

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

Division of Insurer Services

RULE CHAPTER TITLE: Viatical Settlements
RULE CHAPTER NO.: 4-204

PURPOSE AND EFFECT: To promulgate a rule to implement the 1999 amendments to the Viatical Settlement Act, Part XI of Chapter 626, Florida Statutes which are contained in SB1242.

SUBJECT AREA TO BE ADDRESSED: Record keeping requirement related to executed viatical settlement contracts and viatical settlement purchase agreements.

SPECIFIC AUTHORITY: 624.308, 626.9925 FS.

LAW IMPLEMENTED: 626.99235, 626.9922, 626.9911, 626.9926 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, August 6, 1999

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ted Straughn, Financial Examiner/Analyst Supervisor, Division of Insurer Services, Bureau of Specialty Insurers, Department of Insurance

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

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

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, FAC, 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., August 4, 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 the electrical, cabling, plumbing, or other structural systems of 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.

(e) This subsection does not effect any exemption provided in chapter 212 for machinery or equipment that may be claimed by a contractor based on a temporary tax exemption permit, affidavit, or other authorized certification by the owner of real property. For example, purchases of certain equipment for generating electrical power or of certain machinery for manufacturing tangible personal property for sale are exempt from sales and use taxes. In order for the property owner to receive the benefit of these exemptions, it has been specifically provided that contractors who purchase and install the exempt items may claim the exemption based on the property owner's providing the required documentation of entitlement. The guidelines on mixed contracts are not intended to impact these exemptions. In the case of a mixed contract that is treated as a real property contract, the contractor is still entitled to purchase the qualified equipment or machinery tax-exempt. In the case of a mixed contract treated as a sale of tangible personal property, the contractor would purchase the equipment or machinery using a resale certificate and accept the property

owner's authorized documentation of exemption in lieu of charging tax on the subsequent sale of the equipment or machinery to the property owner.

(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 shops, plants, or similar facilities 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% 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.
- (19) Cross references
- (a) For partial exemption of tax on the cost of asphalt manufactured for one's own use, see s. 212.06(1)(c), F.S.
 - (b) For exemption of charges for repairs of industrial machinery and equipment, see s. 212.08(7)(zz), F.S.

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.

DEPARTMENT OF REVENUE

Corporate Income Tax

RULE TITLES:	RULE NOS.:
Explanation of Rules	12C-1.001
Tax Imposed	12C-1.011
Other Methods of Apportionment	12C-1.0152
Payroll Factor for Apportionment	12C-1.0154
Returns; Time and Place for Filing	12C-1.0222
Special Rules Relating to Estimated Tax	12C-1.034
Methods of Accounting	12C-1.042
Forms	12C-1.051

PURPOSE AND EFFECT: Rule 12C-1.001, FAC, is repealed because it is unnecessary. Rule 12C-1.011, FAC, is amended to clarify that corporations with representatives engaged in activities in Florida which exceed those protected by P.L. 86-272 are subject to Florida corporate income tax. Rule 12C-1.0154, FAC, is amended to furnish guidance in computing the payroll factor to taxpayers who hold a partnership interest and are subject to Florida corporate income tax. Rule 12C-1.0222, FAC, is amended to clarify the rule, and to conform the rule to Florida Statutes. Rule 12C-1.034, FAC, is amended to further clarify estimated tax requirements and conform the rule to Florida Statutes. Rule 12C-1.042, FAC, is amended to delete language that is obsolete. Rule 12C-1.051, FAC, is amended to reflect the adoption of current forms used by taxpayers providing information to the Department.

SUBJECT AREA TO BE ADDRESSED: These proposed amendments clarify, explain or define terms and concepts regarding the corporate income tax. This workshop provides the general public an opportunity to provide comments regarding these proposed rule amendments.

SPECIFIC AUTHORITY: 213.06(1), 220.182(8), 220.183(6)(d), 220.51 FS.

LAW IMPLEMENTED: 120.55(1)(a)4., 213.21, 220.02(1), 220.03(1)(r), 220.11, 220.12, 220.13, 220.131, 220.15, 220.151, 220.152, 220.16, 220.21, 220.22, 220.221, 220.222, 220.24, 220.241, 220.32, 220.33, 220.34, 220.42, 220.44, 220.51, 220.68, 220.723, 220.801, 220.807, 220.809, 221.02, 221.04 FS.

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

TIME AND DATE: 9:00 a.m., August 5, 1999

PLACE: Department of Insurance, Larson Building, Room 116, 200 East Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Beverly L. Hayes, Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4700

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-1.001 Explanation of Rules.

~~All rules relating specifically to Chapter 220 of the Florida Statutes, bear the initial identification code "12C-1."~~

~~Other rules of the Department of Revenue may also apply.~~

~~This rule chapter also relates to the administration of Chapter 221, Florida Statutes.~~

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.01, 221.04 FS. History—New 10-20-72, Amended 12-18-83, Formerly 12C-1.01, Amended 12-21-88, 4-8-92, Repealed.

12C-1.011 Tax Imposed.

(1) The following activities, notwithstanding others within the meaning of taxable privileges described in s. 220.02, F.S., will be construed as conducting business, earning or receiving income in this state, or constitute those activities of a resident or citizen of this state for purposes of this tax, and corporations participating therein are subject to taxation unless exempted by the constitution or the laws of the United States or this state.

(a) through (j) No change.

(k) Making sales that are approved in the state by "independent contractors" who do not hold themselves out as engaged in selling, or soliciting orders for the sale of; more than one principal; or making sales through the use of representatives in this state, when activities engaged in exceed those protected by P.L. 86-272 (15 U.S.C. ss. 381-384), which is incorporated by reference in Rule 12C-1.0511, F.A.C.

(l) through (4) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.02(1), 220.11, 220.12, 220.15, 220.151, 220.22 FS. History--New 1-19-73, Amended 10-20-73, 8-23-76, 12-18-83, Formerly 12C-1.11, Amended 12-21-88, 1-30-90, 4-8-92, 5-17-94, 3-18-96,_____.

12C-1.0152 Other Methods of Apportionment.

(1)(a) A departure from the applicable method of apportionment required under the provisions of ss. 220.15 or 220.151, F.S., shall be permitted only where the method does not accurately and fairly reflect business activity in Florida. An alternative method may not be invoked, either by the Department of Revenue or by the taxpayer, merely because it reaches a different apportionment percentage than the regularly applicable formula. However, if the applicable formula will lead to grossly distorted result in a particular case, a fair and accurate alternative method is appropriate (see Norfolk and Western Railway Co. v. Missouri State Tax Commission, 390 U.S. 217, 88 S. Ct. 995, 19 L. Ed. 2d 1201 (1968), which is incorporated by reference in Rule 12C-1.0511, F.A.C.).

(b) ~~A taxpayer~~ ~~The party (Department of Revenue or the taxpayer)~~ seeking to utilize an alternative apportionment method must show by clear and cogent evidence that the regularly applicable formula would result in taxation of extraterritorial values (see Butler Bros. v. McColgan, 315 U.S. 501, 62 S. Ct. 701, 86 L. Ed. 991 (1942), which is incorporated by reference in Rule 12C-1.0511, F.A.C.). This can be shown only if the regularly applicable formula is demonstrated to operate unreasonably and arbitrarily in apportioning to Florida a percentage of income which is out of all proportion to the business transacted in Florida (see Hans Rees' Sons, Inc. v. North Carolina ex rel Maxwell, 283 U.S. 123, 51 S. Ct. 385, 75 L. Ed 879 (1931), which is incorporated by reference in Rule 12C-1.0511, F.A.C.).

(2) through (4) No change.

Specific Authority 213.06 (1), 220.51 FS. Law Implemented 220.15, ~~220.44~~, 220.151, 220.152, 220.44 FS. History--New 5-17-94, Amended 3-18-96,_____.

12C-1.0154 Payroll Factor for Apportionment.

(1) through (5) No change.

(6) Compensation paid to employees of a partnership is included in the denominator of the taxpayer's payroll factor to the extent of the taxpayer's interest in the partnership. The amount paid to employees in Florida is also included in the numerator of the payroll factor to the extent of the taxpayer's interest in the partnership. Partnership payroll should be

allocated to each partner based on each partner's interest in the partnership, or as designated in the partnership agreement, for inclusion in the Florida payroll factor.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.13, 220.15, 220.44 FS. History--New 5-17-94, Amended 3-18-96,_____.

12C-1.0222 Returns; Time and Place for Filing.

(1) through (2)(a)1. No change.

2. A corporation which has been granted an automatic extension of time for filing its federal income tax return pursuant to section 6081(b) of the Internal Revenue Code, or which has established reasonable cause pursuant to the second sentence of subparagraph 1., will be granted an extension of time to file its return provided the following requirements are satisfied:

a. No change.

b. The original of the application must be filed with the Process Manager for Taxpayer Services, Florida Department of Revenue, 5050 W. Tennessee Street, Tallahassee, Florida 32399-0135, on or before the due date prescribed for the filing of the return of the corporation. A copy of the federal extension must be attached to the Florida return when it is filed. For applications mailed on or before, but received after, the due date of the return, see Rule 12C-1.032, F.A.C. Except as provided in Rule Chapter 12-24, F.A.C., the corporation shall remit with the application an amount estimated to be the balance of its proper tax due for the taxable year after giving effect to payments and credits on its declaration of estimated income tax. Failure to make payment with an application when one is required will void an otherwise automatic extension of time to file. ~~Additionally, when the taxpayer underpays the required payment by the greater of \$500.00 or 10 percent of the tax shown on the return when filed, the extension of time to file shall be void.~~ In such a case, the taxpayer will be subjected to the penalty provided in s. 220.801, F.S., for failure to file a timely return, and interest will be assessed on any tax due from the due date of the return to the date of payment.

c. No change.

3. The parent company of an affiliated group qualified to file a Florida consolidated income tax return ~~pursuant to s. 220.131(1), F.S.~~, which has been granted an automatic extension of time for filing a federal consolidated return, or which has established reasonable cause ~~pursuant to the second sentence of subparagraph 1.~~, will be granted an extension of time to file its return, provided the following requirements are met:

a. No change.

b. The original of such application shall be filed with the Process Manager for Taxpayer Services, Florida Department of Revenue, 5050 W. Tennessee Street, Tallahassee, Florida 32399-0135, on or before the due date prescribed for the filing of the return of the parent corporation. A copy of the federal extension must be attached to the Florida return when it is

filed. For applications mailed on or before, but received after, the due date of the return, see Rule 12C-1.032, F.A.C. Except as provided in Rule Chapter 12-24, F.A.C., the parent corporation shall remit with the application an amount estimated to be the balance of the tax properly due from the affiliated group for the taxable year after giving effect to all payments and credits on declarations of estimated income tax. Failure to make payment with an application when one is required will void an otherwise automatic extension of time to file and will preclude the initial election to file a consolidated return under s. 220.131(1), F.S., which requires such election be made not later than the due date (including extensions) for filing the consolidated return for the taxable year. Additionally, ~~when the taxpayer underpays the required payment by the greater of \$500.00 or 10 percent of the tax shown on the return when filed,~~ the extension of time to file shall be void and the taxpayer will be subject to the penalty provided in s. 220.801, F.S., for failure to file a timely return, and interest will be assessed on any tax due from the due date of the return to the date of payment.

c. No change.

4. A partnership which has been granted an extension of time for filing its federal partnership return, Form 1065 ~~F-1065~~, or which has established reasonable cause ~~pursuant to subparagraph 1,~~ will be granted an extension of time to file its Florida partnership return, Form F-1065, provided the following requirements are met:

a. through (b) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.222, 220.32, 220.801 FS. History—New 10-20-73, Amended 10-8-74, 4-21-75, 3-5-80, 12-18-83, Formerly 12C-1.222, Amended 12-21-88, 12-19-89, 4-8-92, 3-18-96, _____.

12C-1.034 Special Rules Relating to Estimated Tax.

(1) through (2) No change.

(3) Reasonably Expect.

(a)1.through 2. No change.

3. A business may be required to make a declaration of estimated tax by the 1st day of the 5th month, even though income may not actually be earned until later in the taxable year. For example, a seasonal business that can reasonably expect before ~~by~~ the 1st day of the 4th month of a taxable year to owe \$2,500 for the taxable year will be required to make a declaration of estimated tax on the first day of the fifth month of the taxable year. Therefore, a Christmas shop that has a taxable year ending January 31 will be expected to make a declaration by June 1 (the first day of the fifth month following the end of the taxable year) if the corporation reasonably expects to owe \$2,500 for the tax year. It does not matter whether the corporation is making sales by that date or not.

(b) No change.

(c) When the tax due for the corporation's prior taxable year exceeded \$2,500, there will be a presumption that the taxpayer could reasonably expect to owe \$2,500 in estimated tax. However, a taxpayer may rebut this presumption ~~and show reasons to use an alternate date.~~

(d) No change.

~~(e) In the first taxable year, or where the preceding taxable year was less than 12 months, the Department is authorized to make a factual determination which will relieve a corporation from filing the declaration of estimated tax on or before the first day of the 5th month of the taxable year. There~~ However, there is no automatic first year exception from filing the declaration by the first day of the fifth month of the taxable year and making payments of estimated tax in accordance with the time limitations set by s. 220.33(1), F.S.

(4) through (6) No change.

(7) Amended declarations.

(a) through (c) No change.

(d) If an amended declaration is filed, s. 220.33(6), F.S., provides that the remaining payments should also be increased or decreased.

(e) No change.

(8) No change.

(9) Underpayment of estimated tax.

(a) through (f) No change.

(g) Period of underpayment.

1. The period of the underpayment of any installment of estimated tax begins on the day following the date such installment is required to be paid and ends on the first day of the fourth month following the close of the taxable year, or the date such underpayment is paid, whichever is earlier.

2. through (j) No change.

(10) Affiliated groups. Consolidated return not filed in prior year.

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

2. If the members of a group are treated as separate taxpayers for the taxable year under subparagraph (b)1., then each member is entitled to a separate \$2,500 estimated tax threshold for purposes of determining requirements for making a declaration of estimated tax under s. 220.24(1), F.S., for such year, ~~unless whether or not~~ the group files a consolidated return for such year.

3. No change.

4. If the group files a consolidated return for such year, ~~then for purposes of determining~~ the amount of the installment ~~which would be required to be paid is if the estimated tax were~~ equal to 90 percent of the tax shown on the return for the taxable year (for s. 220.34(2)(b)1., F.S.). ~~The~~ the "tax shown on the return" ~~for any member shall be the portion of the tax shown on the consolidated return. The exception provided by s. 220.34(2)(d)1., F.S., will not apply in the year a group first files a consolidated return, allocable to such member in a manner~~

~~consistent with the group's election, for federal income tax purposes, under section 1552 of the Internal Revenue Code. For purposes of determining an amount equal to the tax computed at the rates applicable to the taxable year, but otherwise on the basis of the facts shown on the return for, and the law applicable to the preceding taxable year (for s. 220.34(2)(d)1., F.S.), the "facts shown on the return" shall be the facts shown on each member's separate return for the preceding year.~~

(11) Affiliated group. Consolidated tax return filed in prior year.

(a) through (b) No change.

(c) If a group is required to file a consolidated declaration of estimated tax for the taxable year, then:

1. No change.

2. If such group does not file a consolidated return for the taxable year, each member of the group shall be entitled to a separate \$2,500 estimated tax threshold for purposes of determining requirements for making a declaration of estimated tax under s. 220.24(1), F.S., for such year. For purposes of s. 220.34(2)(b)2., F.S., the "amount, if any of the installment paid" by any member shall be an amount apportioned to such member in any manner designated by the common parent. ~~The exception provided by For purposes of s. 220.34(2)(d)1., F.S., will not apply to a group filing separate returns in a year immediately following a year in which a consolidated return was filed. the "facts shown on the return" shall be the facts shown on the consolidated return for the preceding year and the tax computed under such section shall be allocated in a manner consistent with the group's election for federal income tax purposes, under s. 1552, I.R.C., which is incorporated by reference in Rule 12C 1.0511, F.A.C.~~

(12) Short taxable years.

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

2. However, the declaration shall be filed on or before the first day of the next taxable year first month succeeding the last month of the short taxable year if the taxpayer can reasonably expect to owe more than \$2,500 in estimated tax before the first day of such last month and the date specified in subsections (5) and (6) as applicable is not within the short taxable year.

3. Any estimated tax payable in installments which is not paid before the first day of the next taxable year first month succeeding the last month of the short taxable year, whether or not the date otherwise specified in s. 220.33, F.S., for payment has arrived, shall be paid on the first day of the first month succeeding the last month of the short taxable year.

(c) The application of the provisions of paragraphs (a) and (b) may be illustrated by the following examples:

1. Example (1): A taxpayer filing on a calendar year basis that changes to a fiscal year beginning September 1, 1993, will have a short taxable year beginning January 1, 1993, and ending August 31, 1993. If the corporation can reasonably expect to owe more than \$2,500 in ~~estimated~~ tax before April

1, 1993, the first day of the 4th month of the taxable year, the declaration of estimated tax must be filed on or before May 1, 1993 (the first day of the 5th month).

2. Example (2): If, in the first example, the taxpayer could not reasonably expect to owe more than \$2,500 in ~~estimated~~ tax until July 1, 1993, then the requirements of s. 220.24, F.S., were met before the first day of the last month of the short taxable year, and a declaration of estimated tax is required to be filed on or before September 1, 1993, for the short taxable year. However, if the taxpayer does not reasonably expect to owe more than \$2,500 in ~~estimated~~ tax until August 1, 1993, then the requirements of s. 220.24, F.S., were not met before the first day of the last month of the short taxable year, and no declaration of estimated tax is required to be filed for the short taxable year.

3. Example (3): The taxable year for a corporation that has elected to be a calendar year taxpayer began June 1, 1993. The taxable year is, therefore, June 1, 1993, through December 31, 1993. The taxpayer can reasonably expect by August 31, 1993 (before the 1st day of the 4th month of the taxable year) to owe \$10,000 in ~~estimated~~ tax. The declaration of estimated tax must be filed by October 1 (the 1st day of the 5th month of the taxable year). Payments of estimated tax would be due October 1, December 1 (the 1st day of the 7th month), and January 1 (the 1st day of the succeeding taxable year). The taxpayer must pay at least 90 percent of the tax finally determined to be due. The tax finally determined to be due was \$10,000; therefore, the taxpayer must pay at least \$9,000 in estimated tax to avoid being underpaid. The provisions of s. 220.33, F.S., provide for four equal installments if the declaration is required to be filed on or before the 1st day of the 5th month of the taxable year. The taxpayer will not be underpaid if the payments due October 1 and December 1 are each is at least \$3,000 ~~\$2,250~~ (one-third ~~25 percent~~ of \$9,000). The payment made on January 1 must be the remaining balance of \$3,000 ~~\$4,500~~.

(d)1. In cases where the short taxable year results from a change of annual accounting period, for the purpose of determining whether the anticipated income for a short taxable year will result in an estimated tax liability requiring the filing of a declaration, such income shall be placed on an annual basis by multiplying such income by 12 and dividing the result by the number of months in the short period. If the tax computed on such annual ~~annualized~~ income exceeds \$2,500, the estimated tax shall be the same part of the excess so computed as the number of months in the short period is of 12 months.

2. For example, a taxpayer which changes from a calendar year basis to a fiscal year basis beginning October 1, 1988, will have a short taxable year beginning January 1, 1988, and ending September 30, 1988. If on or before August 31, 1988, the taxpayer anticipates that it will have income of \$54,000 for the 9-month taxable year, the estimated tax is computed as follows:

Anticipated income for 9 months	\$54,000.00
Annual Annualized income (54,000 x 12/9)	72,000.00
Tax liability on	\$72,000
(\$72,000-5,000) x 5.5 percent)	3,685.00
Estimated tax for 9-month period	
(\$3,685 x 9/12)	\$2,763.75

Since the tax liability on the ~~annual~~ annualized income is in excess of \$2,500, a declaration is required to be filed, reporting an estimated tax of \$2,763.75 for the 9-month taxable period. This paragraph does not apply in any case where the short taxable year does not result from a change in the taxpayer's annual accounting period.

(e) No change.

(f) Where a declaration of estimated tax has been filed for a short taxable year, an amended declaration may be filed during any interval between installment dates. However, no amended declaration for a short taxable year may be filed until after the installment date on or before which the original declaration was filed, and only one amended declaration may be filed during each interval between installment dates. For purposes of this paragraph, the term "installment date" includes the first day of the next taxable year first month succeeding the last month of a short taxable year if such first day does not fall on a prescribed installment date.

(13) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 213.21, 220.131, 220.24, 220.241, 220.33, 220.34, 221.02, 221.04 FS. History—New 10-20-72, Amended 10-20-73, 7-27-80, 12-18-83, Formerly 12C-1.34, Amended 12-21-88, 4-8-92, 5-17-94, 3-18-96.

12C-1.042 Methods of Accounting.

(1) Long-term Contracts.

(a) No change.

(b) An election to file the same as federal under s. 220.42(3), F.S., shall be made by filing a timely return on which the income from long-term contracts is reported on the percentage of completion method of accounting. The election must be made in the first year under the Florida Income Tax Code in which any portion of the taxpayer's gross income derived from long-term contracts would be required to be taken into account under the percentage of completion method for federal tax purposes. ~~An election under s. 220.42, F.S., is available to a partnership which reports income from long-term contracts for federal tax purposes under the completed contract method. An election by a partnership must be made in a timely filed return for its first year under the Florida Income Tax Code in which any portion of its gross income derived from long-term contracts would be required to be taken into account under the percentage of completion method. An election by a partnership pursuant to this paragraph shall be applicable to all partners equally, but any such election by a partnership shall not apply to any partner's nonpartnership interests.~~

(c) No change.

(2) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.42 FS. History—New 10-8-74, Formerly 12C-1.42, Amended 12-21-88, 4-8-92, 3-18-96.

12C-1.051 Forms.

The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Title	Effective Date
(1) Form DR-703;	Dealer Questionnaire; (r. 12/92) dated 12/92;	3/96
(2) Form DR-835;	Power of Attorney; (r. 07/97) dated 06/95;	—
(3) Form F-851;	Affiliations Schedule; (r. 01/98) dated 01/95;	—
(4) Form F-1065;	Florida Partnership Information Return with Instructions; (r. 01/98) dated 12/94;	—
(5) Form F-1120;	Corporate Income/Franchise and Emergency Excise Tax Return with Instructions (Package); (r. 01/99) dated 12/94;	—
(6) F-1120A	Florida Corporate Short Form Income Tax Return (N. 01/99)	—
(7) F-1120A (Flats)	Florida Corporate Short Form Income Tax Return (N. 01/99)	—
(8)(6) Form F-1120FT;	Florida Corporate Income/Franchise and Emergency Excise Tax Return; (r. 1/99) dated 12/94;	—
(9)(7) Form F-1120FTN;	Instructions for Preparing Forms F-1120, F-1120ES, and F-7004; (r. 01/99) dated 01/95;	—
(10)(8) Form F-1120ES;	Declaration/Installment of Florida Estimated Income/Franchise and/or Emergency Excise Tax (Installment 1, 2, 3, 4); (r. 01/99) dated 12/94;	—
(11)(9) Form F-1120ES;	Declaration/Installment of Florida Estimated Income/Franchise and/or Emergency Excise Tax (Installment 1); (r. 01/99) dated 12/94;	—
(12)(40) Form F-1120ES;	Declaration/Installment of Florida Estimated Income/Franchise and/or Emergency Excise Tax (Installment 2, 3, 4); (r. 01/99) dated 12/94;	—
(13)(41) Form F-1120F;	Forms Requisition; (r. 01/99) dated 12/94;	—
(14)(42) Form F-1120P;	Payment Coupon; (r. 01/99) dated 12/94;	—
(15)(43) Form F-1120X;	Amended Florida Income Tax Return; (r. 01/99) dated 12/93;	—
(16)(44) Form F-1122;	Authorization and Consent of Subsidiary Corporation to be Included in a Consolidated Income and Emergency Excise Tax Return; (r. 01/98) dated 12/94;	—
(17)(45) Form F-1150;	Computation of Installment Sales Income Adjustment; (r. 1/99) dated 12/94;	—
(18)(46) Form F-1155;	Computation of Long-Term Contract Adjustment; (r. 01/99) dated 12/94;	—
(19)(47) Form F-1156;	Gasohol Development Tax Incentive Credit; (r. 01/95)	3/96
(18) Form F-1157;	Enterprise Zone Jobs Credit, dated December 1992;	—
(20)(49) Form F-1157Z;	Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax; (r. 07/95) dated July 1995;	1/96
(21)(20) Form F-1158;	Enterprise Zone Property Tax Credit; (r. 07/95) dated December 1992;	—
(22)(21) Form F-1158Z;	Enterprise Zone Property Tax Credit; (r. 07/95) dated July 1995;	1/96
(23) F-1159	Child Care Facility Credit Application (N. 01/99)	—
(24)(22) Form F-2220;	Underpayment of Estimated Tax on Florida Corporate Income, Franchise and Emergency Excise Tax; (r. 01/99) dated 12/94;	—
(25)(23) Form F-7004;	Tentative Income/Franchise and Emergency Excise Tax Return and Application for Extension of Time to File Return; (r. 01/99) dated 12/94;	—

Copies of these forms are available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the

Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 120.55(1)(a)4., 220.21, 220.22, 220.221(3), 220.51, 221.04 FS. History--New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96.

PUBLIC SERVICE COMMISSION

DOCKET NO: 980643-EI

RULE TITLES:	RULE NOS.:
Annual Reports	25-6.135
Cost Allocation and Affiliate Transactions	25-6.1351
Depreciation	25-6.0436

PURPOSE AND EFFECT: The purpose of the amendments is to codify the procedure for electric investor-owned utilities to follow when accounting for affiliate transactions and nonregulated activities. The intent is to ensure that ratepayers do not subsidize nonregulated operations.

SUBJECT AREA TO BE ADDRESSED: The cost allocation of nonregulated activities and affiliate transactions to prevent cross-subsidization.

SPECIFIC AUTHORITY: 366.05(1), 350.127(2) FS.
 LAW IMPLEMENTED: 350.115, 366.04(2)(f), 366.05(1),(2)(a), 366.06(1) FS.

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

TIME AND DATE: Tuesday, 10:00 a.m., August 24, 1999
 PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

To facilitate discussion at the workshop, each investor-owned utility and other interested persons are requested to file with the Division of Records and Reporting pre-workshop comments to address the following subjects by Wednesday, August 11, 1999:

- (1) Any suggestions to improve the rule language, and, in particular, for the "regulated" and "nonregulated" definitions set out in the rule.
- (2) Any alternative measures that would also meet the objectives of the rule amendments.
- (3) Identification of areas of disagreement with staff's draft. If areas of disagreement are identified, a statement of the reasons for the disagreement should be provided along with an alternate suggestion that would also meet the objective of the rule.

Interested persons may obtain a copy of the workshop agenda by calling Jay Revell at (850)413-6425 on or after Thursday, August 19, 1999.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired

should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jay Revell, Division of Auditing and Financial Analysis, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.135 Annual Reports.

(1) Each investor-owned electric utility shall file annual reports with the Commission on Commission Form PSC/AFA 19 (~~xx/xx 12/94~~) which is incorporated by reference into this rule. Form PSC/AFA 19, entitled "Annual Report of Major Electric Utilities", may be obtained from the Commission's Division of Auditing and Financial Analysis. These reports shall be verified by a responsible accounting officer of the utility making the report and shall be due on or before April 30 for the preceding calendar year. A utility may file a written request for an extension of time with the Division of Auditing and Financial Analysis no later than April 30. One extension of 31 days will be granted upon request. A request for a longer extension must be accompanied by a statement of good cause and shall specify the date by which the report will be filed.

(2) The utility shall also file with the original and each copy of the annual report form, or separately within 30 days, a letter or report, signed by an independent certified public accountant, attesting to the conformity in all material respects of the schedules and their applicable notes listed on the general information page of Form PSC/AFA 19 with the Commission's applicable uniform system of accounts and published accounting releases.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 350.115, 366.04(2)(f), 366.05(1),(2)(a) FS. History--New 12-27-94, Amended _____.

25-6.1351 Cost Allocation and Affiliate Transactions Diversification Reports.

(1) Purpose. The purpose of this rule is to establish cost allocation guidelines and reporting requirements to ensure proper accounting for affiliate transactions and utility nonregulated activities so that these transactions and activities are not subsidized by utility ratepayers. Each investor owned electric utility shall file information on its affiliates and affiliated transactions on Commission Form PSC/AFA 16 (12/94) which is incorporated into this rule by reference. Form PSC/AFA 16, entitled "Analysis of Diversification Activities", may be obtained from the Commission's Division of Auditing and Financial Analysis.

(2) Definitions

(a) Affiliate – Any entity that directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with ~~a~~ the utility. Ownership of ~~five~~ 5 percent or more of the voting securities of an entity shall be conclusively deemed to constitute the control thereof.

(b) ~~Affiliate~~ Transaction – Any transaction in which both a utility and an affiliate ~~thereof~~ are each participants, ~~except other than~~ transactions related solely to the filing of consolidated tax returns.

(c) Cost Allocation Manual (CAM) – The manual that sets out a utility’s cost allocation policies and related procedures.

(d) Direct Costs – Costs that can be identified with a particular service or product.

(e) Indirect Costs – Costs, including all overheads, that cannot be identified with a particular service or product.

(f) Nonregulated – The components of a utility’s financial statements that are not taken into account in determining fair, just, and reasonable rates for utility service.

(g) Regulated – The components of a utility’s financial statements that are taken into account in determining fair, just, and reasonable rates for utility service.

(h) Subsidize – The act of utility ratepayers paying more than their share of costs associated with affiliate transactions and utility nonregulated activities.

(3) Non-Tariffed Affiliate Transactions

(a) The purpose of subsection (3) is to establish requirements for non-tariffed affiliate transactions.

(b) A utility must charge an affiliate fully allocated costs for all non-tariffed services and products purchased by the affiliate from the utility. Except, a utility may charge an affiliate less than fully allocated costs if the charge is above incremental cost and equivalent to market prices. If a utility charges less than fully allocated costs, the utility must maintain documentation to support doing so in accordance with the record retention requirements in Rule 25-6.014(3), F.A.C.

(c) A utility shall apportion to regulated operations the lesser of fully allocated costs or market price when purchasing services and products from an affiliate. Competitive bidding must be used when the utility projects to spend more than \$500,000 in a calendar year for a particular product or service.

(d) When an asset is transferred from a utility to a nonregulated affiliate, the utility must charge the affiliate the greater of market or net book value. When an asset is transferred from a nonregulated affiliate to a utility, the utility must record the asset at the lower of market or net book value. An independent appraiser must verify the market value of a transferred asset with a net book value greater than \$1,000,000.

(e) If an affiliate’s accounts and records do not conform to the Uniform System of Accounts as prescribed by Rule 25-6.014, the utility must maintain a mapping system that reconciles the affiliate’s accounts to the respective USOA accounts.

(f) Each affiliate involved in affiliate transactions must maintain all underlying data concerning the affiliate transaction for at least three years after the affiliate transaction is complete. This paragraph does not relieve a regulated affiliate from maintaining records under otherwise applicable record retention requirements.

(4) Cost Allocation Principles

(a) Each utility’s accounting records must show whether the transaction involves a product or service that is regulated or nonregulated.

(b) Direct costs shall be classified for each service and product provided by the utility.

(c) Indirect costs shall be distributed on a fully allocated cost basis. Except, a utility may distribute indirect costs on an incremental or market basis if the utility can demonstrate that its ratepayers will benefit. If a utility distributes indirect costs on less than a fully allocated basis, the utility must maintain documentation to support doing so in accordance with the record retention requirements in Rule 25-6.014(3), F.A.C.

(d) Each utility must maintain a listing of revenues and expenses for all non-tariffed products and services.

(e) Reporting Requirements. Each utility shall file information concerning its affiliates, affiliate transactions, and nonregulated activities on Form PSC/AFA 19 (xx/xx) which is incorporated by reference into this rule. Form PSC/AFA 19, entitled "Annual Report of Major Electric Utilities," may be obtained from the Commission’s Division of Auditing and Financial Analysis.

(6) Audit Requirements

(a) Each utility involved in affiliate transactions or in nonregulated activities must maintain a Cost Allocation Manual (CAM). The CAM must be organized and indexed so that the information contained therein can be easily accessed.

(b) Each utility shall file with the Commission an audit report issued by an independent auditor commenting on the utility’s compliance with its CAM. Beginning January 1, 2001, the compliance audit shall be performed no less than once every three years. The audit report shall be filed with the annual report or within 30 days of filing the annual report.

(c) Each utility shall file, along with the audit report, a list of all incidents of non-compliance with the CAM. This list shall include all errors and irregularities detected by the independent auditor during the audit, regardless of materiality.

(d) All costs associated with the audit must be separately identified and shall not be chargeable to expense for ratemaking purposes.

(3) Within 45 days of coming under the jurisdiction of the Commission, each investor-owned electric utility shall file Schedules 1, 7, and 8 of Form PSC/AFA 16 with the Division of Auditing and Financial Analysis.

(4) Each investor-owned electric utility shall file Schedules 1-6 of Form PSC/AFA 16 as an attachment to its annual report.

~~(5) Each investor owned electric utility shall keep a detailed backup report of the summary report to facilitate auditing and analysis. Each investor owned electric utility shall maintain a clear audit trail from the summary report through the general ledger to the source documents supporting the transaction.~~

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 350.115, 366.04(2)(a),(f), 366.05(1),(2),(9), 366.093(1) FS. History—New 12-27-94, Amended _____.

25-6.0436 Depreciation.

(1) For the purposes of this part, the following definitions shall apply:

(a) ~~Category or~~ Category of Depreciable Plant – A grouping of plant for which a depreciation rate is prescribed. At a minimum it should include each plant account prescribed in Rule 25-6.014(1), F.A.C.

(b) Embedded Vintage – A vintage of plant in service as of the date of study or implementation of proposed rates.

(c) Mortality Data – Historical data by study category showing plant balances, additions, adjustments and retirements, used in analyses for life indications or calculations of realized life. Preferably, this is aged data in accord with the following:

1. The number of plant items or equivalent units (usually expressed in dollars) added each calendar year.
2. The number of plant items retired (usually expressed in dollars) each year and the distribution by years of placing of such retirements.
3. The net increase or decrease resulting from purchases, sales or adjustments and the distribution by years of placing of such amounts.
4. The number that remains in service (usually expressed in dollars) at the end of each year and the distribution by years of placing of such amounts.

(d) Net Book Value – The book cost of an asset or group of assets minus the accumulated depreciation or amortization reserve associated with those assets.

~~(e)(4)~~ Remaining Life Method – The method of calculating a depreciation rate based on the unrecovered plant balance, less average future net salvage and the average remaining life. The formula for calculating a Remaining Life Rate (RLR) is:

$$RLR = \frac{100\% - \text{Reserve \%} - \text{Average Future Net Salvage \%}}{\text{Average Remaining Life in Years}}$$

(f) Reserve (Accumulated Depreciation) – The amount of depreciation expense accumulated to date.

~~(g)(e)~~ Reserve Data – Historical data by study category showing reserve balances, debits and credits such as booked depreciation, expense, salvage and cost of removal and adjustments to the reserve utilized in monitoring reserve activity and position.

~~(h)(f)~~ Reserve Deficiency – An inadequacy in the reserve of a category as evidenced by a comparison of that reserve indicated as necessary under current projections of life and salvage with that reserve historically accrued. The latter figure may be available from the utility's records or may require retrospective calculation.

~~(i)(g)~~ Reserve Surplus – An excess in the reserve of a category as evidenced by a comparison of that reserve indicated as necessary under current projections of life and salvage with that reserve historically accrued. The latter figure may be available from the utility's records or may require retrospective calculation.

~~(j)(h)~~ Salvage Data – Historical data by study category showing bookings of retirements, gross salvage and cost of removal used in analysis of trends in gross salvage and cost of removal or for calculations of realized salvage.

~~(k)(i)~~ Theoretical Reserve or Prospective Theoretical Reserve – A calculated reserve based on components of the proposed rate using the formula:

$$\text{Theoretical Reserve} = \text{Book Investment} - \text{Future Accruals} - \text{Future Net Salvage}$$

~~(l)(j)~~ Vintage – The year of placement of a group of plant items or investment under study.

~~(m)(k)~~ Whole Life Method – The method of calculating a depreciation rate based on the Whole Life (Average Service Life) and the Average Net Salvage. Both life and salvage components are the estimated or calculated composite of realized experience and expected activity. The formula is:

$$\text{Whole Life Rate} = \frac{100\% - \text{Average Net Salvage \%}}{\text{Average Service Life in Years}}$$

(2)(a) No utility ~~shall~~ ~~may~~ change any existing depreciation rate or initiate any new depreciation rate without prior Commission approval.

(b) No utility ~~shall~~ ~~may~~ reallocate accumulated depreciation reserves among any primary accounts and sub-accounts without prior Commission approval.

(c) Plant investment transferred from one account to another or to an affiliated company shall have an appropriate reserve amount also transferred. Appropriate methods for determining the appropriate reserve amount to transfer are as follows:

1. Where vintage reserves are not maintained, synthesization using the currently prescribed curve shape may be required. The same reserve percent associated with the original placement vintage of the related investment shall then be used in determining the appropriate amount of reserve to transfer.

2. Where the original placement vintage of the investment being transferred is unknown, the reserve percent applicable to the account in which the investment being transferred resides may be assumed as appropriate for determining the reserve amount to transfer.

3. Where the age of the investment being transferred is known and a history of the prescribed depreciation rates is known, a reserve can be determined by multiplying the age times the investment times the applicable depreciation rate(s).

4. The Commission shall consider any additional methods submitted by the utilities for determining the appropriate reserve amounts to transfer.

(3)(a) Each utility shall maintain depreciation rates and accumulated depreciation reserves in accounts or subaccounts as prescribed by Rule 25-6.014(1), F.A.C. Utilities may maintain further sub-categorization.

(b) Upon establishing a new account or subaccount classification, each utility shall request Commission approval of a depreciation rate for the new plant category.

(4) A utility filing a depreciation study, regardless if a change in rates is being requested or not, shall submit to the Commission Clerk's office fifteen copies of the information required by paragraphs (6)(a) through (6)(f) and (6)(h) of this rule and at least three copies of the information required by paragraph (6)(g).

(5) Upon Commission approval by order establishing an effective date, the utility shall ~~may~~ reflect on its books and records the implementation of the proposed rates, subject to adjustment when final depreciation rates are approved.

(6) A depreciation study shall include:

(a) A comparison of current and proposed depreciation rates and components for each category of depreciable plant. Current rates shall be identified as to the effective date and proposed rates as to the proposed effective date.

(b) A comparison of annual depreciation expense as of the proposed effective date, resulting from current rates with those produced by the proposed rates for each category of depreciable plant. The plant balances may involve estimates. Submitted data including plant and reserve balances or company planning involving estimates shall be brought to the effective date of the proposed rates.

(c) Each recovery and amortization schedule currently in effect should be included with any new filing showing total amount amortized, effective date, length of schedule, annual amount amortized and reason for the schedule.

(d) A comparison of the accumulated book reserve to the prospective theoretical reserve based on proposed rates and components for each category of depreciable plant to which depreciation rates are to be applied.

(e) A general narrative describing the service environment of the applicant company and the factors, e.g., growth, technology, physical conditions, necessitating a revision in rates.

(f) An explanation and justification for each study category of depreciable plant defining the specific factors that justify the life and salvage components and rates being proposed. Each explanation and justification shall include substantiating factors utilized by the utility in the design of

depreciation rates for the specific category, e.g., company planning, growth, technology, physical conditions, trends. The explanation and justification shall discuss any proposed transfers of reserve between categories or accounts intended to correct deficient or surplus reserve balances. It should also state any statistical or mathematical methods of analysis or calculation used in design of the category rate.

(g) The filing shall contain all calculations, analysis and numerical basic data used in the design of the depreciation rate for each category of depreciable plant. Numerical data shall include plant activity (gross additions, adjustments, retirements, and plant balance at end of year) as well as reserve activity (retirements, accruals for depreciation expense, salvage, cost of removal, adjustments, or transfers and reclassifications and reserve balance at end of year) for each year of activity from the date of the last submitted study to the date of the present study. To the degree possible, data involving retirements should be aged.

(h) The mortality and salvage data used by the company in the depreciation rate design must agree with activity booked by the utility. Unusual transactions not included in life or salvage studies, e.g., sales or extraordinary retirements, must be specifically enumerated and explained.

(7)(a) Utilities shall provide calculations of depreciation rates using both the whole life method and the remaining life method. The use of these methods is required for all depreciable categories. Utilities may submit additional studies or methods for consideration by the Commission.

(b) The possibility of corrective reserve transfers shall be investigated by the Commission prior to changing depreciation rates.

(8)(a) Each company shall file a study for each category of depreciable property for Commission review at least once every four years from the submission date of the previous study unless otherwise required by the Commission.

(b) A utility proposing an effective date of the beginning of its fiscal year shall submit its depreciation study no later than the mid-point of that fiscal year.

(c) A utility proposing an effective date coinciding with the expected date of additional revenues initiated through a rate case proceeding shall submit its depreciation study no later than the filing date of its Minimum Filing Requirements.

(9) As part of the filing of the annual report pursuant to Rule 25-6.014(3), F.A.C., each utility shall include an annual status report. The report shall include booked plant activity (plant balance at the beginning of the year, additions, adjustments, transfers, reclassifications, retirements and plant balance at year end) and reserve activity (reserve balance at the beginning of the year, retirements, accruals, salvage, cost of removal, adjustments, transfers, reclassifications and reserve balance at end of year) for each category of investment for

which a depreciation rate, amortization, or capital recovery schedule has been approved. The report shall indicate for each category that:

(a) There has been no change of plans or utility experience requiring a revision of rates, amortization or capital recovery schedules; or

(b) There has been a change requiring a revision of rates, amortization or capital recovery schedules.

(10) For any category where current conditions indicate a need for revision of depreciation rates, amortization or capital recovery schedules and no revision is sought, the report shall explain why no revision is requested.

~~(10)(a)~~ Prior to the date of retirement of major installations, the Commission shall ~~may~~ approve capital recovery schedules to correct associated calculated deficiencies where a utility demonstrates that (1) replacement of an installation or group of installations is prudent and (2) the associated investment will not be recovered by the time of retirement through the normal depreciation process.

(b) The Commission shall ~~may~~ approve a special capital recovery schedule when an installation is designed for a specific purpose or for a limited duration.

(c) Associated plant and reserve activity, balances and the annual capital recovery schedule expense must be maintained as subsidiary records.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 350.115, 366.04(2)(f), 366.06(1) FS. History--New 11-11-82, 1-6-85, Formerly 25-6.436, Amended 4-27-88, 12-12-91, _____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General Regulations	60A-1
RULE TITLES:	RULE NOS.:
Definitions	60A-1.001
Purchase of Commodities and Contractual Services	60A-1.002
Vendors and Contractors	60A-1.006
Standards and Specifications	60A-1.007
Term Contracts and Price Agreements	60A-1.008
Emergency Purchases of Commodities or Contractual Services	60A-1.009
Single Source Purchases of Commodities or Contractual Services	60A-1.010
Insurance	60A-1.015
Contract Requirements for Contractual Services	60A-1.016

PURPOSE AND EFFECT: The purpose of these changes is to update rules to coincide with changes made by the Legislature in Chapter 287, F.S. Changes include updating of threshold categories as well as delegating additional authority to state agencies in making purchasing decisions.

SUBJECT AREA TO BE ADDRESSED: Procurement of commodities and services for state agencies.

SPECIFIC AUTHORITY: 15.18(7), 120.57(3)(d), 216.345, 287.017, 287.032, 287.042(4),(13) FS.

LAW IMPLEMENTED: 15.18, 20.19, 119.07(3), 120.53, 120.57(3) 216.311, 229.8331, 283.30(4), 283.31, 283.32, 283.33, 283.35, 283.56, 283.425, 287.001, 287.012(4), 287.017, 287.022, 287.042(1),(2),(4),(5),(6),(7),(8),(11),(14), 287.045(5), 287.055, 287.057(1),(3),(3)(a),(3)(c),(4), 287.058, 287.073, 287.133, 287.0595, 287.1345, 288.03, 288.121(5), 288.701, 288.703, 288.705, 601.10, 695.25 FS.

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

TIME AND DATE: 2:00 – 4:00 p.m., August 10, 1999

PLACE: 4050 Esplanade Way, Suite 301, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: H. P. Barker, Jr., Chief, State Purchasing, (850)488-8131

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60A-1.001 Definitions.

(1) A Purchase – A purchase is defined as an acquisition by contracting in any manner, whether by rent, lease, lease/purchase or installment sales contract which may provide for the payment of interest on unpaid portions of the purchase price, or outright purchase, from a source of supply for either commodities or contractual services. All such contracts shall be in writing or through the state's Purchasing Card Program. Prior to making a purchase, purchasing offices shall review current surplus property certifications to utilize commodities listed therein to the maximum extent practicable.

(2) Invitation to Negotiate – Competitive solicitation used when an Invitation to Bid or Request for Proposal is not practicable. Agency shall document file as to conditions and circumstances resulting in this decision.

~~(4)(3)~~ Agency Head – An agency head, within the meaning of Chapter 287, Part I, F.S., is defined as the person or in the case of a collegial body the executive director or chief administrative officer of the agency or other governmental unit who is statutorily responsible for final agency action, or his authorized designee. All designees authorized to sign on behalf of the agency head must have their signature on file with State Purchasing ~~the Division of Purchasing~~.

~~(5)(4)~~ Contracts – Definite Quantity-Term-Contractual Service.

(a) Any contract which binds the state or its executive agencies for purchases for a period continuing beyond the fiscal year shall include the following statement: "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature". Any contract between an agency and a private contract vendor

shall contain the language provided in Section 946.515(6), F.S., if at the time the contract is entered into, any product or service which is the subject of, or required to carry out, the contract has been certified by Department of Management Services commodity number pursuant to that statute, as a correctional work program item.

(b) Definite Quantity Contract – Definite quantity contract whereby the contractor(s) agrees to furnish a specific quantity of an item or items at a specified price and time to specified locations. Delivery and acceptance of the specific quantity by the agency completes such contract.

(c) Term Contract – Indefinite quantity contract whereby the contractor(s) agrees to furnish commodity(ies) or contractual service(s) during a prescribed period of time (such as 3, 6, 9, 12 months or a specific date). The specified period of time or date completes such contract. A state term contract is defined as a term contract executed by State Purchasing ~~the Division of Purchasing~~ for use by all agencies and local governments. An agency term contract is defined as a term contract executed by an agency for use only by such agency, and not available for use by other agencies.

(d) Contractual Service Contract – A contract for a contractor's time and effort rather than the furnishing of specific commodities. Satisfactory completion of the service and/or a specified period of time or date completes such contract.

~~(6)(5)~~ Identical (Tie) Bids – Identical Bids are two or more responsive bids which are equal in price.

~~(7)(6)~~ Mutuality of Ownership – Only the low bidder of firms mutually owned may be considered in determining an award.

~~(8)(7)~~ Notice of Decision – Agency notice of its decision or intended decision for a bid solicitation, invitation to negotiate or request for proposal shall be sent to vendors and other interested persons by United States mail or by hand delivery. All notices of decision or intended decisions shall contain the statement: "Failure to file a protest within the time prescribed in Section 120.57(3), F.S., shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. "Notice of intended awards, including rejection of some or all bids received, shall be given as provided in Rule 60A-1.001~~(8)~~(9)(a), F.A.C. Notice of all other decisions shall be given by certified mail, or other express delivery services, except that State Purchasing's ~~the Division of Purchasing's~~ notice of decision or intended decision concerning a request by an agency for approval of an exceptional purchase under Chapter 287, F.S., and the State Purchasing ~~rules of the division~~ shall be given by posting such notice in the office of State Purchasing, ~~the Division of Purchasing~~.

~~(9)(8)~~ Notice of Intended Award and Award

(a) Notice of the intended award, including rejection of some or all of bids or proposals received, or negotiations received shall be given by posting the bid, negotiation or

proposal tabulations where the bids, negotiations or proposals were opened, or by certified United States mail, return receipt requested, or other express delivery service, whichever is specified in the bid solicitation or the request for proposals. All notices of decision or intended decisions shall contain the statement: "Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes", and show the beginning and ending posting time and dates for the bid or proposal or negotiation ~~bid/proposal~~ posting, or if noticed by certified mail, indicate such action must be taken within 72 hours after receipt of such notice.

(b) The contract shall be awarded by purchase order or other written notice to the responsive and responsible bidder with the lowest price or to the negotiator with the best and final offer or to the proposer with the highest ranking with the lowest price for the commodities or contractual services, except that every procurement of contractual services in excess of threshold Category Two shall be evidenced by a contract written agreement conforming to the provisions of Section 287.058, F.S. If the contract is terminated during the initial contract period, the award may be made to the next responsive offeror who agrees to hold the prices, terms, and conditions submitted in response to the original solicitation.

(c) Issuance of a written notice of award or a purchase order for the purchase of commodities shall establish a contract between the agency and the supplier on the terms, conditions and prices specified in the invitation to bid/ ~~proposal or invitation to negotiate or request for proposals~~ and the bidder's/ ~~negotiator's~~ or proposer's response.

~~(10)(9)~~ Purchasing Threshold Categories – The following threshold categories are established:

- (a) Category One: ~~\$5,500~~ \$15,000.
- (b) Category Two: ~~\$15,000~~ \$25,000.
- (c) Category Three: ~~\$23,000~~ \$50,000.
- (d) Category Four: ~~\$75,000~~ \$150,000.
- (e) Category Five: ~~\$150,000~~ \$250,000.

The dollar amount for these categories shall be adjusted by State Purchasing ~~the Division of Purchasing~~ after June 30 of each year, based on the April publication of the United States Department of Commerce Survey of Current Business Table 7.11B, using the price index for state and local government. The amounts for the threshold categories will be adjusted as follows:

1. The rate of adjustment applicable to the threshold amounts is the percent increase or decrease in the chain-type price index from the base year value for 1992, which is 97.9, through the year previous to the year of annual adjustment as shown in the United States Department of Commerce Survey of Current Business as referenced above.

2. This rate of adjustment is applied to the base threshold amount to calculate the threshold amount for the year of annual adjustment. The base threshold category amounts are: a)

Category One: ~~\$15,000~~ ~~\$5,000~~; b) Category Two: ~~\$25,000~~ ~~\$10,000~~; c) Category Three: ~~\$50,000~~ ~~\$20,000~~; d) Category Four: ~~\$150,000~~ ~~\$65,000~~; e) Category Five: ~~\$250,000~~ ~~\$130,000~~. The following formula illustrates this method:

Threshold for Year of Adjustment = Base Threshold x [Price Index in April Publication for the Year Prior to the Year of Adjustment divided by 97.9]

3. The resulting threshold amount is rounded as follows: Category One to the nearest \$500, Category Two to the nearest \$1,000, Category Three to the nearest \$1,000, Category Four to the nearest \$5,000 and Category Five to the nearest \$10,000. Notwithstanding the point in time in which payment is made for the commodities or services, for the purpose of applying the threshold categories to a purchase, the earliest of the following dates shall govern:

- a. The date on which the invitation to bid or invitation to negotiate or request bid/request for proposals is issued.
- b. The date the purchase order is issued.
- c. The date on which the contract is entered into.

~~(11)~~~~(10)~~ Requisition – A formal ~~written~~ request to procure commodities or services on behalf of a program area. ~~Requisitions must be signed by an authorized person, and must be filed with the purchasing office.~~

~~(12)~~~~(11)~~ Purchase Order – An agency's document to formalize a purchase transaction with a vendor. The purchase orders should be numbered consecutively and contain statements regarding the quantity, description, and price of goods and services ordered; applicable terms as to payment, discount, date of performance, and transportation; and other factors or suitable references pertinent to the purchase such as bid number or contract number and should be signed by the purchaser.

~~(13)~~~~(12)~~ Blanket Purchase Order (Blanket Order) – An arrangement under which a purchaser contracts with a vendor to provide the agency's requirements for an item(s) or a group of items or a service, ordered on an as needed basis. It prescribes the contract term and the maximum amount of money, which may be spent. No purchase may be divided into two or more purchases for the purpose of evading the competitive bidding requirement, and each purchase made under a blanket purchase order must be of the kind that could be made without competitive bidding if there were no blanket purchase order.

~~(14)~~~~(13)~~ Field Purchase Order – A purchase order issued by an office or facility of an agency that is separate from the agency's purchasing office(s).

~~(15)~~~~(14)~~ Purchase Order Control and Accountability – It is the responsibility of the chief procurement officer of each agency to:

- (a) Provide for securing all unused purchase orders in a safe place and restricting access to these documents.
- (b) Provide for maintenance of a file and accounting for all consecutive purchase orders issued or voided.

(c) Maintain a record of persons designated as authorized to issue and sign each type of purchase order.

(d) Provide for a monitoring and review process for the use of blanket purchase orders and field purchase orders.

~~(16)~~~~(15)~~ Price Agreement – An agreement which State Purchasing ~~the Division of Purchasing~~ negotiates with a vendor to furnish items at a predetermined price. The agreement involves a minimum number of units, provides for orders to be placed directly with the vendor by the purchasing agency and runs for a limited period of time.

~~(17)~~~~(16)~~ Minor Irregularity – A variation from the invitation to bid or invitation to negotiate or request bid/invitation to negotiate/request for proposal terms and conditions which does not affect the price of the commodities or services bid/proposal, or give the bidder or offeror an advantage or benefit not enjoyed by other bidders or offerors, and or does not adversely impact the interests of the agency.

~~(18)~~ State Purchasing – formerly the Division of Purchasing, now a part of the Support Program of the Department of Management Services pursuant to Section 20.22(2), F.S.

~~(19)~~ State's Purchasing Card Program – A public-private arrangement between the Department of Management Services and a bank under which designated agency employees make purchases by means of purchasing cards, similar to credit cards, without requisitions or purchase orders.

Specific Authority 287.042, 287.032 FS. Law Implemented 283.30(4), 287.012, 287.017, 287.042, 20.19, 229.8331, 287.073, 288.03, 287.057, 601.10, 15.18, 287.001, 287.055, 287.058, 287.133, ~~288.701~~, 216.345 FS. History—New 5-20-64, Revised 2-6-68, 5-20-71, Amended 5-19-72, 7-31-75, 10-1-78, Revised 11-14-79, Amended 8-6-81, 10-11-81, 4-29-82, 11-4-82, 10-13-83, 3-1-84, 11-12-84, 2-28-85, 12-17-85, Formerly 13A-1.01, Amended 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.001, Amended 8-24-93, 4-24-94, 1-9-95, 1-1-96, 9-23-96, 7-6-98, _____.

60A-1.002 Purchase of Commodities and Contractual Services.

(1) Purchases with value below ~~\$2,500~~ ~~\$1,000~~ shall be carried out using good purchasing practices which may include but not be limited to quotations or written records of telephone quotations. Purchases which meet or exceed ~~\$2,500~~ ~~\$1,000~~, but less than the threshold for Category Two ~~One~~ may be made using written quotations or written records of telephone quotations or informal bids to be opened upon receipt. ~~Will be made on two or more written quotations~~ whenever practical. Should verbal quotations be received, name and address of company and amount quoted shall be a part of the written documentation. If at least two quotations are not received, a statement as to why they were not received must be shown. ~~Purchases with a dollar value of the threshold for Category One but less than the threshold for Category Two shall be carried out using written quotations or written records of telephone quotations or informal bids to be opened upon receipt.~~ If the agency determines that commodities/ or contractual services are available only from a single source, or that conditions warrant negotiation on the best terms and conditions, the

agency may proceed with the procurement. The agency shall document the conditions and circumstances used to determine the procurement method.

(2) Competitive Sealed Bids or Negotiations or Proposals – ~~Bids/proposals~~ Required on Purchases Exceeding the Threshold Amount for Category Two –

~~(a) In accordance with Chapter 287, Florida Statutes, all purchases for which the total contract value is in excess of the threshold amount for Category Two for a commodity or group of commodities or contractual service shall be made by first securing formal competitive sealed bids, negotiations or proposals except as provided in Section 287.057(2), F.S. or Rules 60A-1.008, 60A-1.009, and 60A-1.010, FAC. In accordance with chapter 287, Florida Statutes, all purchases for which the total contract value is in excess of the threshold amount for Category Two for a commodity or group of commodities or contractual service shall be made by first securing formal competitive sealed bids except as provided in Section 287.057(2), F.S., Rules 60A-1.008, 60A-1.009, and 60A-1.010, F.A.C. Vendors registered with the Division of Purchasing should be given consideration when issuing bids or other solicitations. When determining the amount or amounts of purchases for the purpose of applying the threshold categories, agencies shall follow the definitions and classes and groups of commodities/contractual services established by the Division of Purchasing. Acquisitions shall be viewed and considered on an agency wide basis, except that acquisitions by agencies with decentralized purchasing functions shall be considered and reviewed on the basis of each purchasing office that maintains full time purchasing staff. An agency shall not divide its purchases or its purchasing operations to circumvent these requirements. A formal invitation to bid shall be mailed at least 10 days prior to the date set for submittal of bids, unless waived, in writing, by the Division. Determination of the threshold amount for Category Two for lease or rental is based on a twelve (12) month period of time. Extension of a contract for an additional period of time is not subject to this provision. In any procurement which exceeds the threshold amount for Category Two that is accomplished without competition, the individuals taking part in the development or selection criteria for evaluation, the evaluation process, or the award process shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected. The attestation shall be placed in the agency file.~~

(b) When determining the amount or amounts of purchases for the purpose of applying the threshold categories, agencies shall follow the definitions and classes and groups of commodities or contractual services established by State Purchasing. Acquisitions shall be reviewed and considered on an agency-wide basis, except that acquisitions by agencies with decentralized purchasing functions shall be considered and reviewed on the basis of each purchasing office that maintains full-time purchasing staff. A purchasing office shall not divide

its purchases or its purchasing operations to circumvent these requirements. Determination of the threshold amount for Category Two for lease or rental is based on a twelve (12) month period of time. Extension of a contract for an additional period of time is not subject to this provision. In any procurement which exceeds the threshold amount for Category Two that is accomplished without competition, the individuals taking part in the development or selection criteria for evaluation, the evaluation process, or the award process shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected. The attestation shall be placed in the agency file.

~~(c)(b)~~ The following purchases are not subject to the competitive sealed bid or negotiation or proposal ~~bid/negotiation/proposal~~ requirements of Rule 60A-1.002(2), F.A.C. Purchases described in Section 287.057(3)(f) as well as those described below do not require approval from State Purchasing the Division of Purchasing.

1. Regulated Utilities and government franchised services.
2. Regulated Public communications, except long distance telecommunications services or facilities.
3. Artistic services, academic program reviews, lectures by individuals. Artistic services include any artistic work performed by an artist, as defined in Section 287.012(3), F.S., including cases in which the acquisition requires that the artist furnish a commodity created through the artistic work. An academic program review is a structured evaluation of the relative merits of an established university or secondary educational program or program component conducted by recognized experts in the field of study and resulting in a written report with specific recommendations. A lecture is a formal or methodical reading or presentation on any subject, but it is not intended to be used for the purpose of, or in connection with, training of personnel.
4. Auditing services, which are services provided by a licensee under Chapter 473, F.S., in which the licensee attests as an expert in accountancy to the reliability or fairness of presentation of financial information or utilizes any form of disclaimer of opinion which is intended or conventionally understood to convey an assurance of reliability as to matters not specifically disclaimed.
5. Promotional Services and Events purchased from donated funds by the Secretary of State for purposes provided in Section 15.18(7), F.S.
6. Payments for membership dues pursuant to Section 216.345, F.S.
7. Examinations approved in accordance with Section 455.217(1)(c), F.S.
8. Adoption placement services licensed by the Department of Children and Families Health and Rehabilitative Services.

(d)(e) Agencies are delegated the conditional authority to purchase commodities ~~or~~/contractual services (except insurance). The conditions of this delegation are (i) that the agencies comply with the requirements of subsection 287.042(13), F.S.; (ii) that ~~State Purchasing the Division~~ retains the full supervisory authority provided by that subsection; and (iii) that ~~State Purchasing the Division~~ reserves the right to rescind the authority delegated to all agencies by amendment to this rule and reserves the right to rescind the authority delegated to an agency for failure to comply with that subsection. If ~~State Purchasing the Division~~ proposes to rescind an agency's authority, it shall give the agency notice pursuant to Rule 60-4.013(2).

(e)(d) Except for those contracts initially procured pursuant to Section 287.057(3)(a) or (3)(c) F.S., contracts for commodities or contractual services may be renewed for an additional term not to exceed the original contract period unless the original contract period is 24 months or less, in which case the contract may be renewed up to 2 one year periods. Renewal of the contract shall be by mutual agreement in writing and shall be subject to the same terms and conditions set forth in the initial contract. ~~Vendors shall include the cost of any contemplated renewals in bids and proposals and responses to invitations to negotiate. If the commodity or contractual service is purchased as a result of the solicitation of bids or proposals, the cost of any contemplated renewals shall be included in the invitation to bid or request for proposals.~~ Renewals shall be contingent upon satisfactory performance evaluations by the agency.

(3)(a) Legal Advertisements – All purchases of commodities ~~or~~/contractual services in excess of the threshold amount for Category Two shall be advertised in the Florida Administrative Weekly or the Florida Communities Network no less than ten (10) calendar days prior to the bid opening for invitations to bid ~~or~~ (28) calendar days prior to the proposal opening for requests for proposals or invitations to negotiate. ~~This is only a minimal requirement and does not limit frequency, lapse time, or number of newspapers in which the advertisement may appear.~~ If the head of an agency or ~~his or her~~ his/her designee determines that an unusual problem exists, and to delay the bidding to provide an opportunity for advertising would be detrimental to the interest of the agency, then, and in such event, the head of such agency or ~~the~~ his/her designee shall document agency file post the intended decision including with particularity the conditions and circumstances requiring waiver of advertising prior to the opening of the bids ~~or~~/proposals ~~or responses to invitations to negotiate in accordance with the provisions of Section 120.57(3), Florida Statutes, and applicable rule.~~

(b) Advertisement in the Florida Administrative Weekly or Florida Communities Network is not required for the reissuance of an invitation to bid, invitation to negotiate or request for proposals if the agency advertised the original bid,

negotiation or proposal solicitation in the Florida Administrative Weekly or Florida Communities Network and the agency mails notice of the reissuance of the bid, negotiation or proposal solicitation to all vendors that were mailed notice of the original solicitation and to all bidders or offerors that responded to the original solicitation, excluding any vendor that responded with an indication of no interest ~~in bidding or offering.~~

(4) Receipt of No Competitive Sealed Bids or Proposals or Offers to Negotiate Bids/Proposals in the First Invitation to Bid ~~or~~/Request for Proposal ~~or Invitation to Negotiate~~ on Commodities ~~or~~/Contractual Services – When no competitive sealed bids ~~or~~/proposals ~~or offers to negotiate~~ are received for the purchase of a commodity or group of commodities ~~or~~/contractual services in response to the sealed bid ~~or~~/proposal ~~or negotiation~~ solicitation, the agency shall review the situation in order to determine the reasons, if any, why none was ~~no~~ ~~competitive sealed bids/proposals were~~ received before issuing a second invitation to ~~bid/request for proposals~~; provided, however, if the agency determines that commodities ~~or~~/contractual services are available only from a single source, or that conditions and circumstances warrant negotiation on the best terms and conditions ~~in accordance with 60A-1.018(1),~~ the agency's intended decision shall be posted in accordance with Section 120.57(3), Florida Statutes, ~~and applicable rule,~~ before the agency may proceed with procurement. The agency shall document the agency file as to the conditions and circumstances used to determine the decision to proceed without a second call for competition bids. ~~All such actions shall be reported to the division on a quarterly basis.~~

(5) Copy of Invitation To Bid, Invitation to Negotiate or Request for Proposal of Commodities ~~or~~/Contractual Services to be forwarded to the Florida Small Business Development Center Procurement System. Agencies shall comply with Section 288.705, Florida Statutes, and shall upon request, furnish to ~~State Purchasing the Division of Purchasing~~ a copy of any or all invitations to bid, invitations to negotiate or requests for proposals. ~~In addition a copy of all formal solicitations for contractual services and commodities shall be furnished in a timely manner by all State agencies to the Florida Small Business Development Center Procurement System.~~ The agency's providing of copies of invitations to bid, invitations to negotiate or requests for proposals to ~~State Purchasing the Division,~~ or anything else herein, will not relieve the agency of its responsibilities or serve as State Purchasing's the Division's approval of the invitation to bid, invitation to negotiate or request for proposals.

(6) Conditions to be Included in Formal Invitations to Bid, Invitations to Negotiate and Requests for Proposal for Commodities and Contractual Services – All formal invitations to bid issued by an agency shall include the standard "State of Florida Invitation to Bid Bidder Acknowledgment" Form PUR 7028 (Rev. 6-1-98), for commodities, "State of Florida

Invitation to Bid Bidder Acknowledgment Contractual Services", Form PUR 7031 (Rev. 6-1-98) for contractual services ~~available through the Division of Purchasing and~~ which is hereby incorporated by reference and shall contain a statement informing persons of the provisions of paragraph (2)(a) of Section 287.133, Florida Statutes. An invitation to bid must describe the commodities or services and require prices to be stated. If an agency contemplates a renewal of the commodities or contractual service contract, the Invitation to Bid shall so state with sufficient information, including the contract period(s) of renewal, to enable each bidder to bid on the contract including renewal(s), and in such case the contract award shall be made based upon an evaluation of bids for the entire contract period including renewal(s). A formal invitation to bid shall be mailed at least 10 days prior to the date set for submittal of bids ~~unless waived in writing, by the Division.~~ Contracts that limit the liability of a vendor shall be consistent with Section 672.719, F.S. The purchase order or contract shall be awarded with reasonable promptness by written notice to the responsive and responsible qualified bidder who submits the lowest responsive bid. The bid evaluation must be determined in writing to meet the requirements and criteria set forth in the Invitation to Bid.

(b) All invitations to negotiate issued by an agency shall include the standard "State of Florida Invitation to Negotiate Acknowledgment" Form PUR 7105 (Rev 6-1-98) which is hereby incorporated by reference and shall contain a statement informing persons of the provisions of paragraph (2)(a) of Section 287.133, Florida Statutes. Invitations to negotiate shall include a statement of commodities or services sought, contractual terms and conditions applicable and the date and time for submittal of response. If the agency contemplates a renewal of the commodity or contractual services contract, the invitation to negotiate shall so state and shall also provide sufficient information, including the contract period(s) of renewal, to enable each proposer's submittal to cover the entire contract period including renewal(s). To assure full understanding and responsiveness of submittal of response to invitation to negotiate, discussions may be conducted with qualified proposers. Invitation to negotiate shall be mailed at least 10 days prior to the date set for submittal of responses. Contracts that limit the liability of a vendor shall be consistent with Section 672.719, F.S.

~~(c)(b)~~ All formal requests for proposal issued by an agency shall include the standard "State of Florida Request for Proposal Commodities Acknowledgment" Form PUR 7051 (Rev. 6-1-98) or "State of Florida Request for Proposal Contractual Services Acknowledgment" Form PUR 7033 (Rev. 6-1-98) ~~available through the Division of Purchasing and~~ which is hereby incorporated by reference and shall contain a statement informing persons of the provisions of paragraph (2)(a) of Section 287.133, Florida Statutes. Request for proposal shall include a statement of commodities or services sought, all contractual terms and conditions applicable, and the

date and time for submittal of proposals. If the agency contemplates a renewal of the commodity or contractual services agreement, the request for proposal shall so state and shall also provide sufficient information, including the contract period(s) of renewal, to enable each offeror to submit an offer on the contract including renewal(s), and in such case the contract award shall be made based on an evaluation of proposals for the entire contract period including renewal(s). To assure full understanding of and responsiveness to the solicitation requirements, discussions may be conducted with qualified offerors. Notice of Request for Proposal shall be mailed at least 10 days prior to the date set for submittal of proposals. Contracts that limit the liability of a vendor shall be consistent with Section 672.719, F.S.

~~(d)(e)~~ All bid, negotiation or proposal solicitations for contracts which require payment for more than one (1) year and include unequal payment streams or unequal time payment periods shall include a condition stating that the evaluation will use present value methodology with the present value discount rate as supplied by the Department of Management Services upon request, which shall be the rates identified in the Interest Rates: Money and Capital Markets Section published in the Federal Reserve Bulletin for the last published month at the time of issuance of the invitation to bid, invitation to negotiate or request for proposals. If the bid, negotiation or proposal requires the use of present value methodology in the evaluation, the invitation to bid, invitation to negotiate or request for proposals shall state the present value discount rate which will be used in the computations and evaluation.

(7) Request to Withdraw Bid or Negotiation or/ Proposal for Commodities or/ Contractual Services – Requests for withdrawal may be considered if received by the agency, in writing, within 72 hours after the bid or negotiation or proposal opening time and date. Requests received in accordance with this provision may be granted by the agency upon proof of the impossibility to perform based upon an obvious error on the part of the bidder or offeror.

(8) Right to Reject Bids or Negotiations or/ Proposals for Commodities or Contractual Services – The agency shall reserve the right to reject any or all bids or negotiations or/ proposals and such reservation shall be indicated in all advertising and invitations to bid, invitations to negotiate and requests for proposal.

(9) Right to Waive Minor Irregularities for Commodities or Contractual Services – The agency shall reserve the right to waive any minor irregularities in an otherwise valid bid or proposal or offer to negotiate ~~bid/proposal~~. Variations which are not minor cannot be waived.

(10) Bid Modification for Commodities or/ Contractual Services – A bidder or offeror may not modify its bid or proposal after bid or/ proposal opening. Mistakes in an arithmetic extension of pricing may be corrected by the agency.

(11) Bid Borrowing Commodities ~~or~~ Contractual Services – The practice of Bid ~~or~~ proposal or negotiation submittal borrowing (the use of a bid ~~or~~ proposal or submittal received in response to another invitation to bid ~~or~~ request for proposals or invitation to negotiate) does not satisfy the requirement of Section 287.057, F.S., and is prohibited.

(12) Inspection or Examination of Sealed Bids, Responses to Invitations to Negotiate and Proposals for Commodities and Contractual Services – Sealed bids, proposals and negotiation submittals are not public records, subject to the provisions of Section 119.07(1), F.S., until such time as the agency provides notice of a decision or intended decision pursuant to Section 120.57(3)(a), F.S., or within 10 days after bid ~~or negotiation~~ or proposal opening, whichever is earlier. The 10-day period does not include the date of the notice or opening. When the invitation to bid, invitation to negotiate or request for proposal requires the bid, negotiation or proposal to be placed in two separately sealed envelopes to be submitted simultaneously and not opened on the same date, the 10-day period begins the day after the opening of the second envelope. Bid or negotiation or proposal opening shall be public at the date and time and at the place specified in the solicitation. Openings and negotiations shall be conducted in a manner to comply with confidentiality and exemption requirements of Section 815.045, F.S. or other applicable statutes. Pollution response action contracts as provided in Section 287.0595, F.S., are confidential and exempt from the provisions of Section 119.07(1) until selection is made and a contract signed, or until bid negotiations or proposals are no longer under active consideration. This exemption is subject to Section 119.14, F.S. The opening shall be conducted by an employee of the agency and witnessed by at least one other employee of the agency. Bid ~~or negotiation~~ or proposal tabulation sheets shall be completed simultaneously with the public reading of prices whenever appropriate. Upon completion of the tabulation, a copy shall be made accessible for inspection by any interested party.

(13) No change.

(14) Installment Sale and Purchase Contracts – Installment sale and purchase contracts shall be accomplished on the State of Florida Contract for "Installment Sale and Purchase", Form PUR 7057 (Rev. 11-15-86), ~~available through the Division of Purchasing~~ which is hereby incorporated and published by reference and is approved for use by all State agencies. The use of such contracts by State agencies shall be subject in each instance to preaudit review and prior approval of the Comptroller of the State and shall contain the statement, "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature". Refinancing Installment Sale and Purchase contracts are permitted only to take advantage of a lower interest rate than that of the initial transaction or other instances of lower overall cost to the State. Refinancing for a

longer period than the term of the original financing is prohibited. Payment schedules shall provide for either quarterly or semi-annual payment in advance to minimize amount of interest paid. Initial payment may be made on a pro rata basis to accommodate fiscal year funding. Any exception to the provisions of this section requires justification to and prior approval of State Purchasing ~~the Division~~.

(15) No change.

(16) District Bidding – State Purchasing ~~The Division~~ has divided the State into four principal districts, as follows:

(a) Western District, consisting of counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Franklin, Gadsden, Wakulla, Leon, Jefferson, Taylor, Madison, Lafayette, Dixie.

(b) Northern District, consisting of the counties of Gilchrist, Alachua, Union, Bradford, Baker, Nassau, Duval, Clay, Putnam, St. Johns, Flagler, Volusia, Marion, Levy, Hamilton, Suwannee, Columbia.

(c) Central District, consisting of the counties of Citrus, Sumter, Lake, Hernando, Seminole, Orange, Pasco, Pinellas, Hillsborough, Polk, Osceola, Brevard, Indian River, Manatee, Hardee, Highlands, Okeechobee, St. Lucie, Sarasota, DeSoto, Charlotte, Lee.

(d) Southern District, consisting of the counties of Glades, Martin, Hendry, Palm Beach, Collier, Broward, Monroe, Dade. State Purchasing ~~The Division~~ may modify the composition of these districts when deemed necessary for bidding purposes.

Specific Authority 15.18(7), 287.042(4),(13), 287.017 FS. Law Implemented 216.311, 287.012, 287.042(1),(4),(14), 287.057(1),(3),(4), 287.0595, 119.07(3), 287.133, 288.121(5), 288.703, 288.705, 695.25 FS. History—New 5-20-64, Amended 4-4-67, Revised 2-6-68, Amended 2-8-69, Revised 5-20-71, Amended 7-31-75, 10-1-78, Revised 11-14-79, Amended 8-18-80, 2-81, Amended 8-6-81, 10-13-83, 3-1-84, 3-14-84, 11-12-84, 2-28-85, 12-17-85, Formerly 13A-1.02, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.002, Amended 4-24-94, 1-9-95, 1-1-96, 3-21-96, 9-23-96, 7-6-98,_____.

60A-1.006 Vendors and Contractors.

(1) Registration of All Vendors Doing Repetitive Business with the State – All vendors doing business with the State on a repetitive basis for the sale of commodities or contractual services defined in Section 287.012, Florida Statutes, and desiring to register with State Purchasing ~~the Division of Purchasing~~ are required to submit to State Purchasing ~~the Division~~ a properly completed "Vendor Registration Application", Form PUR 7054 (Rev. 8-96) (~~Rev. 9-1-92~~), hereby incorporated by reference. When a firm is registered, a Vendor Registration Number will be issued to the applicant for retention until further notice by State Purchasing ~~the Division~~. The Vendor Number shall thereafter appear on all bid or negotiation or proposal ~~bid/proposal~~ documents submitted to any State agency for identification purposes. The integrity, reliability and qualifications of a bidder or offeror, with regard to the capability in all respects to perform fully the contract requirements, shall be determined by the agency prior to the award of the contract.

(2) ~~State Purchasing Division of Purchasing~~ Authorized to Remove Vendors and Suppliers From Mailing Lists – State Purchasing ~~The Division of Purchasing~~ shall be authorized to remove from the mailing list any vendor or supplier for failure to respond to a procurement solicitation without giving justifiable reasons for such failure or non-conformance to contract conditions. Any unlawful attempt to influence an award shall be a primary justification for removal from the approved vendor list.

(3) Default – Contractors who fail to perform to contract terms and conditions shall be notified, in writing, stating the nature of the failure to perform and providing time certain for correcting the failure (reasonable time should not generally be less than 10 days after receipt of such notice). The notification will also provide that, should it fail to perform within the time provided, the contractor will be found in default and removed from the agency's approved vendor list. Unless the contractor corrects its failure to perform within the time provided, or unless the agency determines on its own investigation that the contractor's failure is legally excusable, the contractor shall be found in default and issued a second notice stating the reasons the contractor is considered in default and stating that the agency will reprocur or has reprocured the commodities or services and the amount of the reprocurement if known. The defaulting contractor will not be eligible for award of a contract by the State until such time as the State is reimbursed by the defaulting contractor for all reprocurement costs. To satisfy State Purchasing ~~the Division~~ that further instances will not occur, the defaulting contractor shall provide a written corrective action plan addressing grounds for default. The defaulting contractor will also be advised of the right to petition for an administrative hearing on the intended decision to remove the contractor from the list pursuant to Section 120.57, F.S., and shall be given a time certain within which to submit the petition. The defaulting contractor shall reimburse the agency for all reprocurement costs and for costs of cover, that is the difference between the cost of substitute commodities or contractual services and the contract price for such commodities or contractual services. Reprocurement of substitute commodities or contractual services may be accomplished by first attempting to contract with the second lowest bidder under the Invitation to Bid or second ranked offeror under an Invitation to Negotiate ~~or~~ the offeror of the second best proposal under the Request for Proposal. If the agency fails to contract with the second lowest bidder/offeror of second best proposal it may attempt to contract with the next lowest bidder/offeror of the next best proposal sequentially, until a bidder willing to perform at acceptable pricing under the bid or proposal conditions is found. An agency may elect to rebid or to purchase on the open market, as may be in the best interest of the State. Until such time as it reimburses the agency for all reprocurement and cover costs and State Purchasing ~~the Division~~ is satisfied that further instances of default will not occur, the defaulting contractor shall not be reinstated on the

vendor list and not be eligible for award of a contract by the State. All correspondence to contractors respecting failure to perform shall be sent Certified U.S. Mail, Return Receipt Requested. The foregoing provisions do not limit, waive or exclude the State's remedies against the defaulting contractor at law or in equity.

(4) A copy of all agency default actions shall be provided to State Purchasing ~~the Division of Purchasing~~. Any source of supply which fails to fulfill any of its duties specified in a contract may result in State Purchasing ~~the Division~~ removing such contractor from the mailing list and directing all agencies to cease doing business with those firms until the contractor reimburses all reprocurement ~~and cover~~ costs and provides State Purchasing ~~the Division~~ with sufficient corrective action so as to satisfy State Purchasing ~~the Division~~ that further instances of default will not occur. The foregoing provisions do not limit, waive or exclude the State's remedies against the defaulting contractor at law or in equity.

(5) Convicted Vendor List – State Purchasing ~~The Division of Purchasing~~ shall maintain a convicted vendor list, consisting of the names and addresses of those who have been disqualified from the public contracting and purchasing process under Section 287.133, F.S. State Purchasing ~~The Division~~ shall publish an initial list on January 1, 1990, and shall publish an updated version of the list quarterly thereafter. The initial list and revised quarterly lists shall be published in the Florida Administrative Weekly or the Florida Communities Network. If good cause exists, State Purchasing ~~the Division~~ shall notify the person or affiliate in writing of its intent to place the name of that person or affiliate on the convicted vendor list, and of the person's or affiliate's right to a hearing, the procedure that must be followed, and the applicable time requirements. No person or affiliate may be placed on the convicted vendor list without receiving an individual notice of intent from State Purchasing ~~the Division~~. Section 287.133, F.S., does not apply to any activities regulated by the Florida Public Service Commission or to the purchase of goods or services made by any public entity from the other government agencies, from the nonprofit corporation organized under Chapter 946, F.S., or from any accredited nonprofit workshop certified under Sections 413.032-413.037, F.S.

Specific Authority 287.042, 120.57(3)(d) FS. Law Implemented 287.042, 287.017, 287.133, 120.57(3) FS. History–New 5-20-64, Revised 2-6-68, 5-20-71, Amended 7-31-75, 10-1-78, 12-11-79, 2-26-80, 8-6-81, 10-11-81, 11-10-81, 2-11-82, 8-10-82, 10-13-83, 11-12-84, 12-17-85, Formerly 13A-1.06, Amended 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.006, Amended 4-24-94, 1-9-95, 7-6-98, _____.

60A-1.007 Standards and Specifications.

(1) Duties – It shall be the duty of State Purchasing ~~the Division of Purchasing~~ to formulate, adopt, establish or and/or modify standards and specifications applying to all State purchases of commodities or contractual services, except for standards and specifications applicable to commodities purchased by agencies under authority delegated pursuant to

Rule 60A-1.002(2)(e), F.A.C. ~~State Purchasing The Division~~ may rescind the delegated authority at any time, including the delegation for preparation of standards and specifications for commodities.

(2) Receipt and Inspection of Goods shall be in accordance with the latest revision of the Standards Guide revised October 15, 1996, published by ~~State Purchasing the Division of Purchasing~~. That publication is incorporated into this section, by reference, as rules of the department. Copies may be obtained from the division at room 335.01, 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

(3) No change.

(4) ~~State Purchasing The Division of Purchasing~~ may assist agencies in the writing of standards and specifications for invitations to bid or requests for proposals. Agencies shall incorporate changes to the standards and specifications recommended by ~~State Purchasing the Division~~.

Specific Authority 287.042(13) FS. Law Implemented 287.001, 287.042(2),(6),(7),(8),(11), 287.045(5) FS. History—New 2-6-68, Revised 5-20-71. Amended 7-31-75, 10-1-78, 8-6-81, 10-13-83, Formerly 13A-1.07, Amended 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.007, Amended 1-1-96, 7-6-98,_____.

60A-1.008 Term Contracts and Price Agreements.

(1) Agencies to Furnish Tabulated Estimates of All Supplies, Materials, Equipment, Services Needed – All agencies shall furnish to ~~State Purchasing the Division of Purchasing~~ when requested and on forms provided by ~~State Purchasing the Division~~, tabulated estimates of all supplies, materials, equipment, and services needed and required by the agencies for such periods in advance as may be designated by ~~State Purchasing, the Division of Purchasing~~.

(2)(a) Bid Conditions, Evaluations, and Award of State Term Contracts and Price Agreements – All State term contract bid solicitations established by ~~State Purchasing the Division~~ will include the standard "State of Florida Invitation to Bid/ State Term Contract Bidder Acknowledgment", Form PUR 7027, (Rev. 6-1-98), incorporated herein by reference. All State term contract negotiations will include the standard "State of Florida Invitation to Negotiate Acknowledgment" Form PUR 7105 (effective 6-1-98), incorporated herein by reference. All agency term contract bid solicitations will include "State of Florida Invitation to Bid/ Agency Term Contract Bidder Acknowledgment Form", PUR 7050, (Rev. 6-1-98), or "State of Florida Invitation to Bid Contractual Services Bidder Acknowledgment", Form PUR 7031 (Rev. 6-1-98), ~~as indicated both available through the Division of Purchasing~~ which are hereby incorporated by reference, and shall contain a statement informing persons of the provisions of paragraph (2)(a), of Section 287.133, Florida Statutes. All State contract requests for proposals will include either the standard "State of Florida Request for Proposal Commodities Acknowledgment", Form PUR 7051 (Rev. 6-1-98), or "State of Florida Request for Proposal Contractual Services Acknowledgment", Form PUR 7033 (Rev. 6-1-98), and which are hereby incorporated by

reference, and shall contain a statement informing persons of the provisions of paragraph(2)(a), of Section 287.133, Florida Statutes. ~~State Purchasing The Division~~ will analyze the price history, market trends and available governmental guidelines to establish an acceptable pricing level. If the lowest responsive bid, negotiation or proposal exceeds the determined acceptable pricing level, then ~~State Purchasing the Division~~ shall accept or reject any and all valid bids, negotiations or proposals based on a comparison of prices with current market pricing, consequences of varying the length of the contract term, or other variables favorable to lower pricing, and the impact of not contracting until more favorable market conditions exist, thereby assuring that such decision is clearly in the best interest of the State. Awards may be made to one or more contractors on a Statewide or regional basis.

(b) State Negotiated Agreement Price Schedule (SNAPS) – ~~State Purchasing The Division~~ may establish price schedules for the purchase of commodities or services through negotiation with one or more suppliers for a term not to exceed one (1) year with option to renew. Annual total purchases from any one supplier by a purchasing office must be less than the Threshold for Category ~~Four~~ Five. Use of SNAPS agreements price schedules is ~~are~~ not mandatory. A vendor desiring to obtain a SNAPS agreement shall submit a "State Negotiated Agreement Price Schedule" Form PUR 7061 (Rev. 4/96), incorporated herein by reference.

(3)(a) Sources of Supply to be Certified to the Agencies – After sources of supply have been established by contract or price agreement for commodities ~~or~~ contractual services, they shall be certified to the agencies which shall issue purchase orders for all supplies, contractual services, materials, and equipment required by them from the sources of supply so certified. ~~One copy of the purchase order, only when requested shall be forwarded to the Division of Purchasing.~~ It shall be unlawful to purchase any supplies, contractual services, materials or equipment on term contract from sources other than those certified on term contracts by ~~State Purchasing the Division of Purchasing~~.

(b) ~~Alternate~~ Optional Sources of Supplies and Contractual Services – Contracts established by other governmental entities which have been determined and certified by ~~State Purchasing the Division of Purchasing~~ to be cost effective may be considered for use by agencies.

(4) Exceptions

(a) ~~Authority to P~~urchase of commodities or contractual services from other than the term contract contractor shall be documented by the agency requested by the agency from the Division of Purchasing using "Exceptional Purchase Request" Form PUR 7006 (Rev. 6-1-98), hereby incorporated by reference. The agency shall determine describe the conditions and circumstances justifying the purchase. ~~Upon receipt of justification, the Division shall respond, in writing, and approve or disapprove the request for exception.~~ The Division

~~purchase is justified if the agency determines shall determine whether the agency has prescribed justification showing that the contract item cannot meet an agency need because of one of these utilizing factors: such as critical delivery schedules, the need for compatibility with existing equipment, non-availability of service, and applications of unique technical requirements, product quality, or specifications that differ from those of the contract commodities or services. Notices of exceptions for purchases which meet or exceed the threshold amount for Category Two shall be posted. For example, an existing microcomputer, not on contract, utilizing formatted floppy discs (diskettes) with a need for expansion which requires the same media and software would be sufficient justification for a contract exception. All approved exceptions for acquisitions exceeding the threshold amount for Category Two are subject to provisions of Rule 60A-1.002, F.A.C.~~

~~(b) The Division of Purchasing, within 10 working days upon receipt of an exception request shall either request additional information or approve or deny the request to acquire a commodity not on contract, stating with particularity its reasons for granting or denying the request. The Division of Purchasing shall maintain a separate record of its decisions regarding exception requests. The Division of Purchasing's decision on an exception request shall be delivered to the requesting agency and to vendors who request copies thereof.~~

~~(c) Upon written request by an agency head, the Division shall delegate authority to make purchases for less than the threshold amount for Category One for commodities or contractual services from sources other than state term contracts. Each delegation will specify the particular conditions and requirements for such purchases. If an agency does not participate in the automated State Purchasing System, it shall report to State Purchasing on a quarterly basis on form PUR 7006 (Rev. 6-1-98) its activity in this area, including notice if there were no exceptions.~~

~~(5) Agency Contracts – When there is a State Term Contract in effect an agency shall not issue invitations to bid or requests for proposals for an agency term contract for commodities, or enter into an agency term contract for commodities, without requesting and receiving the prior approval of State Purchasing the Division of Purchasing.~~

~~(a) A copy of all agency term contracts for commodities when requested shall be forwarded to State Purchasing the Division of Purchasing upon execution.~~

Specific Authority 287.042 FS. Law Implemented 287.001, 287.042, 287.057, 287.017, 287.133, 695.25, 287.1345 FS. History–New 2-6-68, Amended 2-8-69, Revised 5-20-71, Amended 7-31-75, 10-1-78, 5-17-79, 8-6-81, 10-12-81, 6-7-82, 11-4-82, 10-13-83, 11-12-84, 12-17-85, Formerly 13A-1.08, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.008, Amended 8-24-93, 4-24-94, 1-9-95, 1-1-96, 9-23-96, 7-6-98, _____.

60A-1.009 Emergency Purchases of Commodities or Contractual Services.

(1) Statement Under Oath – Section 287.057(3)(a), F.S., requires that the agency head shall file with State Purchasing the Division of Purchasing a statement under oath certifying the conditions and circumstances requiring an emergency purchase of commodities or contractual services in excess of the threshold amount for Category Two. However, such emergency purchase shall be made with such competition as is practicable under the circumstances. Statement shall be submitted, using “Exceptional Purchase Request” Form PUR 7006 (Rev. 6-1-98) hereby incorporated by reference, within thirty (30) days after date of issuance of purchase order or contract and shall include complete details surrounding the event(s) meeting the criteria as defined in Section 287.057(3)(a), F.S., which created the emergency. A copy of the purchase order or contract shall accompany the statements.

(2) Responsibilities – State Purchasing The Division of Purchasing will not approve any purchase under this regulation as the burden of proof rests with the certifying officer; however, all statements will be reviewed by State Purchasing the Division of Purchasing, and should there be any reasonable doubt that an emergency did exist, an opinion will be filed with the Auditor General with a copy to the agency.

Specific Authority 287.042(13) FS. Law Implemented 287.001, 287.057(3)(a) FS. History–New 2-6-68, Revised 5-20-71, Amended 7-31-75, 10-1-78, 8-6-81, 11-12-84, 12-17-85, Formerly 13A-1.09, Amended 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.009, Amended 1-9-95, 7-6-98, _____.

60A-1.010 Single Source Purchases of Commodities or Contractual Services.

(1) Authorization of Single Source Purchases – If an agency determines that a commodity or contractual service is available from a single source and total cost is in excess of the threshold for Category Two, but not in excess of the threshold for Category Four, the agency shall document the circumstances and conditions of the determination and post for 72 hours the intended agency action in accordance with the provisions of Section 120.57(3), F.S. This information shall be maintained in the agency file. Purchases in excess of the threshold for Category Four of commodities or contractual services from a single source may be excepted from bid requirements by State Purchasing the Division of Purchasing, in writing, upon the filing of a certification, using “Exceptional Purchase Request” Form PUR 7006 (Rev. 6-1-98) hereby incorporated by reference, by the agency head stating the conditions and circumstances requiring the purchase meeting the provisions as defined in Section 287.053(7)(c), F.S. and Rule 60A-1.002(4), F.A.C. This certification shall set forth the purpose and need, and why the commodity or contractual service is the only one that will produce the desired results. State Purchasing's The Division's intended decision shall be posted in accordance with the provisions of Section 120.57(3), Florida Statutes, within 21 days after receipt or within 14 days after receipt of additional materials, if requested. Failure of

State Purchasing the Division to approve or disapprove the request promptly after expiration of the time periods provided for protests by the statute or within the 21 day period (as extended by the 14 day period), whichever is later, shall constitute prior approval unless a protest is filed. If a protest is filed, the running of the 21 day and 14 day periods ~~is are~~ stopped until the protest is resolved by final agency action, subject to the provisions of Section 120.57(3), F.S.

(2) Annual Certification of Purchases – State Purchasing The Division may, in writing, approve annual certifications for those commodities/contractual services purchased on a regular or continuing basis and which have been proven to be available from a single source.

(3) When an agency solicits bids for a commodity ~~or/~~ contractual service and receives no competitive sealed bid ~~or/~~ proposal, the agency should not request authorization of a single source purchase of the commodity ~~or/~~ contractual service until after the lapse of time during which protests arising from the contract bidding process can be filed, or until after resolution of any protest, whichever is later. When State the Division of Purchasing authorizes a single source purchase of a commodity ~~or/~~ contractual service that was the subject of an invitation to bid or request for proposals, its authorization is conditional upon the agency's compliance with all purchasing laws and rules.

Specific Authority 287.042(13) FS. Law Implemented 287.001, 287.057(3)(c) FS. History–New 2-6-68, Revised 5-20-71, Amended 2-81, 8-6-81, 2-28-85, 12-17-85, Formerly 13A-1.10, Amended 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.010, Amended 1-9-95, 1-1-96, 9-23-96, 7-6-98,_____.

60A-1.015 Insurance.

(1) Insurance shall be purchased for all agencies by State Purchasing the Division whenever any part of the premium is paid by the State with the exception of title insurance for land acquisition, the State Group Health, and Life Programs, administered by the Department of Administration and Self-Insurance Trust Fund administered by the Department of Insurance, Division of Risk Management. Agencies may make emergency purchases of insurance pursuant to Section 287.057(3)(a), F.S. All invitations to bid for the purchase of insurance coverage shall include the standard "State of Florida Invitation to Bid Insurance Coverage" Form PUR 7109 (Rev. 6-1-98), which is incorporated herein by reference. Requests for the purchase, renewal or endorsement of insurance and bonds shall be initiated in writing by authorized personnel of the requesting agency and submitted to State Purchasing the Division of Purchasing. No agency shall contact the agent of record representing the insurance carrier with the exception of reporting a claim.

(2) No change.

(3) Invoices will be forwarded by State Purchasing the Division to the Department of Insurance for the initial rate approval. The Department of Insurance will transmit the invoice and rate approval to the State agency for payment. All

renewals and endorsements with the same rate as previously approved by the Department of Insurance will be transmitted to the State agency by State Purchasing the Division. Covered agencies shall submit all premium payments directly to the agent of record representing the insurance carrier. Payments are to be made in accordance with Section 215.422, F.S.

Specific Authority 287.042 FS. Law Implemented 287.022 FS. History–New 8-6-81, Amended 11-4-82, Formerly 13A-1.15, Amended 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.015, Amended 8-24-93, 1-9-95, 7-6-98,_____.

60A-1.016 Contract Requirements for Contractual Services.

Contract Terms – A written agreement in excess of the threshold amount of Category Two shall be signed by the agency head and the contractor prior to the rendering of the contractual services, except in the case of a valid emergency as certified by the agency head. If the agency chooses to procure contractual services by purchase order in lieu of a written agreement, then the purchase order shall be signed by the authorized purchasing or contracting personnel. When there is no emergency and the agency fails to have the written agreement signed as required prior to rendering of the service, the agency head, no later than 30 days after contractor begins rendering the service, shall certify the conditions and circumstances as well as action taken to prevent reoccurrence, to State Purchasing the Division using "Exceptional Purchase Request" Form PUR 7006 (Rev. 6-1-98).

Specific Authority 287.032, 287.042 FS. Law Implemented 287.042, 287.057, 287.058, 287.017, 287.133 FS. History–New 8-6-81, Amended 11-4-82, 2-13-83, 5-26-83, 10-13-83, 5-10-84, 11-12-84, 12-17-85, Formerly 13A-1.16, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.016, Amended 4-24-94, 1-9-95, 1-1-96, 3-24-96, 7-6-98,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE CHAPTER TITLE: RULE NO.:

Continuing Education for Architects 61G1-24

PURPOSE AND EFFECT: The Board proposes to review the rules within this rule chapter to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing education for architects; continuing education approval of subjects and providers; definition of a complete application.

SPECIFIC AUTHORITY: 481.215, 481.2055 FS.

LAW IMPLEMENTED: 455.271(6), 481.215, 481.217 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: 11:00 a.m., or shortly thereafter on August 4, 1999

PLACE: The Registry Resort, 475 Seagate Drive, Naples, Florida 34103

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dee O’Conner, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Probable Cause Panel

RULE NO.: 61G4-12.010

PURPOSE AND EFFECT: Rule 61G4-12.010 is being amended to add new subsection (8) in order to delegate to the Department of Business and Professional Regulation the determination of probable cause in cases of unsatisfied judgments.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Panel.

SPECIFIC AUTHORITY: 455.225 FS.

LAW IMPLEMENTED: 455.225(3),(4) FS.

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

TIME AND DATE: 9:00 a.m., August 12, 1999

PLACE: Sheraton World Resort, 10100 International Drive, Orlando, Florida 32821

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:

61G4-12.010 Probable Cause Panel.

(1) through (7) No change.

(8) Notwithstanding the provisions of subparagraphs (1) and (7) above, the Board hereby delegates to the Department the determination of probable cause when the only charge that otherwise would go before the probable cause panel is that of failure to satisfy a judgment pursuant to Section 489.129(1)(q), F.S. (1998 Supp.) Should the Department’s investigation support charges in addition to the failure to satisfy a judgment

pursuant to Section 489.129(1)(q), F.S. (1998 Supp.), the case shall be presented to the probable cause panel for a determination of probable cause.

Specific Authority 455.225 FS. Law Implemented 455.225(3), ~~(4)~~ FS. History—New 10-18-79, Formerly 21E-1.41, Amended 1-6-80, 5-11-80, Formerly 21E-12.10, Amended 4-12-88, 12-21-92, Formerly 21E-12.010, Amended 11-25-97, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Continuing Education Requirements for Certificateholders and Registrants

RULE NO.: 61G4-18.001

PURPOSE AND EFFECT: The proposed amendment shall grant a maximum of four hours of continuing education credit to any licensee who serves as a member of a technical advisory committee to the Florida Building Code Commission

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 455.213(7), 489.108 FS.

LAW IMPLEMENTED: 489.105(14), 489.115, 489.116 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., August 12, 1999

PLACE: Sheraton World Resort, 10100 International Drive, Orlando, Florida 32821

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:

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants.

(1) through (3) No change.

(4) The Board shall grant a maximum of four (4) hours of continuing education credit, on an hour for hour basis, to any licensee who participates as member of any technical advisory committee to the Florida Building Code Commission within the Department of Community Affairs.

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

Specific Authority 455.213(7), 489.108 FS. Law Implemented 489.105(14), 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, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE CHAPTER TITLE: Internal Organization and Operation
RULE CHAPTER NO.: 61J1-1

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board proposes to review and consider possible revisions to the rules in Chapter 61J1-1, pursuant to 120.536(2)(b), F.S. (1999) and 120.74, F.S. (1997).

SUBJECT AREA TO BE ADDRESSED: Membership; Chairperson; Minutes; Internal; Principal Office; Board Member Compensation; Authorized Signatures on Final Orders; Probable Cause Panel; and Designation of Official Reporter.

SPECIFIC AUTHORITY: 120.53, 455.207, 455.225, 475.614 FS.

LAW IMPLEMENTED: 120.52, 120.53, 120.53(4), 120.569, 455.205, 455.207, 455.207(3), 455.225, 475.613 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: As soon after the regular meeting of the Board adjourns on August 3, 1999. The regular meeting begins at 9:00 a.m., August 3, 1999

PLACE: Office of Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE CHAPTER TITLE: Registration Details and Fee Structure
RULE CHAPTER NO.: 61J1-2

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board proposes to review and consider possible revisions to the rules in Chapter 61J1-2, pursuant to 120.536(2)(b), F.S. (1999) and 120.74, F.S. (1997).

SUBJECT AREA TO BE ADDRESSED: Fees; Renewal Period; Inactive Renewal; Exemption of Spouses of Members of Armed Forces from Renewal Provisions; Inactive Registration; and Refund of Applicant License Fees.

SPECIFIC AUTHORITY: 455.02, 475.614, 475.619 FS.

LAW IMPLEMENTED: 215.34, 215.405, 455.02, 455.217, 455.2281, 475.613(2), 475.6147, 475.615, 475.618, 475.619, 475.630 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: As soon after the regular meeting of the Board adjourns on August 3, 1999. The regular meeting begins at 9:00 a.m., August 3, 1999

PLACE: Office of Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE CHAPTER TITLE: Application Requirements
RULE CHAPTER NO.: 61J1-3

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board proposes to review and consider possible revisions to the rules in Chapter 61J1-3, pursuant to 120.536(2)(b), F.S. (1999) and 120.74, F.S. (1997).

SUBJECT AREA TO BE ADDRESSED: Application by Individuals; Where to Apply; and Notice of Denial.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 120.57, 120.60, 475.613, 475.615, 475.617, 475.624 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: As soon after the regular meeting of the Board adjourns on August 3, 1999. The regular meeting begins at 9:00 a.m., August 3, 1999

PLACE: Office of Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE CHAPTER TITLE: Minimum Educational Requirements RULE CHAPTER NO.: 61J1-4

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board proposes to review and consider possible revisions to the rules in Chapter 61J1-4, pursuant to 120.536(2)(b), F.S. (1999) and 120.74, F.S. (1997).

SUBJECT AREA TO BE ADDRESSED: Education Requirements; Equivalency Education; Continuing Education; Application for Courses; Notice of Satisfactory Course Completion; Correspondence Courses for Hardship Cases; Renewal of Inactive Registrations, Licenses and Certifications; and Continuing Education for School Instructors.

SPECIFIC AUTHORITY: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.615(2), 475.617, 475.618, 475.619 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: As soon after the regular meeting of the Board adjourns on August 3, 1999. The regular meeting begins at 9:00 a.m., August 3, 1999

PLACE: Office of Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE CHAPTER TITLE: Examination Details RULE CHAPTER NO.: 61J1-5

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board proposes to review and consider possible revisions to the rules in Chapter 61J1-5, pursuant to 120.536(2)(b), F.S. (1999) and 120.74, F.S. (1997).

SUBJECT AREA TO BE ADDRESSED: Appraisal Examination Areas of Competency.

SPECIFIC AUTHORITY: 455.217, 475.614 FS.

LAW IMPLEMENTED: 455.217, 475.616 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: As soon after the regular meeting of the Board adjourns on August 3, 1999. The regular meeting begins at 9:00 a.m., August 3, 1999

PLACE: Office of Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE CHAPTER TITLE: Experience Requirements RULE CHAPTER NO.: 61J1-6

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board proposes to review and consider possible revisions to the rules in Chapter 61J1-6, pursuant to 120.536(2)(b), F.S. (1999) and 120.74, F.S. (1997).

SUBJECT AREA TO BE ADDRESSED: Experience Requirement.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.617 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: As soon after the regular meeting of the Board adjourns on August 3, 1999. The regular meeting begins at 9:00 a.m., August 3, 1999

PLACE: Office of Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE CHAPTER TITLE: Operation and Business
RULE CHAPTER NO.: 61J1-7

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board proposes to review and consider possible revisions to the rules in Chapter 61J1-7, pursuant to 120.536(2)(b), F.S. (1999) and 120.74, F.S. (1997).

SUBJECT AREA TO BE ADDRESSED: Display and Disclosure of Registration, License or Certification Designation; Advertising; Office; Temporary Practice; Signatures on Appraisal Report; Employment of Registered Appraisers; Mailing Address; Use of Association Names; and Registered Appraisers.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 455.275, 475.611(1)(l), 475.613(2), 475.622, 475.623, 475.624(2),(3), 475.630 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: As soon after the regular meeting of the Board adjourns on August 3, 1999. The regular meeting begins at 9:00 a.m., August 3, 1999

PLACE: Office of Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE CHAPTER TITLE: Disciplinary Guideline
RULE CHAPTER NO.: 61J1-8

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board proposes to review and consider possible revisions to the rules in Chapter 61J1-8, pursuant to 120.536(2)(b), F.S. (1999) and 120.74, F.S. (1997).

SUBJECT AREA TO BE ADDRESSED: Citation Authority; Disciplinary Guidelines; Notice of Noncompliance; Mediation; Revocation; and Time for Payment of Administrative Fines and Costs.

SPECIFIC AUTHORITY: 455.2235, 455.227, 455.227(3), 455.2273, 475.614 FS.

LAW IMPLEMENTED: 120.695, 455.2235, 455.224, 455.225(3), 455.227, 455.227(3), 455.275, 475.622, 475.624, 475.626 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: As soon after the regular meeting of the Board adjourns on August 3, 1999. The regular meeting begins at 9:00 a.m., August 3, 1999

PLACE: Office of Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Citations
RULE NO.: 64B4-5.007

PURPOSE AND EFFECT: The purpose is to amend this rule by adding an additional offense for which a citation may be issued and the appropriate penalty to be charged.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 455.617, 491.004(5) FS.

LAW IMPLEMENTED: 455.617, 455.621 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-5.007 Citations.

(1) through (2) No change.

(3) The Board hereby designates as offenses for citations and the appropriate penalties the following:

(a) through (c) No change.

(d) violation of Rule 64B4-6.001(2)(a) - \$500.

Specific Authority 455.617, 491.004(5) FS. Law Implemented 455.617, 455.621 FS. History-New 1-7-92, Formerly 21CC-5.007, 61F4-5.007, 59P-5.007, Amended 12-11-97, 2-9-99.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

Table with 2 columns: RULE TITLES and RULE NOS.: Definitions 4-150.003, Definitions 4-150.103, Definitions 4-150.203

PURPOSE AND EFFECT: The proposed amendment makes it clear that the standards in the definition of "invitation to inquire" are part of the definition and that failure to meet those standards does not constitute a violation. The result of failure to meet the definition of an invitation to inquire is to fall within the catchall definition of "invitation to contract" and thus subject to more stringent disclosure requirements imposed on ads which meet the definition of "invitation to contract".

SUMMARY: This amendment adds language to explicitly state, "If an advertisement which would otherwise be considered an invitation to inquire does refer to cost, it shall be considered an invitation to contract pursuant to this rule chapter".

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC 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: 624.308(l), 626.9611, 627.805, 627.6699(12) FS.

LAW IMPLEMENTED: 624.307(l), 626.9541(l)(a),(b),(e),(g),(k),(1), 626.9641(l), 626.99, 627.460, 627.6699(9)(d)4. FS.

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

TIME AND DATE: 9:30 a.m., August 17, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Pace, Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5224

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

4-150.003 Definitions.

For the purpose of these rules, the terms below are defined as follows:

(1) through (10) No change.

(11) No change.

(b) An invitation to inquire shall not:

1. Employ devices that are designed to create undue anxiety;

2. Exaggerate the value of the benefits available under the marketed health benefit plan;

3. Refer to premium cost. If an advertisement which would otherwise be considered an invitation to inquire does refer to cost, it shall be considered an invitation to contract pursuant to this rule chapter; or

4. Otherwise violate these rules or the Insurance Code.

Specific Authority 624.308(l), 626.9611 FS. Law Implemented 624.307(l), 626.9541(1)(a),(b),(e),(k),(1), 626.9641(1) FS. History-Revised 1-19-73, Repromulgated 12-24-74, Formerly 4-6.03, Amended 6-13-88, Formerly 4-6.003, Amended.

4-150.103 Definitions.

For the purpose of these rules, the terms below are defined as follows:

(1) through (9) No change.

(10)(a) No change.

(b) An invitation to inquire shall not:

1. Employ devices that are designed to create undue anxiety;

2. Exaggerate the value of the benefits available under the advertised policy;

3. Refer to premium cost. If an advertisement which would otherwise be considered an invitation to inquire does refer to cost or rates, it shall be considered an invitation to contract pursuant to this rule chapter; or

4. Otherwise violate these rules or the Insurance Code.

(11) through (14) No change.

Specific Authority 624.308(l), 626.9611, 627.805 FS. Law Implemented 624.307(1), 626.9541(1)(a),(b),(e),(g),(k),(l), 626.9641(1), 626.99, 627.460 FS. History-New 9-1-73, Formerly 4-35.03, Amended 6-12-88, 2-26-92, Formerly 4-35.003, Amended 5-27-96.

4-150.203 Definitions.

For the purpose of these rules, the terms below are defined as follows:

- (1) through (8) No change.
- (9)(a) No change.
- (b) An invitation to inquire shall not:
 1. Employ devices that are designed to create undue anxiety;
 2. Exaggerate the value of the benefits available under the marketed health benefit plan;
 3. Refer to premium cost. If an advertisement which would otherwise be considered an invitation to inquire does refer to cost or rates, it shall be considered an invitation to contract pursuant to this rule chapter; or
 4. Otherwise violate these rules or the Insurance Code.
- (10) through (13) No change.

Specific Authority 624.308, 626.9611, 627.6699(12) FS. Law Implemented 624.307(1), 626.9541(1)(a),(b),(e),(k),(l), 626.9641(1), 627.6699(9)(d)4. FS. History--New 2-25-93, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Pace, Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Bracher, Chief, Bureau of Life and Health Forms and Rates, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23,1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to access a requirement for transporting/hauling Animal Carcasses Refuse; establish guidelines and fees associated with permits process and activities; establish penalties for violation.

SUMMARY: This rule proposes a permitting guidelines requirements, fees and penalties as required by section 585.002(5), F.S. as it relates to 585.145(2), F.S.

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

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

SPECIFIC AUTHORITY: 585.002(4)(5), 585.145(2) FS.

LAW IMPLEMENTED: Chapter 94-339, Laws of Florida., 585.002(5), 585.145(2), 828.29(3)(b) FS.

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

TIME AND DATE: 11:00 a.m., July 30, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jay S. Levenstein, Chief, Division of Animal Industry, 407 S. Calhoun Street, Room 329, Tallahassee, Florida 32399-0800, (850)488-7182, Fax (850)487-3641

THE FULL TEXT OF THE PROPOSED RULES IS:

5C-23.001 Definitions.

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

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

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

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

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

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

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

5C-23.002 Application for Permit; Fees.

(1) No person shall engage in the business of transporting or hauling any dead, dying, disabled, or diseased animal; any product of an animal that died other than by slaughter; or any inedible animal product not meant for human consumption without having first applied for, and obtained from the department, a permit unless they are permitted to transport or haul livestock pursuant to Section 574.083, F.S. and are transporting animals that have died or become disabled during shipment.

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

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

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

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

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

5C-23.003 Vehicle and Container Requirements.

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

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

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

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

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Jay S. Levenstein, Chief, Bureau of Animal Disease Control, Division of Animal Industry, 407 S. Calhoun Street, Room 329, Tallahassee, Florida 32399-0800; (850)488-7182; FAX: 487-3641

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Leroy M. Coffman, D.V.M., Director, Division of Animal Industry, 407 S. Calhoun Street, Room 330, Tallahassee, Florida 32399-0800; (850)488-7747; FAX 922-8969

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 1999

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

RULE CHAPTER TITLE: Florida Agricultural Museum
Permanent Collections and Archives Administration

RULE CHAPTER NO.: 5H-24

RULE TITLES: Definitions
Acquisition Procedures
Accessioning Procedures
Inventory of Department and Museum-Owned Artifacts
Loan of Department and Museum-Owned Artifacts
Deaccession and Disposal of Department and Museum-Owned Artifacts
Use of Museum Records
Forms and Instructions

RULE NOS.: 5H-24.001
5H-24.002
5H-24.003
5H-24.004
5H-24.005
5H-24.006
5H-24.007
5H-24.008

PURPOSE AND EFFECT: The purpose of the proposed rule is to provide procedures which protect the Florida Agricultural Museum's permanent artifact collections and records. The effect of this rule will be to establish procedures for the care of the Florida Agricultural Museum's permanent artifact collection, library and records.

SUMMARY: Permanent Artifact and Records Collections of the Museum.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 570.903(8) FS.

LAW IMPLEMENTED: 570.903(8) FS.

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

TIME AND DATE: 10:00 a.m., August 17, 1999

PLACE: Florida Agricultural Museum, 1850 Princess Place Road, Palm Coast, Florida 32137, (904)446-7630

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Richard Gunnels, Florida Department of Agriculture and Consumer Services, Lower Level 28, The Capitol, Tallahassee, Florida 32399-0800

THE FULL TEXT OF THE PROPOSED RULES IS:

PERMANENT COLLECTIONS

CHAPTER 5H-24

ADMINISTRATION OF PERMANENT COLLECTIONS

5H-24.001 Definitions.

The following words and terms shall have the following meanings:

(1) "Accession" means the process of formally adding a newly-acquired artifact to the Museum's permanent collections records and assigning it a unique number

(2) "Acquire" means the process of agreeing to accept an artifact for the permanent collections of the Museum and taking possession of the artifact by any lawful method, including but not limited to donation, bequest, purchase, transfer from another agency, staff field collection, exchange, archaeological excavation of Department or Museum-owned lands.

(3) "Agency" means any state, county, or municipal officer, department, division, museum, board, bureau, commission, or other separate unit of government created or established by law.

(4) "Artifact" means an object or group of objects of intrinsic historical, architectural, archaeological, or folk cultural value relating to the history, government, or culture of the Department of Florida.

(5) "Deaccession" means the process of formally removing a Department or Museum-owned artifact from the Museum's permanent collection records.

(6) "Disposal" means the process of permanently removing a Department or Museum-owned artifact from the Museum's permanent collections by one of the following means:

(a) Transferring title to another agency, institution, organization, or individual, and moving the artifact to the premise of that agency, institution, organization, or individual; or

(b) Properly discarding or destroying the artifact, if it has deteriorated or has been damaged beyond usefulness or repair.

(7) "Museum" means the Florida Agricultural Museum.

(8) "Department" means the Florida Department of Agriculture and Consumer Services.

(9) "Hazardous" means any material that is regulated by the Florida Department of Environmental Regulation.

(10) "Department or Museum-owned artifact" means an artifact in the permanent collections of the Museum that is owned by the Department or owned by the Florida Agricultural Museum, with title vested in the Department or the Museum.

(11) "Records" means manuscripts, photographs, books, papers, films, magnetic tapes, video tapes, and other magnetic media in the permanent collections of the Museum that is owned by the Department or owned by the Florida Agricultural Museum, with title vested in the Department or the Museum.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History--New _____.

5H-24.002 Acquisition Procedures.

(1) The Museum evaluates artifacts and determines whether they should be accepted into the Museum's permanent collections.

(a) The process of evaluating each artifact is recorded on an Evaluation Log, herein incorporated by reference.

(b) When the Museum accepts custody of an artifact from a prospective donor or vendor, an Examination Receipt, -herein incorporated by reference, is completed.

(c) Evaluation of artifacts is based on the following criteria:

1. All acquisitions must have intrinsic historical, architectural, archaeological, or folk cultural value relating to the history, government, or culture of the Department of Florida; and

2. All acquisitions must possess potential for research or be useful for exhibition or interpretive purposes.

3. In addition to these general criteria, the following factors shall be considered when evaluating artifact.

a. Whether the artifacts have been carefully examined and evaluated by a Museum staff member who is knowledgeable about them;

b. Whether the artifacts have legitimate and clear provenance;

c. Whether the current owner of the artifacts has clear title to them and is free to convey them to the Museum;

d. Whether the Museum can provide proper storage, protection, and preservation for the Museum purposes; and

e. The artifacts' copyright status, if applicable.

(2)(a) When evaluation is completed, a decision is made as to whether to acquire the artifact and accept it into the Museum's permanent collections.

(b) The prospective donor or vendor is notified of the Museum's decision.

(3) If the Museum decides to acquire an artifact, acquisition is accomplished by one of the following methods. The method of acquisition used is based on the needs of the donor or vendor and the Museum and on the nature of the transaction.

(a) If the artifact is acquired by donation, a Deed of Gift or an Informant Depositor Agreement, herein incorporated by reference, is completed;

(b) If the artifact is transferred to the Museum from another Department agency, appropriate documentation is acknowledgment and receipt is obtained: or

(4) If the Museum decides not to acquire an artifact for its permanent collections, the artifact, if it is in the Museum's custody, is returned to the prospective donor or vendor, or is disposed of as noted on the Examination Receipt.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History--New _____.

5H-24.003 Accessioning Procedures.

After the Museum has acquired an artifact, the Museum accessions it into the Museum's permanent collections. To accomplish this, the acquired artifact is assigned a unique accession number and listed in a accessions register. The artifact is moved into the appropriate collections storage area of the Museum.

(1) In all cases, the accession number assigned to an acquired artifact consists of three elements. These elements indicate the year of acquisition, the group number, and the individual artifact number within the group. The group number refers to a specific group of artifacts acquired by the Museum from a single source on a specific date. (Example: In the number "1999.5.3," "1999" refers to the year 1999, "5" to the fifth group of objects acquired during that calendar year, and "3" to the third discrete artifact in a group of several artifacts.)

(2) The staff that administer the Museum's permanent collections maintain electronic data bases and files of paper records to document accessioned artifact.

(a) The electronic data bases contain the following information about each Department owned artifact.

1. An accession number;

2. The date of acquisition;

3. The method of acquisition;

4. A brief description of the artifact; and

5. The name of the source of acquisition.

6. In addition, the electronic data bases may include the following information:

a. The site number;

b. The name of the person or persons who collected the artifact;

c. The storage location; and

d. Catalog information concerning the artifact including, but not limited to, subject headings, information about associations with persons or places, condition, and information about the materials and techniques of manufacture.

(b) Paper records may contain the following information concerning Department or Museum-owned artifacts:

1. An accessions register that documents the date of accession, the source of the artifact, the method of acquisition, and a short description of the artifact; and

2. The following distinct files:

a. Reference cards, filed by source name, that duplicate the information listed in the accessions register;

b. Completed copies of the Evaluation Log;

c. Reference information about the artifact, filed by accession number, including transfers of title and related correspondence; a completed copy of the Examination Receipt; a completed copy of the Deaccession and Disposal Worksheet; information about the artifact's condition and provenance; and if applicable, a completed copy of the Missing Artifact Report;

d. Object cards and worksheets that describe the artifact and its location in detail;

e. Research materials related to artifacts;

f. Photographic records of artifacts;

g. Subject cards, used by Museum staff members, that function as a subject catalog;

h. Completed copies of the Deaccession and Disposal Worksheet and the Receipt for Deaccessioned Artifacts, and other information concerning deaccessioned artifacts;

i. Records of previous inventories; and

j. A copy of catalog information generated from paper records or the electronic data base.

(3) At the end of each fiscal year, the staff reports to the Museum director information concerning artifacts acquired for the Museum's permanent collections during the year. This shall include the information maintained in accordance with Rule 5H-24.003(2)(a)1.-5.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History—New _____.

5H-24.004 Inventory of Department or Museum-owned Artifacts.

The Museum conducts an annual inventory of artifacts in its permanent collections.

(1) Inventory is taken either of individual artifacts or groups of artifacts, depending on the level at which the Museum maintains its collections records.

(2) This inventory, conducted by Museum staff on July 1 or as soon thereafter as practicable, is accomplished by the following procedures:

(a) A complete inventory is taken of all artifacts valued at \$500 or more. Using a printout of information from the Museum's electronic data base, a staff member looks for each item listed on the inventory, and records whether the item is present, updating its location as necessary. If inventory information is maintained manually, rather than in the electronic data base (i.e., an object cards and worksheets), the staff member uses these paper records to conduct the inventory.

(b) An inventory is taken, by a simple random sample based on accession number, of one percent of all Department or Museum-owned artifacts valued at less than \$500. Using a printout of information from the Museum's electronic data base, a staff member looks for each random-selected item listed on the inventory, and records whether the item is present, updating its location as necessary. If inventory information is

maintained manually, rather than in the electronic data base (i.e., on object cards and worksheets), the staff member uses these paper records to conduct the inventory.

(3) If a Department or Museum-owned artifact is not found during the inventory, all relevant collections records are checked to determine if the artifact has been removed from the location given on the inventory for a particular purpose.

(4) If the Department or Museum-owned artifact cannot be located after collections records are checked, the Museum director is informed, and the Division of Safety and Crime Prevention, Department of General Services, is notified. To accomplish this, a Missing Artifact Report, herein incorporated by reference, is completed. The Division of Safety and Crime Prevention also is asked to conduct an investigation or take other appropriate steps to determine the whereabouts of the missing Department or Museum-owned artifact and recover it.

(5) The fact that the Department or Museum-owned artifact is missing is noted on all Museum collections records.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History—New _____.

5H-24.005 Loan of Department or Museum-owned Artifacts.

(1) The Museum may make loans of Department or Museum-owned artifacts for scholarly or educational purpose or to assist the Museum in carrying out its responsibility to ensure proper curation of Department or Museum-owned artifact.

(2) While the Museum makes loans primarily to not-for-profit agencies, institutions, and organizations, a loan occasionally may be made to a for-profit agency, institution, or organization when the loan's purpose is consistent with the purposes set out in Rule 5H-24.005(1). It is the Museum's policy not to loan Department or Museum-owned artifacts for decorative or personal use. Department or Museum-owned artifacts are not loaned to any agency, institution, or organization that is or has been under criminal investigation, unless the agency, institution, or organization has been cleared of any wrongdoing. The Museum will not loan Department or Museum-owned artifacts to any agency, institution, or organization that plans to offer artifacts for sale during the term of the loan.

(3) Whether a loan is initiated by the Museum or is requested by another agency, institution, or organization, a written request is submitted to the Museum, in care of the Museum. This request includes the following information:

(a) A list of the Department or Museum-owned artifacts requested for loan;

(b) A statement of the proposed loan's purpose, including, if applicable, the title of the exhibition in which Department or Museum-owned artifacts will be displayed;

(c) The dates for which the proposed loan of Department or Museum-owned artifacts is requested; and

(d) If applicable, the manner in which loaned Department or Museum-owned artifacts will be presented in an exhibition and the estimated size and composition of the exhibition's audience.

(4) In addition, each agency, institution, or organization that wishes to borrow a Department or Museum-owned artifact completes a Facilities Report, herein incorporated by reference, and submits it to the Museum.

(5) Upon receipt of a written request and a completed Facilities Report, the Museum evaluates the request. The written request and the completed Facilities Report must be received at least six weeks before Department or Museum-owned artifacts are to be removed from the Museum's permanent collections for shipping to the borrower.

(a) To be approved, a loan must serve one of the following purposes:

1. To assist historical, architectural, archaeological, folk cultural, or other studies;

2. To provide Department or Museum-owned artifacts relating to interpretive exhibits and other educational programs which promote knowledge and appreciation of Florida history and culture and the programs of the Museum; or

3. To assist the Museum in carrying out its responsibility to ensure proper curation of Department or Museum-owned artifacts.

(b) In addition, the following criteria are considered when evaluating loan requests, to determine that the loan will produce a substantial public benefit and that loaned Department or Museum-owned artifacts will be properly protected and preserved:

1. The care, security, and insurance to be provided by the borrowing institution. No loans of Department or Museum-owned artifacts are made without adequate insurance coverage for these artifacts. Information is obtained by one of the following methods:

a. Determination by a Museum staff member;

b. Consultation of collections records; or

c. Determination by a hired consultant. The cost of this type of appraisal shall be paid for as agreed between the parties.

2. Any anticipated use by the Museum itself of the requested artifact;

3. The condition, rarity, and value of the requested artifact;

4. The duration of the loan, all loans being made for a specified period of time only;

5. The feasibility of preparing the loan within the time requested;

6. The size and composition of the anticipated audience, if this information is appropriate to the purpose of the loan; and

7. If applicable, the context in which the requested artifact will be exhibited and how this would reflect on the Museum and the Department.

(6) Based on the criteria set out in Rule 5H-24.005(5), a decision is made whether to approve the loan request. The Museum notifies the requesting agency, institution, or organization in writing of the decision. To complete the loan process:

(a) Collections records are verified to ensure that they are current, and that they contain a photograph or photocopy of the artifact:

(b) A Loan Agreement, herein incorporated by reference is completed and returned;

(c) A commitment is obtained for insurance of loaned Department or Museum-owned artifacts in an amount determined by Museum staff members or by outside appraisal. For loans of Department or Museum-owned artifacts whose combined value is over \$500, proof of insurance is obtained. Proof of insurance must be received by the Museum before Department or Museum-owned artifacts leave the Museum's custody; and

(d) The artifact is prepared for delivery to the borrower and arrangements are made for transportation.

(7) The Museum may seek to recover costs associated with loans, including costs for material, staff time, and shipping or transportation, and such costs may be charged to the borrowing agency, institution, or organization. These charges are negotiated prior to approving a loan, and moneys collected are deposited in the Museum's operating account. Any income received from the loan of Department or Museum-owned artifacts is used to acquire additional artifacts, to defray costs associated with the loan, or to assist in the curation or maintenance of Department or Museum-owned artifacts.

(8) A written request to renew a loan must be received at least on month prior to the end of the existing loan agreement. Procedures described in Rule 5H-24.005(5)-(7) are followed to evaluate each request for renewal and to complete the loan process.

(9) Every loan, including those considered to be permanent must be reviewed at least every five years. If any of the loan conditions are violated, and if the Museum determines that such violations are detrimental to the security or preservation of the artifacts, the Museum shall terminate the loan agreement.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History—New _____.

5H-24.006 Deaccession and Disposal of Department or Museum-owned Artifacts.

All decisions to remove a Department or Museum-owned artifact from the Museum's permanent collections by deaccession and disposal are made in a manner that is in the best interest of the public and the artifact.

(1) From time to time, the Museum initiates recommendations of Department or Museum-owned artifacts that should be deaccessioned and the method by which the deaccession artifacts should be disposed of. A Deaccession and Disposal Worksheet, herein incorporated by reference, is completed to document the deaccession and disposal process.

(2) The criteria listed below are used to determine whether a Department or Museum-owned artifact may be deaccessioned and disposed of:

(a) Deaccessioning and disposing of a Department or Museum-owned artifact may be recommended only if:

1. The artifact is not relevant and useful to the functions and activities of the Museum; and
2. The artifact cannot be properly stored, preserved, or interpreted by the Museum; and
3. The artifact has been in the Museum's permanent collections for at least one year (hazardous or actively decomposing materials excepted).

(b) Examples of situations in which deaccession and disposal of a Department or Museum-owned artifact may be recommended include, but are not limited to, instances in which an artifact:

1. Has no further use or value for the research, exhibit, or interpretive programs of the Museums; or
2. Will receive appropriate interpretation, maintenance, or preservation by another agency, institution, or organization; or
3. Has deteriorated or been damaged beyond usefulness or repair; or
4. Is made of hazardous materials or is actively decomposing in a manner that directly affects the condition of other Department or Museum-owned artifacts or the health and safety of Museum employees or other persons; or
5. Is duplicated by another artifact in the Museum's permanent collections.

(c) Before a recommendation on deaccession and disposal is made, a determination is made as to whether the Museum is free to deaccession and dispose of a Department or Museum-owned artifact by verifying that the Museum legally owns the artifact, and that the Museum is not prohibited from deaccessioning and disposing of the artifact by a legal condition of ownership. Where any such restriction of ownership applies:

1. An opinion is sought from the Office of Legal Affairs of the Florida Department of Agriculture and Consumer Services regarding the intent and force of any restrictions; and
2. A deaccessioned artifact to which precatory restrictions apply is not disposed of until reasonable efforts have been made to comply with the restrictions.

(3) The Museum requests authorization from the museum director to proceed with deaccession and disposal and proceeds only after receiving this authorization.

(4) After receiving authorization to proceed with deaccession and disposal, the Museum determines an appropriate method of disposal.

(a) The Museum ensures that:

1. Preference shall be given to retaining within Florida those materials that are part of the state's historical, architectural, archaeological, or folk cultural heritage; and

2. Ownership shall not be given to any Museum employee or board, council, or committee member, or to a spouse or relative of an employee or board, council, or committee member, unless that person was the original donor of the artifact.

(b) The appropriate method of disposal is chosen from among the following:

1. If a Department or Museum-owned artifact is made of hazardous materials or is actively decomposing in a manner that directly affects the condition of other Department or Museum-owned artifacts or the health and safety of Museum employees or other persons, the Florida Department of Environmental Regulation shall be contacted to determine appropriate procedures for handling, transporting, and disposing of the artifact.

2. If a Department or Museum-owned artifact has deteriorated or been damaged beyond usefulness or repair, it may be properly discarded or destroyed.

3. If the Department or Museum-owned artifact meets the conditions set out in Rule 5H-24.006(2)(b)5., it may be exchanged for an artifact owned either by a not-for-profit or a for-profit agency, institution, or organization or by an individual, provided each of the following conditions is met:

a. Artifacts received are of value approximately equal to or greater than that of the Department or Museum-owned artifacts granted in exchange, as determined by an independent appraisal; and

b. The exchange results in the Museum receiving artifacts not well represented in its permanent collections.

4. In all other cases, when determining the appropriate method of disposal, every reasonable effort shall be made to ensure that ownership of the artifact is maintained by a public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization. To accomplish this end, the following options shall be investigated:

a. Selling the deaccessioned artifact to another public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization; or

b. Exchanging the deaccessioned artifact for a Florida-related artifact owned by another public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization; or

c. Donating the deaccessioned artifact to another public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization; or

d. Transferring the deaccessioned artifact to one of the Museum's non-permanent collections to be used for research or in interpretive exhibits or other educational programs which promote knowledge and appreciation of Florida history and culture.

e. Only after all reasonable efforts have been made to ensure that ownership of a deaccessioned artifact is maintained by a public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization may the following alternatives be investigated, in order, for disposing of the artifact:

I. All reasonable efforts are made to locate the original donor and offer the deaccessioned artifact to him or her;

II. If the original donor cannot be located, or does not wish to have custody of the deaccessioned artifact, the artifact may be sold or donated to or exchanged with an individual; a private, for-profit, organization; or a not-for-profit agency, institution; or a not-for-profit agency, institution, or organization other than one of the types of not-for-profit entities named in Rule 5H-24.006(4); or the artifact may be disposed of by any other legal means.

(5) After determining an appropriate method of disposal, the Museum staff seeks final approval from the Museum director for deaccessioning and disposing of a Department or Museum-owned artifact. If approval is received, the staff carries out deaccession and disposal in the manner recommended.

(a) The following steps are taken to complete the process:

1. A staff member ensures that collections records contain the following:

a. A photograph or photocopy of the artifact;

b. A physical description of the artifact; and

c. Information about the provenance of the artifact, if available;

2. The Museum's accession number is removed from the artifact unless, by doing so, the integrity of the artifact would be damaged; and

3. It is noted on all relevant Museum collections records that the artifact has been deaccessioned.

(b) If ownership is being given to another agency, institution, organization, or individual, the new owner:

1. Signs a Receipt for Deaccessioned Artifacts, herein incorporated by reference; and

2. Removes the artifact from the Museum's premises.

(c) If the artifacts made of hazardous materials or is actively decomposing in a manner that directly affects the condition of other Department or Museum-owned artifacts or the health and safety of Museum employees or other persons, recommendations of the Florida Department of Environmental Regulation for handling, transporting, and disposing of the artifact are complied with.

(d) In the sale of deaccessioned artifacts, it is ensured that:

1. Deaccessioned artifacts are not offered for sale in any retail establishment operated by the Museum or where Department or Museum-owned artifacts are on loan from the Museum, and

2. Any income received from the sale of deaccessioned artifacts is deposited in the Museum's operating account.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History--New

5H-24.007 Use of Museum Records.

(1) Availability of records:

(a) Records in the custody of the Florida's are available for reference in the Search Room only.

(b) Original records will not normally be made available when microfilm or other copies are available.

(c) Persons seeking information that is published and readily available will normally be referred the Florida State Library.

(d) Records will not be furnished to a researcher under the age of 16 years unless he is accompanied by an adult researcher, or unless prior arrangements have been made with the Archivist.

(2) Location of records and hours of opening:

(a) A prospective researcher should first ascertain the location and availability of records by contacting the museum staff by mail or telephone.

(b) Except for holidays and at other such times as specified in writing by the Director and posted materials are available for use from 9:00 a.m. to 4:00 p.m., Monday through Friday. Records may be made available at other times as authorized by the Museum Director.

(3) Application procedures: Applicants shall apply in person at the Florida Agricultural Museum and shall submit, on a form provided for the purpose, information necessary for registration and for determining which records will be made available. Applicants shall furnish proper identification, and, if applying for access to large quantities of records or to records that are especially fragile or valuable, shall furnish upon request a letter of reference or introduction.

(4) Restrictions: The use of archives is subject to any restrictions specified by law. Records may be temporarily withdrawn from use while in process of restoration, repair, or rearrangement.

(5) Research room rules:

(a) Researchers shall register each day they enter the research room, furnishing the researcher's name permanent address, local address, occupation, residence phone, local phone and field of interest.

(b) Researchers responsibility for records -- The research room attendant may limit the quantity of records to be delivered at one time to a researcher. When requested, researchers shall acknowledge receipt of records by signature. A researcher is responsible for all delivered records until the

records are returned. When a researcher has completed using the records, the researcher shall return them to the research room attendant. When requested, researchers shall return records as much as 10 minutes before closing time. Before leaving the research room, even for a short period of time, a researcher shall notify the research room attendant and place all records in their proper containers.

(c) Prevention of damage to records – The researcher shall exercise all possible care to prevent damage to records. Records shall not be used at a desk where there is a container of liquid or where a fountain pen is being used. Records shall not be leaned on, written on, folded anew, traced, fastened with paper clips or rubber bands, or handled in any way likely to cause damage. The use of records of exceptional value or in fragile condition shall be subject to any conditions specified by the research room attendant.

(d) Removal or mutilation of records – Researchers shall not remove records from the research room. The unlawful removal or mutilation of records is punishable by law. When so requested, researchers shall check parcels and luggage before entering the research room and upon leaving, a researcher shall, if requested, present for examination any briefcase, notebook, package, envelope, book, or other article that could contain records.

(e) Conduct – Eating in the research room is prohibited. Smoking is prohibited. Loud talking and other activities likely to disturb other researchers are also prohibited. Persons desiring to use typewriters shall work in areas designated by the research room attendant.

(f) Keep Records in order – A researcher must keep unbound records in the order in which they are delivered. Records appearing to be in disorder should not be rearranged by a researcher, but should be referred to the research room attendant. Normally, a researcher will not be allowed to remove records from more than one container at a time.

(g) Copying of records will normally be done by personnel of the Florida Agricultural Museum with equipment belonging to the agency. With the permission of librarian the researchers may use their own copying equipment. Permission will be based on the librarian’s determination that such use will not harm the records or disrupt reference activities. Equipment will be used under the supervision of agency personnel.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History–New

5H-24.008 Forms and Instructions.

The following forms are used in the implementation of this Chapter and are herein incorporated by reference:

- (1) Evaluation Log (FAM001)
- (2) Examination Receipt (FAM002)
- (3) Deed of Gift (FAM003)
- (4) Informant Depositor Agreement (FAM004)
- (5) Missing Artifact Report (FAM005)

- (6) Facilities Report (FAM006)
- (7) Loan Agreement (FAM007)
- (8) Deaccession and Disposal Worksheet (FAM008)
- (9) Receipt for Deaccessioned Artifacts (FAM009)

Necessary forms may be obtained from: The Florida Agricultural Museum, 1850 Princess Place Road, Palm Coast, Florida 32137, (904)446-7630, The Florida Department of Agriculture and Consumer Services, The Capitol, LL29, Tallahassee, Florida 32399, (850)488-3022.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Bruce Piatek, Florida Agricultural Museum, Florida Department of Agriculture and Consumer Service, 1850 Princess Place Road, Palm Coast, Florida 32137 (904)446-7630

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gunnels, Florida Department of Agricultural and Consumer Services, Lower Level 28, The Capitol, Tallahassee, Florida 32399-0800

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 26, 1999

PUBLIC SERVICE COMMISSION

DOCKET NO.: 990707-EI

RULE TITLE: Uniform Retirement Units for Electric Utilities

RULE NO.: 25-6.0142

PURPOSE AND EFFECT: The purpose of proposed amendments is to add a definition for average inventory cost, to raise the capitalization threshold from \$500 to \$1,000, to clarify costs associated with the retirement and replacement of retirement units, to codify the acceptable accounting practice related to the reuse of retired plant materials, to strike the mandatory \$10,000 capitalization requirement for the Structures and Improvement accounts, and to update the List of Retirement Units. These changes will give the utilities more flexibility in capitalization and expensing procedures as well as reduce administrative time spent tracking items of small value. SUMMARY: Amendments are proposed to make the language of the rule clearer. In addition, amendments are proposed to the following subsections:

Subsection (2): A definition for Average Inventory Cost is added to define it as a means for determining an estimate of the original material cost of a group of items subject to reuse where the items are of relatively large number or small cost.

Subsection (3): An updated List of Retirement Units (List) is incorporated into the rule. This new version provides for the amortization of portions of general plant accounts that are currently being depreciated. In addition, the capitalization threshold is raised from \$500 to \$1,000.

Subsection (4): Paragraph (4)(d) is added to codify the procedure set out in Staff Advisory Bulletin (SAB) 22 concerning the procedure for retiring a unit when a new unit is installed.

Subsection (6): This subsection is added to codify acceptable procedures concerning the reuse of retired plant materials that were in SAB 22.

Subsection (10): This subsection, which established a \$10,000 capitalization criteria, is repealed.

Subsection (11): This subsection is amended to increase the capitalization threshold from \$500 to \$1,000 for certain categories in the List.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC was prepared.

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

SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 350.115, 366.04(2)(f), 366.041, 366.06(1) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.0142 Uniform Retirement Units for Electric Utilities.

(1) No change.

(2) For the purpose of this Rule, the following definitions shall apply:

(a) Average Inventory Cost – An estimate of original material cost for a group of items having similar characteristics. The group and cost may relate to a vintage or group of vintages. For example, the average cost of a property item may vary depending on the original vintage falling in the 1985-1990 period, as compared to the same item having the original vintage in the 1991-1995 period.

(b) Book Cost – The amount at which an item of property is included in a plant account, including the costs of all labor, material, and associated installation.

(c) Cost of Removal – The cost of demolishing, dismantling, removing, tearing down, or otherwise disposing of electric plant, including the cost of transporting and handling.

(d)(a) Cradle-To-Grave Accounting – An accounting method which treats a unit of plant as being in service from the time it is first purchased until it is finally junked or is finally disposed of in another manner. Any time spent ~~The period~~ in shop for refurbishing, or in stock/inventory awaiting reinstallation is treated as being in service.

(e)(b) Item – A single identifiable unit of utility plant. Capitalization criteria shall apply to the single item and not to a block or group of such items purchased on one order.

(f)(e) Minor Item – Any part or element of plant which is not designated as a retirement unit, but is a component part of the retirement unit.

(g)(d) Retirement – ~~The removal, sale, abandonment, destruction, or other removal~~ A retirement unit or unreplaced minor item which has been removed, sold, abandoned, destroyed, or otherwise removed from service of a retirement unit or unreplaced minor item, except where ~~that~~ removal is of a "cradle-to-grave" item.

(e) Book Cost – ~~The amount at which an item of property is included in a plant account, including the costs of all labor, material, and associated installation.~~

(f) Cost of removal – ~~The cost of demolishing, dismantling, removing, tearing down or otherwise disposing of electric plant, including the cost of transporting and handling.~~

(3) All utility plants shall be considered as consisting of retirement units and minor items of property. Each utility will implement a list of retirement units in conformity with the Commission's "List of Retirement Units (Electrical Plant) as of January 1, 2000 ~~March 30, 1997~~" (hereinafter referred to as "List"), which is published by the Commission and is incorporated herein by reference. A copy of the List may be obtained from the Director of the Division of Auditing and Financial Analysis, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The List must be implemented by each utility as of the beginning of the next fiscal year following the date the List was last updated ~~adoption of this rule~~. A utility may further subdivide retirement units in order to achieve a list more reflective of common, major replacement items providing that the cost of the additional subdivided unit is ~~\$1,000~~ \$500 or more. The Director of the Division of Auditing and Financial Analysis, Florida Public Service Commission, shall be notified annually of additions and subdivisions to the utility's retirement unit List with explanations of the nature and justification.

(4) The addition and retirement of retirement units as set forth in the List ~~incorporated in this rule~~ shall be accounted for as follows:

(a) through (b) No change.

(c) When a retirement unit is replaced, the cost of the replacement should be accounted for in the same manner as in paragraph(4)(a) if the cost meets the criteria set forth in subsection ~~(10)~~ or (11). Otherwise, the charge should be made to the appropriate expense account.

(d) When a retirement unit is retired and removed from service in conjunction with the installation of a replacing unit, the cost of removal of the retiring unit shall be separated from the installation cost of the new replacing unit. Cost of removal shall be debited to the appropriate reserve account as set forth in paragraph (4)(b).

(5) The addition and retirement of minor items of depreciable property shall be accounted for as follows:

(a) When a minor item which did not previously exist as a part of a retirement unit at a given location is added, the cost shall be accounted for in the same manner as for the addition of a retirement unit if the intent of such addition is to render the affected retirement unit more useful, of greater capacity, or increased efficiency. Otherwise, the charge shall be made to the appropriate maintenance expense account.

(b) through (c) No change.

(6)(a) When a retirement unit is retired and it has a prospect for reuse, the original or estimated original cost of the material subject for reuse shall be credited to the account reserve of the retiring unit as gross salvage with a debit in the same amount to Account 154, Plant Materials and Operating Supplies. When the retirement unit is reused, the original or estimated original material cost shall be credited to Account 154 with a debit to the appropriate plant account. The plant account shall also be debited with costs for new installation and labor.

(b) When it is impractical to determine the original cost for each unit subject to reuse due to the relatively large number or small cost of such units, an appropriate average inventory cost that allows for any difference in size or character shall be used. The cost of repairing such items shall be charged to the maintenance account appropriate for the previous use.

(c) Reusable materials consisting of relatively small minor items, the identity of which cannot be determined without an undue refinement in accounting shall be included in Account 154, Plant and Materials Operating Supplies, at average inventory cost for such new items. The cost of repairing such items shall be charged to the appropriate expense account as indicated by previous use.

(6) through (7) renumbered (7) through (8) No change.

~~(9)(8)~~ All maintenance costs, whether the work is done by the utility or under contract, shall be expensed. Unusual or extraordinary expenses can be amortized over a reasonable period of time as determined by the Commission. The costs of keeping equipment and plant in good condition shall be

accounted for as maintenance expenses. Included in this classification are the costs of material and labor associated with the upkeep of plant such as:

(a) through (c) No change.

(d) The cost of performing work to prevent failure, restore serviceability, or maintain or realize the life expectancy of the plant.

(e) No change.

(f) The cost of restoring the condition of plant damaged by attrition, acts of nature, fire, or other casualties (other than the cost of replacing retirement units).

(g) through (i) No change.

~~(10)(9)~~ Engineering unclassified time shall be expensed.

~~(10) The replacement or removal of an item which constitutes a portion of a given retirement unit for the Structures and Improvements Account, as set forth in the List, shall be accounted for in the same manner as for the replacement of a retirement unit whenever that item has a book cost of \$10,000 or more. Otherwise, the replacement is charged to the appropriate expense account with no retirement recorded.~~

(11) A minimum capitalization criteria of \$1,000 \$500 is imposed for each retirement unit as set forth in the List for the Office Furniture and Equipment, Stores Equipment, Tools, Shop and Garage Equipment, Laboratory Equipment, Power Operated Equipment, Communication Equipment, and Miscellaneous Equipment Accounts.

~~(12) The "List of Retirement Units (Electrical Plant), Effective March 30, 1997" published by the Florida Public Service Commission is incorporated herein by reference. A copy of the List may be obtained from the Director of the Division Auditing and Financial Analysis, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.~~

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 350.115, 366.04(2)(f), 366.041, 366.06(1) FS. History--New 9-6-87, Amended 3-19-92, 3-18-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pat Lee, Division of Auditing and Financial Analysis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 25, No. 8, February 26, 1999

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

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: General and Procedural
RULE CHAPTER NO.: 40E-1

RULE TITLE: Permit Application Processing Fees
RULE NO.: 40E-1.607

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to increase the District's existing permit application processing fee structure at the direction of the South Florida Water Management District Governing Board. Specifically, these fees are assessed in order to defray the cost of processing, monitoring, and inspecting for compliance required in connection with consideration of such applications. Additionally, the right of way fee provisions found in Rule 40E-1.607(6), FAC are being transferred to Chapter 40E-6, FAC.

SUMMARY: This rule proposes to increase the permit application processing fees for Water Use, Water Well Construction, Environmental Resource, Surface Water Management, Wetland Resource (dredge and fill), Proprietary Authorizations under Ch. 253 and 258, F.S., and Formal Determinations of Wetlands and other Surface Waters. The right of way fee provisions currently in Rule 40E-1.607(6), FAC are being transferred to Chapter 40E-6, FAC and are therefore being deleted from this Rule. Chapter 40E-6, FAC will not be addressed at this time, this section is being addressed under a separate Notice of Rulemaking published May 28, 1999.

The rule continues the current differentiation between individual and general permits. The fees represent 100% cost recovery with the exception of smaller projects that will pay a reduced fee or experience no increase from the current amount. Provisions of the rule designed to reduce the impact on small businesses, cities and counties are discussed in the summary of the SERC.

The proposed fees do not exceed the cost to the District for processing, monitoring, and inspecting for compliance with the permit (Section 373.109, F.S.).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The SERC concludes that most applicants for surface water management, environmental resource and consumptive use permits (new, modification or renewal) will be affected by the proposed changes. The estimated costs to be borne by specific entities are set forth in tables. Transactional costs associated with this rule are in the

form of permit fees. An estimate of the number of individuals and entities likely to be impacted by the rule is approximately 3700 (permit applicants annually). The estimated cost to the SFWMD is zero and instead will result in an estimated increase in District revenues of \$1.98 million annually. The estimated cost and impact to revenues of state and local governments is approximately \$297,000 annually. The fees represent 100% cost recovery with the exception of smaller projects that will pay a reduced fee, or no increase in fee from the current amount.

Analysis of the Impact on Small Business, Small Counties and Small Cities: The SERC states that there are four small counties and a number of small cities within the jurisdiction of the SFWMD. The impacts of the rule on small businesses, small cities and counties are similar to impacts on all other affected parties. However, the impact on small businesses, cities and counties is expected to be reduced by the following:

- A continuation of typically lower fees for general permits, as compared to individual permits.
- A tiered permit application fee schedule, based on project acreage, for environmental resource permits.
- A tiered permit application fee schedule, based on maximum day usage, for various types of water use permits.
- A provision for the waiver of permit application fees for counties and cities which have populations below certain thresholds and which meet specified fiscal hardships criteria.
- A reduced permit application fee for agricultural applicants as opposed to comparable non-agricultural applicants.

This is consistent with the mandate to tier rules to reduce the disproportionate impacts on small businesses, counties and cities and should reduce the impact of this rule on these entities.

SPECIFIC AUTHORITY: 373.109, 373.421(6)(b) FS.

LAW IMPLEMENTED: 373.109, 373.421(6)(b) FS.

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

TIME AND DATE: 9:00 a.m., September 9, 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: For technical questions, Claudia Kugler, Director, Business Operations, Regulation Department, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406-4680, telephone 1(800)432-2045, extension 6850 or (561)682-6850 (e-mail: ckugler@sfwmd.gov); or for legal/administrative questions, Julie Jennison, Sr. Legal Research Assistant, 1(800)432-2045, extension 6294 or (561)682-6294 (e-mail: 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 FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 40E-1.607 follows. See Florida Administrative Code for present text).

40E-1.607 Permit Application Processing Fees.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. An application shall not be considered complete until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of

evaluating, processing, monitoring, and inspecting for compliance 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. Activities that do not require a permit and are exempt pursuant to Rules 40E-2.051, F.A.C. or 40E-3.051, F.A.C. are not subject to the following permit application fees. The District's permit application processing fees are as follows:

(1) Water Use Permit Application processing fees are in the following table:

TABLE 40E-1.607(1)
PERMIT APPLICATION PROCESSING FEES FOR
WATER USE PERMIT APPLICATIONS
REVIEWED PURSUANT TO CHAPTERS 40E-2
AND 40E-20, F.A.C.

Fee amounts shall apply to applications for new permits,
permit modifications, and permit renewals, except as noted.

<u>Category</u>	<u>Amount</u>
<u>Individual Public Water Supply</u>	
<u>Maximum daily allocation</u>	
<u>Greater than 0.1 million gallons per day (mgd)</u> <u> through 1 mgd</u>	<u>\$2700</u>
<u>Greater than 1 mgd through 10 mgd</u>	<u>\$5500</u>
<u>Greater than 10 mgd</u>	<u>\$7000</u>
<hr/>	
<u>Individual Agriculture Irrigation renewal with a duration less</u> <u>than 20 years</u>	<u>\$1000</u>
<hr/>	
<u>Individual Irrigation: except Individual Agriculture Irrigation</u> <u>renewal with a duration less than 20 years</u>	
<u>Maximum daily allocation</u>	
<u>Greater than 0.1 mgd through 1 mgd</u>	<u>\$1000</u>
<u>Greater than 1 mgd through 10 mgd</u>	<u>\$2500</u>
<u>Greater than 10 mgd</u>	<u>\$3500</u>
<hr/>	
<u>Individual Mining (Dewatering)</u>	
<u>Maximum daily allocation</u>	
<u>Greater than 0 mgd through 1 mgd</u>	<u>\$1800</u>
<u>Greater than 1 mgd through 10 mgd</u>	<u>\$3250</u>
<u>Greater than 10 mgd</u>	<u>\$4000</u>
<u>Individual Industrial</u>	
<u>Maximum daily allocation</u>	
<u>Greater than 0.1 mgd through 1 mgd</u>	<u>\$1400</u>
<u>Greater than 1 mgd through 10 mgd</u>	<u>\$2750</u>
<u>Greater than 10 mgd</u>	<u>\$3500</u>
<hr/>	
<u>General</u>	<u>\$350</u>
<hr/>	
<u>Short-term Dewatering</u>	<u>\$500</u>
<hr/>	
<u>Permit Transfer to Another Entity Pursuant to Rules</u> <u>40E-1.611 and 40E-2.351, F.A.C.</u>	<u>\$450</u>
<hr/>	
<u>Letter Modification to Individual Permit</u>	<u>no fee</u>
<hr/>	
<u>Letter Modification to General Permit</u>	<u>no fee</u>

(2) Water Well Construction Permit Application processing fees are in the following table:

TABLE 40E-1.607(2)
PERMIT APPLICATION PROCESSING FEES FOR
WATER WELL CONSTRUCTION PERMIT
APPLICATIONS
REVIEWED PURSUANT TO CHAPTER 40E-3, F.A.C.

<u>Category</u>	<u>Amount</u>
<u>Water Well Construction</u>	<u>\$100</u>
<u>Water Well Abandonment</u>	<u>no fee</u>

(3)(a) Environmental Resource Permit Application processing fees are in the following table:

TABLE 40E-1.607(3)(a)
PERMIT APPLICATION PROCESSING FEES FOR
ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS
REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40,
AND 40E-400, F.A.C.

Fee amounts shall apply to applications for conceptual and construction, or conceptual, or construction, except as noted.

Category	Amount
<u>New Individual Permit, except Mitigation Bank</u>	
Project area less than 100 acres	
<u>Agriculture</u>	\$3050
<u>All others</u>	\$5000
Project area 100 acres to less than 640 acres	
<u>Agriculture</u>	\$4000
<u>All others</u>	\$7500
Project area 640 acres or more	
<u>Agriculture</u>	\$5000
<u>All others</u>	\$10,000
<u>New Individual Permit, Mitigation Bank</u>	
Project area less than 100 acres	\$5000
Project are 100 acres to less than 640 acres	\$7500
Project area 640 acres or more	\$10,000
<u>Individual Permit Modification, except Mitigation Bank</u>	
Project area less than 100 acres	
<u>Agriculture</u>	\$2050
<u>All others</u>	\$3500
Project area 100 acres to less than 640 acres	
<u>Agriculture</u>	\$2500
<u>All others</u>	\$5000
Project area 640 acres or more	
<u>Agriculture</u>	\$3500
<u>All others</u>	\$7500
<u>Individual Permit, Modification, Mitigation Bank</u>	
Project area less than 100 acres	\$3500
Project are 100 acres to less than 640 acres	\$5000
Project area 640 acres or more	\$7500
<u>New Standard General Permit (excluding incidental site activities) pursuant to Section 40E-40.042, F.A.C.</u>	
<u>Agriculture</u>	\$650
<u>All others</u>	\$2000
<u>Standard General Permit Modification including application for phase construction under a Conceptual Approval Application for individual permit modification for a system which does not exceed the criteria in Section 40E-40.041, F.A.C. and which is not required to obtain an individual environmental resource permit for the reasons in Rule 40E-40.011(2), F.A.C.</u>	
<u>Agriculture</u>	\$500
<u>All others</u>	\$1000
<u>Noticed General Permit pursuant to Chapter 40E-400, F.A.C., including aquaculture</u>	
	\$100
<u>Single family residential homesite consisting of 10 acres or less in total land area</u>	
	\$100
<u>Standard General Permit for incidental site activities pursuant to Section 40E-40.042, F.A.C.</u>	
	\$500
<u>Transfer of permit (including Mitigation Bank) to another entity pursuant to sections 40E-1.6107 and 40E-4.351, F.A.C.</u>	
	\$450
<u>Variance associated with an environmental resource permit application</u>	
From Rule 40E-4.301(1)(e), F.A.C.	\$100
From other permitting standards, permit conditions, or water quality standards	\$500
<u>New Individual Operation Permit</u>	
	\$3500
<u>Letter Modification</u>	
	\$100

1. When used in Table 40E-1.607(3)(a), "Agriculture" shall be defined as set forth in Section 570.02, F.S.

2. For permit applications which involve a combination of fee categories, the highest fee that applies shall be charged.

3. Any individual permit application submitted concurrently with a conceptual approval application – where the individual permit application represents a phase of the conceptual approval application – is exempt from the above environmental resource permit fees.

4. For projects grandfathered pursuant to Section 373.414, F.S., the letter modification, conceptual approval, individual or general surface water management permit application fee shall be the same as listed in Table 40E-1.607(3)(a).

(b) Permit application processing fees for projects grandfathered pursuant to Section 373.414, F.S. wetland resource (dredge and fill) are in the following table:

TABLE 40E-1.607(3)(b)
PERMIT APPLICATION PROCESSING FEES FOR
PROJECTS GRANDFATHERED PURSUANT TO
SECTION 373.414, F.S.

WETLAND RESOURCE (DREDGE AND FILL)
PERMIT APPLICATIONS
REVIEWED PURSUANT TO CHAPTERS
40E-4, 40E-40 AND 40E-400, F.A.C.

<u>Category</u>	<u>Amount</u>
<u>Construction projects up to and including 5 years</u>	
<u>Standard form projects including dredge and fill activities that affect 10 or more acres of jurisdictional area, pursuant to Rule 62-312.070(2), F.A.C. (1993)</u>	<u>\$4000</u>
<u>Short form construction projects including dredging and filling activities that affect less than 10 acres of jurisdictional area, pursuant to Rule 62-312.070(2), F.A.C. (1993)</u>	<u>\$500</u>
<u>Short form construction projects involving the construction of new docking or boardwalk facilities, pursuant to Section 62-312.070(2), F.A.C. (1993) that provide:</u>	
<u>0-2 new boat slips</u>	<u>\$300</u>
<u>3-9 new boat slips</u>	<u>\$500</u>
<u>Dredge and fill construction permits in excess of 5 years</u>	
<u>Short form permits from 6 years up to and including 10 years</u>	<u>\$3000</u>
<u>Standard form permit application processing fee for a construction period of 6 years shall be \$6000 and shall increase by \$1000 for each year beyond 6 years, up through and including 25 years and a corresponding fee of \$25,000</u>	
<u>Variance associated with a wetland resource permit application</u>	
<u>From the prohibition Rule 62-312.080(7), F.A.C.</u>	<u>\$100</u>
<u>From other permitting standards, permit conditions, or water quality standards</u>	<u>\$500</u>
<u>General Permits</u>	<u>\$100</u>
<u>Minor modifications of permits that do not require substantial technical evaluation by the District, in conformance with Rules 62-4.050(6) and (7), F.A.C. (1993), do not require a new site inspection by the District, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit:</u>	
<u>Transfer of permits or time extensions</u>	<u>\$50</u>
<u>Minor technical changes</u>	
<u>Existing permit fee is less than \$300, except for modification to permits issued pursuant to Section 403.816, F.S.</u>	<u>\$50</u>
<u>Existing permit fee is equal to or more than \$300</u>	<u>\$250</u>

1. For the purposes of determining the fee for wetland resource management permits, the term of duration for the permit shall be reduced by the period of time (in yearly increments) during which no dredging or filling activity occurs or no reclamation, restoration, or mitigation occurs and only minor monitoring and maintenance activities are required. The fee for the full term shall be submitted with the application. After the District determines the period of time that the term of the permit can be reduced, the excess fee shall be returned.

2. For permit applications which involve a combination of the project fee categories listed above, the highest fee that applies to the appropriate standard form or short form project, pursuant to Section 62-312.070, F.A.C., shall be charged.

3. A single additional fee of \$500 shall be required for projects in which monitoring and evaluation to determine the success of the mitigation will be required beyond the period of time to which the permit fee will ordinarily apply. If it is determined at the time of the permit application that monitoring and evaluation to determine the success of the mitigation will be required beyond the time period to which the permit fee will ordinarily apply, then this single additional fee shall be due when it is determined that this monitoring and evaluation is required.

(4) Application for proprietary authorization under Chapters 253 and 258, F.S., except consent of use authorizations, processing fees are in the following table:

Category	Amount
Property less than or equal to 1 acre	\$250
Property greater than 1 acre but less than or equal to 10 acres	\$550
Property greater than 10 acres but less than or equal to 40 acres	\$750
Property greater than 40 acres but less than or equal to 120 acres	\$1500
Property greater than 120 acres	\$1500
Each additional 100 acres or portion thereof	\$200
Renewal	\$250

(6) Permit Processing Fee Waiver for Certain Local Governments. Notwithstanding the provisions set forth above in this rule, the District shall waive permit processing fees for permit applications submitted by the governing body of a county with a population of less than 50,000, a municipality with a population of less than 25,000, a county or municipality not included within a metropolitan statistical area, or a third party under contract with such a county or municipality, provided:

(a) The project for which the fee waiver is sought serves a public purpose; and

TABLE 40E-1.607(4)
 PERMIT APPLICATION PROCESSING FEES FOR PROPRIETARY AUTHORIZATIONS UNDER CHAPTERS 253 AND 258, F.S. EXCEPT CONSENT OF USE AUTHORIZATIONS

Category	Amount
Application	\$200

(5) Petition for Formal Determination of Wetlands and Other Surface Waters processing fees are in the following table:

TABLE 40E-1.607(5)
 DETERMINATION PETITION PROCESSING FEES FOR FORMAL DETERMINATION OF WETLANDS AND OTHER SURFACE WATERS

For the validation of informal, non-binding wetland determinations pursuant to Section 373.421(6), F.S. the fees shall be the same as formal determinations listed in Table 40E-1.607(5).

(b) The governing body submits Form No. 889 certifying that the fee reduction is necessary due to an environmental need for a particular project or activity; or

(c) The governing body submits Certification of Waiver of Permit Application Processing Fee, Form No. 889, certifying that the permit processing fee is a fiscal hardship due to one of the following factors:

1. Per capita taxable value is less than the statewide average for the current fiscal year;

2. Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year;

3. Any condition specified in Section 218.503, F.S., that determines a state of financial emergency;

4. Ad valorem operating millage rate for the current year is greater than 8 mills; or

5. A financial condition is documented in annual statements at the end of the current fiscal year which indicates an inability to pay the permit processing fee during that fiscal year.

Specific Authority 373.109, 373.421(6)(b) FS. Law Implemented 373.109, 373.421(6)(b) FS. History--New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terrie Bates, Director, Regulation Department

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 12, 1999

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Water Wells
RULE CHAPTER NO.: 40E-3

RULE TITLE: Content of Application
RULE NO.: 40E-3.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to make a cross-reference to rule 40E-1.607, where the subject fees will be located through separate rulemaking.

SUMMARY: This rule proposes to make a cross-reference to Rule 40E-1.607, where the subject fees will be located through concurrent rulemaking.

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, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.308, 373.309, 373.313 FS.

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

TIME AND DATE: 9:00 a.m., September 9, 1999

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: For technical questions, Claudia Kugler, Director, Business Operations, Regulation Department, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406-4680, telephone 1(800)432-2045, extension 6850 or (561)682-6850 (e-mail ckugler@sfwmd.gov); or for legal/administrative questions, Julie Jennison, Sr. Legal Research Assistant, 1(800)432-2045, extension 6294 or (561)682-6294 (e-mail: 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 FULL TEXT OF THE PROPOSED RULE IS:

40E-3.101 Content of Application.

(1) through (3) No change.

(4) The required fee pursuant to ~~Rule 40E-1.607(2) section 40E-3.201~~ shall be submitted with the permit application.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History--New 1-1-85, Amended 12-19-89.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terrie Bates, Director, Regulation Department

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 12, 1999

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Water Wells
RULE CHAPTER NO.: 40E-3

RULE TITLE: Permit Application Fees
RULE NO.: 40E-3.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate the listing of specific application fees for water well construction and repair in Rule 40E-3.201, FAC. This section is being repealed as these fees will be listed in Rule 40E-1.607, FAC, through concurrent rulemaking.

SUMMARY: This rule proposes to repeal Rule 40E-3.201, FAC since this rule will be superseded by Rule 40E-1.607, FAC.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.108, 373.309, 373.313 FS.

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

TIME AND DATE: 9:00 a.m., September 9, 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: For technical questions, Claudia Kugler, Director, Business Operations, Regulation Department, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406-4680, telephone 1(800)432-2045, extension 6850 or (561)682-6850 (e-mail ckugler@sfwmd.gov); or for legal/administrative questions, Julie Jennison, Sr. Legal Research Assistant, 1(800)432-2045, extension 6294 or (561)682-6294 (e-mail: 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 FULL TEXT OF THE PROPOSED RULE IS:

40E-3.201 Permit Application Fees.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.109, 373.308, 373.309, 373.313 FS. History—New 1-1-85, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Terrie Bates, Director, Regulation Department

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 12, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Definition of Poker **RULE NO.:** 61D-11.026

PURPOSE AND EFFECT: In St. Petersburg Kennel Club v. Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, 23 F.L.W. D2046, 719 So. 2d 1210 (Fla. 2nd DCA, September 2, 1998), the Court found Rule 61D-11.026, which defined the word “poker,” to be an improper exercise of delegated legislative authority under Section 120.536, Florida Statutes. This rule is being repealed to comply with the ruling of the Court.

SUMMARY: Elimination of rule 61D-11.026.

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: 550.0251(12), 849.086(4)(a), 849.086(12) FS.

LAW IMPLEMENTED: 849.085(2)(a), 849.086(2)(a) 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. – 4:00 p.m., August 19, 1999

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Room 100, 1940 North Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-11.026 Definition of Poker.

Specific Authority 550.0251(12), 849.086(4)(a), 849.086(12) FS. Law Implemented 849.085(2)(a), 849.086(2)(a) FS. History—New 10-21-97, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Deborah R. Miller, Director, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 1999

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE TITLES:

Fees

RULE NOS.:

64E-3.001

Continuing Education Requirements

64E-3.008

PURPOSE AND EFFECT: The purpose and effect of these proposed rules is to collect from radiologic technologist applicants the actual cost of the examination from the testing organization and to establish certificate expiration dates corresponding to the last day of the certificateholder's birth month.

SUMMARY: These proposed rules allow the department to collect the actual cost of examination from radiologic technologist certification applicants and to establish radiologic technologist certificate expiration dates that correspond to the last day of the certificateholder's birth month.

SPECIFIC AUTHORITY: 468.303, 468.3065, 468.309(1),(2),(3) FS.

LAW IMPLEMENTED: 468.304, 468.306, 468.3065, 468.309, 468.3095 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., August 10, 1999

PLACE: Room 290, Oakland Building, 2009 Apalachee Parkway, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William A. Passetti, Chief, Bureau of Radiation Control, (850)487-1004

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-3.001 Fees.

The following fees are prescribed by the department:

(1) The fee for initial application and a study guide for certification by examination as provided in Section 468.304, Florida Statutes, is 75 90 dollars plus the actual charge by the testing organization for the examination.

(2) The fee for initial application without a study guide for certification by examination as provided in Section 468.304 468.3065, Florida Statutes, is 50 65 dollars plus the actual charge by the testing organization for the examination.

(3) The fee for initial application for certification by endorsement as provided in Section 468.3065, Florida Statutes, is 45 dollars.

(4) The fee for subsequent examinations as provided in Section 468.306(4), Florida Statutes, is 35 50 dollars plus the actual charge by the testing organization for the examination.

(5) The fee for renewal of one certificate as provided in Section 468.309(1), Florida Statutes, is 55 dollars for one certification category and 40 dollars for each additional certification category renewal certificate, 40 dollars. The

department will prorate the renewal fee for certificates expiring December 31, 1999 and December 31, 2000 to establish certificate expiration dates coinciding with the last day of the birth month of the certificateholder.

(6) The fee for application for change from active to inactive status as provided in Section 468.3095, Florida Statutes, is 40 dollars.

(7) The fee for late renewal fee as provided in Section 468.3095 468.31(2), Florida Statutes, is 100 dollars in addition to the renewal fee specified in (5), above.

(8) The fee for a duplicate certificate as provided in Section 119.07, Florida Statutes, is 10 dollars.

(9) The fee for listings and mailing labels of radiologic technologists, is \$0.05 for each name and \$55.00 for each setup.

Specific Authority 468.303, 468.304, 468.306(4), 468.3065, 468.309(1), 468.3095, 468.31(2) FS. Law Implemented 468.303, 468.304, 468.306, 468.3065, 468.308, 468.309, 468.3095 468.31 FS. History--New 10-1-84, Amended 3-21-88, 9-17-92, 11-6-94, Formerly 10D-74.040, Amended

64E-3.008 Continuing Education Requirements.

(1) Twelve contact hours of continuing education shall be required for renewal during each biennium for persons holding one or more certificates issued pursuant to Part IV Chapter 468, Florida Statutes. Credit will not be approved for repeating a course during a biennium. The department will establish certificate expiration dates corresponding to the last day of the birth month of the certificateholder and will prorate the number of continuing education hours required for those certificateholders who pay the prorated renewal fee specified in 64E-3.001(5), Florida Administrative Code.

Specific Authority 468.303, 468.309(1),(2),(3) FS. Law Implemented 468.303, 468.309(1), 468.309(2), 468.309(3), 468.309(4), 468.3095(2), 468.3095(2) FS. History--New 4-10-85, Amended 3-21-88, 9-17-92, 5-7-96, Formerly 10D-74.051, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: William A. Passetti

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sharon Heber, M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 1999

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF THE LOTTERY

RULE NO.: 53-16.005

RULE TITLE: Holidays and Other Authorized Activities

NOTICE OF CHANGE

Notice of Change is hereby given that the following changes have been made to the proposed rule based upon comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 25, No. 19 of the May 14, 1999 issue of the Florida Administrative Weekly. When changed, 53-16.005(4)(f) will read as follows:

(f) If an employee is called back to work on a holiday, the employee shall be compensated in accordance with this subsection, and the two hour minimum credit set forth in 53-16.003(1)(f), F.A.C., shall not apply.

~~(f) Employees who receive compensation under these provisions for working on a holiday, are not eligible for call back pay for working on the holiday.~~

Specific Authority 24.105(10)(j), 24.105(2)(a) FS. Law Implemented 24.105(20)(d), ~~24.105(21)(d)~~ FS.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-4.133
 RULE TITLE: Plans Submission and Review and Construction Standards

NOTICE OF CHANGE

Proposed amendments to the above referenced rule are being changed to address comments from staff of the Joint Administrative Procedures Committee (JAPC) and comments received during a Public Hearing on June 18, 1999. The proposed amendments were originally published in Vol. 25, No. 21, Florida Administrative Weekly, May 14, 1999.

The JAPC has indicated that reference to "chapter" 59A-4.133(11) should be changed to section 553.73, F.S., and that the reference to "chapter 59A-4.133(1) through Chapter 59A-4.133(17)" should be clarified to refer to subsections (1) through (17) of this rule. Additional comments indicated that applicable standards of the Federal Emergency Management Agency; code section 7-95 of the American Society of Civil Engineers; section 2315 of the South Florida Building Code, Dade edition, 1994; and code sections 10 and 13 of the National Fire Protection Association (NFPA) should be incorporated by reference into the amended rule. It was also suggested that criteria of the Office of Plans and Construction governing approval of fire watch plans as referenced in (b)10a. (II), and criteria governing pre-approval of other methods of External Emergency Communications Standards referred to in (b)11. should be set forth in the rule. Accordingly these sections have been changed. Other underlined language includes those portions which were discussed and agreed upon at the public hearing.

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(18):

1. "New facility" means a nursing home, or an addition of a wing or floor to an existing 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. Interior renovation, refurbishing, modifications or conversions inside of an existing structure licensed as a nursing home, shall not have to meet the standards contained in this paragraph;

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 following the loss of normal support utilities to the facility;

4. "Occupied resident area(s)" means the ~~protected~~ location of residents inside of the new facility or in the addition of a wing or floor to an existing facility during and immediately following a disaster;

5. "~~Applicable B~~ building code" means the building codes as described in section 553.73, F.S. the building code enforced by the building official with local jurisdictional authority.

6. "Resident support area(s)" means ~~the those~~ area(s) required to ensure the health, and safety and well-being of residents during and immediately following a disaster, such as a nursing station, clean and soiled utility areas, food preparation area, and other areas as determined by the facility.

(b) New Facility Construction Standards. The following construction standards are in addition to the physical plant requirements described in subsections (1) through (11) of 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, as estimated by the facility, each new facility shall provide a minimum of 30 net square feet per resident served in the occupied resident area(s).

b. ~~As determined by the facility, 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. ~~As determined by the facility, adequate space shall be provided for all additional staff and family members of residents and staff.~~

2. Site standards.

a. All new facilities and additions to existing facilities 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

b. the floor elevation of all new occupied 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, or

~~c.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, incorporated by reference and available from Federal Emergency Management Agency, Federal Insurance Administration, Attn. Publications, P. O. Box 70274, Washington, D.C. 20024.

d.e. 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;

e.f. 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;

f.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 American Society of Civil Engineers (ASCE 7-95), fifty-year recurrence interval of wind velocity with appropriate exposure category dependent on site location, incorporated by reference and available from the American Society of Civil Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017-2398 ~~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 new 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 of these 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 of the building code and the debris impact requirements as specified by Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~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 Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~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 of the building code, and the debris impact requirements specified by Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~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 wind load requirements of the building code, and the impact requirements specified by Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~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 Section 2315 of the South Florida Building Code, Dade

edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~the applicable building code;~~

f. All of the exterior 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. ~~When not being utilized to protect the windows, the~~ protective system shall not restrict the operability of the windows in the occupied resident bedrooms.

h. ~~When not being utilized to protect the windows, the~~ protective systems shall not 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 Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~the applicable building code.~~

b. All occupied resident areas and resident support areas shall be supplied with sufficient HVAC as determined by the facility to ensure the health, safety and well being of all residents and staff during and immediately following a disaster.

c. As determined by the facility these selected ~~Systems providing~~ HVAC systems 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., during and immediately following a disaster.

e. Auxiliary equipment and specialties such as hydronic supply piping and pneumatic control piping shall be located, ~~and~~ routed and protected in such a manner as determined by the facility to ensure the equipment receiving the services will not be interrupted.

7. Plumbing Standards.

a. There shall be an independent on-site supply (i.e., water well) or on-site 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. For planning purposes the number of residents shall be estimated by the facility.

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 in the facility per day during and immediately following a disaster. For planning purposes, the number of these personnel shall be estimated by the facility.

c. The facility shall determine what ~~There shall be an independent on-site supply or storage capability of sufficient amount of non-potable water will be sufficient~~ to provide for ~~all~~ resident services, and shall maintain an on-site supply or on-site storage of the determined amount such as bathing, washing and flushing and support utilities during and immediately following a disaster.

d. When utilized to meet the minimum requirements of this rule~~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 storage, 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 Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~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 ~~the~~ all occupied resident area (s) and resident support area (s) with at least the following support services:

(I) Ice making equipment to produce ~~sufficient~~ sufficient ice for the residents served, or freezer storage equipment for the storage of 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 as determined by the facility 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 ~~64~~ 48 hours or 72 hours for actual demand load of the occupied resident area (s) and resident support area(s) and resident support utilities during and immediately following a disaster, whichever is greater.

(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 Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~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 Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~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 Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~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 Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~the applicable building code~~.

10. Fire Protection Standards.

a. If the facility requires fire sprinklers as part of its fire protection, either of the following shall be met:

(I) ~~On-site~~ Sufficient on-site water storage capacity to continue sprinkler coverage, in accordance with the requirements of NFPA 13, incorporated by reference and available from NFPA, 1 Batterymarch Park, P. O. Box 9101, Quincy, MA 02269-9101 or

(II) ~~If the facility plans to provide a Fire Watch; it shall use the following procedure as approved by the Office of Plans and Construction agency for all areas of the facility that are without sprinkler coverage due to interrupted water flow.~~

(A) Notify the local fire department and document instructions.

(B) Notify the Agency through the Area Office.

(C) Assess the extent of the condition and effect correction action, with a documented time frame. If the corrective action will take more than four (4) hours, do the following items:

I. Implement a contingency plan to the facility fire plan containing: a description of the problem, specifically what the system is not doing that it normally does, and the projected correction time frame. All staff on shifts involved shall have documented in-servicing and drilling for the contingency.

II. Begin a documented firewatch, until the system is restored. Persons used for firewatch must be trained in what to look for, what to do, and be able to expeditiously contact the fire department. For a firewatch, a facility can use only: public safety persons (i.e., fire service), a guard service, or staff (e.g., a nurse, maintenance, drill or safety coordinator); if the persons are:

A. Off duty from their regular position; in compliance with current state staffing ratios and personnel policies (i.e., not in a condition that would impair performance);

B. Trained and competent in what to look for and what to do;

C. Have a provision for priority communication (i.e., a radio or special telephone).

D. Notify Agency and local authorities, if the time-frame changes or system is restored.

b. If the facility provides a Fire Watch in lieu of sprinkler on-site water or water storage, then one 4-A type fire extinguisher or equivalent shall be provided for every 3 or less 2-A fire extinguishers required by NFPA 10, incorporated by reference and available from NFPA, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101, for the area served. These additional extinguishers shall be equally distributed throughout the area they are protecting. ~~If sprinkler coverage is adversely affected by interrupted water flow, the facility shall provide for additional fire extinguishers in the resident occupied area.~~

11. External Emergency Communications Standards. ~~In conjunction with the County Emergency Management Agency, Each new facility shall provide for external an alternative form of electronic communication not dependent on terrestrial telephone lines, cellular, radio or microwave towers, such as on-site radio transmitter, satellite communication systems 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 which can be shown to maintain uninterrupted electronic communications not dependent on land-based transmission shall be pre-approved by the Office of Plans and Construction agency.~~

Specific Authority 400.23 FS. Law Implemented 400.23, 553.73, 633.022 FS. History--New _____.

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 BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.:	RULE TITLE:
61G1-12.004	Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Architecture and Interior Design hereby gives notice of an additional public hearing on the above-referenced rule to be held on August 5, 1999, at 9:00 a.m., or shortly thereafter, at The Registry Resort, 475 Seagate Drive, Naples, Florida 34103. The rule was originally published in Vol. 25, No. 10, of the March 12, 1999, Florida Administrative Weekly. This additional public hearing is being held in response to comments provided by the staff of the Joint Administrative Procedures Committee.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee O’Conner, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board’s Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.:	RULE TITLE:
64B3-5.004	Technician

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. 19, of the May 14, 1999, issue of the Florida Administrative Weekly. The

change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. When changed, subsection (5) of the rule shall read as follows:

“(5) Qualifications for Technicians who perform High Complexity Testing. Technicians performing high complexity testing as defined in 42 C.F.R. 493.10 and 493.17, and who have been licensed after September 1, 1997, shall meet the minimum educational and training qualifications provided in 42 C.F.R. 493.1489 (March, 1999), incorporated herein by reference, including a minimum of an associate degree in laboratory science, medical laboratory technology, or equivalent education and training.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-42.003	Temporary Permits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 16, April 23, 1999, Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE:	RULE NO.:
Instant Game 72 Specifics	53ER99-31

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game 72, "SOLID GOLD" 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:

53ER99-31 Instant Game 72 Specifics.

(1) Name of Game. Instant Game Number 72, "SOLID GOLD."

(2) Price. SOLID GOLD tickets sell for \$2.00 per ticket.

(3) SOLID GOLD 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 SOLID GOLD 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 SOLID GOLD Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "WINNING NUMBERS" play symbols and play symbol captions in SOLID GOLD are as follows:

INSERT SYMBOLS

(5) The "YOUR NUMBERS" play symbols and play symbol captions in SOLID GOLD are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions in SOLID GOLD are as follows:

INSERT SYMBOLS

(7) Determination of Prize Winners.

(a) The holder of a ticket having any number exposed in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area and a TICKET shown as the prize shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that total \$2.00.

(b) The holder of a ticket having any number exposed in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall be entitled to a prize of the amount shown for that number.

(c) The holder of a ticket having a "24K" symbol exposed in the "YOUR NUMBERS" play area shall be entitled to double the prize amount shown.

(8) Prize amounts which may appear in the play area are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$40.00, \$100, \$500, \$1,000, and \$10,000.

(9) Number and Size of Prizes. The following prizes will be available in Instant Game Number 72 SOLID GOLD:

(a) Approximately 1,440,897 prizes falling in the cash categories of 84 pools of 120,000 tickets per pool.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 72 are as follows:

MATCH ANY OF YOUR NUMBERS

TO ANY WINNING NUMBER OR GET A "24K" AND WIN WITH PRIZES OF:		WIN	NUMBER IN 84 POOLS	ODDS
TICKET	TICKET		1,209,600	1 in 8.33
\$1 (D)	\$2		470,400	1 in 21.43
\$2	\$2		268,800	1 in 37.50
\$1 x 4	\$4		134,400	1 in 75.00
\$2 (D)	\$4		134,400	1 in 75.00
\$2 x 4	\$8		67,200	1 in 150.00
\$4 (D)	\$8		67,200	1 in 150.00
\$2 x 3 + \$4	\$10		33,600	1 in 300.00
\$1 x 10	\$10		33,600	1 in 300.00
\$2 (D) x 4	\$16		67,200	1 in 150.00
\$5 (D) + \$10	\$20		33,600	1 in 300.00
\$5 x 4	\$20		33,600	1 in 300.00
\$2 x 10	\$20		67,200	1 in 150.00
\$5 x 2 + \$20 x 2	\$50		7,560	1 in 1,333.33
\$25 (D)	\$50		7,560	1 in 1,333.33
\$20 + \$40 (D)	\$100		3,528	1 in 2,857.14
\$100	\$100		504	1 in 20,000.00
\$100 x 5	\$500		252	1 in 40,000.00
\$500	\$500		252	1 in 40,000.00
\$500 (D)	\$1,000		17	1 in 592,941.18
\$100 x 10	\$1,000		17	1 in 592,941.18
\$1,000 x 10	\$10,000		4	1 in 2,520,000.00
\$10,000	\$10,000		3	1 in 3,360,000.00

(10) The over-all odds of winning any prize in Instant Game Number 72 are 1 in 3.82.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History--New 7-6-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: July 6, 1999

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, has received from Susan E. Labousier, on June 30, 1999, a petition for Waiver of Rule 11B-27.002(1)(i). The Petition requests authorization to obtain a second Temporary Employment Authorization (TEA) without having obtained a four-year break-in-service from the last employment.

PURPOSE: Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302-1489, Attention: Assistant General Counsel, Karen D. Simmons.

A copy of the Petition may be obtained by contacting Assistant General Counsel, Karen D. Simmons at the above address, or by calling (850)410-7676.

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District ("District") hereby gives notice of intent to issue a variance from 40C-4.302(1)(c), FAC, on August 10, 1999, at a public hearing at District Headquarters for the Volusia County Ponce deLeon Port Authority in conjunction with Environmental Resource Permit Application No. 4-127-0213AM2EK-ERP. Rule 40C-4.302(1)(c) requires that projects located in adjacent to, or in close proximity to Class II waters, or located in Class II waters or Class III waters, classified by the Florida Department of Environmental Protection as approved, restricted or conditionally restricted for shellfish harvesting as set forth or incorporated by reference in chapter 62-7, FAC, will comply with the additional criteria in section 12.2.5 of the Applicant's Handbook: Management and Storage of Surface Waters Subsection 12.2.5(c) generally requires the District to deny a permit for a regulated activity that is located directly in Class II waters classified by the Florida Department of Environmental Protection as conditionally restricted for shellfish harvesting. This will allow certain dredge and fill activities associated with bulkhead and basin construction plans within the Indian River North variance in Section 13 and 24, Township 18 South, Range 34 East, Volusia County, Florida. The file containing the petition for variance is available for inspection Monday through Friday, except for legal holidays, 8:00 a.m. to 5:00 p.m. at District Headquarters or the appropriate Service Center. The District will take further action on the application for variance unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of sections 120.569 and 120.57, Florida Statutes (F.S.) and chapters 28-106 and 40C-1.1007, Florida Administrative Code (FAC). A person whose substantial interests are affected by the Districts proposed action identified above may petition for administrative hearing in accordance with sections 120.569 and 120.57 or all parties may reach a written agreement on mediation as an alternative remedy under section 120.573. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth in section 120.573, F.S., and rules 28-106.111 and 28-106.401-28-106.405, FAC. Petitions must comply with the requirements of Florida Administrative Code, Chapter 28-106 and be filed with (received by) the District Clerk, located at District Headquarters, 4049 Reid Street, Palatka, Florida 32177. In accordance with section 403.201, F.S., petitions for administrative hearing on the above variance must be filed within fourteen (14) days of publication of this notice. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S., concerning the subject variance. Petitions which are not filed in accordance with the above provisions are subject to dismissal. Because the administrative hearing

process is designed to formulate formal agency action, the filing of a petition means that the District'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 District on the application have the right to become a party to the proceeding, in accordance with the requirements set forth above.

NOTICE IS HEREBY GIVEN THAT the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Variance under Section 120.542, Fla. Stat. (Order), on June 10, 1999 to Lawrence Z. and Marilyn M. Crockett (Crocketts) for a project known as Crockett Grove located in St. Lucie County, Florida. Notice of filing of the Petition requesting the variance on February 9, 1999 was published in the Florida Administrative Weekly on March 5, 1999. This Order provides a variance allowing withdrawals from the C-23 Canal and was granted concurrently with Water Use Permit Application No. 981228-11. Specifically, the Order grants a variance from Rule 40E-2.301(1), Fla. Admin. Code, implemented under Part II of Chapter 373, Fla. Stat., and Criterion 3.2.1.B. of the Basis of Review for Consumptive Use Permit Applications Within the SFWMD which criterion provides, in general, that no additional water will be allocated from District canals C-23, C-24, and C-25 over and above existing allocations. The Order sets forth the basis of the Governing Board decision to grant the variance, as follows: 1) the underlying purpose of Section 373.223, Fla. Stat., is met through assurances provided by the Crocketts that adverse water resource impacts to the C-23 canal and to existing legal users will be the same as historically experienced and insignificant, and 2) the Order granting a variance from the subject rule is necessary to prevent the Crocketts from suffering substantial hardship which could result if the Crocketts were required to cease their C-23 canal withdrawals and develop a Floridan Aquifer source which water source is costly, salty and may not be suitable for crop irrigation.

A copy of the Order can be obtained from Nilene Perry at South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406; telephone number 561.682.6273 or e-mail at nperry@sfwmd.gov on Monday through Friday, during regular business hours.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection has taken action on a petition for variance received from International Technology Corporation on March 22, 1999. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol 25, No. 9, dated March 5, 1999. No public comment was received. The petition requested a variance from the zone of discharge prohibition for discharges through wells under rule 62-522.300(2)(a) of the Florida Administrative Code for the use of the remediation product to clean up sites

contaminated with petroleum compounds and chlorinated solvents, and specifically to allow a zone of discharge for color, total dissolved solids, manganese, pH, and chloride within a 100-foot radius from the point of discharge for a duration of two years. On June 25, 1999, the Department granted a variance to International Technology Corporation in a final order, OGC File No.: 99-0166. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the product must be through a Department-approved remedial action plan, or other Department-enforceable document, for an aquifer remediation project and that such approval shall not be solely by a delegated local program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of chapter 62-528, FAC; that the extent of the zone of discharge for color, total dissolved solids, manganese, pH, and chloride shall be a 100-foot radius from the point of injection for a duration of no more than two years; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifer; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions. For a copy of the final order write or call Cynthia Christen, Department of Environmental Protection, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; telephone (850)921-9610.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on June 18, 1999, a petition from Duke Engineering & Services, seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under rule 62-522.300(2)(a), Florida Administrative Code, for the use of a remediation product to clean up sites with contaminated ground water and soils. The petition has been assigned OGC case number 99-1049. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Cynthia Christen. Comments must be received no later than 14 days from the date of publication of this notice.

The Department of Environmental Protection has taken action on a petition for emergency variance received from the Town of Westville on May 18, 1998. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol 24, No. 23, dated June 11, 1998. No public comment was received. The petition requested an emergency variance from the prohibition of placement of new aboveground petroleum storage tanks within a wellhead protection area under rules

62-521.400(1)(m) and 62-671.500(1)(a) of the Florida Administrative Code. The Town of Westville petitioned for the variance in order to be able to attract a convenience store with gasoline service to property owned by the Town. The store would include aboveground storage tanks located 316 feet from a potable water well owned by the Town of Westville around which exists a 500-foot wellhead protection area. The Town of Westville demonstrated an emergency in that it is experiencing a financial emergency and desperately needs to attract a commercial enterprise to this property. All previous attempts have failed. On June 16, 1998, the Department granted a variance to the Town of Westville in a final order, OGC File No.: 99-0810. The final order granted an emergency variance with conditions from the wellhead protection area prohibition. The conditions require that all aboveground AST Category-C petroleum storage tanks have secondary containment constructed of concrete with double walled piping and dispenser lines; the certified tank contractor must certify that all the requirements for the tank develop a spill response plan before installation of the aboveground storage tanks; and the Town of Westville will have a contractor on retainer for spill response, beginning no later than the date the aboveground storage tanks are filled with gasoline. For a copy of the final order write or call Cynthia Christen, Department of Environmental Protection, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; telephone (850)921-9610.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on June 29, 1999, a petition from Groundwater Technology Incorporated, seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under rule 62-522.300(2)(a), Florida Administrative Code, for the use of a remediation product to clean up sites with contaminated ground water and soils. The petition has been assigned OGC case number 99-1072. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Cynthia Christen. Comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that on June 9, 1999, it received a letter from Arlene J. Gurwich, seeking a waiver or variance of Rule 64B4-3.003(5)(a)1., F.A.C., pursuant to Section 120.542, FS. The Board will discuss this matter at its regularly scheduled board meeting which will be held July 26-28, 1999, 9:00 a.m., or shortly thereafter, at the Embassy Suites, 5835 T. G. Lee Boulevard, Orlando, Florida 32822.

This Notice was previously published in Vol. 25, No. 26 of the July 2, 1999 issue of the Florida Administrative Weekly, and the Notice failed to state how to obtain a copy of the Petition filed by Arlene J. Gurwich.

A copy of the Petition for Waiver and Variance may be obtained by writing: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, Department of Health, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258.

For additional information, contact: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at the above address or telephone (850)414-7557.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that the Florida Housing Finance Corporation received on July 6, 1999, a petition from Wyman Fields Foundation, Inc. seeking a waiver under section 120.542, Florida Statutes in connection with Applicant's 1998 Predevelopment Loan Program application for funding. The Waiver involves Rule 67-38.007(1) Florida Administrative Code, which describes the terms and conditions of the predevelopment loan. To receive an "Acquisition Draw" during the Acquisition Phase of the Predevelopment Loan Program the Borrower is required to deliver an acceptable Conditional Commitment for the funds required to purchase the Project Site, construct or rehabilitate the Project and repay the Loan. The petition has been assigned case number 99-008.

Copies may be obtained from, and written comments submitted to: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329; Attn: Stephen M. Donelan, Esquire.

Comments must be received within 14 days from the date of publication of this notice.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Board of Directors of the **Central West Florida Preservation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 29, 1999, 3:00 p.m.

PLACE: 1914 Plant City High School and Community Center, 605 North Collins Street, Plant City, Florida 33566

PURPOSE: General Business Meeting

A copy of the agenda may be obtained by writing: Tampa Regional Office, 1802 East 9th Avenue, Tampa, Florida 33605.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request special assistance.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Soil and Water Conservation Council's Executive Planning committee to which all persons are invited:

DATE AND TIME: Friday, August 6, 1999, 1:00 p.m. – 2:00 p.m.

PLACE: Daytona Beach Hilton Resort, 2637 South Atlantic Avenue, Daytona Beach, Florida 32118-5699, Room Dolphin A

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Planning Committee meeting is scheduled to discuss Soil and Water Conservation Legislative Priorities, to make a report to the Soil and Water Conservation Council at the next meeting, to be held on immediately following the Executive Planning Committee meeting in Tallahassee, Florida.

A copy of the agenda or directions may be obtained by contacting: Office of Agricultural Water Policy, Mail Stop C-28, 3125 Conner Boulevard, Suite C, Tallahassee, Florida 32399-1650, ATTN: Brenda Howard, (850)488-6249 or Suncom 278-6249.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Soil and Water Conservation Council to which all persons are invited:

DATE AND TIME: Friday, August 6, 1999, 3:30 p.m. – 6:00 p.m.

PLACE: Daytona Beach Hilton Resort, 2637 South Atlantic Avenue, Daytona Beach, Florida 32118-5699

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reports and discussion regarding soil and water conservation legislative budget issues; Public land management; election of officers; and Reports and discussion regarding the Department's and partners' key efforts in the conservation partnership and agricultural water policy issues.

A copy of the agenda or directions may be obtained by contacting: Office of Agricultural Water Policy, Suite C, Mail Stop C-28, 3125 Conner Boulevard, Tallahassee, Florida

32399-1650, Attn: Brenda Howard. Directions may be obtained by calling Clegg Hooks or Brenda Howard, (850)488-6249 or Suncom 278-6249, M-F, 8-5.

DEPARTMENT OF EDUCATION

The **Florida International University** proposes to hold a full open public meeting to which all interested parties are invited to attend.

DATE AND TIME: August 11, 1999, 10:00 a.m.
PLACE: University Park, PAC Building, Room 110, Miami, FL

PURPOSE: To discuss the selection of architects for the new School of Architecture project, BR-850 which will result in final independent action. Deliberations by the selection committee will be based on designs presented at a public meeting on Wednesday, March 3, 1999.

To confirm meeting date, time and location contact Facilities Management, (305)348-4000, or log-on the web at http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu for up to date information.

The **Foundation for Florida's Community Colleges'** Board of Directors announces the following conference call to which all persons are invited.

DATE AND TIME: July 27, 1999, 4:15 p.m. – 5:15 p.m., Call in Number (850)921-6433 or Suncom 291-6433

PURPOSE: Discuss Foundation issues, in particular, the selection of an investment manager.

If you need special services to attend the meeting or need additional information, write: Division of Community Colleges, 1314 Turlington Building, Tallahassee, Florida 32399-0400.

DEPARTMENT OF LAW ENFORCEMENT

The Criminal Justice Professionalism Program announces the following meetings: Trust Fund and Commission Policies and Procedures Workshop, Quarterly Criminal Justice Standards and Training Commission meeting, Training Center Directors' Committee and Plenary meetings, Probable Cause Panel Hearings, and presentation of Officer Discipline Cases for final disposition. These meetings are held to present to the **Criminal Justice Standards and Training Commission** any issues relating to standards and training, certification, decertification, and record management of law enforcement, correctional, and correctional probation officers. All parties are invited to attend.

MEETING: Trust Fund and Commission Policies and Procedures Manual Workshop

DATE AND TIME: Tuesday, August 10, 1999, 8:30 a.m.
MEETING: Training Center Directors' Committee Meeting

DATE AND TIME: Wednesday, August 11, 1999, 8:30 a.m.
MEETING: Training Center Directors' Plenary Meeting

DATE AND TIME: Wednesday, August 11, 1999, 10:00 a.m.
MEETING: Workshop for the CJS & T Commission Curricula Maintenance System and the New Certification Examination Development Plan

DATE AND TIME: Wednesday, August, 11, 1999, 2:00 p.m.
MEETING: Criminal Justice Standards and Training Commission Meeting Regular Business Agenda

DATE AND TIME: Thursday, August 12, 1999, 8:30 a.m.
MEETING: Officer Discipline Proceedings

DATE AND TIME: Thursday, August 12, 1999, 1:00 p.m.
MEETING: Officer Disciplinary Proceedings

DATE AND TIME: Friday, August 13, 1999, 8:30 a.m.
PLACE: Indian River Plantation Marriott Resort, 555 N. E. Ocean Boulevard, Stuart, Florida 34996, Telephone number for hotel reservations is (561)225-3700.

PURPOSE: To conduct a Trust Fund and Policies and Procedures Workshop to discuss revised policies in detail; to discuss standards and training issues as they relate to upcoming Commission issues on the Commission business agenda; to conduct regular Commission business regarding funding, standards and training and certification of officers; and to present officer discipline cases to the Commission for final disposition.

A copy of the August 1999 Commission Meeting agenda may be obtained by contacting Donna Hunt, (850)410-8615, and a copy of the Officer Discipline Agenda may be obtained by contacting Brenda Miller, (850)410-8648. If you wish to write the Commission for a copy of the above agendas, please write: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt or Brenda Miller. If you wish to call or write for a copy of the Training Center Directors' Association agenda, please write or call: Training Center Director Association Chairman Ed Mandt, (954)475-6788, Broward Community College, Criminal Justice Institute, 3501 Southwest Davie Road, Fort Lauderdale, Florida 33314.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Donna Hunt, (850)410-8615, at least two (2) weeks prior to the meeting.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 28, 1999, 9:00 a.m.
PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

PURPOSE: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** will consider at its July 27, 1999, Agenda Conference, Docket No. 981213-GU, Petition by Florida Division of Chesapeake Utilities Corporation for Approval to Issue Common Stock and Secured and/or Unsecured Debt and to Exceed Limitation Placed on Short-term Borrowings in 1999. The Company filed a Petition by Chesapeake Utilities Corporation for Modification of Authority to Issue Common Stock During the Twelve Months Ended December 31, 1999, on June 25, 1999, in which it requested authority to issue up to 50,000 additional shares of common stock for its Retirement Savings Plan (RSP).

DATE AND TIME: Tuesday, July 27, 1999, The agenda Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To take final action in Docket No. 981213-GU.

Pursuant to the provisions of the Americans With Disabilities Act, any person requiring special accommodations to participate in this Agenda is asked to advise the agency at least 48 hours before the Agenda Conference by contacting the Division of Records and Reporting, (850)413-6770, at least 48 hours before the Agenda Conference. If you are hearing or speech impaired, please contact the agency by calling the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a staff workshop to be held in the following matter, to which all interested persons are invited.

UNDOCKETED – “The Role of Power Companies in Telecommunications”

DATE AND TIME: July 29, 1999, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: The purpose of the workshop will be to explore the role of power companies in the competitive telecommunications market, to determine whether power

companies have an interest in providing telecommunication services in the state of Florida, and to determine what types of services these companies are currently providing, i.e. data, voice, broadband, or leased capacity. The workshop will also explore any obstacles the power companies may face in entering the telecommunications market. Written comments are invited and should be filed in advance of the workshop with the Commission's Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the workshop. Any person who is hearing or speech impaired, should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD). The Commission is vested with jurisdiction over the subject matter of this proceeding by the provisions of Chapter 364, Florida Statutes.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Local Emergency Preparedness Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: July 21, 1999, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: Board Meeting

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Ginny Montgomery, (904)363-6375, Ext. 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Tampa Bay Regional Planning Council**, District VIII, Tampa Bay Local Emergency Planning Committee (LEPC) announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, August 4, 1999, 10:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., Ste. 219, St. Petersburg, FL

PURPOSE: Regular Bi-Monthly District VIII LEPC Meeting
 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 based.

The **South Florida Regional Planning Council** announces a meeting of the Executive Committee to which all persons are invited.

DATE AND TIME: Monday, August 2, 1999, 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, Florida

PURPOSE: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Executive Committee meeting on monthly Council business.

A copy of the agenda may be obtained by writing to the: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices at (954) 985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD) if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council at (954) 985-4416 at least five calendar days prior to the meeting.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: July 29, 1999, 10:30 a.m. Eastern Time, 9:30 a.m. Central Time

PLACE: The Clarion Hotel, 316 W. Tennessee Street, Tallahassee, Florida

PURPOSE: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors
 An agenda may be obtained by writing: Apalachee Regional Planning Council, 314 East Central Avenue, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

REGIONAL TRANSPORTATION AUTHORITIES

The **Hillsborough Area Regional Transit Authority (HART)** announces the following public meetings of the Governing Board of the Authority to which all persons are invited.

PUBLIC HEARING

DATE AND TIME: August 2, 1999, 8:30 a.m.

PLACE: County Center, 601 E. Kennedy Boulevard, 18th Floor, Planning Commission Board Room, Tampa, FL

PURPOSE: Public Hearing

REGULAR BOARD MEETING

DATE AND TIME: August 2, 1999, immediately following Public Hearing

PLACE: County Center, 601 E. Kennedy Boulevard, 18th Floor, Planning Commission Board Room, Tampa, FL

PURPOSE: Regularly Scheduled Board Meeting

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED: 1) Call to order; 2) Approval of Minutes; 3) Introductions, Recognition and Awards; 4) Consumer Advisory Committee Report; 5) Public Comment on Action Items; 6) Consent Action Items; 7) Other Action Items; 8) Chairman's Report; 9) Reports from HART Representatives; 10) HART Committee Reports; 11) Other Board Member's Report; 12) General Counsel's Report; 13) Executive Director's Report; 14) Employee Comment; 15) General Public Comment; 16) Discussion and Presentations; 17) Monthly Information Reports; 18) Other Information Items; 19) Other Business.

A copy of the detailed agenda may be obtained by contacting: Lisa Gantous, Executive Assistant, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 1600, Tampa, Florida 33602, (813)223-6831.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a 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. In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Joe DeHoyos, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TDD).

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following Facilities/Planning/Construction Committee meeting:

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

PLACE: St. Johns River Water Management Orlando Service Center, 618 East South Street, Orlando, FL 32807

PURPOSE: To discuss project construction and contractual matters of the District.

A copy of the agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling. Mrs. Sharon Whitener, Administrative Support Coordinator, Department of Operations and Land Resources, (904)329-4281.

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: Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 TDD.

If any person decides to appeal any decision with respect to any matter considered by the St. Johns River Water Management District's Governing Board, such person may need to ensure that a verbatim record of the meeting is made to include the testimony and evidence upon which appeal is to be based.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

PURPOSE: Lake Istokpoga/Indianprairie Basin

DATE AND TIME: Tuesday, July 27, 1999, 9:30 a.m. – 11:30 a.m.

PLACE: Lorida Community Center, 1909 Oak Avenue, Lorida, FL, (941)655-9912

PURPOSE: The purpose of this meeting is to discuss the issues surrounding the existing and long-term availability of water for agricultural and public supply uses in the Lake Istokpoga/Indian Prairie Basin. This is a subcommittee to the ongoing Kissimmee Basin Water Supply Plan Advisory Committee. The public is invited.

For more information, contact: Chris Sweazy, Planning Department, (407)858-6100.

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 in regards to Request for Proposal C-10545: 4E's Fishing Camp Law Enforcement Services/Residential Lease.

DATES AND TIME: July 29, 1999, 8:30 a.m., July 30, 1999, 8:30 a.m. (if required)

PLACE: District Headquarters, Building B-1, Conf. Room 2C, West Palm Beach, FL

PURPOSE: Public meeting of the selection committee to discuss the tabulation of scores following the evaluation of proposals submitted in response to RFP C-10545.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Procurement Division, P. O. Box 24680, West Palm Beach, Florida 33416-4680. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)687-6206, at least two business days in advance of the meeting to make appropriate arrangements. Should one or more members of the evaluation committee need to attend this meeting by means of communication media technology (CMT), the meeting will be teleconferenced at the time, location and conference room referenced above.

For more information, contact: Donna Lavery, Contract Administrator, (561)682-6420.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, August 5, 1999, 7:00 p.m. – 9:00 p.m.

PLACE: South Dade Government Center, 10710 S. W. 211 Street, 2nd Floor, Miami, Florida

PURPOSE: 8.5 Square Mile Project/2000 Save Our Rivers Land Acquisition and Management Plan

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: Wanda Caffie-Simpson, (561)682-6445.

The **South Florida Water Management District** announces a public meeting in regards to Request for Proposal C-10524: Leased Worker Services.

DATES AND TIME: August 9, 1999, 3:00 p.m., August 11, 1999, 3:00 p.m. (if required), August 20, 1999, 8:00 a.m. (if required)

PLACE: District Headquarters, Building B-1, Conf. Room 2A (August 9, 1999 and August 20, 1999, if required) District Headquarters, Building B-1, Conf. Room 2B (August 11, 1999 if required), West Palm Beach, FL

PURPOSE: Public meeting of the selection committee to discuss the tabulation of scores following the evaluation of proposals submitted in response to RFP C-10524 (August 9, 1999 and August 11, 1999, if required). Oral presentations by firms selected to provide presentations in conjunction with the evaluation of proposals submitted in response to RFP C-10524 will be held August 20, 1999 if required.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Procurement Division, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)687-6206, at least two business days in advance of the meeting to make appropriate arrangements. Should one or more members of the evaluation committee need to attend this meeting by means of communication media technology (CMT), the meeting will be teleconferenced at the time, location and conference room referenced above.

For more information, contact: Donna Lavery, Contract Administrator, (561)682-6420.

The **South Florida Water Management District** announces a public meeting in regards to Request for Proposal C-10523: Recruitment Advertising Services.

DATES AND TIMES: August 10, 1999, 9:00 a.m., August 12, 1999, 9:00 a.m. (if required), August 17, 1999, 8:00 a.m. (if required)

PLACE: District Headquarters, Building B-1, Conf. Room 2A (August 10, 1999 and August 12, 1999, if required); District Headquarters, Building B-1, Conf. Room 3B (August 17, 1999 if required), West Palm Beach, FL

PURPOSE: Public meeting of the selection committee to discuss the tabulation of scores following the evaluation of proposals submitted in response to RFP C-10523 (August 10, 1999 and August 12, 1999, if required). Oral presentations by firms selected to provide presentations in conjunction with the evaluation of proposals submitted in response to RFP C-10523 will be held August 17, 1999 if required.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Procurement Division, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)687-6206, at least two business days in advance of the meeting to make appropriate arrangements. Should one or more members of the evaluation committee need to attend this meeting by means of communication media technology (CMT), the meeting will be teleconferenced at the time, location and conference room referenced above. For more information, contact Donna Lavery, Contract Administrator, (561)682-6420.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The **Florida Commission for the Transportation Disadvantaged** announces a Full Commission Meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 3, 1999, 1:00 p.m. – 5:00 p.m.

PLACE: Renaissance Orlando Hotel-Airport, Vienna Ballroom, 5445 Forbes Place, Orlando, Florida, (407)240-1000

PURPOSE: To discuss the regular business of the Commission for the Transportation Disadvantaged.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Erin Schepers at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The **Florida Commission for the Transportation Disadvantaged** announces an Ombudsman Committee Meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 4, 1999, 8:00 a.m. – completion

PLACE: Renaissance Orlando Hotel-Airport, the Milan D Room, 5445 Forbes Place, Orlando, Florida, (407)240-1000

PURPOSE: To discuss improvements to the Ombudsman Program.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Erin Schepers,

Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** and the **Agency for Health Care Administration** announce a workshop to study the unlicensed assisted living facilities to which all persons are invited.

DATE AND TIME: Tuesday, July 27, 1999, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE DISCUSSED: Section 5 of Chapter 99-179, Laws of Florida, directs the Agency for Health Care Administration and the Department of Elder Affairs to convene a workgroup to identify additional legal and administrative steps needed to discourage the operation of unlicensed assisted living facilities in this state.

A copy of the agenda may be obtained by contacting: Meta Calder, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2309, or Mary Loepp, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308-5402, (850)487-2515.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Medical/Surgical Neuro-Musculo-Skeletal Guideline Committee to be held in Orlando, Florida, to which all persons are invited.

DATE AND TIME: July 24, 1999, 9:00 a.m.

PLACE: Airport Marriott Hotel, 7499 Augusta National Drive, Orlando, Florida

PURPOSE: Finalize Guidelines.

If you would like an agenda or if you need a special accommodation in order to attend and listen to this meeting because of a disability, please contact Amy in writing or by phone, (850)921-5378.

The **Agency for Health Care Administration** announces the first meeting of the panel on Medicaid reimbursement to which all persons are invited.

DATE AND TIME: July 26, 1999, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308

PURPOSE: In accordance with Chapter 99-374, Laws of Florida, the panel on Medicaid reimbursement will be conducting its initial meeting. The purpose of the panel is to study the State's Medicaid reimbursement plan for nursing

home facilities and recommend changes to accomplish certain goals. The meeting will be for the purpose of defining the panel's goals and objectives.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agenda has not been set. Contact Mr. Edwin Stephens, (850)413-8067 or SunCom 293-8067, with any questions or to obtain an agenda when it is set.

DEPARTMENT OF MANAGEMENT SERVICES

The State of Florida, **Capitol Center Planning Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: July 27, 1999, 9:30 a.m.

PLACE: The Florida Room, 2nd Floor, City Hall, 300 S. Adams St., Tallahassee, FL 32301

PURPOSE: This will be a regular monthly meeting of the Commission to discuss and act on its agenda for that meeting. The agenda includes matters pertaining to the approval of building construction within the district and other matters affecting the Capitol Center located in Tallahassee, Florida.

Copies of the agenda may be obtained by writing: The Capitol Center Planning Commission, Suite 380, 4030 Esplanade Way, Tallahassee, FL 32399-0950.

If a person anticipates that she/he may appeal any decision made by the Commission with respect to any matter considered at this meeting, she/he will need to ensure that a written verbatim record of the proceedings shall have been made, at no cost to the Commission, which record includes the testimony and evidence upon which the appeal is to be based.

Any attendee requiring special accommodation because of a disability or physical impairment should contact Kay Clement, (850)488-2074, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired can contact the Commission at the above number using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Department of Management Services**, Division of Information Technology, announces a workshop on the progress of the Joint Task Force Radio Communications System to which all persons are invited.

DATE AND TIME: July 23, 1999, 9:00 a.m.

PLACE: Department of Management Services, Division of Information Technology, 4050 Esplanade Way, Bldg. 4030, Room 225A, Tallahassee, FL 32399

PURPOSE: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Lee Moreno, Department of Management Services, Division of Information Technology, 4050 Esplanade Way, Building 4030, Suite 280M, Tallahassee, Florida 32399-0950.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Information Technology, (850)488-3866, at least five calendar days prior to the meeting. If you are hearing or speech-impaired, please contact the Division of Information Technology by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The **Department of Management Services**, Division of Information Technology, announces a public meeting of the Board of Directors of the Joint Task Force on State Agency Law Enforcement Communications to which all persons are invited.

DATE AND TIME: July 23, 1999, immediately following the workshop

PLACE: Department of Management Services, Division of Information Technology, 4050 Esplanade Way, Bldg. 4030, Room 225A, Tallahassee, FL 32399

PURPOSE: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Lee Moreno, Department of Management Services, Division of Information Technology, 4050 Esplanade Way, Building 4030, Suite 280M, Tallahassee, Florida 32399-0950.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Information Technology, (850)488-3866, at least five calendar days prior to the meeting. If you are hearing or speech-impaired, please contact the Division of Information Technology by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIME: July 28, 1999, 9:00 a.m. and 11:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, FL 32301, (850)488-0062

PURPOSE: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing: Cathleen O'Dowd, Senior Attorney, Department of Business and Professional Regulation, 1940 N. Monroe St., Ste. 60, Tallahassee, FL 32399-0792, or by phone at (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies**, announces an official probable cause panel meeting to which portions or all will be closed to the public.

DATE AND TIME: August 17, 1999, 12:00 p.m.

PLACE: Marriott Casa Marina Resort, 1500 Reynolds Street, Key West, Florida 33040

PURPOSE: Probable Cause Panel Meeting.

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: August 18, 1999, 8:30 a.m. or shortly thereafter

PLACE: Marriott Casa Marina Resort, 1500 Reynolds Street, Key West, Florida 33040

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 at 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Stacey Merchant at (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 at (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 Florida Building Code Administrators and Inspectors Board announces an Official Board Meeting via telephone conference call to which all interested persons are invited.

DATE AND TIME: August 5, 1999, 10:30 a.m.

PLACE: Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board Office, 1940 North Monroe Street, Tallahassee, FL 32399-2211, Access Number (850)921-2591 or SunCom 291-2591

PURPOSE: Official Board Meeting.

If any person decides to appeal any decision made by the Building Code Administrators and Inspectors Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2211.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Amy Bennett, Building Code Administrators and Inspectors Board, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Amy Bennett using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

The **Department of Health, Board of Nursing Home Administrators** announces an Application Review Committee meeting to which all interested persons are invited.

DATE AND TIME: August 12, 1999, 3:00 p.m.

PLACE: Radisson Hotel, 415 North Monroe Street, Tallahassee, FL 32301, Telephone (850)224-6000

PURPOSE: Review exam applications for the 10/14/99 NHA exam.

A copy of the agenda and any probable cause materials which are open to the public may be obtained by writing: Board of Nursing Home Administrators, 1940 N. Monroe Street, Tallahassee, Florida 32399-0777.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)488-7549, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need 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 made.

The **Department of Health, Board of Nursing Home Administrators**, announces a General Board Meeting to which all interested persons are invited.

DATE AND TIME: August 13, 1999, 9:00 a.m.

PLACE: Radisson Hotel, 415 North Monroe Street, Tallahassee, FL 32301

PURPOSE: Approve applications, conduct disciplinary proceedings, and general business of the Board.

A copy of the agenda may be obtained by contacting: Board of Nursing Home Administrators, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-0777, phone (850)488-7549.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)488-7549, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 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 this meeting, 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 made.

The **Department of Health, Board of Pharmacy**, announces a public meeting to which all persons are invited.

DATE AND TIME: August 4, 1999, 10:00 a.m. EDT and 1:00 p.m. EDT

PLACE: Hyatt Hotel, 9300 Airport Blvd., Orlando, FL

PURPOSE: The Board will conduct workshop at 10:00 a.m. to continue discussion on Disease State Management rule proposals and a workshop at 1:00 p.m. to discuss the issue of scheduled lunch breaks in the pharmacy.

A copy of the agenda may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Sharon Knowles, (850)488-7220, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Pharmacy**, announces a public meeting to which all persons are invited.

DATES AND TIME: August 16-17, 1999, 9:00 a.m., EDT

PLACE: Sheraton Suites, 4400 W. Cypress Street, Tampa, FL

PURPOSE: The Board will conduct disciplinary proceedings and general board business.

The probable cause panel will meet after the August 16th session.

This meeting is closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered. A copy of the board agenda and any probable cause materials which are open to the public may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Sharon Knowles, (850)488-7220, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health** and the **Board of Physical Therapy Practice** announces a conference call meeting to which all persons are invited:

DATE AND TIME: July 22, 1999, 8:30 a.m. or soon thereafter

PLACE: Number Nonsuncom (850)921-5551 Suncom 291-5551

PURPOSE: Full Board Quorum Call

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 2020 Capital Circle, S. E., BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (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)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Physical Therapy Practice**, Probable Cause Panel, announces a conference call to which all persons are invited:

DATE AND TIME: July 27, 1999, 2:00 p.m., or soon thereafter

PLACE: Number Nonsuncom (850)921-5551, Suncom 291-5551

PURPOSE: Reconsideration of cases previously heard by the Probable Cause Panel. Following the public portion of the meeting, the doors will be closed to the public.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 2020 Capital Circle, S. E., BIN C05, Tallahassee, Florida 32399-3255, or by calling the board office at (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)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health** and the **Board of Physical Therapy Practice** announces a conference call to which all persons are invited.

DATE AND TIME: July 30, 1999, 2:00 p.m. or soon thereafter
PLACE: Number Nonsuncom (850)488-5776, Suncom 278-5776

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 at (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 meeting to which all persons are invited:

DATE AND TIME: July 30, 1999, 2:30 p.m. or soon thereafter
PLACE: Number Nonsuncom (850)488-5776, Suncom 278-5776

PURPOSE: Full Board Quorum Call

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 2020 Capital Circle, S. E., BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)488-2098.

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)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health**, Bureau of Emergency Medical Services, announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: Bureau of Emergency Medical Services, 2002-D Old St. Augustine Road, Tallahassee, FL 32301

PURPOSE: A committee appointed by the Bureau of Emergency Medical Services is holding its first meeting to assist the Department of Health in implementation of the 1999 trauma legislation and continuation of the study to improve the state's trauma system.

A copy of the agenda may be obtained by writing: Department of Health, Bureau of Emergency Medical Services, 2002-D Old St. Augustine Road, Tallahassee, Florida 32301 or by calling Beth Hamilton, (850)487-1911.

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 before July 23, 1999 by contacting: Beth Hamilton, (850)487-1911. 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).

Purchase Order Number XOO699

The **Department of Health**, Community Environmental Health Advisory Board, announces a meeting to be held by way of operated assisted telephone conference hookup.

DATE AND TIME: July 30, 1999, 1:00 p.m.

PLACE/NUMBER: (850)413-9827, Suncom 293-9827

PURPOSE: To conduct general business of the board.

A copy of the agenda may be obtained by writing: Emily J. Wilson, R.S., M.P.H., Department of Health, Environmental Epidemiology, 1000 N. E. 16th Avenue, Box 56, Gainesville, FL 32601, or by calling (352)955-5792.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office,

(850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to Section 381.90, F.S., The **Florida Health Information Systems Council** will hold a meeting to facilitate the identification, collection, standardization, sharing and coordination of health-related data, including fraud/abuse data and professional and facility licensing data among federal, state, local, and private entities.

DATE AND TIME: July 28, 1999, 9:00 a.m. – 11:00 a.m.
PLACE: The Department of Health, Building 6, Room 303, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 12, Health and Human Services Board Funding Opportunities Action Group announces a public meeting to which all persons are invited.

DATE AND TIME: July 20, 1999, 10:30 a.m.
PLACE: Daytona Beach Service Center, 210 North Palmetto Avenue, Conference Room 440, Daytona Beach, Florida
PURPOSE: Regular Meeting for General Business

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Denise Kelly.

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.), please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The **Department of Children and Family Services** announces the following public meetings of the District 6, Health and Human Services Board to which all persons are invited:

COMMITTEE: Advocacy and Legislative Affairs
DATE AND TIME: Monday, August 2, 1999, 1:30 p.m.
PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King, Jr., Blvd., Rm 542 Tampa, FL
PURPOSE: To discuss advocacy and legislative issues.
COMMITTEE: Manatee Planning Group
DATE AND TIME: Thursday, August 5, 1999, 1:00 p.m.

PLACE: Bradenton Service Center, 303 13th Ave., E., Small Conference Room, Bradenton, FL

PURPOSE: To discuss the human service delivery system within Manatee County.

COMMITTEE: Children's Subcommittee
DATE AND TIME: Friday, August 6, 1999, 9:00 a.m.
PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King, Jr., Blvd., Auditorium, Tampa, FL

PURPOSE: To discuss child protection, mental health and substance abuse services.

COMMITTEE: Health Subcommittee
DATE AND TIME: Monday, August 9, 1999, 1:30 p.m.
PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King, Jr., Blvd., Room 542, Tampa, FL

PURPOSE: To discuss current health issues.
COMMITTEE: Family Care Council
DATE AND TIME: Wednesday, August 11, 1999, 10:00 a.m.
PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King, Jr., Blvd., Room 166, Tampa, FL

PURPOSE: To review supports and services for individuals with developmental disabilities and their families.

COMMITTEE: Alcohol, Drug Abuse and Mental Health Subcommittee
DATE AND TIME: Thursday, August 12, 1999, 9:30 a.m.

PLACE: Manatee County Public Library, 1301 Barcarotta Blvd., Bradenton, FL

PURPOSE: To discuss adult mental health and substance abuse issues.

COMMITTEE: Substance Abuse Subcommittee
DATE AND TIME: Thursday, August 19, 1999, 10:00 a.m.
PLACE: Central Florida Behavioral Network, 4630 North 56th Street, Tampa, FL

PURPOSE: Discuss substance abuse service issues.
COMMITTEE: Executive

DATE AND TIME: Wednesday, August 25, 1999, 12:00 p.m.
PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King, Jr., Blvd., Auditorium, Tampa, FL

PURPOSE: General Business and planning activities
COMMITTEE: Full Health and Human Services Board
DATE AND TIME: Wednesday, August 25, 1999, 1:00 p.m.
PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King, Jr., Blvd., Auditorium, Tampa, FL

PURPOSE: General business.
Call Donna Sinudom, (813)871-7454, for copies of the agenda, additional information and meeting confirmations. Users of text telephones (TTYs), please call this number through the Florida Relay Service, 1(800)955-8771.

NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, July 23, 1999, 11:00 a.m.; Saturday, July 24, 1999, 8:00 a.m.

PLACE: The Hilton Jacksonville and Towers, 1201 Riverplace Boulevard, Jacksonville, Duval County, Florida

PURPOSE: A meeting and workshop of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Nomination of Officers, Personnel, and Land Acquisition and Management Committees will meet. Please contact the District office, 1314 Marcinski Road, Jupiter, FL 33477, telephone (561)627-3386 for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting of the Corporation, to which all interested persons are invited:

DATE AND TIME: Wednesday, July 28, 1999, 3:00 p.m.

PLACE: Hyatt Regency Pier Sixty Six, 2301 S. E. 17th Street Causeway, Fort Lauderdale, FL 33316

PURPOSE: To conduct a meeting of the Corporation's SAIL, HOME Rental and Housing Credit Combined Cycle Committee to address possible changes to the 2000 SAIL/HOME/HC Application and corresponding changes to Rule 67-48, Florida Administrative Code. The Committee will also consider public comment previously provided at the April 12, 1999 Rule Development Workshop and the Combined Cycle Committee meetings held April 26, 1999, May 26, 1999 and June 9, 1999.

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 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: July 29, 1999, 9:00 a.m.

PLACE: Hyatt Regency Pier Sixty Six, 2301 S. E. 17th Street Causeway, Ft. Lauderdale, Florida 33316

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.

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: July 30, 1999, 9:00 a.m.

PLACE: Hyatt Regency Pier Sixty Six, 2301 S. E. 17th Street Causeway, Ft. Lauderdale, Florida 33316

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.

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

The **Florida Sturgeon Production Working Group** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 29, 1999, 10:00 a.m. – 3:00 p.m.

PLACE: Conference Room, The University of Florida, Institute of Food and Agricultural Sciences, Department of Fisheries and Aquatic Sciences Conference Room, 7922 Northwest 71st Street, Gainesville, FL 32653

PURPOSE: Meeting of the Sturgeon Production Working Group pursuant to ss. 370.31(4), F.S., to establish a state sturgeon aquaculture program to promote the commercial production and stock enhancement of sturgeon in Florida.

A copy of the agenda for the public meeting may be obtained from the agency contact person: Daniel Roberts, Research Scientist, Florida Marine Research Institute, 100 Eighth

Avenue, Southeast, St. Petersburg, FL 33701-5095, mail station: J2N-HUF, telephone (813)896-8626, Email: dan.roberts@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please notify the Personnel Services Specialist, (850)488-2996 or 1(800)955-8771 (TDD) at least 7 calendar days prior to the event.

NORTHEAST FLORIDA AREA ON AGING

The **Northeast Florida Area Agency on Aging (PSA4)** announces a board meeting to which all persons are invited:

DATE AND TIME: July 21, 1999, 2:30 p.m.

PLACE: Houston Conference Room of Flagler Hospital, St. Augustine, Florida

PURPOSE: General Board Discussion

A copy of the agenda may be obtained by contacting: Northeast Florida Area Agency on Aging, 590 S. Ellis Road, Jacksonville, Florida 32254, (904)786-5111.

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 27, 1999, 4:30 p.m.

PLACE: Moffitt Cancer Center Board Room, 12902 Magnolia Drive, Tampa, Florida

PURPOSE: To conduct the general business of the Facilities Committee.

A copy of the agenda may be obtained by writing: Ms. Katie James, Tower Project Office, Moffitt Cancer Center, 12902 Magnolia Drive, MOD 6 – TOWER, Tampa, Florida 33612.

Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Katie James by Friday, July 23, 1999.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research And Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: July 28, 1999, 8:00 a.m.

PLACE: Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola, Orlando, Florida

PURPOSE: General Business Meeting

PINELLAS WAGES COALITION

The **Pinellas WAGES Coalition** announces an Executive Committee Meeting on:

DATE AND TIME: Wednesday, July 28, 1999, 12:30 p.m.

PLACE: Career Options of Pinellas, Inc., 13770 58th Street, N., Ste. 312, Large Conference Room, Clearwater, FL

PURPOSE: Regular monthly meeting.

SUBJECT MATTER: Regular coalition business as determined with the development of the agenda.

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, 13770 58th Street, North, Clearwater 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.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meetings:

MEETING: Steering Committee Meeting

DATE AND TIME: Tuesday, August 3, 1999, 10:00 a.m., EDT

PLACE: Ramada Inn Tallahassee, 2980 N. Monroe, Tallahassee, Florida 32303

MEETING: Executive/Nominating Committee Meetings

DATE AND TIME: Wednesday, August 11, 1999, 9:00 a.m., EDT

PLACE: FILC Headquarters, 2002 Old St. Augustine Rd. Bldg. A, Tallahassee, FL 32399-0696

MEETING: Full Council Quarterly Meeting

DATE AND TIME: Thursday, August 19, 1999, 9:00 a.m., EDT

PLACE: Embassy Suites, 3705 Spectrum Blvd., Tampa, Florida 33612

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)

NOTICE OF CANCELLATION – The **Florida Independent Living Council** announces that the following public forum has been cancelled:

PLACE: CIL of Broward, 8857 W. McNab Road, Tamarac, Florida 33321, (954)722-6400 Voice/TDD, (954)722-9801 Fax
DATE AND TIME: Monday, August 3, 1999, 1:00 p.m. – 3:00 p.m.

PURPOSE: To obtain public comments on the amendments to the State Plan for Independent Living.

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.

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)

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

NONE

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:

East Point Hospital vs. Agency for Health Care Administration; Rule No.: 60Q-2.004; Case No.: 99-2813RP

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Florida Health Care Association, Inc. and Florida Assisted Living Association, Inc. vs. Department of Elder Affairs; Rule No.: 58A-5; Case No. 99-1918RP; Dismissed

Kensington Manor, Inc., d/b/a Heartland Helath Care and Rehabilitation Center of Sarasota vs. Agency for Health Care Administration; Rule No.: 59A-4.128(7); Case No.: 99-2362RX; Closed

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

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 00L-15, W/O 303832, Hull & Museum Road Improvements, estimated budget: \$240,000-\$280,000, to be opened August 10, 1999, at 3:00 p.m., Local Time, in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: All materials, testing, and

workmanship necessary for site clearing, concrete and asphaltic concrete removal, subgrade stabilization, pavement base construction, concrete and asphaltic concrete construction, earthwork excavation and filling, fence removal and relocation, stormwater piping construction, site restoration, and all other work required for improvements to the portions of Hull and Museum Roads as indicated on the project drawings and in the project manual. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, Telephone (352)392-1331. A Mandatory Pre-Bid Meeting will be held July 21, 1999 at 10:00 a.m. in the Physical Plant Division Architecture/Engineering Conference Room, building 700, Radio Road, Gainesville, FL. All questions should be directed to A. J. Sontag, Assistant Director, UF Purchasing (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303 within three (3) days of the event.

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 00L-14, W/O 401759, Replace Roof – Library West, estimated budget: \$450,000-\$500,000, to be opened August 10, 1999, at 1:30 p.m. in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Local Time. Scope of work: Removal of existing membranes, flashings, insulation, sheet metal, etc. Install new 4 ply modified bitumen roof system over rigid insulation system and tapered insulation system over 2 ply dry-in over the existing deck. Remove and reinstall existing mechanical equipment and extend curbs as required. Remove existing mechanical equipment and install new mechanical equipment. Asbestos removal. Other miscellaneous work as required. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, Telephone (352)392-1331. A Mandatory Pre-Bid Meeting will be held July 29, 1999 at 10:00 a.m. in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. All questions should be directed: A. J. Sontag, Assistant Director, UF Purchasing (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303 within three (3) days of the event.

INVITATION TO BID

Sealed bids shall be received by the Florida State University Purchasing Department until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Purchasing Department
Suite A1400 University Center
Florida State University
Tallahassee, FL 32306-1055

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Facsimile Submittals are not acceptable. For information relating to this Invitation to Bid, contact Purchasing Agent referenced below at (850)644-6850.

K 3851-5: Fine Arts Stage Lift Upgrade
Plans & Specifications: \$50.00 Non Refundable
Welch and Ward Architects, Inc.
216 East Oakland Ave., Suite 6
Tallahassee, Florida 32301
Telephone (850)222-7075
Facsimile (850)425-1054

Public Bid Opening: 2:00 p.m., Tuesday, August 10, 1999
Purchasing Department
Conference Room

Bid Documents: Suite A1400, University Center
Purchasing Department
Florida State University

K 3866-5: Longmire Elevator Modernization
Plans & Specifications: \$50.00 Non Refundable
Welch and Ward Architects, Inc.
216 East Oakland Ave., Suite 6
Tallahassee, Florida 32301
Telephone (850)222-7075
Facsimile (850)425-1054

Public Bid Opening: 2:30 p.m., Tuesday, August 10, 1999
Purchasing Department
Conference Room

Bid Documents: Suite A1400, University Center
Purchasing Department
Florida State University

K 3867-5: Strozier Library Annex
Elevator Modernization
Plans & Specifications: \$50.00 Non Refundable
Welch and Ward Architects, Inc.
216 East Oakland Ave., Suite 6
Tallahassee, Florida 32301
Telephone (850)222-7075
Facsimile (850)425-1054

Public Bid Opening: 3:00 p.m., Tuesday, August 10, 1999
Purchasing Department
Conference Room

Bid Documents: Suite A1400, University Center
Purchasing Department
Florida State University

Mandatory
Pre-Bid Meeting: 10:00 a.m., Tuesday, August 3, 1999
Room 124D, Mendenhall Building

CALL FOR RE-BIDS

Made by Florida A & M University, on behalf of the State of Florida, Board of Regents.

PROJECT NAME: Utilities Improvements/Central Chilled Water Plant, Phase V

STATE PROJECT NUMBER: BR-389

LOCATION: Florida A & M University, Tallahassee, Florida 32307

PROJECT BUDGET: \$4,000,000

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: August 17, 1999, until 2:00 p.m., local time.

PLACE: Florida A & M University, Plant Operations Facility, Building A, Office of Facilities Planning and Construction, Room 100, 2400 Wahnish Way, Tallahassee, FL 32307, immediately after which time and place they will be publicly opened and read aloud down the hall in Conference Room 120 (Bid Tabulations will be posted back in Suite 100).

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: Bosek, Gibson & Associates, Inc., 3303 Thomasville Road, Suite 102, Tallahassee, FL 32312, Phone (850)422-1763, Fax (850)422-1502

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: Pre-solicitation/pre-bid meeting attendance is mandatory. 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: August 3, 1999, 2:00 p.m., local time

PLACE: Florida A & M University, Plant Operations Facility, Building A, Conference Room 120, 2400 Wahnish Way, Tallahassee, FL 32307

DEPOSIT: \$150.00 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 \$150.00 per set for the printing and handling cost. Partial sets may be purchased at \$5.00 per sheet of the Drawings and \$.50 per page 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

The University of West Florida, on behalf of the State of Florida, Board of Regents, announces that Professional Services in the discipline of Engineering will be required for the Project listed below:

Project No. BR-709, Project and Location: Campus-Wide Electrical Distribution System Upgrade, The University of West Florida.

The objective of the project is engineering design services and contract administration for the replacement and upgrade of the Campus-Wide Electrical Distribution System on the main campus of The University of West Florida. Estimated construction cost for this phase is \$2,000,000. The selected firm will provide design, construction documents and administration for the referenced project.

Professional liability insurance in the amount of \$250,000 will be required as 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,". 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 six copies of the above requested data bound in the order listed above. Representative samples of related work may be submitted at the firm's option. Applications which do not comply with the above instructions may be disqualified. Application information 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 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information and selection criteria may be obtained by contacting: Mr. Phillip Turner, Director, Facilities Planning and Management, The University of West Florida, 11000 University Parkway, Pensacola, Florida 32514, (850)474-2938. Submittals must be received in the Office of Facilities Planning and Management, The University of West Florida, Building 90 by 4:00 p.m. on August 17, 1999. Faxed submittals are not acceptable and will not be considered.

Interested firms are encouraged to request the Project Fact Sheet and Selection Criteria as these will form part of the criteria for consultant selection.

Putnam County District School Board
 RFBP No. 54007001
 Large Equipment Items

The Putnam County District School Board, Palatka, Florida is soliciting sealed bids from responsible vendors to supply large equipment items to the Food Service Department. Bid proposals will be received in the Purchasing Office, 1207 Washington St., Palatka, FL 32177 until 1:00 p.m., local time, Tuesday, July 13, 1999. Interested vendors may obtain a copy of the RFBP from the Purchasing Department, Putnam County School District, 1207 Washington St., Palatka, FL 32177. Phone (904)329-0525.

INVITATION TO BID

The School Board of Broward County, Florida
 Competitive sealed bids will be received by the Purchasing Department until the date and time shown for the following:

BID NUMBER: 20-039H
 BID TITLE: FOOD PREPARATION TABLES, RACKS AND CARTS FOR CAFETERIAS
 DUE DATE/TIME: August 19, 1999 on or before 2:00 p.m.
 LOCATION OF BID OPENING: Purchasing Department, 7720 W. Oakland Park Boulevard, Suite 323, Sunrise, Florida 33351-6704
 CONTRACT TERM: October 1, 1999 through September 30, 2000
 ESTIMATED DOLLAR VALUE OF THE BID: \$125,000.00
 CONTACT PERSON: Veronica K. Evans, CPPB, Buyer
 TELEPHONE NUMBER: (954)765-6137
 FAX NUMBER: (954)767-8417
 E-MAIL: evansr@browardschools.com
 WEBSITE: <http://www.browardschools.com>
 Department: Purchasing

INVITATION TO BID

The School Board of Broward County, Florida
 Competitive sealed bids will be received by the Purchasing Department until the date and time shown for the following:
 BID NUMBER: 20-133H
 BID TITLE: ICE MACHINES AND BINS FOR CAFETERIAS
 DUE DATE/TIME: August 18, 1999 on or before 2:00 p.m.
 LOCATION OF BID OPENING: Purchasing Department, 7720 W. Oakland Park Boulevard, Suite 323, Sunrise, Florida 33351-6704
 CONTRACT TERM: October 1, 1999 through September 30, 2000
 ESTIMATED DOLLAR VALUE OF THE BID: \$75,000.00
 CONTACT PERSON: Veronica K. Evans, CPPB, Buyer
 TELEPHONE NUMBER: (954)765-6137
 FAX NUMBER: (954)767-8417
 E-MAIL: evansr@browardschools.com
 WEBSITE: <http://www.browardschools.com>
 Department: Purchasing

INVITATION TO BID

The School Board of Broward County, Florida
 Competitive sealed bids will be received by the Purchasing Department until the date and time shown for the following:
 BID NUMBER: 20-134H
 BID TITLE: FOOD REFRIGERATION AND HEATING UNITS FOR CAFETERIAS
 DUE DATE/TIME: August 18, 1999 on or before 2:00 p.m.
 LOCATION OF BID OPENING: Purchasing Department, 7720 W. Oakland Park Boulevard, Suite 323, Sunrise, Florida 33351-6704
 CONTRACT TERM: October 1, 1999 through September 30, 2000

ESTIMATED DOLLAR VALUE OF THE BID: \$75,000.00
 CONTACT PERSON: Veronica K. Evans, CPPB, Buyer
 TELEPHONE NUMBER: (954)765-6137
 FAX NUMBER: (954)767-8417
 E-MAIL: evansr@browardschools.com
 WEBSITE: <http://www.browardschools.com>
 Department: Purchasing

INVITATION TO BID

The School Board of Broward County, Florida
 Competitive sealed bids will be received by the Purchasing
 Department until the date and time shown for the following:
 BID NUMBER: 20-135H
 BID TITLE: CAFETERIA EQUIPMENT
 DUE DATE/TIME: August 16, 1999 on or before 2:00 p.m.
 LOCATION OF BID OPENING: Purchasing Department,
 7720 W. Oakland Park Boulevard, Suite 323, Sunrise, Florida
 33351-6704
 CONTRACT TERM: October 1, 1999 through September 30,
 2000.
 ESTIMATED DOLLAR VALUE OF THE BID: \$400,000.00
 CONTACT PERSON: Veronica K. Evans, CPPB, Buyer
 TELEPHONE NUMBER: (954)765-6137
 FAX NUMBER: (954)767-8417
 E-MAIL: evansrbrowardschools.com
 WEBSITE: <http://www.browardschools.com>
 Department: Purchasing

DEPARTMENT OF TRANSPORTATION

INVITATION TO BID

Under the provisions of Chapter 14-91, Florida Administrative
 Code, the Department of Transportation, District 7 announces:
 Sealed bids will be received in the Conference Room (B-1) of
 the, Florida Department of Transportation, District Seven,
 Headquarters Building, 11201 North McKinley Drive, Tampa,
 Florida 33612, until 2:30 p.m. (Local Time) on Wednesday, the
 8th day of September, 1999, for the work described below:
 PROJECT NAME: S.R. 45 (U.S. 41) At Martenelli Boulevard
 in Citrus County, Florida
 FINANCIAL PROJECT ID: 258333 1 52 01
 DISTRICT CONTRACTS NUMBER: E-7848
 PROJECT DESCRIPTION: Design/Build services in
 connection with providing an intersection and connecting
 roadway from SR45 (US 41) to W. G. Martenelli Boulevard in
 Citrus County.
 DESIGN/BUILD services will include preparation of
 construction plans necessary for this project in accordance with
 FDOT standards. The firm shall be responsible for all work
 necessary and incidental for the completion of the design and
 construction of this project unless otherwise noted herein.

PREQUALIFICATION REQUIREMENTS: The contractor
 team members must be prequalified under Rule Chapter 14-22,
 Florida Administrative Code, by the Contracts Administration
 Office, by the due date for proposals, the following type of
 work: Minor Roadway Construction.

Team members involved in professional services, as identified
 under Section 287.055, Florida Statutes, must be prequalified
 under Rule Chapter 14-75, Florida Administrative Code, or
 have submitted an application for prequalification to the
 Contractual Services Office, on or before the due date for
 Letters of Interest, in the following types of work: 3.1 Minor
 Roadway Design

DBE PARTICIPATION GOAL: None.

BONDING: A 5% bid bond will be required from any firm
 submitting a proposal. A 100% performance bond will be
 required from the firm awarded the project.

RESPONSE PROCEDURE: Prequalified firms interested in
 being considered for the project may request a copy of the
 Request for Proposal (RFP) from John D. Ellis, District
 Contracts Office, (813)975-6036. The final date to request an
 RFP package will be July 30, 1999

SELECTION PROCEDURE: The Department will publicly
 open the price proposals at the date, time, and location
 specified above. Then the technical proposal of the low bidder
 will be reviewed to determine its responsiveness. If found to be
 non-responsive, the next low bidder will be considered. A bid
 proposal will be considered non-responsive if it does not
 contain all the information and level of detail requested in the
 RFP.

Pursuant to Rule Chapter 14-25, FAC and Chapter 120, Florida
 Statutes, and Section 337.11, Florida Statutes, any person
 affected by a bid solicitation shall file both a notice of protest
 and bond within 72 hours of the receipt of the bid documents,
 and shall file a formal written protest within 10 days after filing
 the notice of protest. The required notice of protest, bond and
 formal protest must each be filed timely with the Florida
 Department of Transportation, Clerk of Agency Proceedings,
 605 Suwannee Street, MS 58, Room 550, Tallahassee, FL
 32399-0458.

The Department shall reserve the right to reject all proposals
 and or waive minor proposal irregularities.

REGIONAL TRANSPORTATION AUTHORITIES

**REQUEST FOR LETTERS OF INTEREST NO. 99-825
 PROJECT MANAGEMENT CONSULTANT SERVICES
 DOUBLE TRACK CORRIDOR IMPROVEMENT
 PROGRAM – SEGMENT 5 PROJECT**

Tri-County Commuter Rail Authority (TCRA), an agency of
 the state of Florida, operates a seventy-two (72) mile
 commuter railroad with nineteen (19) stations in Miami-Dade,
 Broward and Palm Beach Counties.

THE PURPOSE of this Request for Letters of Interest (LOI) is to seek potential Contractors to provide Project Management Consultant (PMC) services in South Florida for the Double Track Corridor Improvement Program Segment 5 Project. The term of the Agreement will be from Notice to Proceed to completion of design/build construction plus six months. (Expected construction completion date March 2005)

The rail corridor is currently operating at capacity with not only Tri-Rail commuter traffic, but also daily CSXT freight trains and Amtrak passenger trains. To address this problem, TCRA has undertaken an aggressive Program of Projects to improve the corridor system as a whole. The Program, known as the Double Track Corridor Improvement Program, entails the laying of a second main line track along the current 71.7-miles of right-of-way, upgrading the grade crossings, signal systems and modifying stations to accommodate the double track.

The Double Track Corridor Improvement Program Segment 5 Project is approximately 44.31 miles long. Construction of Segment 5 is scheduled to begin in April 2000. The Revenue Operation date is March 31, 2005. The first four segments, while a part of the overall Double Track Corridor Improvement Program, are not included in the scope of work of the Project Management Consultant.

A REQUEST FOR DOCUMENTS should be directed to Mr. Robert Becker at TCRA, 800 N. W. 33 Street, Suite 100, Pompano Beach, FL 33064, (954)788-7909. The cost of the solicitation document is One Hundred Dollars (\$100.00), non-refundable. Checks or money orders made payable to Tri-Rail should be forwarded to Mr. Becker at the address above. Solicitation documents will be available on or about July 19, 1999.

A PRE-PROPOSAL CONFERENCE will be held in the TCRA Board Room at the address above on July 28, 1999 at 2:00 p.m. The purpose of the meeting will be for TCRA to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is highly recommended.

RECEIPT OF SEALED LETTERS OF INTEREST: All Letters of Interest must be received in a sealed envelope no later than 5:00 p.m., Friday, August 13, 1999 at the TCRA office in Pompano Beach. All envelopes must bear the TCRA provided label, which clearly indicates PROPOSERS NAME, LOI NUMBER & TITLE, AND THE LOI DUE DATE.

Letters of Interest shall be submitted with one complete original document and nine (9) exact copies.

All LOIs shall be subject to all applicable state and federal laws, subject to approval of a financial assistance contract between TCRA and the U.S. Department of Transportation and/or the Florida Department of Transportation, and in compliance with all applicable Equal Employment Opportunity Laws and Regulations.

DBE PARTICIPATION: TCRA solicits and encourages Disadvantaged Business Enterprise (DBE) participation. DBE's will be afforded full consideration of their responses and will not be subject to discrimination. TCRA's DBE program goal is 12% of total contract expenditures.

TCRA reserves the right to postpone, to accept, or reject any and all Letters of Interest in whole or in part. All Proposers must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All Letters of Interest must remain in effect for one hundred eighty (180) days from the date of LOI opening.

WATER MANAGEMENT DISTRICTS

INVITATION TO BID

FY 1998/99 ECONFINA ROAD STABILIZATION BID (BID NUMBER 99B-006)

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids up to the 3:00 p.m. EDT opening time on August 6, 1999, to select one qualified vendor to supply and deliver approximately 4,600 cubic yards of suitable sand and clay base embankment material for road stabilization purposes in northern Bay and southern Washington counties.

All bids must conform to the instructions in the Invitation to Bid. Interested prospective bidders may obtain a copy of the complete Invitation to Bid package at the above address or by calling (850)539-5999.

The bid opening is open to the public. Provisions will be made to accommodate the handicapped (if requested) provided the District is given at least 72 hours advance notice.

All bids must comply with applicable Florida Statutes.

REQUEST FOR QUALIFICATIONS 98/99-37 LA APPROVED APPRAISER LIST

To ensure a consistent level of quality in appraisal reports and reduce administrative costs, the Suwannee River Water Management District maintains a list of appraisers who are prequalified for District assignments.

Appraisers interested in being considered for District appraisal work should complete an Appraiser Proposal Respondent Form and mail to the following address prior to 2:00 p.m., August 6, 1999:

Gwen Lord, Administrative Assistant
Suwannee River Water Management District
9225 CR 49
Live Oak, FL 32060

A resume containing qualifications, experience level, client list (with phone numbers and addresses) and other data about your qualifications may be submitted along with the respondent form. Please submit three copies of all information, including the Respondent Form.

The completed Appraiser Proposal Respondent Form and additional information must be received by the District prior to 2:00 p.m., August 6, 1999. Any responses received after that time will not be eligible for consideration.

If you have any questions, feel free to call Gwen Lord, Administrative Assistant, (904)362-1001 or 1(800)226-1066 (Florida only).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

**INVITATION TO NEGOTIATE
TO BE LEAD COMMUNITY BASED AGENCY
ITN-99-EJ01**

The Florida Department of Children and Family Services, District 5, is soliciting proposals/applications from qualified community based non-profit organizations to serve as lead agency for child protection services in Pinellas and Pasco Counties, pursuant to Section 39.3065, Florida Statutes (1998 Supp.). Services include foster care, emergency shelter, in-home protective services, relative post-placement supervision, permanent foster care, intensive residential treatment, independent living, family reunification and preservation, adoption and related services. Invitations to Negotiate will be available from the District 5 Family Safety and Preservation Program Office on and after July 16, 1999, at: 11351 Ulmerton Road, Third Floor, Suite 343, Largo, Florida 33778. The contact person is Mr. Donald N. Policella, Family Safety and Preservation Program Office.

One (1) original and eight (8) copies of the completed proposal/application package must be submitted by August 31, 1999, 3:00 p.m., Eastern Daylight Time, to: Ms. Armetha C. Williams, Finance and Accounting Director, Department of Children and Family Services, District 5, 11351 Ulmerton Road, Fourth Floor, Suite 404, Largo, Florida 33778. Proposals/applications will be opened at 4:00 pm, Eastern Daylight Time, August 31, 1999, in the Finance and Accounting Office at the above address. Certified minority business enterprises are encouraged to participate in any applicant's conferences, pre-solicitation or pre-negotiations meetings which are scheduled.

The Department reserves the right to reject any and all bids or waive minor irregularities when it is determined to be in the best interest of the State.

POLK COUNTY BOARD OF COUNTY COMMISSIONERS

**POLK COUNTY
BOARD OF COUNTY COMMISSIONERS
A POLITICAL SUBDIVISION OF THE
STATE OF FLORIDA
HEREIN REFERRED TO AS THE "COUNTY"
HEREBY GIVES NOTICE OF
REQUEST FOR PROPOSAL
RFP #99-152
COLLECTION SERVICE**

The County is soliciting proposals from qualified firms for debt collection services. Successful respondents must be able to be flexible and work with the County, the Court and the Clerk of Court to achieve the most cost effective collections methods possible. The RFP package is available from the Purchasing Division, (941)534-0300. One (1) original and six (6) copies must be returned prior to 12:00 p.m. (noon) to the Purchasing Division, 2470 Clower Lane, Bartow, Florida 33830. The receiving date is Wednesday, August 4, 1999. The proposals will be opened and publicly read on Wednesday, August 4, 1999, at 2:00 p.m. in the Purchasing Division Conference Room. The proposals must be submitted in a "sealed" parcel. The Purchasing Director reserves the right to reject any or all proposals.

**Section XII
Miscellaneous**

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., August 6, 1999):

APPLICATION FOR A NEW FINANCIAL INSTITUTION
Applicant and Proposed Location: United American Bank,
8180 N. W. 36 Street, Miami, Florida 33166

Correspondent: Carl A. Fornaris, Esq., Greenberg Traurig, P.
A., 1221 Brickell Avenue, 27th Floor, Miami, Florida
33131-3409

Received: July 2, 1999

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Sarasota Coastal Credit
Union, Post Office Box 15407, Sarasota, Florida 34277-1407

Expansion Includes: Member companies, their employees and
retirees, individual members and employees of the Gulf Coast
Builders Exchange, Inc., including members of the immediate
family of such persons.

Received: June 30, 1999

Correspondent and Telephone Number: Thomas L. Randle, Jr.,
President (941)923-5802

Name and Address of Applicant: City County Credit Union of
Fort Lauderdale, 1982 North State Road 7, Margate, Florida
33063-5710

Expansion Includes: Employees of Accurate Pest Control, Inc.,
and Multi-Bank Securities, Inc.

Received: July 6, 1999

Correspondent and Telephone Number: Sandra Spence, Vice
President, (954)522-2705

DEPARTMENT OF INSURANCE

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA
CASE NO.: 98-3962

In Re: The Receivership of THE FLORIDA WORKERS'
COMPENSATION FUND, a Florida self-insurance fund.

NOTICE TO ALL POLICYHOLDERS, CREDITORS AND
CLAIMANTS HAVING BUSINESS WITH FLORIDA
WORKERS' COMPENSATION FUND.

You are hereby notified that by order of the Circuit Court of the
Second Judicial Circuit, in and for Leon County, Florida,
entered the 13th day of May, 1999, the Department of
Insurance of the State of Florida was appointed as Receiver of
FLORIDA WORKERS' COMPENSATION FUND, and was
ordered to liquidate the assets located in Florida of said
company.

Policyholders, claimants, creditors and other persons in this
State having claims against the assets of FLORIDA
WORKERS' COMPENSATION FUND, shall present such
claims to the Receiver on or before 11:59 p.m., November 15,
1999, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and
inquiries concerning this Receivership should be addressed to:
The Division of Rehabilitation and Liquidation of the Florida

Department of Insurance, Receiver for FLORIDA
WORKERS' COMPENSATION FUND, Post Office Box 110,
Tallahassee, Florida 32302-0110.

DEPARTMENT OF COMMUNITY AFFAIRS

IN RE: AN ORDINANCE BY THE MONROE COUNTY
BOARD OF COUNTY COMMISSIONERS APPROVING A
REQUEST BY PROPERTY OWNERS TO CHANGE THE
OFFICIAL LAND USE DISTRICT MAP (ZONING) FROM
IMPROVED SUBDIVISION (IS) TO SUBURBAN
RESIDENTIAL LIMITED (SR-L) FOR PROPERTIES
DESCRIBED AS LOTS 1, 2, 3, 7, 8, 9 AND 10 DORN'S
SUBDIVISION AND A PORTION OF GOVERNMENT LOT
2, BIG TORCH KEY, LOCATED IN SECTION 19,
TOWNSHIP 66, SOUTH, RANGE 29, EAST, MONROE
COUNTY, FLORIDA, APPROXIMATELY MILE MARKER
26.

**FINAL ORDER APPROVING LAND
DEVELOPMENT REGULATIONS**

The Department of Community Affairs ("Department") hereby
issues its Final Order pursuant to Sections 380.05(6), 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 local government.

FINDINGS OF FACT

1. On May 18, 1999, the Department received for review
Monroe County, Ordinance No. 018-1999, which was adopted
by the Board of County Commissioners on April 14, 1999.
2. The Department has reviewed the land development
regulations adopted by Ordinance No. 018-1999 for
consistency and compliance with the Principles for Guiding
Development for the Florida Keys Area of Critical State
Concern. Sec. 380.0552(7), Fla. Stat.
3. The land development regulations adopted by Ordinance
No. 018-1999 establish a change from Improved Subdivision
(IS) to Suburban Residential Limited (SR-L) for properties
described as Lots 1, 2, 3, 7, 8, 9 and 10, Dorn's Subdivision,
and part of Government Lot 2, Big Torch Key (the subject
site).
4. The subject site is located at Mile Marker 26. There are eight
parcels involved in this zoning change, ranging in lot size from
two thirds of an acre to one and one third acres. There are
homes on lots 1, 2, 3 and 7. The rest of the properties, lots 8, 9
and 10 are vacant and vegetated primarily with native plant
species. They are presently zoned Improved Subdivision and
all of the above parcels have been approved for zoning change
to Suburban Residential-Limited (SR-L) by the Monroe
County Board on April 14, 1999.
5. Prior to adoption of Ordinance 018-1999, the Florida
Department of Community Affairs requested Monroe County
to designate Residential Medium (RM) districts in Dorn's
Subdivision to Residential Low, (RL). In doing so, the county

made the zoning of the subject properties inconsistent with their Residential Low (RL) FLUM designation. The applicants requested a change to their zoning from Improved Subdivision (IS) to Suburban Residential Limited (SR-L) so that the new zoning will be consistent with the area's Future Land Use Map (FLUM) designation.

6. The purpose of the SR-L district is to establish areas of exclusive low-to-medium-density residential uses. These areas have substantial native vegetation which is protected by the Monroe County Comprehensive Plan and Principle (c) of the Principles for Guiding Development. The Ordinance, therefore, complies with the zoning map, the Comprehensive Plan and the FLUM. Rezoning the properties to SR-L would not change the likely development potential of the subject area, and may even create opportunities to utilize TDRs for the subject properties, which appear to be less than two acres in size.

The subject site contains valuable upland resources having tropical biological communities, freshwater wetlands and native tropical vegetation. The Ordinance will also enhance these natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the character of the area.

These proposed changes are consistent with Principles (a), (b), (c), (e), (f) and (i), of the Principles for Guiding Development. Principles (d), (g), (h), (j), (k) and (l) are not affected.

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 380.051(11), Fla. Stat. This Final Order is issued within the 60-day time period provided by statute.
3. Section 380.031(8), Fla. Stat., defines "land development regulation" as including local zoning, subdivision, building and other regulations controlling the development of land. The regulations adopted by Ordinance No. 018-1999 are land development regulations, as defined by the statute.
4. The Department is required to approve or reject land development regulations adopted in Areas of Critical State Concern in a final order. Section 380.05(6), Fla. Stat.
5. The Department's approval or rejection of land development regulations adopted by Monroe County, is based upon whether the regulations are consistent with and in compliance with the Principles for Guiding Development in Section 380.0552(7), Fla. Stat., as a whole.
6. The land development regulations adopted within Ordinance 018-1999 are consistent with Principles (a), (b), (c), (e), (f) and (i) of the Principles for Guiding Development pursuant to Section 380.0552, Fla. Stat.

7. The land development regulations adopted by Ordinance No. 018-1999 do not implicate the other Principles for Guiding Development. Therefore, the land development regulations are deemed to be consistent with the Principles for Guiding Development.

8. The land development regulations adopted by Ordinance No. 018-1999 are consistent with the Principles for Guiding Development as a whole.

ACCORDINGLY, IT IS ORDERED that the land development regulations adopted by Ordinance No. 018-1999, are consistent with and comply with the Principles for Guiding Development for the Florida Keys Area of Critical State concern and are therefore APPROVED. This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED this ___ day of July, 1999, in Tallahassee, Florida.

J. Thomas Beck, Division of Community Planning, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF

ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN 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 FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished by U.S. Mail to James T. Hendrick, County Attorney, Morgan & Hendrick, 317 Whitehead St., Key West, FL 33040, Mayor Wilhelmina Harvey, 310 Fleming Street, Key West, FL 33040, Commissioner Shirley Freeman, Mayor Pro Tem, 530

Whitehead Street, Key West, FL 33040, Commissioner George Neugent, 25 Ships Way, Big Pine Key, FL 33043, Commissioner Nora Williams, 490 63rd Street, #110, Marathon Government Annex, Marathon, FL 33050, and Commissioner Mary Kay Reich, 88820 Overseas Highway, Plantation Key Government Center, Tavernier, FL 33070 this _____ day of July, 1999.

Paula Ford, Agency Clerk

DEPARTMENT OF TRANSPORTATION

NOTICE OF PUBLIC OPPORTUNITY TO REVIEW AND COMMENT ON A PUBLIC INVOLVEMENT PROCESS DOCUMENT FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION

Interested persons are hereby given notice that A Guide to Opportunities in Decision Making: The Florida Transportation Public Involvement Process has been prepared. This guide outlines opportunities for the public to participate during each phase of transportation planning, project development and implementation.

This document is available for review and comment by contacting: The Florida Department of Transportation, Office of Policy Planning, Public Involvement Coordinator, 605 Suwannee Street, M.S. 28, Tallahassee, Florida 32399-0450, Telephone (850)488-8006. It is also available on the internet at www.dot.state.fl.us/planning/policy.

Written comments regarding this document are being solicited and will be accepted if submitted by August 30, 1999. This public notice fulfills the requirements of 15 C.F.R. 450.212.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Hyundai Motor America, intends to allow the establishment of O'Brien Imports of Ft. Myers, Inc., as a dealership for the sale of Accent, Sonata, Tiburon, and Elantras, at 2625 Davis Boulevard, Naples (Collier County), Florida 34104, on or after July 10, 1999.

The name and address of the dealer operator(s) and principal investor(s) of O'Brien Imports of Ft. Myers, Inc. is Joseph D. O'Brien, Jr., 2625 Davis Boulevard, Naples, Florida 34104.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Marty Vaughn, Market Representation Manager, Hyundai Motor America, 240 Thornton Road, Suite A, Lithia Springs, Georgia 30122-1550.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Ford Motor Company, intends to allow the relocation of Gator Ford Truck Sales, Inc., as a dealership for the sale of Ford cars and light trucks, from its present location at 7528 Highway 301 North, Tampa (Hillsborough County), Florida 33637-6379, to a proposed location at 6111 Country Road 579, Seffner (Hillsborough County), Florida 33584, on or after July 25, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Gator Ford Truck Sales, Inc. is Mr. David F. Kilcoyne, 2505 South Dundee Street, Tampa, Florida 33629.

The notice indicates an intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer

License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Darrin Chrisman, Representation Manager, Ford Motor Company, P. O. Box 945400, Maitland, Florida 32794-5400.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

REGIONAL UTILITY AUTHORITIES

NOTICE IS HEREBY GIVEN, in compliance with and by authority of Chapter 373, Florida Statutes, as amended, that the Board of Directors of Tampa Bay Water, a regional water supply authority, intends to adopt the following budget, or as the same may be amended, for the Fiscal Year beginning October 1, 1999 and ending September 30, 2000. No property taxes are to be levied under this budget.

TAMPA BAY WATER	
Proposed Budget	
1999-2000	
Construction	
Net Resources and Required Funds	<u>\$340,994,174</u>
Expenditures:	
Construction of Facilities	\$ 312,400,000
Other Project Cost	<u>\$ 28,594,174</u>
TOTAL EXPENDITURES	<u>\$340,994,174</u>
Production and Transmission of Water	
Revenues and Fund Balances	<u>\$ 78,622,083</u>
Expenditures:	
Salaries and Wages	\$ 6,686,816
Operating Expenses	\$ 22,274,922
Capital Outlay & Replacement	\$ 802,500
Debt Service-Transfer Out	<u>\$ 48,857,845</u>
TOTAL EXPENDITURES	<u>\$ 78,622,083</u>

On July 19, 1999 at 1:30 p.m., the Board of Directors of Tampa Bay Water will meet to adopt the final budget. The meeting will be held in the Tampa Bay Water Board Room, 2535 Landmark Drive, Clearwater, FL 33761, (727)796-2355.

Details of the budget are available from: Koni M. Manley, Director of Finance, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761. Comments may be presented in person or should be mailed to Tampa Bay Water's office by July 16, 1999.

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Orange	District: 7
ID #: 9900214A	Issue Date: 6/21/99
Facility/Project: Westminster Care of Delaney Park	
Applicant: CareLink Partners, Inc.	
Project Description: Refurbishment of the facility	
Proposed Project Cost: \$475,000	Equipment Cost:
County: Volusia	District: 4
ID #: 9900240	Issue Date: 6/21/99
Facility/Project: Florida Hospital-Fish Memorial	
Applicant: S.W. Volusia Healthcare Corporation	
Project Description:	Renovation of the
Cardio-Pulmonary/Wellness Department	
Proposed Project Cost: \$1,000,000	Equipment Cost:
County: Indian River	District: 9
ID #: 9900241	Issue Date: 6/21/99
Facility/Project: Indian River Estates	
Applicant: Acts Retirement-Life Communities, Inc.	
Project Description: Facility renovations and expansion	
Proposed Project Cost: \$95,125	Equipment Cost:
County: Broward	District: 10
ID #: 9900243	Issue Date: 6/21/99
Facility/Project: North Ridge Medical Center	
Applicant: AMISUB (North Ridge Hospital), Inc.	
Project Description: Add off-site outpatient services	
Proposed Project Cost: \$100,000	Equipment Cost:
County: Broward	District: 10
ID #: 9900244	Issue Date: 6/21/99
Facility/Project: Florida Medical Center	
Applicant: FMC Hospital, Ltd.	
Project Description: Renovation of the special procedures room	
Proposed Project Cost: \$1,700,000	Equipment Cost:
County: Broward	District: 10
ID #: 9900245	Issue Date: 6/21/99
Facility/Project: Florida Medical Center	
Applicant: FMC Hospital, Ltd.	
Project Description: Renovation of the emergency department	
Proposed Project Cost: \$250,000	Equipment Cost:
County: Broward	District: 10
ID #: 9900246	Issue Date: 6/21/99
Facility/Project: Westside Regional Medical Center	
Applicant: Columbia Hospital Corporation of South Broward	
Project Description: Renovations to the second floor	
Proposed Project Cost: \$250,000	Equipment Cost:

County: Palm Beach	District: 9
ID #: 9900247	Issue Date: 6/21/99
Facility/Project: Delray Medical Center	
Applicant: Tenet Healthsystem Hospital, Inc.	
Project Description: Connection of a mobile lab	
Proposed Project Cost: \$1,000	Equipment Cost:
County: Hamilton	District: 3
ID #: 9900248	Issue Date: 6/21/99
Facility/Project: Trinity Community Hospital	
Applicant: H.C. Healthcare, Inc.	
Project Description: Re-establish intensive care services	
Proposed Project Cost: \$1,000	Equipment Cost:
County: Manatee	District: 6
ID #: 9900251	Issue Date: 6/28/99
Facility/Project: Blake Medical Center	
Applicant: HCA Health Services of Florida, Inc.	
Project Description: Nurse station upgrades, cardiology testing relocation & ER holding renovation	
Proposed Project Cost: \$350,000	Equipment Cost:
County: Orange	District: 7
ID #: 9900253	Issue Date: 6/24/99
Facility/Project: Florida Hospital East Orlando Campus	
Applicant: Adventist Health System/Sunbelt, Inc.	
Project Description: Replace and renovate the existing MRI	
Proposed Project Cost: \$1,479,789	Equipment Cost:
County: Sarasota	District: 8
ID #: 9900254	Issue Date: 6/28/99
Facility/Project: Sarasota Memorial Hospital	
Applicant: Sarasota County Public Hospital Board	
Project Description: Renovate 3rd Floor Pharmacy Department offices	
Proposed Project Cost: \$200,000	Equipment Cost:
County: Escambia	District: 1
ID #: 9900255	Issue Date: 6/28/99
Facility/Project: Sacred Heart Hospital	
Applicant: Sacred Heart Hospital of Pensacola	
Project Description: Initiate outpatient & administrative functions in leased MOB	
Proposed Project Cost: \$393,794	Equipment Cost:
County: Palm Beach	District: 9
ID #: 9900256	Issue Date: 6/29/99
Facility/Project: Good Samaritan Hospital	
Applicant: Good Samaritan Hospital, Inc.	
Project Description: Renovate exist. office space to create add. outpt. cancer treat. areas	
Proposed Project Cost: \$205,000	Equipment Cost:
County: Dade	District: 11
ID #: 9900257	Issue Date: 6/29/99
Facility/Project: Baptist Hospital of Miami	
Applicant: Baptist Hospital of Miami, Inc.	

Project Description: Renovate the existing gift shop on the first floor
 Proposed Project Cost: \$280,500 Equipment Cost:
 County: Polk District: 6
 ID #: 9900258 Issue Date: 7/6/99
 Facility/Project: Lakeland Regional Medical Center
 Applicant: Lakeland Regional Medical Center, Inc.
 Project Description: Renovate 7th floor of the Morrell Bldg. for inpatient ped. unit
 Proposed Project Cost: \$3,900,000 Equipment Cost:
 County: Orange District: 7
 ID #: 9900259 Issue Date: 7/16/99
 Facility/Project: Florida Hospital Orlando Campus
 Applicant: Adventist Health System/Sunbelt, Inc.
 Project Description: Renovate labor & delivery support areas
 Proposed Project Cost: \$178,000 Equipment Cost:
 County: Palm Beach District: 9
 ID #: 9900662B Issue Date: 6/29/99
 Facility/Project: Columbia JFK Medical Center
 Applicant: Columbia/JFK Medical Center, L.P.
 Project Description: Const. an addition for additional cardiac cath lab with support space
 Proposed Project Cost: \$2,850,170 Equipment Cost:
 AHCA Purchase Order Number S5900E0099.

Project Description: Divide CON #7563 via the transfer by CON #9113 into two components; one component consisting of 99 beds and the other consisting of 21 beds.
 Approved Cost: \$1,972,000
 County: Broward Service District: 10
 CON #: 9153 Decision Date: 7/2/99 Decision: A
 Facility/Project: Life Care Health Resources, Inc.
 Applicant: Life Care Health Resources, Inc.
 Project Description: Transfer 21 beds from CON #7563/9113 via the division by CON #9152
 Approved Cost: \$8,749,000
 County: Palm Beach Service District: 9
 CON #: 9188 Decision Date: 6/29/99 Decision: A
 Facility/Project: Palm Garden of West Palm Beach
 Applicant: Florida Convalescent Centers, Inc.
 Project Description: Transfer six community nursing home beds to Palm Garden of West Palm Beach from Heritage Park of West Delray, Ltd. (CON #8850)
 Approved Cost: \$44,835
 County: Lee Service District: 8
 CON #: 9191 Decision Date: 6/30/99 Decision: A
 Facility/Project: HealthPark Care Center
 Applicant: HealthPark Care Center, Inc.
 Project Description: Cost overrun for CON # 8529, for the addition of 22 SNF beds at HealthPark
 Approved Cost: \$156,082
 County: Pinellas Service District: 5
 CON #: 9192 Decision Date: 6/29/99 Decision: A
 Facility/Project: Oak Bluffs Nursing Center
 Applicant: BEF, Inc.
 Project Description: Replacement facility for 56 of Oak Bluff's 60 beds, less than one mile away & combine with 56 beds at Oak Cove creating 112 beds.
 Approved Cost: \$1,327,908

CERTIFICATE OF NEED

DECISIONS ON EXPEDITED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

County: Broward Service District: 10
 CON #: 9152 Decision Date: 6/28/99 Decision: A
 Facility/Project: Life Care Health Resources, Inc.
 Applicant: Life Care Health Resources, Inc.

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

AHCA Purchase Order Number S5900E0099.

DEPARTMENT OF HEALTH

Request for Public Comments on Florida's WIC Program

The WIC Program (the Special Supplemental Nutrition Program for Women, Infants, and Children) is soliciting comments and suggestions about its program and how service delivery can be improved to better meet the clients' needs.

WIC is federally funded and serves low and moderate income pregnant, breastfeeding, and postpartum women; infants; and children up to age 5. The program provides a combination of nutritious foods, nutrition education, breastfeeding support, and referrals for health care. WIC is available in all 67 counties in Florida.

If you have any comments or suggestions, please direct them to: Mary Ann Patterson, Department of Health, WIC and Nutrition Services, BIN #A16, 2020 Capital Circle, Southeast, Tallahassee, FL 32399-1726, or by fax (850)922-3936. Your feedback is essential and is appreciated before August 6, 1999. USDA is an equal opportunity provider and employer.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN June 29, 1999
and July 5, 1999

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

5C-13.004	7/1/99	7/21/99	25/19	
-----------	--------	---------	-------	--

DEPARTMENT OF EDUCATION

Florida State University

6C2-2.009	6/30/99	7/20/99	Newspaper	
6C2-2.0091	6/30/99	7/20/99	Newspaper	
6C2-3.004	6/30/99	7/20/99	Newspaper	

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

40D-1.002	7/2/99	7/22/99	25/21	
40D-1.603	7/2/99	7/22/99	25/21	
40D-2.091	7/2/99	7/22/99	25/21	

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-504.200	6/30/99	7/20/99	25/19	
62-504.300	6/30/99	7/20/99	25/19	
62-504.400	6/30/99	7/20/99	25/19	
62-504.430	6/30/99	7/20/99	25/19	
62-504.500	6/30/99	7/20/99	25/19	
62-504.600	6/30/99	7/20/99	25/19	
62-504.680	6/30/99	7/20/99	25/19	
62-505.200	7/2/99	7/22/99	25/19	
62-505.300	7/2/99	7/22/99	25/19	
62-505.650	7/2/99	7/22/99	25/19	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

62-552.200	6/30/99	7/20/99	25/19	
62-552.300	6/30/99	7/20/99	25/19	
62-552.350	6/30/99	7/20/99	25/19	
62-552.360	6/30/99	7/20/99	25/19	
62-552.370	6/30/99	7/20/99	25/19	
62-552.400	6/30/99	7/20/99	25/19	
62-552.420	6/30/99	7/20/99	25/19	
62-552.430	6/30/99	7/20/99	25/19	
62-552.500	6/30/99	7/20/99	25/19	
62-552.650	6/30/99	7/20/99	25/19	
62-552.900	6/30/99	7/20/99	25/19	

Division of Marine Resources

62R-8.001	6/30/99	7/20/99	25/19	
62R-8.002	6/30/99	7/20/99	25/19	
62R-8.003	6/30/99	7/20/99	25/19	
62R-8.004	6/30/99	7/20/99	25/19	
62R-8.005	6/30/99	7/20/99	25/19	
62R-8.006	6/30/99	7/20/99	25/19	
62R-8.007	6/30/99	7/20/99	25/19	
62R-8.008	6/30/99	7/20/99	25/19	
62R-8.009	6/30/99	7/20/99	25/19	
62R-8.010	6/30/99	7/20/99	25/19	
62R-8.011	6/30/99	7/20/99	25/19	
62R-8.012	6/30/99	7/20/99	25/19	
62R-8.013	6/30/99	7/20/99	25/19	
62R-8.014	6/30/99	7/20/99	25/19	

DEPARTMENT OF HEALTH

Division of Family Health Services

64F-17.001	7/2/99	7/22/99	25/10	25/20
64F-17.002	7/2/99	7/22/99	25/10	25/20
64F-17.003	7/2/99	7/22/99	25/10	25/20
64F-17.004	7/2/99	7/22/99	25/10	25/20