 32055 until 2:00 p.m. on June 8, 1999 for the following:

Bid Number: #2883

Title: Bid for Non-Foods Supplies, SFS

Detailed specifications may be obtained from the Purchasing Department at the above address or by calling (904)755-8038 or Fax (904)755-8077.

The School Board reserves the right to reject any and all bids. This bid shall be for non-foods supplies delivered to one central warehouse on a bi-weekly basis throughout the 1999-00 school year. Estimated annual purchase is \$30,000.00.

INVITATION TO BID

Sealed bids will be received by the Columbia County Schools, Purchasing Department, 528 W. Duval Street, Lake City, Florida 32055 until 2:00 p.m. on June 8, 1999 for the following:

Bid Number: #2882

Title: Bid for Bread, SFS

Detailed specifications may be obtained from the Purchasing Department at the above address or by calling (904)755-8038 or Fax (904)755-8077.

The School Board reserves the right to reject any and all bids. This bid shall be for bread products delivered to ten (10) schools on an as needed basis throughout the 1999-00 school year. Estimated annual purchase is \$100,000.00.

DEPARTMENT OF CORRECTIONS

ADVERTISEMENTS FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, BUREAU OF FACILITIES SERVICES.

CONSTRUCTION OF: 10 AC MITIGATION AREA EARTHWORK

PROJECT NO: SP-50-MG

PROJECT SITE: EVERGLADES CORRECTIONAL INSTITUTION, 1601 S. W. 187TH AVENUE, MIAMI, Florida 33194

PREQUALIFICATION: All bidders must submit evidence that they are qualified to perform the work in accordance with Section B, paragraph B-2 of the Specifications.

BID DATE AND TIME: June 15, 1999, 2:00 p.m., local time

PLACE: Conference Room, Everglades Correctional Institution, 1601 S. W. 187th Avenue, Miami, Florida 33194.

Any person with a qualified disability requiring special accommodations at the pre-bid conference and/or bid/proposal opening shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Services which can be reached at 1(800)955-8771 (TDD).

PROPOSALS: Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT/ENGINEER: Lindahl, Browning, Ferrari & Hellstrom, Inc., 3550 S. W. Corporate Parkway, Palm City, Florida 34990, Attn: Richard Schoenborn, (561)286-3883

DRAWINGS/SPECIFICATIONS: Sets of Drawings and Specifications may be purchased for \$67.00 per set. Partial sets may not be purchased. Payment made to "Lindahl, Browning, Ferrari & Hellstrom, Inc."

PRE-BID CONFERENCE: A pre-bid conference will be held on June 8, 1999, 2:00 p.m., local time at the Administration Building Conference Room at the Everglades Correctional Institution. (Non-Mandatory)

CONTRACT AWARD: The recommendation for contract award will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, the contract will be awarded by the Secretary, Department of Corrections. Right is reserved to reject any or all bids.

DEPARTMENT OF MANAGEMENT SERVICES

BUILDING CONSTRUCTION

PUBLIC ANNOUNCEMENT FOR

CONSTRUCTION MANAGEMENT SERVICES

PROJECT NUMBER: FSDB-98054050

PROJECT NAME: Health Care Center

PROJECT LOCATION: The Florida School for the Deaf and the Blind, St. Augustine, Florida

The Department of Management Services, Building Construction, requests qualifications from construction management firms to provide construction management services for this project. The construction budget for this project is up to \$3,200,000.00. Construction start date is: February 1, 2000. Award of contract is contingent upon availability of funding.

Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of Building Construction.

Firms interested in being considered for this project must submit an application with the following information:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

Submit four copies of your application to: Department of Management Services, Building Construction Project Director, Ken Perlowski, 100 Southpark Boulevard, Suite 308, St. Augustine, Florida 32086.

Response Due Date: June 28, 1999

The results of this selection will be posted at the Facilities Department of The Florida School for the Deaf and the Blind, 207 San Marco Avenue, St. Augustine, Florida 32084 during regular business hours starting 1:00 p.m., July 26, 1999. Any protest on the selection must be made within 72 hours of posting this notice. If no protest is received within 72 hours,

contract award and negotiation will proceed with the selection firm. The selection results will be published in the Florida Administrative Weekly.

DEPARTMENT OF HEALTH

Title: Invitation to Bid – Infant/Child Safety Seat
Purpose: To identify a vendor who can offer the most competitive per unit price for infant/child seats per specifications contained in ITB.
Contract Manager: William Mallett, Administrative Services Director I, Lee County Health Department, 3920 Michigan Avenue, Ft. Myers, FL 33916
Notices of Intent to Submit are Due:
DATE AND TIME: June 7, 1999, 3:00 p.m.
All Responses to ITB must be received and will be opened:
DATE AND TIME: June 9, 1999, 1:00 p.m.
Responses to ITB must be submitted to: William Mallett, Administrative Services Director I, Lee County Health Department, 3920 Michigan Avenue, Ft. Myers, FL 33916
Certified Minority Business Enterprises are encouraged to participate in any bidders' conferences, pre-solicitation or per-bid meetings which are scheduled. The department reserves the right to reject any and all bids or accept minor irregularities in the best interest of the state.

**NOTICE TO PROFESSIONAL CONSULTANTS
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
SERVICES FOR
ARCHITECTURE – ENGINEERING
CONTINUING CONTRACT**

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction announces that professional services are required for the project listed below. Applications are to be sent to: Mr. Thomas Matthias, Senior Architect, Florida Department of Health, Office of Design and Construction, 2020 Capital Circle, S. E., Bin #06, Tallahassee, Florida 32399-1734, Phone (850)921-8922.

PROJECT NUMBER: DOH 99000001
PROJECT NAME: Architectural/Engineering Continuing Contract, South Florida Catchment Area
SERVICES TO BE PROVIDED: Architectural/Engineering Services
ESTIMATED CONSTRUCTION BUDGET: Multiple projects as required by the Department with individual project construction budgets not to exceed \$500,000. Depending on development of projects and funding the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities (satellite County Health Department Facilities, Support

structures, etc.), repair and renovation to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, and minor Studies (Study fee not to exceed \$25,000). The South Florida Catchment area shall include the following counties: Broward, Collier, Dade and Monroe. For selection Miami will be the point used to calculate distance from Firm to site. Continuing Contracts selection is for a contract period of one year, renewable annually for up to two years at the discretion of the Department of Health.

RESPONSE DUE DATE: By Close of Business, June 18, 1999, Local Time

INSTRUCTIONS: Submit three (3) bound copies of the following:

1. Letter of Interest specifying the project and location for which the firm wishes to be considered.
2. A current Professional Qualifications Supplement, Department of Management Services (DMS), current edition of the Professional Qualifications Supplement (PQS). Section 5a to include DOH and DMS project fees.
3. A copy of the firms Florida Professional Registration License Renewal. (Proper registration at the time of application is required.)
4. (CORPORATIONS ONLY) Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard Form 254 for the Architect and the major consultants.
6. Completed Standard Form 255.
7. Applicants desiring selection credit as State Certified Minority Business Enterprises either as Prime Consultant or for a Sub-consultant shall include a copy of the current State of Florida Minority Rectification or Certification Letter.
8. A stamped self-addressed envelope for notice of selection results.

All proposal information submitted becomes the property of DOH, will be placed on file, and not returned. Applications which do not comply with the instructions set forth above and/or do not include the qualification data required may not be considered. Selections will be made in accordance with Chapter 60-2, Florida Administrative Code and Section 287.055, Florida Statutes.

Applicants are advised that plans and specifications for A/E projects may be reused. An appropriate contractual agreement will be made with the selected firm should this be necessary,

SHORTLIST SELECTION PROCESS: From the proposals received, the Department shall shortlist a minimum of three (3) firms.

NOTICE TO PROFESSIONAL CONSULTANTS
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
SERVICES FOR
ARCHITECTURE-ENGINEERING
CONTINUING CONTRACT

The State of Florida, Department of Health, Bureau of General Services, announces that professional services are required for the project listed below. Applications are to be sent to: Mr. John C. Hayes, Senior Architect, Department of Health, Design and Construction, 2020 Capital Circle, S. E., Bin B06, Tallahassee, Florida 32399-1734, Phone (850)413-8407.

PROJECT NUMBER: DOH 96209050

PROJECT NAME: Architectural/Engineering Continuing Contract Southeast Florida Catchment Area

SERVICES TO BE PROVIDED: Architectural/Engineering Services

ESTIMATED CONSTRUCTION BUDGET: Multiple projects as required by the Department with individual project construction budget not to exceed \$500,000. Depending on development of projects and funding the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities (satellite County Health Department/s, Support structures, etc.), repair and renovation of existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, and minor Studies (Study fee not to exceed \$25,000). The Southeast Florida Catchment area shall include the following counties: Palm Beach, Martin, St. Lucie, and Okeechobee. West Palm Beach will be the point used to calculate distance from Firm to site. The Continuing Contract selection is for a contract period of one year, renewable yearly up to two years.

RESPONSE DUE DATE: By Close of Business, June 25, 1999.

INSTRUCTIONS: Submit three (3) copies of the following*:

1. Letter of interest.
2. A modified copy of Department of Management Services Professional Qualifications Supplement [October 1997 Edition of the Professional Qualifications Supplement (PQS)].
A copy can be obtained from the Department of Health by calling (850)413-8415.
* List only related continuing contract projects now active, and/or completed within the past five (5) year of similar type.
3. A copy of the firm's Florida Professional License renewal. (Proper registration at the time of application is required.)
4. (CORPORATIONS ONLY) Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard Form 254 for the Architect and major consultants.

6. Completed Standard Form 255 for the Architect.

* In Article 8, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years.

7. Applicants desiring selection credit as State Certified Minority Business Enterprises either as Prime Consultant or Sub-consultant shall include a copy of the State of Florida Minority Recertification or Certification letter.

8. A stamped self-addressed envelope if you desire notice of selection results.

* Applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and all section dividers. However, this is not a mandatory requirement.

EVALUATION: All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications that do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes.

SHORTLIST SELECTION PROCESS: From the proposals received, the Department shall develop a shortlist of a minimum of three (3) firms and a maximum of five (5) firms.

INVITATION TO BID

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS, SITE CONTRACTORS, OR UTILITY CONTRACTORS BY THE DEPARTMENT OF HEALTH, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO.: 97309900

SAMAS CODE: 64-30-1-00314-64200000-00-084093-98

PROJECT NAME AND LOCATION: Hendry County Health Department, Site Development, Clewiston, FL

FOR: State of Florida, Department of Health

PRE-QUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit pre-qualification data of their eligibility. Submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233 for information on pre-qualification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004. A copy of rule requirements is included in the Instruction To Bidders under Article B-2 "Bidders Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not do the following:

1. May not submit a bid on a contract to provide any goods or services to a public entity.
2. May not submit a bid on a contract with a public entity for the construction or repair of a public building or public work.
3. May not submit bids on leases of real property to a public entity.
4. May not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity.
5. May not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two. This shall be for a time period of 36 months from the date of being placed on the convicted vendor list.

PROJECT DESCRIPTION: The project consists of construction of earthwork, site grading, drainage, utilities, and pavement sub-grade and base for a new public health building on a five (5) acre site. The location of the site is at the Northeast corner of Arroyo Street and Olympia Street in Clewiston, Florida. The work will consist of providing all services, materials and labor regarding the earthwork for the building foundation, site grading, and installation of water mains and water service. The work will also include labor and materials for gravity sanitary sewer and manholes, pump station and force main, storm drainage pipes, storm retention areas and control structure, sub-grade and limerock base for roads and parking areas, concrete transformer pad with 4" PVC casing, and all sod work. The contractor shall be licensed in the State of Florida, and bonded for bid, performance and labor and material payment bonds.

PERFORMANCE BOND AND LABOR MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required. If the construction contract award amount is more than \$100,000.00, a Performance Bond and a Labor and Material Payment Bond SHALL be required.

MINORITY BUSINESS ENTERPRISES: In accordance with Florida Statutes, Chapter 287.042(4)(f)1., the Department of Health is encouraged to spend, as a "goal," twenty-one (21) percent of the monies actually expended for construction contractors with certified minority business enterprises. In the department's effort to see that this is accomplished, the Department of Health encourages minority businesses to participate in the bidding process including any bidders conferences, pre-solicitation or pre-bid meetings which are scheduled. The Department of Health further encourages contractors to utilize certified minority enterprises as subcontractors or sub-vendors whenever possible. Certified vendors are those firms certified by the State of Florida,

Minority Business Advocacy and Assistance Office, 2012 Capital Circle, S. E., Hartman Building, Suite 100, Tallahassee, Florida 32399-2152, Telephone (850)487-0915.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: Tuesday, June 29, 1999, 2:00 p.m., local time

PLACE: Hendry County Health Department, 325 Pratt Road, Conference Room, LaBelle, Florida 33935. All written responses and telephone calls to: Jim Rashley, Hendry CHD, LaBelle, Florida, Telephone (941)674-4047, Ext. 154, Facsimile (941)674-4026

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Addenda, Bidding Conditions, and Contractual Conditions, which may be examined and obtained from the following:

ARCHITECT-ENGINEER: Long and Associates, Inc., 4525 South Manhattan Avenue, Tampa, Florida 33611, Telephone (813)839-0506, Facsimile (813)839-4616

DEPOSITS: The cost per set of bid documents is \$150.00. The Contractor can receive two (2) sets refundable. The Electrical sub-contractors can receive one (1) set refundable. All other sub-contractors, vendors, manufacturers, etc. must purchase all documents requested.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted no later than 4:00 p.m., local time, on Friday, July 2, 1999, at the bid opening location. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

ADVERTISEMENT FOR BIDS:

LEGAL NOTICE IS HEREBY GIVEN THAT SEALED BIDS ARE REQUESTED FROM QUALIFIED BIDDERS, BY THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILY SERVICES, NORTHEAST FLORIDA STATE HOSPITAL, HEREINAFTER REFERRED TO AS THE OWNER, TO PROVIDE ALL BREAD PRODUCTS, BEGINNING JULY 1, 1999 THROUGH JUNE 30, 2000.

BID OPENING DATE AND TIME: JUNE 17, 1999, 3:00 P.M. LOCAL TIME

PLACE: PURCHASING AGENT'S OFFICE, BUILDING #19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121 SOUTH, MACCLENNY, FLORIDA.

PROPOSAL: BIDS MUST BE SUBMITTED IN FULL, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS, BIDDING CONDITIONS AND SPECIAL CONDITIONS, WHICH MAY BE EXAMINED AND OBTAINED FROM:

PURCHASING AGENT: ALVIN GRIFFIS, PURCHASING AGENT III, BUILDING #19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121, SOUTH, MACCLENNY, FLORIDA, TELEPHONE (904)259-6211 EXT. 1119, FAX (904)259-8497.

THE NORTHEAST FLORIDA STATE HOSPITAL RESERVES THE RIGHT TO REFUSE ANY AND ALL BIDS WHEN IN THE BEST INTEREST OF THE STATE OF FLORIDA.

CONTRACT AWARD: THE BID TABULATION AND NOTICE OF AWARD WILL BE POSTED JUNE 25, 1999, 2:00 P.M., LOCAL TIME AT THE LOCATION WHERE THE BIDS WERE OPENED. IN THE EVENT THAT THE BID TABULATION AND NOTICE OF AWARD CANNOT BE POSTED IN THIS MANNER, THEN ALL BIDDERS WILL BE NOTIFIED BY CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED. IF NO PROTEST IS FILED, THE CONTRACT WILL BE AWARDED TO THE QUALIFIED, RESPONSIVE LOW BIDDER IN ACCORDANCE WITH RULE 60D-5 BY THE OWNER.

ADVERTISEMENT FOR BIDS:

LEGAL NOTICE IS HEREBY GIVEN THAT SEALED BIDS ARE REQUESTED FROM QUALIFIED BIDDERS, BY THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILY SERVICES, NORTHEAST FLORIDA STATE HOSPITAL, HEREINAFTER REFERRED TO AS THE OWNER, TO PROVIDE VARIOUS GROCERY ITEMS NEEDED BEGINNING JULY 1, 1999 THROUGH DECEMBER 31, 1999.

BID OPENING DATE AND TIME: JUNE 16, 1999, 2:00 P.M., LOCAL TIME

PLACE: PURCHASING AGENT'S OFFICE, BUILDING #19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121 SOUTH, MACCLENNY, FLORIDA

PROPOSAL: BIDS MUST BE SUBMITTED IN FULL, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS, BIDDING CONDITIONS AND SPECIAL CONDITIONS, WHICH MAY BE EXAMINED AND OBTAINED FROM:

PURCHASING AGENT: ALVIN GRIFFIS, PURCHASING AGENT III, BUILDING #19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121, SOUTH, MACCLENNY, FLORIDA, TELEPHONE (904)259-6211, EXT. 1119, FAX (904)259-8497.

THE NORTHEAST FLORIDA STATE HOSPITAL RESERVES THE RIGHT TO REFUSE ANY AND ALL BIDS WHEN IN THE BEST INTEREST OF THE STATE OF FLORIDA.

CONTRACT AWARD: THE BID TABULATION AND NOTICE OF AWARD WILL BE POSTED JUNE 25, 1999 AT 2:00 P.M., LOCAL TIME AT THE LOCATION WHERE THE BIDS WERE OPENED. IN THE EVENT THAT THE BID TABULATION AND NOTICE OF AWARD CANNOT BE POSTED IN THIS MANNER, THEN ALL BIDDERS WILL BE NOTIFIED BY CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED. IF NO PROTEST IS FILED, THE CONTRACT WILL BE AWARDED TO THE QUALIFIED, RESPONSIVE LOW BIDDER IN ACCORDANCE WITH RULE 60D-5 BY THE OWNER.

ADVERTISEMENT FOR BIDS:

LEGAL NOTICE IS HEREBY GIVEN THAT SEALED BIDS ARE REQUESTED FROM QUALIFIED BIDDERS, BY THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILY SERVICES, NORTHEAST FLORIDA STATE HOSPITAL, HEREINAFTER REFERRED TO AS THE OWNER, TO PROVIDE THE ANNUAL REQUIREMENTS FOR FROZEN JUICES BEGINNING JULY 1, 1999 THROUGH JUNE 30, 2000.

BID OPENING DATE AND TIME: JUNE 17, 1999, 2:00 P.M., LOCAL TIME

PLACE: PURCHASING AGENT'S OFFICE, BUILDING #19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121 SOUTH, MACCLENNY, FLORIDA.

PROPOSAL: BIDS MUST BE SUBMITTED IN FULL, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS, BIDDING CONDITIONS AND SPECIAL CONDITIONS, WHICH MAY BE EXAMINED AND OBTAINED FROM:

PURCHASING AGENT: ALVIN GRIFFIS, PURCHASING AGENT III, BUILDING #19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121, SOUTH MACCLENNY, FLORIDA, TELEPHONE (904)259-6211, EXT. 1119, FAX (904)259-8497.

THE NORTHEAST FLORIDA STATE HOSPITAL RESERVES THE RIGHT TO REFUSE ANY AND ALL BIDS WHEN IN THE BEST INTEREST OF THE STATE OF FLORIDA.

CONTRACT AWARD: THE BID TABULATION AND NOTICE OF AWARD WILL BE POSTED JUNE 25, 1999 AT 2:00 P.M. LOCAL TIME AT THE LOCATION WHERE THE BIDS WERE OPENED. IN THE EVENT THAT THE BID TABULATION AND NOTICE OF AWARD CANNOT BE POSTED IN THIS MANNER, THEN ALL BIDDERS WILL BE NOTIFIED BY CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED. IF NO PROTEST IS FILED, THE

CONTRACT WILL BE AWARDED TO THE QUALIFIED, RESPONSIVE LOW BIDDER IN ACCORDANCE WITH RULE 60D-5 BY THE OWNER.

ADVERTISEMENT FOR BIDS:

LEGAL NOTICE IS HEREBY GIVEN THAT SEALED BIDS ARE REQUESTED FROM QUALIFIED BIDDERS, BY THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILY SERVICES, NORTHEAST FLORIDA STATE HOSPITAL, HEREINAFTER REFERRED TO AS THE OWNER, TO PROVIDE THE ANNUAL REQUIREMENTS FOR MILK AND DAIRY PRODUCTS, INCLUDING ICE CREAM, BEGINNING JULY 1, 1999 THROUGH JUNE 20, 2000.

BID OPENING DATE AND TIME: JUNE 18, 1999, 2:00 P.M., LOCAL TIME

PLACE: PURCHASING AGENT'S OFFICE, BUILDING #19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121, SOUTH, MACCLENNY, FLORIDA

PROPOSAL: BIDS MUST BE SUBMITTED IN FULL, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS, BIDDING CONDITIONS AND SPECIAL CONDITIONS, WHICH MAY BE EXAMINED AND OBTAINED FROM:

PURCHASING AGENT: ALVIN GRIFFIS, PURCHASING AGENT III, BUILDING 19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121, SOUTH, MACCLENNY, FLORIDA, TELEPHONE (904)259-6211, EXT. 1119, FAX (904)259-8497.

THE NORTHEAST FLORIDA STATE HOSPITAL RESERVES THE RIGHT TO REFUSE AND ALL BIDS WHEN IN THE BEST INTEREST OF THE STATE OF FLORIDA.

CONTRACT AWARD: THE BID TABULATION AND NOTICE OF AWARD WILL BE POSTED JUNE 25, 1999 AT 2:00 P.M., LOCAL TIME AT THE LOCATION WHERE THE BIDS WERE OPENED. IN THE EVENT THAT THE BID TABULATION AND NOTICE OF AWARD CANNOT BE POSTED IN THIS MANNER, THEN ALL BIDDERS WILL BE NOTIFIED BY CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED, IF NO PROTEST IS FILED, THE CONTRACT WILL BE AWARDED TO THE QUALIFIED, RESPONSIVE LOW BIDDER IN ACCORDANCE WITH RULE 60D-5 BY THE OWNER.

ADVERTISEMENT FOR BIDS:

LEGAL NOTICE IS HEREBY GIVEN THAT SEALED BIDS ARE REQUESTED FROM QUALIFIED BIDDERS, BY THE STATE OF FLORIDA, DEPARTMENT OF FAMILY SERVICES AND CHILDREN, NORTHEAST FLORIDA STATE HOSPITAL, HEREINAFTER REFERRED TO AS THE OWNER, TO PROVIDE ALL EQUIPMENT, LABOR, MATERIALS AND INSURANCE TO SERVICE AND

MAINTAIN THE PNEUMATIC COMFORT CONTROLS, HEATING AND AIR CONDITIONING CONTROL SYSTEM.

BID OPENING DATE AND TIME: JUNE 15, 1999, 2:00 P.M., LOCAL TIME

PLACE: PURCHASING AGENT'S OFFICE, BUILDING #19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121 SOUTH, MACCLENNY, FLORIDA

PROPOSAL: BIDS MUST BE SUBMITTED IN FULL, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS, BIDDING CONDITIONS AND SPECIAL CONDITIONS, WHICH MAY BE EXAMINED AND OBTAINED FROM:

PURCHASING AGENT: ALVIN GRIFFIS, PURCHASING AGENT III, BUILDING 19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121, SOUTH, MACCLENNY, FLORIDA, TELEPHONE (904)259-6211, EXT. 1119, FAX (904)259-8497.

THE NORTHEAST FLORIDA STATE HOSPITAL RESERVES THE RIGHT TO REFUSE ANY AND ALL BIDS WHEN IN THE BEST INTEREST OF THE STATE OF FLORIDA.

CONTRACT AWARD: THE BID TABULATION AND NOTICE OF AWARD WILL BE POSTED JUNE 18, 1999 AT 2:00 P.M. LOCAL TIME AT THE LOCATION WHERE THE BIDS WERE OPENED.

IN THE EVENT THAT THE BID TABULATION AND NOTICE OF AWARD CANNOT BE POSTED IN THIS MANNER, THEN ALL BIDDERS WILL BE NOTIFIED BY CERTIFIED UNITED STATES MAIL, RETURN RECEIPT REQUESTED. IF NO PROTEST IS FILED, THE CONTRACT WILL BE AWARDED TO THE QUALIFIED, RESPONSIVE LOW BIDDER IN ACCORDANCE WITH RULE 60D-5 BY THE OWNER.

FLORIDA SUPREME COURT

Invitation to Bid 98/99-02

YEAR 2000 COMPLIANT INTEGRATED COMPREHENSIVE ACCESS CONTROL SYSTEM

The Marshal of the Supreme Court of Florida will accept *sealed competitive bids from qualified SECURITY PROFESSIONALS to replace its existing access control system currently installed at the Florida Supreme Court Building located at 500 South Duval Street, Tallahassee, FL 32399-1900. Any proposed replacement system must be fully integrable with the court's existing surveillance system, fire and heat monitoring systems, and other required components. The system should be a Windows NT P/C based application with multiple capabilities that will be described in the bid document. The Marshal will host a non-mandatory pre-bid conference on Tuesday, June 8, 1999, 2:00 p.m.

If you require an accommodation due to a disability to participate in the pre-bid conference or the bid process, please contact Tanner Holloman, (850)487-2373, at least (5) days prior to the date of the event. If you would like to request a bid document, please contact Mr. Holloman at the above number. (ITB-98/99-02)

* Sealed Competitive Bids (Low bid will not be the sole determining factor in awarding this bid.)

Section XII Miscellaneous

DEPARTMENT OF STATE

The Division of Historical Resources announces that it is soliciting applications for State and Federal grant-in-aid assistance for historic preservation projects.

Approximately \$1 million will be available for acquisition and development, survey and planning, community education projects, and for Certified Local Government program grants.

The deadline for filing applications is August 31, 1999 and applications must be delivered to the Bureau of Historic Preservation office by 5:00 p.m. on that day or be clearly postmarked or show evidence of submission to an express mail service on or before that date.

Further information may be obtained from: Grants and Education Section, Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, or call (850)487-2333.

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Banking, has received the following 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., June 18, 1999):

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: First Business Bank, 340 N. Harbor City Boulevard, Melbourne, Florida 32935

Correspondent: Daryl A. Bishop, Post Office Box 410241, Melbourne, Florida 32941

Received: May 18, 1999

APPLICATION TO MERGE

Constituent Institutions: Coconut Grove Bank, Coconut Grove, Florida and Coconut Grove Interim Bank, Coconut Grove, Florida

Resulting Institution: Coconut Grove Bank

Received: May 11, 1999

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Florida Commerce Credit Union, Post Office Box 6416, Tallahassee, Florida 32314

Expansion Includes: The employee groups (inclusive of family members): Prestige Motor Car Gallery, Thomas-Pierce & Company, and Neff Rental.

Received: May 12, 1999

Correspondent and Telephone Number: Ronald W. Fye, President, (850)488-0035

Name and Address of Applicant: Railroad and Industrial Credit Union

Expansion Includes: Employees of Promus Hotel Corporation of Tampa, Florida; employees of Acme Dynamics Inc., of Hillsborough and Polk County; employees of Cross Pest Control of Tampa, Florida; employees of Beverly Healthcare of Lakeland, Florida; and members of the immediate family of persons within such groups.

Received: May 14, 1999

Correspondent and Telephone Number: Arthur J. Wood, III, President, (813)621-6661

Name and Address of Applicant: Knight-Ridder/Miami Herald Credit Union, One Herald Plaza, Miami, Florida 33132

Expansion Includes: Employer and employees of Sam's Club who work in Miami, Florida; employer and employees of Alternative Resources Corporation who work in Boca Raton, Florida; employer and employees of Florida Restaurant Development Corporation, d/b/a Church's Chicken of South Florida, who work in Miami, Florida; employer and employees of Roadhouse Grill, Inc., who are paid from Fort Lauderdale, Florida (all inclusive of family members).

Received: May 14, 1999

Correspondent and Telephone Number: Cecilia Novak, Vice President, Operations, (305)376-2181

Name and Address of Applicant: Sarasota Coastal Credit Union, 3000 Bee Ridge Road, Sarasota, Florida 34239

Expansion Includes: Persons who work or reside in Manatee and Charlotte counties, including members of the immediate family of such persons; associations & organizations of such persons and entities; trusts wherein all settlors are eligible for membership.

Received: May 17, 1999

Correspondent and Telephone Number: Thomas L. Randle, Jr., President, (941)923-5802

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**NOTICE OF ACCEPTANCE OF APPLICATIONS
ENDANGERED AND THREATENED NATIVE FLORA
GRANTS PROGRAM**

The Florida Department of Agriculture and Consumer Services, Division of Plant Industry announces that it is once again soliciting applications for the Endangered and Threatened Native Flora Grants Program.

Grants may be awarded for activities which provide recognition of those native flora to the state that are endangered and threatened; and activities that encourage, within a controlled program, the protection, curation, propagation, reintroduction and monitoring of native flora that are identified as endangered or threatened.

Who is eligible to apply? By law, a qualified corporation is a not-for-profit corporation pursuant to s. 501(c)(3) of the Internal Revenue Code of 1954, and which is described in, and allowed to receive contributions pursuant to the provisions of, s. 170 of the Internal Revenue Code of 1954, and which is a corporation not for profit incorporated pursuant to Chapter 617, Florida Statutes, and which can demonstrate, based on program criteria, the ability to protect, conserve, propagate, reintroduce and monitor endangered and threatened native flora.

If the projects receive legislative approval, funds will become available after July 1, 2000. The deadline for filing applications is July 30, 1999 and applications must be delivered to the Division of Plant Industry's Plant Inspection office by 5:00 p.m. on that date or be clearly postmarked on or before that date.

Further information and an application may be obtained from: Mr. Dan Phelps, Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100 or (352)372-3505, Ext. 162 or Fax (352)955-2301.

DEPARTMENT OF COMMUNITY AFFAIRS

**IN RE: MONROE COUNTY LAND DEVELOPMENT
REGULATION ADOPTED BY MONROE
COUNTY ORDINANCE NO. 014-1999**

**FINAL ORDER APPROVING LAND
DEVELOPMENT REGULATION**

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 March 31, 1999, the Department received for review Monroe County Ordinance No. 014-1999 approving a request by Fishermen's Hospital, Inc., to change the Land Use District Map from Suburban Commercial (SC) to Urban Commercial (UC) to allow for expansion of the Hospital. The Ordinance was adopted by the Monroe County Board of County Commissioners on March 10, 1999.
2. The property which is the subject of the land use district change is the site of an existing hospital that serves the residents and visitors of the Florida Keys. The hospital is in need of expansion to meet existing and future demands for medical services and to keep up with changes in medical technology. The property is disturbed, and there are no environmental constraints to its further development.
3. The UC land use designation is consistent with the surrounding commercial nature of the area.
4. Until Monroe County updates its land development regulations to implement the Monroe County 2010 Comprehensive Plan, the Urban Commercial (UC) land use designation is the only land use classification in the Monroe County land development regulations which will allow for expansion of the Hospital.
5. The Department has reviewed the land development regulation adopted by Ordinance No. 014-1999 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. The land development regulation is consistent with and complies with the Principles, and is consistent with the Monroe County 2010 Comprehensive Plan.

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 regulation adopted by Monroe County Ordinance No. 014-1999 is a land development regulation, 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. The land development regulation adopted by Ordinance No. 014-1999 is consistent with Principle for Guiding Development (a) in Section 380.0552(7) in that it enables the County to strengthen its capabilities for managing land use and development.

7. The land development regulation adopted by Ordinance No. 014-1999 is consistent with and complies with Principle for Guiding Development (l) in that it enables the County to protect the public health, safety and welfare of residents and visitors by providing for the needed expansion of an important medical facility.

8. The land development regulation adopted by Ordinance No. 014-1999 is not inconsistent with Principles for Guiding Development (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) in Section 380.0552(7), Florida Statutes. The land development regulation adopted by Ordinance No. 014-1999 is therefore deemed to be consistent with said Principles.

9. The land development regulation adopted by Ordinance No. 014-1999 is consistent with the Principles for Guiding Development as a whole.

ACCORDINGLY, IT IS ORDERED that the land development regulation adopted by Monroe County Ordinance No. 014-1999 is consistent with and complies with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is therefore APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

Done and ordered this ____ day of May, 1999, in Tallahassee, Florida.

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.

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Final Order were furnished to the persons named below by the method indicated this _____ day of May, 1999.

Paula Ford

By U.S. Mail: Honorable Wilhelmina Harvey, Mayor, Monroe County, 310 Fleming Street, Key West, FL 33040; Tim McGarry, AICP, Director, Monroe County Growth Management Division, Marathon Regional Service Center, 2798 Overseas Highway, Marathon, FL 33050; James T. Hendrick, Esquire, 317 Whitehead Street, Key West, FL 33040

By Hand Delivery or Inter-Agency Mail: Mike McDaniel, DCA, Tallahassee; Ken Metcalf, DCA, Tallahassee; Mike Despartre, DCA, Marathon

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the State Board of Administration ("the Board") of its estimate of the borrowing capacity and the projected year-end (as of December 31, 1999) fund balance for the Florida Hurricane Catastrophe Fund ("the Fund"), in compliance with the requirements of Section 215.555(4)(c), Florida Statutes. This estimate is as of May, 1999. The current balance of the Fund, as of April 30, 1999, is \$2,501,410,000. The projected year-end balance on December 31, 1999, is estimated to be \$3.1 billion, assuming no losses to be reimbursed. The Fund's anticipated borrowing capacity, defined as the maximum amount which the Board is able to raise through the issuance of revenue bonds under Section 215.555(6), Florida Statutes, is \$8,700,000,000. This estimate is for tax-exempt debt.

This estimate is based on the Board's good faith assessment of current global market conditions and is net of required debt service reserve funds and the costs of issuing the bonds. These conditions may or may not be the same if and when the Board

determines that it is necessary to seek the issuance of revenue bonds. The Board's estimate is also based on projected year-end reimbursement premiums. Emergency assessments are based on data available as of this estimate. The October, 1999, bonding capacity estimate is expected to reflect more credible data for year-end 1998. This estimate is provided to comply with the requirements of Section 215.555(4)(c), Florida Statutes, and should only be relied upon after careful consideration of all relevant assumptions and reservations, including those set forth below.

Assumptions:

1) The Board assumes that both the annual reimbursement premiums and the 4% emergency assessment described in Section 215.555(6)(a)3., Florida Statutes, will be used as the revenue source to service the debt and to provide debt service coverage. Although Section 215.555(6)(a)3., Florida Statutes, also provides for a 2% assessment, any hurricane requiring the Board to issue bonds will necessarily have to be of such a magnitude that the Governor will have declared a state of emergency and therefore the maximum 4% assessment will be applicable. Further, receipt of federal assistance is dependent on a declaration of a state of emergency.

2) The debt service coverage ratio is assumed to be 1.67. This means that the revenue stream available to service the debt is 1.67 times the amount actually needed to service the debt. The debt service coverage ratio is sensitive to actual reimbursement premiums collected during the year. Changes in deductible distributions and other factors which impact actual reimbursement premiums may impact the coverage ratio.

3) The Board has assumed interest rates reflecting market conditions on April 30, 1999. Many factors will impact the interest rates which will ultimately be used when the Board determines that bonds must be issued. It is impossible to predict with any certainty what those rates will be.

4) In accordance with the requirements of Section 215.555(6)(a)2., Florida Statutes, the Board has completed the bond validation process. The circuit court hearing held on November 12, 1996, resulted in a favorable ruling. The validation was then immediately appealed to the Florida Supreme Court. The Florida Supreme Court ruled on September 18, 1997, that the bonds are valid.

5) In response to the private letter ruling request filed in early June, 1997, the Internal Revenue Service ruled that interest on the bonds issued under Section 215.555(6), Florida Statutes, is exempt from federal taxation.

Reservations:

1) Since no bonds have ever been issued on behalf of the Fund, there are a number of uncertainties. Among these are: the financial condition of the insurance industry at the time of a catastrophic loss, the stability of the revenue stream, and potential litigation.

3) A more general uncertainty is the condition of the financial markets at the time the bonds are issued and the degree of familiarity of potential investors with the Fund.

4) Another general uncertainty is the ability of the capital markets to absorb a bond issue of this magnitude at the time of the bond issuance.

As of May, 1999, the Board's good faith estimate of its bonding capacity is \$8,700,000,000. The Board recognizes the importance of this estimate and is committed to make every effort to assure its ability to issue up to \$8,700,000,000 in bonds if and when the necessity arises.

Note that the Legislature during the 1999 session passed a bill which places a limit on the Fund's reimbursement obligations. If the Governor signs the bill or allows it to become law without his signature, the Fund will be obligated only up to a total of \$11 billion in reimbursement obligations. Given the projected year-end cash balance of \$3.1 billion, the Fund would be obligated to raise only up to \$7.9 billion. The bonding capacity, however, remains the same.

AGENCY FOR HEALTH CARE ADMINISTRATION

On May 10, 1999, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Wesley J. Saunders, license number TT 0005609. 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 May 10, 1999, Robert G. Brooks, M.D., Secretary of the Department of Health issued an Order of Emergency Suspension with regard to the license of Michael R. Jones, license number RT 0000872. 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.

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on April 29, 1999, concerning certificate of need decisions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine

substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S. as well as Section 28-5.111 and 28-5.207, FAC. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- CON# INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)
- 9123 Denial, construct a 120 bed community nursing home, District 4, Woodlands Extended Care, Inc., (PRH) same as applicant
- 9125 Approval, construct a 120 bed community nursing home, St. Johns County, National Healthcare Corporation, (PRH) Woodlands Extended Care, Inc.
- 9125 Approval, construct a 120 bed community nursing home, St. Johns County, National Healthcare Corporation, (PRH) Sawgrass Care Center, Inc.
- 9125 Approval, construct a 120 bed community nursing home, St. Johns County, National Healthcare Corporation, (PRH) Florida Nursing Care Associates (Georgia), LLC
- 9125 Supports Approval, construct a 120 bed community nursing home, St. Johns County, National Healthcare Corporation, (PRH) same as applicant
- 9126 Denial, construct a 120 bed nursing home, St. Johns County, Sawgrass Care Center, Inc., (PRH) same as applicant
- 9127 Denial, construct a 120 bed skilled nursing home, Duval County, Florida Nursing Care Associates (Georgia), LLC, (PRH) same as applicant
- 9128 Denial, construct a 120 bed nursing home, District 6, Beverly Enterprises-Florida, Inc. d/b/a Beverly Gulf Coast-Florida, Inc., (RPH) same as applicant
- 9129 Denial, convert 28 sheltered nursing beds to community nursing home beds, District 6, Freedom Village of Sun City Center, Ltd. (PRH) same as applicant
- 9129P Approval, convert 22 sheltered nursing home beds to community nursing home beds, District 6, Freedom Village of Sun City Center, (PRH) Beverly Enterprises-Florida, Inc. d/b/a Beverly Gulf Coast-Florida, Inc.
- 9130 Approval, convert 53 sheltered nursing home beds to community nursing home beds, District 6, John Knox Village of Tampa Bay, Inc., (PRH) Beverly Enterprises-Florida, Inc. d/b/a Beverly Gulf Coast-Florida, Inc.

- 9130 Approval, convert 53 sheltered nursing home beds to community nursing home beds, District 6, John Knox Village of Tampa Bay, Inc., (PRH) Freedom Village of Sun City Center, Ltd.
- 9133 Denial, addition of 44 beds through the conversion of 44 assisted living beds authorized by CON 8837, Brevard County, National Healthcare, L. P., (PRH) same as applicant
- 9134 Approval, construct a 90 bed community nursing home on the campus of Parrish Medical Center, Brevard County, North Brevard County Hospital District, (PRH) National Healthcare, L. P.
- 9134 Approval, construct a 90 bed community nursing home on the campus of Parrish Medical Center, Brevard County, North Brevard County Hospital District, (PRH) Healthsouth of Sea Pines Limited Partnership, Licensee for Healthsouth of Sea Pines Rehabilitation Hospital
- 9135 Supports denial, construct a 92 bed skilled nursing facility, District 7, Wuesthoff Health Services, Inc., (PRH) Healthsouth of Sea Pines Limited Partnership, Licensee for Healthsouth of Sea Pines Rehabilitation Hospital
- 9136 Denial, addition of 12 hospital based skilled nursing unit beds to its existing 10-bed unit, Charlotte County, St. Joseph Hospital of Port Charlotte, Florida, Inc. d/b/a Bon Secours – St. Joseph Hospital

- 9137 Approval, addition of 19 community nursing home beds, Collier County, National Healthcare Corporation, (PRH) Pelican Bay Retirement Services, Inc.
 - 9138 Denial, convert 33 sheltered nursing home beds to community nursing home beds, Collier County, Pelican Bay Retirement Services, Inc., (PRH) same as applicant
 - 9142 Denial, addition of 25 skilled nursing beds, Palm Beach County, Florida Convalescent Centers, Inc., (PRH) same as applicant
 - 9143 Approval, addition of 28 community nursing home beds, Heritage Park of West Delray, Ltd. (PRH) Florida Convalescent Centers, Inc.
 - 9145 Denial, construct a 119 bed skilled nursing facility, Dade County, Hebrew Home for the Aged of Miami, Inc., (PRH) same as applicant
 - 9145 Supports denial, construct a 119 bed skilled nursing facility, Dade County, Hebrew Home for the Aged of Miami, Inc., (PRH) Greynolds Park Manor, Inc. d/b/a Greynolds Park Manor Rehabilitation Center and Hampton Court Nursing & Rehabilitation
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF AVAILABILITY
 FLORIDA FINDING OF NO SIGNIFICANT IMPACT
 SANFORD, FLORIDA
 COLLECTION, TRANSMISSION AND TREATMENT
 FACILITIES

The Florida Department of Environmental Protection has determined that the City of Sanford's proposed Phase I Collection, Transmission and Treatment Facilities project will not have a significant adverse impact on the environment. The financial assistance for the project is estimated at \$20,570,000. 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 to: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

DEPARTMENT OF JUVENILE JUSTICE

The Department of Juvenile Justice is requesting public comment on its proposed Agency Strategic Plan (ASP) for FY 2000-2005. Copies of the draft ASP will be available 6/18/99.

For a copy, please write: Department of Juvenile Justice, Bureau of Data and Research, 2737 Centerview Drive, Tallahassee, FL 32399-3100. Written comments may be submitted to Ted Tollett at the above address.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN May 11, 1999
and May 17, 1999**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF EDUCATION
University of South Florida

6C4-6.028	5/12/99	6/1/99	Newspaper	
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STATE BOARD OF ADMINISTRATION
Florida Prepaid Postsecondary Education Expense Bo

19B-4.001	5/17/99	6/6/99	25/14	
19B-4.003	5/17/99	6/6/99	25/14	
19B-5.003	5/17/99	6/6/99	25/14	

DEPARTMENT OF CORRECTIONS

33-3.002	5/13/99	6/2/99	25/7	25/13
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MARINE FISHERIES COMMISSION

46-13.002	5/12/99	6/1/99	25/3	
46-14.005	5/12/99	6/1/99	25/3	
46-23.0035	5/12/99	6/1/99	25/3	
46-23.006	5/12/99	6/1/99	25/3	
46-24.006	5/12/99	6/1/99	25/3	
46-27.014	5/12/99	6/1/99	25/3	
46-27.017	5/12/99	6/1/99	25/3	25/11
46-31.006	5/12/99	6/1/99	25/3	
46-31.010	5/12/99	6/1/99	25/3	
46-38.002	5/12/99	6/1/99	25/3	25/11
46-42.001	5/12/99	6/1/99	25/3	
46-42.004	5/12/99	6/1/99	25/3	
46-42.006	5/12/99	6/1/99	25/3	
46-42.008	5/12/99	6/1/99	25/3	25/11
46-45.001	5/12/99	6/1/99	25/3	
46-45.004	5/12/99	6/1/99	25/3	

DEPARTMENT OF ELDER AFFAIRS
Administation of Federal Aging Programs

58A-14.002	5/17/99	6/6/99	25/9	25/16
58A-14.003	5/17/99	6/6/99	25/9	25/16
58A-14.004	5/17/99	6/6/99	25/9	
58A-14.0061	5/17/99	6/6/99	25/9	25/16
58A-14.0062	5/17/99	6/6/99	25/9	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
58A-14.007	5/17/99	6/6/99	25/9	25/16
58A-14.008	5/17/99	6/6/99	25/9	
58A-14.0085	5/17/99	6/6/99	25/9	
58A-14.009	5/17/99	6/6/99	25/9	25/16
58A-14.0091	5/17/99	6/6/99	25/9	
58A-14.010	5/17/99	6/6/99	25/9	25/16

AGENCY FOR HEALTH CARE ADMINISTRATION

59-1.008	5/14/99	6/3/99	25/10	
59-1.009	5/14/99	6/3/99	25/10	
59-1.010	5/14/99	6/3/99	25/10	
59-1.073	5/14/99	6/3/99	25/10	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

61-20.503	5/11/99	5/31/99	25/11	
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Board of Professional Geologists

61G16-6.006	5/12/99	6/1/99	25/3	25/15
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DEPARTMENT OF HEALTH

Board of Acupuncture

64B1-3.008	5/12/99	6/1/99	25/14	
64B1-6.005	5/12/99	6/1/99	25/14	

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

65C-24.001	5/12/99	6/1/99	25/7	
65C-24.002	5/12/99	6/1/99	25/7	
65C-24.003	5/12/99	6/1/99	25/7	25/13
65C-24.004	5/12/99	6/1/99	25/7	25/13
65C-24.005	5/12/99	6/1/99	25/7	
65C-24.006	5/12/99	6/1/99	25/7	
65C-24.007	5/12/99	6/1/99	25/7	
65C-24.008	5/12/99	6/1/99	25/7	
65C-24.009	5/12/99	6/1/99	25/7	
65C-24.010	5/12/99	6/1/99	25/7	
65C-24.011	5/12/99	6/1/99	25/7	
65C-24.012	5/12/99	6/1/99	25/7	