

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

RULE TITLE: Transfer of Credit
RULE NO.: 6-1.099

PURPOSE AND EFFECT: The purpose of the development is to provide procedures relating to the acceptance of transfer work and credit for pupils.

SUBJECT AREA TO BE ADDRESSED: Compulsory School Attendance.

SPECIFIC AUTHORITY: 232.23(3) FS.

LAW IMPLEMENTED: 229.515 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Wiegman, Chief, Bureau of Curriculum, Instruction and Assessment, 532 Turlington Building, Tallahassee, FL, (850)488-5011

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6-1.099 Transfer of Credits.

(1) All evidence of work or credits earned at another school, community college, or university offered for acceptance shall be based on an official transcript authenticated by the proper school authority.

(2) Work or credits from state or regionally accredited schools or institutions shall be accepted at face value, subject to validation if deemed necessary.

(3) Work or credits from nonaccredited schools shall be validated on the basis of criteria established in school board policies.

(4) The graduation requirements shall not be retroactive for transfer students provided the student has met all requirements of the school district or state from which he or she is transferring.

Specific Authority 232.23(3) FS. Law Implemented 229.515 FS. History--New

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE : Financial Records and Reports
RULE NO.: 6A-14.072

PURPOSE AND EFFECT: The purpose is to prescribe the data and procedures to be used to maintain financial records in a consistent manner at the 28 community colleges. The effect is

to ensure the financial records at the 28 community colleges and data shown on financial reports will be comparable throughout the Community College System.

SUBJECT AREA TO BE ADDRESSED: Financial records and reports in the community colleges.

SPECIFIC AUTHORITY: 229.053(1), 240.325 FS.

LAW IMPLEMENTED: 240.311, 240.325, 240.347, 240.349, 240.363 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AS NOTICED IN A FUTURE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges, Division of Community Colleges, 325 West Gaines St., Tallahassee, FL 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS :

6A-14.072 Financial Records and Reports.

(1) Each community college shall keep financial records according to the Department of Education publication, "Accounting Manual for Florida's Public Community Colleges, 1999 1998," incorporated herein by reference. Copies may be obtained from the Division of Community Colleges, Department of Education, Tallahassee, Florida 32399-0400.

(2) Enrollment related financial records shall be kept for all instruction so as to facilitate verification, confirmation, and comparison.

(3) If financial reports are not received from a community college when due, the State Board of Community Colleges may withhold apportionments of state funds to the college until the reports are received.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.311, 240.325, 240.347, 240.349, 240.363 FS. History--Formerly 6A-8.11, Repromulgated 12-19-74, Amended 12-26-77, 7-2-79, 5-14-85, Formerly 6A-14.72, Amended 11-12-91, 7-7-92, 2-16-94, 12-18-94, 11-27-95, 11-13-96, 12-9-97, 5-18-98, _____. c.f. Accounting Manual for Florida's Public Community Colleges.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Criteria for Documentation of Disability
RULE NO.: 6A-20.111

PURPOSE AND EFFECT: The purpose of this rule is to fulfill the requirement of 240.4041, F.S., that the State Board of Education "establish the necessary criteria" to document a student's disability for purposes of receiving financial aid while attending post-secondary school on a part-time basis. The effect of the rule is to delineate those criteria.

SUBJECT AREA TO BE ADDRESSED: Financial Aid.

SPECIFIC AUTHORITY: 229.053(1), 240.4041 FS.

LAW IMPLEMENTED: 229.053(1), 240.4041 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., November 18, 1999

PLACE: 325 West Gaines Street, Room 1704, Tallahassee, Florida 32399

Requests for a rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Shan Goff, Chief, Bureau of Instructional Support and Community Services, Division Public Schools and Community Services, Room 614, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-1570

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-20.111 Criteria for Documentation of Disability.

(1) The professional who prepares documentation must be a licensed physician who has expertise in the area related to the disability in question; a licensed psychologist with a specialization in the professional area of the disability in question, a licensed audiologist; a licensed speech pathologist; or, a certified school psychologist.

(2) The documentation must be sufficiently recent, as determined by the educational institution, so as to allow for a valid and reasonable assessment of the student's needs.

(3) The documentation must be specific and conclusive, demonstrating that the student has physical, emotional or mental impairment(s) which substantially limit(s) one or more major life activities, as well as showing how the disability will substantially limit the student's ability to meet the minimum full-time load requirements.

Specific Authority 229.053(1) FS. Law Implemented 240.4041 FS. History--New _____.

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Definitions	12-3.0012
Interest Applicable to Unpaid Tax Liabilities or Amounts Not Timely Refunded	12-3.0015

PURPOSE AND EFFECT: The proposed creation of Rule 12-3.0012, FAC, implements ss. 1 and 8 of Chapter 99-239, L.O.F., which amended the statute of limitations provisions of s. 95.091(3), F.S.; and, created s. 213.345, F.S., regarding the tolling of periods during an audit. The effect of proposed new Rule 12-3.0012, FAC, is to clarify when an audit commences, as stated in the second sentence of s. 213.345, F.S., as created

by s. 8 of Ch. 99-239, L.O.F. This proposed new rule defines the term, since the term "must commence an audit" may be subject to various interpretations by taxpayers.

The proposed creation of Rule 12-3.0015, FAC, implements ss. 7 and 9 of Chapter 99-239, L.O.F., which enacted s. 213.235, F.S., imposing a "market interest rate" on unpaid tax liabilities, instead of the flat rate previously imposed: and, created s. 213.255, F.S., requiring the payment of interest on amounts not refunded to taxpayers on a timely basis.

The effect of this proposed new rule is to address several issues through rulemaking: a) how to handle the existing corporate income tax and emergency excise tax "market interest rate" provisions; b) when the Department should apply these new interest provisions; c) how to calculate the daily rate of interest; d) how the agency will notify taxpayers about interest rate changes; and, e) examples to help taxpayers understand how this interest provision applies.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to give members of the public an opportunity to discuss the proposed definition of the term "commence an audit," and to consider suggested revisions that the public may offered.

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 213.235, 213.255, 213.345 FS.

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

TIME AND DATE: 9:00 a.m., November 3, 1999

PLACE: Room B-12, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained by contacting the person listed below.

Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. 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 WORKSHOP IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-3.0012 Definitions.

The following terms apply to the Department's administration of the programs delegated to it by statute. These terms shall have the meaning given to them in this section, except where the context clearly indicates a different meaning.

(1)(a) The phrase “commence an audit” means when, subsequent to the issuance of a Notification of Intent to Conduct an Audit (DR-840) or similar notification, the Department performs an audit entrance interview.

(b) The phrase “audit entrance interview” means when any one of the following actions first occurs:

1. When the Department contacts the taxpayer to explain and discuss the specific audit plan or to discuss the nature of the taxpayer’s business operations; or

2. When the Department requests that specific books, records, documents, or other information be compiled, provided, or made available to the Department, other than the books, records, documents, or other information which were requested in the attachment to the DR-840; or

3. When the Department begins reviewing the accounts, books, or records of the taxpayer.

(2) The term “department” or “agency” means the Florida Department of Revenue, as established by s. 20.21, F.S.

Specific Authority 213.06(1) FS. Law Implemented 213.345 FS. History—New

12-3.0015 Interest Applicable to Unpaid Tax Liabilities or Amounts Not Timely Refunded.

(1) The provisions of s. 213.235, F.S., and this rule apply to all taxes listed in s. 213.05, F.S., except those taxes imposed by chapters 220 and 221, F.S. The interest rate provisions of Rule 12C-1.343, F.A.C., shall continue to apply to the taxes imposed by chapters 220 and 221, F.S.

(2)(a) The interest rate applicable to tax payment deficiencies that arise for taxes due before January 1, 2000, is one percent per month, prorated daily, as provided in the applicable rules. This interest rate will apply as long as the deficiency continues.

(b) The interest rate will be determined pursuant to s. 213.235, F.S., for tax payment deficiencies that arise for taxes due on or after January 1, 2000.

(c) The interest rate which applies to a specific tax payment deficiency may fluctuate while the deficiency continues, due to the redetermination of the interest rate every six months pursuant to s. 213.235, F.S.

(d) The interest imposed by s. 213.255, F.S., will be calculated pursuant to s. 213.235, F.S., except that the interest rate applied to a refund cannot exceed 11 percent annually. The provisions of s. 213.255, F.S., and Rule Chapters 12-6 and 12-26, F.A.C., govern the circumstances under which interest is due from and paid by the Department on refunds.

(3)(a) The daily rate of interest computed pursuant to s. 213.235, F.S., and this rule shall use a year based on 365 days, and 366 days in a leap year.

(b) This daily rate will be carried out to nine decimal places.

(4)(a) The interest rate determined pursuant to s. 213.235, F.S., is subject to change on January 1st and July 1st of each year.

(b) The applicable interest rate for any 6-month period can be obtained by any of the following methods:

1. Accessing the Department’s web site at the address in brackets [http://sun6.dms.state.fl.us/dor/].

2. Calling Tax Information Services during regular business hours at (850)488-6800.

3. Calling the Department's Fax on Demand Retrieval System by dialing (850)922-3676 from the handset of the fax machine.

(5) The following examples are intended to help taxpayers understand how these interest rate provisions apply:

(a) The taxpayer owed \$1,000 with his November 1999 sales and use tax return due 12/20/1999. Interest for sales and use tax returns due through 12/31/1999 is at the rate of 1 percent per month (which equals a daily interest rate of .000328767), and for any portion less than a month, a daily interest factor of .000328767 is applied. Assuming the taxpayer filed the return and paid the tax on 8/10/2000, interest would be calculated as follows:

PERIOD	TAX DUE	CALENDAR PERIOD	RATE	TOTAL INTEREST DUE
12/21/99-7/20/00	\$ 1,000	7 months	1% per mon.	\$ 70.00
7/21/00-8/10/00	\$ 1,000	21 days	.000328767 per day	\$ 6.90
Total Interest Due				\$ 76.90

(b) The taxpayer owed \$1,000 with her February 2000 sales and use tax return due 3/20/2000. The taxpayer filed the return and paid the tax on 8/01/2000. Assuming an interest rate of 8 percent for the 1/01/2000 through 6/30/2000 period, and an interest rate of 9 percent for the 7/01/2000 through 12/31/2000 period, interest would be calculated as follows:

PERIOD	TAX DUE	NUMBER OF DAYS	DAYS IN YEAR	RATE	TOTAL INTEREST DUE
3/21/00-6/30/00	\$ 1,000	102	366	8% per year	\$ 22.29
7/01/00-8/01/00	\$ 1,000	32	366	9% per year	\$ 7.87
Total Interest Due					\$ 30.16

(c) The taxpayer underpaid intangible tax by \$500 on 6/30/2000. The taxpayer paid the additional tax due on 11/15/2000. Assuming an interest rate of 9 percent for the 7/01/2000 through 12/31/2000 period, interest would be calculated as follows:

PERIOD	TAX DUE	NUMBER OF DAYS	DAYS IN YEAR	RATE	TOTAL INTEREST DUE
7/01/00-11/15/00	\$ 500	138	366	9% per year	\$ 16.97

Specific Authority 213.06(1) FS. Law Implemented 213.235, 213.255 FS. History—New

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Scope of Rules	12-26.001
Application of Rules	12-26.002
Application for Refund	12-26.003
Refund Approval Process	12-26.004
Public Use Forms	12-26.008

PURPOSE AND EFFECT: The proposed amendments to Rules 12-26.001, 12-26.002, 12-26.003, 12-26.004, and 12-26.008, FAC, implement ss. 1, 8, 9, and 10 of Chapter 99-239, L.O.F. In general, the refund changes contained in ss. 95.091(3), 213.235, 213.255, and 215.26 F.S., can be implemented without promulgating rules. However, several issues need to be clarified through rulemaking:

- A) The purpose of the proposed amendments to Rule 12-26.001, FAC, is to conform the rules contained in Chapter 12-26, FAC, to the new statutory provisions which require the payment of interest on specific refund requests. The effect of this proposed amendment is to ensure that all rules in the refund rule chapter reflect the new statutory refund provisions.
- B) The purpose of the proposed amendments to Rule 12-26.002, FAC, is to revise incorrect statute and rule citations, change the Department's procedures for accepting applications for refund, and require that a taxpayer must file a completed refund application to qualify for the new payment of interest granted by s. 213.255, F.S. The effect of these proposed amendments is to ensure that taxpayers understand that a refund request will not be subject to the new interest provision until the taxpayer submits a completed application to the Department.
- C) The purpose of the proposed amendments to Rule 12-26.003, FAC, is to clarify the time period during which the statute authorizes the Department to accept refund applications, to designate the forms which must be used to request a refund and how to obtain these forms, and, to specify the information which the taxpayer must provide to the Department on the refund application. The effect of these proposed amendments is to explain the revised procedures a taxpayer must follow to apply for a refund.
- D) The purpose of the proposed amendments to Rule 12-26.004, FAC, is to: 1) revise the procedures the Department will use to review a taxpayer's request for refund; 2) implement the 90-day refund review process established by the new statute; and, 3) provide an example of how interest will be calculated on amounts not refunded within the 90-day period. The effect of these proposed amendments is to ensure taxpayers understand how the Department will process their refund applications and how the requirement to pay interest will be implemented.
- E) The purpose of the proposed amendments to Rule 12-26.008, FAC, is to add a form the Department will use to obtain the consent of an applicant to extend the time for reviewing a refund application. The effect of these

amendments is to ensure taxpayers have an opportunity to review the forms the Department will use to implement the revised refund procedures.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to discuss the proposed changes to the Department's refund procedures, which are based on the amendments to ss. 95.091(3), 213.235, 213.255, and 215.26, F.S.

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS.

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

TIME AND DATE: 9:00 a.m., November 3, 1999

PLACE: Room B-12, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-26.001 Scope of Rules.

The rules set forth in this chapter shall be used by the Department of Revenue in the exercise of authority to accept and approve or deny applications for refund of moneys paid into the State Treasury as provided by s. 215.26, F.S., for taxes enumerated in s. 72.011, F.S., or any refunds specifically authorized by the provisions of the tax statutes enumerated in s. 72.011, F.S., and shall not apply to refunds of ad valorem taxes. These rules also govern the payment of interest required pursuant to s. 213.255, F.S., for which a completed application for refund has been filed but the requested amount has not been refunded or credited as provided by statute.

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS., ss. 2, 3, 4, 5, 6, 7, and 40, Ch. 91-112, L.O.F. History—New 11-14-91, Amended _____.

12-26.002 Application of Rules.

(1) Subsection 215.26(1), F.S., authorizes the Comptroller, under certain conditions, to refund moneys paid into the State Treasury which constitute:

- (a) An overpayment of any tax, license, or account due;
 - (b) A payment where no tax, license, or account is due;
- and

(c) Any payment made into the State Treasury in error.

(2) Under the provisions of s. 215.26(2), F.S., and Rule 3A-44.020, F.A.C., the Comptroller ~~has delegated~~ delegates to the Department of Revenue the authority to accept an application for refund of any tax, fee, surcharge, permit, license, or account due collected by the Department under the revenue laws of this state. Upon receipt of an application for refund, the Department shall make a determination of the refund amount due. If an application for refund is approved, in whole or in part, the Department will furnish the Comptroller with a properly executed voucher authorizing payment. If an application for refund is denied, in whole or in part, the Department will notify the applicant of the basis for the action and state the reasons for denial in clear language.

(3)(a) When a taxpayer has pursued administrative review under the provisions of Rule 12-6.003, F.A.C. (Protest of Notices of Proposed Assessments Issued by the Department Which Result From an Audit Procedures), or Rule 12-6.0033, F.A.C. (Protest of Assessments Issued by the Department Regarding Tax Returns, Other Required Filings, and Billings Division of Collection and Enforcement), and has failed to comply with the time limitations and conditions provided in s. 72.011 and ss. 120.569, 120.57, and 120.80(14), ~~s. 120.575,~~ F.S., the taxpayer shall not have the right to a refund or to pursue an administrative review under these rules.

(b) However, the Department ~~will accept~~ is authorized, pursuant to s. 215.26(5), F.S., and Rule 3A-44.020, F.A.C., to ~~entertain~~ entertain claims for refund when the taxpayer demonstrates that his failure to pursue remedies under Chapter 72, F.S., was not due to neglect or for the purpose of delaying payment of lawfully imposed taxes and can demonstrate reasonable cause for such failure. For the purposes of this rule, reasonable cause means that the facts and circumstances of the specific case reflect that the taxpayer exercised ordinary care and prudence, despite the lack of compliance with the time limitations prescribed in s. 72.011, F.S.

(c) To receive interest pursuant to s. 213.255, F.S., on payments made under protest, the taxpayer must file a completed refund application.

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS., ss. 2, 3, 4, 5, 6, 7, and 40, Ch. 91-112, L.O.F. History—New 11-14-91, Amended 4-18-93, _____.

12-26.003 Application for Refund.

(1)(a) ~~Taxes Paid Prior to October 1, 1994:~~

~~Except as otherwise provided, the application for refund as required by s. 215.26, F.S., shall be filed with the Department, within three years after the right to the refund accrues, or the right to the refund shall be barred.~~

~~(b) Taxes Paid On or After October 1, 1994, and Before July 1, 1999:~~

Except as otherwise provided by s. 213.345, F.S., the application for refund ~~as~~ required by s. 215.26, F.S., shall be filed with the Department within five years after the date the tax was paid, or the right to the refund is barred.

(b) Taxes Paid On or After July 1, 1999:

Except as otherwise provided by s. 213.345, F.S., the application for refund required by s. 215.26, F.S., must be filed with the Department within three years after the date the tax was paid, or the right to the refund is barred.

(2) Applications for tax refund under those revenue laws enumerated in s. 72.011(1), F.S., shall be deemed ~~complete~~ complete ~~as filed~~ upon the Department's receipt of a properly executed application for refund form which contains the information required by ss. 213.255(2) and 215.26, F.S., and this rule. Applications for refunds shall be filed with the ~~Refund Section,~~ Florida Department of Revenue, Refund Subprocess, P.O. Box 6490, Building E, 5050 West Tennessee Street, Tallahassee, Florida 32314-6490 32399-0100.

(3) For purposes of this rule, Form DR-26, Application for Refund from the State of Florida Department of Revenue, incorporated by reference in Rule 12-26.008, F.A.C., is the approved refund application for all taxes collected by the Department, except as otherwise specified in subsection (4).

(4) Tax refunds requiring a refund application other than Form DR-26 are listed below.

(a) Corporate Income Tax. Except as provided in subsection (5), all refunds claimed under Chapters 220 or 221, F.S., shall be made by the filing of either:

1. Form F-1120, Florida Corporate Income/Franchise and Emergency Excise Tax Return (incorporated by reference in Rule 12C-1.051, F.A.C.) or

2. Form F-1120X, Amended Florida ~~Corporation~~ Income Tax Return (incorporated by reference in Rule 12C-1.051, F.A.C.).

(b) Sales and Use Tax – Form DR-29, Refund of Cash Bond (incorporated by reference in Rule 12A-1.097, F.A.C.), is required where a bonded contractor or dealer applies for a refund of a cash bond held by the Department.

~~(c) Motor Fuel. Form DR-135, Retail Gasoline/Gasohol Evaporation and Shrinkage Allowance Refund Application (incorporated by reference in Rule 12B-5.015, F.A.C.), is required where a licensed retail dealer in a non-local option county applies for a quarterly evaporation and shrinkage allowance.~~

~~(d) Motor Fuel and Diesel Special Fuel. (Forms incorporated by reference in Rule 12B-5.150 12B-5.015, F.A.C.)~~

1. Form DR-138, Application for Fuel Tax Refund – Agriculture, Agricultural, Aquacultural, and Commercial Fishing Purposes, is required where motor fuel is used for agricultural, aquacultural, or commercial fishing purposes, and

the taxpayer is entitled to a refund of the taxes specified in s. 206.41(4)(c), F.S. that portion of the tax previously paid pursuant to Part II of Chapter 212, F.S.

2. Form DR-160, Application for Mass Transit System Users Fuel Tax Refund, is required where motor fuel or diesel special fuel is used in the operation of a mass public transportation system, and the taxes specified in s. 206.41(4)(b), F.S. that portion of the tax previously paid pursuant to ss. 206.41 and 206.87, F.S., Part II of Chapter 212, F.S., is refundable.

3. Form DR-189, Application for Fuel Tax Refund – Municipalities, Counties and School Districts, is required where a county or municipality operating motor vehicles using motor fuel or diesel special fuel is entitled to a refund of the taxes specified in s. 206.41(4)(d), F.S., county tax and that portion of the tax previously paid pursuant to ss. 206.41 and 206.87, F.S. Part II of Chapter 212, F.S. This form is also required in those instances where a school district, or a private contractor operating school buses for the school district, purchases motor fuel or diesel special fuel for use in motor vehicles operated by these entities, which is subject to a refund of taxes specified in s. 206.41(4)(e), F.S., previously paid county tax and that portion of the tax paid and paid pursuant to ss. 206.41 and 206.87, F.S. Part II of Chapter 212, F.S.

4. Form DR-190, Application for Fuel Tax Refund, Non-Public Schools, is required where a nonpublic school operating school buses or other motor vehicles using motor fuel or diesel special fuel is entitled to a refund of taxes specified in s. 206.41(4)(e), F.S., paid pursuant to ss. 206.41 and 206.87, F.S. Part II of Chapter 212, F.S.

5. Form DR-309639, Application for Refund of Tax Paid on Undyed Diesel Used for Off-road or Other Exempt Purposes, is required where undyed diesel fuel is used to propel off-road equipment, or used in stationary equipment. The taxes previously paid pursuant to s. 206.87, F.S., are refundable.

(e) Aviation Fuel. Form DR-191, Application for Aviation Fuel Tax Refund – Air Carriers (incorporated by reference in Rule 12B-5.150, 12B-5.211, F.A.C.), is required for those air carriers entitled to receive a refund of taxes imposed on aviation fuel purchased by such carriers.

(f) An amended Insurance Premium Tax. Form DR-908, Insurance Premium Taxes and Fees Tax Return (incorporated by reference in Rule 12B-8.003(1), F.A.C.), is required in all instances where insurance companies wish to file for a refund, amend previously filed returns except as provided in subsection (5).

(5) Notwithstanding the provisions of subsection (3), Form DR-26 may be used to apply for those refunds of corporate income tax or insurance premium tax which constitute:

- (a) A check deposited by the Department in error; or
- (b) A duplicate payment of the final return.

(6) ~~All requests for refund must be on approved forms which are properly executed and accompanied by supporting evidence which allows the Department to verify the accuracy of the claim. Refund applications may be obtained without cost, by:~~

(a) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or

(b) faxing the Forms Distribution Center at (850)922-2208; or

(c) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or

(d) visiting any local Department of Revenue Service Center to personally obtain a copy; or

(e) calling the Forms Request Line during regular office hours at 1(800)352-3671 (in Florida only) or (850)488-6800; or

(f) 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. written request to the Department of Revenue, Refund Section, Building E, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100, FAX (904)922-2906, with the exception of Form DR-908 (Insurance Premium Tax), Form F 1120 and Form F 1120X (Corporate Income Tax). Requests for these forms should be directed, in writing, to the Department of Revenue, Division of Taxpayer Assistance, Bureau of Tax Information and Media Services, P. O. Box 7443, Tallahassee, Florida 32314-7443.

(7) Applications for refund as described herein which are not properly completed executed will not be considered filed for the purpose of tolling the statutory provisions of s. 215.26, F.S., or for the purpose of the payment of interest under the conditions prescribed in ss. 213.235 and 213.255, F.S. The Department shall notify the applicant of the incomplete improperly executed application and the necessary actions, corrections, or information needed to complete it within 30 consecutive calendar days of receiving the incomplete application to correct such. For the purposes of this rule, a completed an improperly executed application is defined as an application which contains all of the following information:

(a) The taxpayer's current name, mailing address, and physical location of business, if different from the mailing address;

(b) The taxpayer's federal taxpayer identification number, and/or Florida tax registration number, and/or audit number, if available;

(c) The tax years or tax periods to which the refund applies;

(d) The type of tax and the specific refund amount requested;

(e) Information which will enable the Department to verify the amount of the refund requested. This information must include all data which was required to be submitted on the original or original-amended tax return associated with the refund application.

(f) An explanation of the basis for requesting the refund; Does not specify a sum certain for the amount of refund requested;

(g)(b) The name and business mailing address of Does not specify the correct payee;

(h)(e) The signature of Is not signed by either the payee, or an officer of the firm or corporation listed as payee, or

(d) Does not list either an account number, a federal employee identification number, or social security number.

(8)(a) The Department is empowered, pursuant to s. 213.255, F.S., to require that the applicant provide a cash bond or surety bond to protect the state's financial position in cases when the Department pays a refund claim before completing an audit of the claim.

(b) Section 213.255, F.S., also authorizes the Department to accept the following alternative security arrangements to the cash bond or surety bond discussed in paragraph (a):

- 1. An assigned time deposit; or
- 2. An irrevocable letter of credit.

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS., ss. 2, 3, 4, 5, 6, 7, and 40, Ch. 91-112, L.O.F. History--New 11-14-91, Amended 4-18-93, 4-18-95, _____.

12-26.004 Refund Approval Process.

(1) The Department shall review the completed application for refund, and, as provided by ss. 213.255 and 215.26(2), F.S., determine the amount due, if any, under the applicable laws and in accordance with rules governing the particular tax.

(2)(a) If the completed refund application is approved and the refund paid or credited to the taxpayer's account within 90 consecutive calendar days of receipt of the completed application, except as provided by paragraph (c) of this subsection, in whole or in part, the Department will notify the taxpayer and;

1. shall voucher a request for warrant for submission to the Comptroller with appropriate supporting documentation as required, or necessary, for proper audit and payment, or;

2. apply the amount as a credit against a tax, penalty, or interest liability of the taxpayer.

(b) If a refund is not paid or credited to the taxpayer's account within 90 consecutive calendar days of receipt of the completed application, except as provided by paragraph (c) of this subsection, the Department must pay interest pursuant to ss. 213.235 and 213.255, F.S., starting with the 91st day through the day that the voucher requesting a warrant for the refund amount is submitted to the Comptroller.

(c) The 90 consecutive calendar day period and the requirement to pay interest on refund amounts not timely paid or credited to a taxpayer, as discussed in paragraphs (a) and (b) above, will be tolled if:

1. both the taxpayer and the Department agree that an audit or other verification process is necessary to validate the taxpayer's refund request, and;

2. both parties complete and sign Department Form DR-872 (Consent to Extend the Time to Issue an Assessment or to File a Claim for Refund).

(3)(a) For the purpose of implementing the 90 consecutive calendar day interest provision required pursuant to s. 213.255, F.S., and this rule, an application will be considered complete when all information or corrections requested from the applicant are received by the Department, based on the postmark date, fax date, or date of hand-delivery of such requested information.

(b) The 90 consecutive calendar day period will not expire on a Saturday, Sunday, or legal holiday. The term "legal holiday" shall mean a holiday observed by federal or state agencies as a legal holiday pursuant to Chapter 683, F.S., and Section 7503 of the Internal Revenue Code of 1986, as amended. If the 90 consecutive calendar day period ends on a Saturday, Sunday, or legal holiday, such period will not expire until the next successive day that is not a Saturday, Sunday, or legal holiday.

(4) The following example is intended to help taxpayers understand how this interest rate provision applies. The Department receives a completed application for refund on 2/05/2000. The Department pays the refund on 8/01/2000. Assuming an interest rate of 8 percent for the 1/01/2000 through 6/30/2000 period, and an interest rate of 9 percent for the 7/01/2000 through 12/31/2000 period, interest would be calculated as follows [NOTE: Interest does not start to accrue until the 91st day after the Department receives the complete application for refund, which is 5/06/2000]:

PERIOD	TAX DUE	NUMBER OF DAYS	DAYS IN YEAR	RATE	TOTAL INTEREST DUE
5/06/00-6/30/00	\$ 1,000	56	366	8% per year	\$ 12.24
7/01/00-8/01/00	\$ 1,000	32	366	9% per year	\$ 7.87
Total Interest Due					\$ 20.11

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS., ss. 2, 3, 4, 5, 6, 7, and 40, Ch. 91-112, L.O.F. History--New 11-14-91, Amended _____.

12-26.008 Public Use Forms.

(1) The following public use forms are used by the Department in the processing of refunds and refund denials and are hereby incorporated by reference. These forms are available, upon written request directed to the Florida Department of Revenue, Refund Subprocess, Section, P. O. Box 6470, Building E, 5050 West Tennessee Street, Tallahassee, Florida 32314-6470 32399-0100. Refund forms may also be obtained by:

- (a) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or
- (b) faxing the Forms Distribution Center at (850)922-2208; or
- (c) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or
- (d) visiting any local Department of Revenue Service Center to personally obtain a copy; or
- (e) calling the Forms Request Line during regular office hours at 1(800)352-3671 (in Florida only) or (850)488-6800; or
- (f) 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.

Form Number	Title	Effective Date
(2) (+) DR-26	Application for Refund from the State of Florida	04/93
(3) (2) DR-832R	Department of Revenue (r. 04/92) Notice of Proposed Refund Denial (r. 01/93)	04/93
(4) (3) DR-1200R	Notice of Intent to Make Refund Claim Changes (r. 07/92)	04/93
(6) DR-872	Consent to Extend the Time to Issue an Assessment or to File a Claim for Refund	07/97

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS., ss. 2, 3, 4, 5, 6, 7, and 40, Ch. 91-112, L.O.F. History--New 11-14-91, Amended 4-18-93, _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Specific Exemptions
RULE NO.: 12A-1.001
PURPOSE AND EFFECT: The purpose of the proposed amendments is to revise paragraphs (3)(b) and (3)(q) of Rule 12A-1.001, F.A.C., pursuant to the findings of an administrative law judge and additionally, to provide a definition for the term "primary purpose," as that term is used in s. 212.08(7)(n), F.S.

In Associated Marine Institutes, Inc. v. Department of Revenue, D.O.A.H. Case No. 99-1679RX (September 13, 1999), the Administrative Law Judge held that paragraph (3) (b) of Rule 12A-1.001, F.A.C., is invalid to the extent that it denies an exemption on sales by certain entities which, by statute, are "exempt from the taxes imposed by this chapter [Chapter 212]." The proposed amendments to this paragraph will clarify that, pursuant to these findings, sales or leases by the following entities are not taxable: 1) Nonprofit corporations that are homes for the aged, nursing homes, or hospices pursuant to s. 212.08(7)(m), F.S.; 2) Organizations providing special educational, cultural, recreational, and social benefits to minors, pursuant s. 212.08(7)(n), F.S.; 3) State theater contract organizations, pursuant to s. 212.08(7)(r), F.S.;

- 4) Coast Guard auxiliaries, pursuant to s. 212.08(7)(cc), F.S.;
- 5) Citizen support organizations, pursuant to s. 212.08(7)(kk), F.S.; and
- 6) Nonprofit cooperative hospital laundries, pursuant to s. 212.08(7)(nn), F.S.

Additionally, the Administrative Law Judge in Associated Marine Institutes, Inc. held that paragraph (3)(q) of Rule 12A-1.001, F.A.C., is invalid to the extent that it requires an organization providing special educational, cultural, recreational, and social benefits to minors (s. 212.08(7)(n), F.S.) to hold a consumer's certificate of exemption to exempt its sales. The proposed amendments to this paragraph will clarify that such organizations must only hold a consumer's certificate of exemption for purposes of making exempt purchases.

Additionally, the Department seeks to amend paragraph (3)(q) of Rule 12A-1.001, F.A.C. to define the term "primary purpose," as used in s. 212.08(7)(n), F.S. "Primary purpose" is defined to mean that the organization expends more than 50 percent of its total expenditure on those activities specified in the statute.

The effect of the proposed amendments will be to codify into this rule paragraph the findings of the administrative law judge with regard to such organizations and to provide a definition for the undefined statutory term "primary purpose."

SUBJECT AREA TO BE ADDRESSED: The proposed amendments to paragraphs (b) and (q) of subsection (3) of Rule 12A-1.001, F.A.C., are in response to the decision rendered in Associated Marine Institutes, Inc. regarding the sales and use tax exemption provided in s. 212.08(7)(n), F.S., for organizations providing special educational, cultural, recreational, and social benefits to minors.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.
LAW IMPLEMENTED: 92.525, 212.02(10),(12),(16),(20), (21), 212.03, 212.031, 212.04, 212.05, 212.0515, 212.06(2),(9), 212.08(4),(5)(a),(e),(6),(7)(a),(b),(c),(d),(f),(g), (h),(i),(k),(l),(m),(n),(o),(p),(q),(r),(s),(u),(v),(x),(bb),(cc),(dd), (kk),(nn),(8), 212.085, 212.17, 212.18, 213.12(2), 213.37, 403.715 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 1999
PLACE: Conference Room, Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

Copies of the agenda for the rule development workshop may be obtained from Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such

proceeding by contacting Jamies Phillips at (850)488-0717. 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: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.001 Specific Exemptions.

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

(b) With the exceptions noted below, sales Sales or rentals of tangible personal property, rentals or leases of transient rental accommodations, rentals or leases of real property, rentals or leases of parking, docking, or tie down spaces, admissions, or other transactions subject to the tax imposed by Chapter 212, F.S., made by exempt entities, ~~with the exception of sales or leases of tangible personal property by churches,~~ are taxable. Such entities are required to register in the same manner as other dealers and collect and remit tax on transactions which are subject to the tax imposed by Chapter 212, F.S. For admission charges imposed by not-for-profit sponsoring organizations qualifying under the provisions of s. 501(c)(3) of the U.S. Internal Revenue Code, see Rule 12A-1.005(3)(g), F.A.C. Sales or leases of tangible personal property by churches are exempt. Sales or leases by the following organizations are exempt from the tax imposed pursuant to Chapter 212, F.S.:

1. Homes for the aged, nursing homes, or hospices, pursuant to s. 212.08(7)(m), F.S.;

2. Organizations providing special educational, cultural, recreational, and social benefits to minors, pursuant to s. 212.08(7)(n), F.S.;

3. State theater contract organizations, pursuant to 212.08(7)(r), F.S.;

4. Coast Guard auxiliaries, pursuant to s. 212.08(7)(cc), F.S.;

5. Citizen support organizations, pursuant to s. 212.08(7)(kk), F.S.;

6. Nonprofit cooperative hospital laundries, pursuant to s. 212.08(7)(nn), F.S.

(c) through (p) No change.

(q) Nonprofit organizations providing special educational, cultural, recreational, and social benefits to minors which are incorporated pursuant to Chapter 617, F.S., or which hold a current exemption from federal corporate income tax pursuant to s. 501(c)(3) of the United States Internal Revenue Code whose primary purpose is providing activities which contribute to the development of good character, good sportsmanship, or to the educational or cultural development of minors are

exempt from the tax imposed by Chapter 212, F.S., ~~providing such organizations hold a consumer's certificate of exemption.~~ "Primary purpose" means that the applicant for this exemption must establish and support its function by expending in excess of 50% of the organization's total expenditures towards the referenced activities within the organization's most recent fiscal year. For purposes of making exempt purchases, such organizations must hold a consumer's certificate of exemption. (See Rules 12A-1.038 and 12A-1.039, F.A.C.) This exemption is extended only to that level of the organization that has a salaried executive officer or an elected non-salaried executive officer.

(r) through (21) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.525, 212.02(10),(12),(16),(20),(21), 212.03, 212.031, 212.04, 212.05, 212.0515, 212.06(2),(9), 212.08(4),(5)(a),(e),(6),(7)(a),(b),(c),(d),(f),(g),(h),(i), (k),(l),(m),(n),(o),(p),(q),(r),(s),(u),(v),(x),(bb),(cc),(dd),(kk),(nn),(8), 212.085, 212.17, 212.18, 213.12(2), 213.37, 403.715 FS. History- Revised 1-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 12-11-74, 5-27-75, 10-21-75, 9-7-78, 9-28-78, 10-18-78, 9-16-79, 2-3-80, 6-3-80, 7-7-80, 10-29-81, 12-3-81, 12-31-81, 7-20-82, 11-15-82, 10-13-83, 4-12-84, Formerly 12A-1.01, Amended 7-9-86, 1-2-89, 12-1-89, 7-7-92, 9-14-93, 5-18-94, 12-13-94, 3-20-96.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Aircraft, Boats, Mobile Homes, and Motor Vehicles	12A-1.007
Receipts from Services Rendered by Insect or Pest Exterminators	12A-1.009
Cleaning Services	12A-1.0091
Sales and Use Tax on Services; Sale for Resale	12A-1.0161
Receipts from Sale of Water	12A-1.019
Labels and Other Printed Matter Sold to Manufacturers	12A-1.029
Tax Due at Time of Sale; Tax Returns and Regulations	12A-1.056
Registration	12A-1.060
Machines and Equipment Used in Manufacturing, Mining, Etc.	12A-1.088
Preservation of Records and Statute of Limitation; Acceptance of Resale and Exemption	12A-1.093
Certificates During Audit; Time Limitations	12A-1.097
Public Use Forms	12A-1.105
Service Warranties	

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12A-1, F.A.C., Sales and Use Tax, is to: 1) implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S., and imposed a "market interest rate" on unpaid tax liabilities, instead of the flat rate of 1 percent per month which was previously imposed on delinquent sales tax; 2) incorporate revisions provided in ss. 13-17, Chapter 99-208, L.O.F., regarding penalties imposed on persons who file false or fraudulent returns and persons who evade the payment of sales tax through willful intent; 3) incorporate revisions

provided in s. 5, Chapter 99-239, L.O.F., regarding estimated tax payments under s. 212.11(1)(a), F.S.; 4) incorporate revisions provided in s. 1, Chapter 99-239, L.O.F., regarding statute of limitations in s. 95.091(3), F.S.; 5) remove the incorporation by reference of forms that are not "rules," as defined by s. 120.52(15), F.S., and are not required to be adopted; and 6) remove obsolete or unnecessary provisions that are redundant of the statutes, as mandated by s. 120.74(1), F.S.

The purpose of the proposed amendments to the following rules is to remove provisions regarding the imposition of penalties that are clearly provided in ss. 212.05(1) and 212.085, F.S., and ss. 212.11(4), 212.12(2), 212.13(1)-(2), F.S., as amended: Rule 12A-1.007, FAC. (Aircraft, Boats, Mobile Homes, and Motor Vehicles); Rule 12A-1.009, FAC. (Receipts from Services Rendered by Insect or Pest Exterminators); Rule 12A-1.0091, FAC. (Cleaning Services); Rule 12A-1.0161, F.A.C. (Sales and Use Tax on Services; Sales for Resale); Rule 12A-1.056, FAC. (Tax Due at Time of Sale; Tax Returns and Regulations); and Rule 12A-1.060, FAC. (Registration).

The purpose of the proposed repeal of Rule 12A-1.019, FAC, is to remove an unnecessary rule, as mandated by s. 120.74(1), F.S., regarding the taxability of water that is clearly provided in s. 212.08(4)(a), F.S., as amended by the 1998 Legislature.

The amendments to Rule 12A-1.029, F.A.C. (Labels and other Printed Matter Sold to Manufacturers), will remove provisions regarding the exemption for paint color cards that is clearly provided in s. 212.08(5)(k), F.S., as amended by the 1998 Legislature.

In addition to removing the unnecessary recitation of statutorily imposed penalties, the proposed amendments to Rule 12A-1.056, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), provide a definition for the term "legal holiday" as it relates to the due date of sales tax returns and remove unnecessary recitation of s. 212.11(1)(c), F.S., regarding when quarterly, semiannual, or annual returns may be authorized by the Department and s. 212.11(1)(a), F.S., as amended, regarding estimated tax payments. Further, the purpose of the proposed amendments is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S., and imposed a "market interest rate" on unpaid tax liabilities, instead of the flat rate of 1 percent per month which was previously imposed on delinquent tax. The effect of this change is to remove the specific references to the flat interest rate, and add references to the interest rate provisions contained in the new statute (s. 213.235, F.S.) and the Department's proposed new rule on interest (Rule 12-3.0015, FAC).

The proposed repeal of Rule 12A-1.088, FAC. (Machines and Equipment Use in Manufacturing, Mining, Etc.), will remove an unnecessary rule that does not provide clarity to the statutorily imposed tax on machines and equipment.

The proposed repeal of Rule 12A-1.093, FAC. (Preservation of Records and Statute of Limitation; Acceptance of Resale and Exemption Certificates During Audit; Time Limitations), will remove obsolete provisions regarding the statute of limitations provided in s. 95.091(3), F.S., amended by s. 1, Chapter 99-239, L.O.F. Section 95.091(3), F.S., clearly provides guidelines regarding the statute of limitations. This rule repeal removes unnecessary provisions regarding dealers' record keeping requirements, when the Department may accept resale and exemption certificates during protest, and time limitations for filing refund claims that are clearly provided in the statutes. This rule repeal also removes the unnecessary incorporation by reference to Rule 12A-1.097, FAC. (Public Use Forms), of Forms DR-54 and DR-840.

The purpose of the proposed amendments to Rule 12A-1.097, FAC. (Public Use Forms), is to remove Form DR-54, Formal Notice of Demand to Produce Certain Records, and Form DR-840, Notification of Intent to Audit Books and Records, that are not "rules," as defined by s. 120.52(15), F.S., and are not required to be adopted.

The purpose of the proposed amendments to Rule 12A-1.105, FAC, Service Warranties, is to remove paragraph (2)(h), which unnecessarily repeats the provisions of subsection (6) regarding the imposition of discretionary sales surtax on taxable service warranties. The amendments to this rule also clarify that every person who enters into a service warranty is exercising a taxable privilege.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is to give members of the public an opportunity to discuss the proposed elimination of the flat rate interest provision, the elimination of obsolete provisions regarding penalties, estimated tax payments, and statute of limitations, and the removal of obsolete or unnecessary provisions that are redundant of the statutes, as mandated by s. 120.74(1), F.S. This rule development workshop will also give members of the public an opportunity to discuss the removal of forms that are not required to be adopted as a rule.

SPECIFIC AUTHORITY: 212.05(1),(5)(b), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 95.091(3), 125.0104(3)(g), 125.0108(2)(a), 212.02(2),(4),(10),(14),(15),(16),(19),(20), 212.03, 212.0305(3)(c),(h), 212.031(3), 212.04(4),(5),(14)(a), (16), 212.05, 212.0506, 212.054, 212.055, 212.0596(7), 212.06, 212.0601, 212.0606, 212.07(1)(b),(2),(7),(8), 212.08(4)(a)1.,(5)(i),(7)(t),(v),(aa),(ff),(10),(11), 212.11, 212.12, 212.13, 212.14(2), 212.15(1), 212.16(1),(2), 212.17, 212.18(2),(3),(5), 213.235, 213.29, 213.35, 213.755, 215.01, 215.26, 376.11, 403.718, 403.7185, 634.011, 634.131, 634.401, 634.415 FS., s.14, ch. 99-208, L.O.F.

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

TIME AND DATE: 9:00 a.m., November 3, 1999

PLACE: Room B-12, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained by contacting either of the persons listed below.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips, (850)488-0717. If you are hearing- or speech-impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSONS TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT ARE: Janet L. Young, Tax Law Specialist, and Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-0717

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.007 Aircraft, Boats, Mobile Homes, and Motor Vehicles.

(1) through (8)(i) No change.

(j)1. The occasional or isolated sale of a motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government is taxable based upon the total selling price of the motor vehicle. The Department prescribes Form DR-41, Ownership Declaration and Motor Vehicle Sales and Use Tax Report (incorporated by reference in Rule 12A-1.097, F.A.C.), to be completed by the purchaser for reporting individual transactions. ~~Any party to an occasional or isolated sale of a motor vehicle who reports a sales price less than the actual sales price of such motor vehicle is guilty of a misdemeanor of the second degree. In addition, such party shall pay any tax due and any penalty and interest assessed, plus a penalty equal to twice the additional tax owed.~~

2. through (9)(a)3. No change.

~~4. A nonresident who purchases a boat in Florida for removal will become liable for use tax on the purchase price of the boat plus a mandatory penalty equal to the tax payable, which is not subject to waiver, if any of the following occurs:~~

~~a. The nonresident purchaser fails to remove the boat from Florida within 10 days after purchase; or~~

~~b. The nonresident purchaser, if the boat is immediately placed in a registered repair facility following its purchase for repairs, alterations, refitting, or modifications, fails to remove the boat from Florida within 20 days following completion of such work; or~~

~~e. The nonresident purchaser permits the boat to return to Florida within 6 months of departure except for repairs, alterations, refitting, or modifications by a registered repair facility under the exempt circumstances of the statute specified in section 212.08(7)(t), F.S. See Rule 12A-1.0071, F.A.C.~~

~~5. If the purchaser of a boat issues the selling dealer a fraudulent removal affidavit for the purpose of evading the payment of sales tax, the purchaser is subject to the payment of the tax plus a mandatory penalty of 200 percent of the tax. Further, the purchaser is subject to a fine of up to \$5,000 and imprisonment of up to 5 years for the commission of a third degree felony, as provided in s. 212.085, F.S., if convicted in court.~~

6. through 8. Renumbered 4. through 6. No change.

(b) through (10)(b)3. No change.

~~4. A nonresident who purchases an aircraft in Florida for removal will become liable for use tax on the purchase price of the aircraft plus a mandatory penalty equal to the tax payable, which is not subject to waiver, if any of the following occurs:~~

~~a. The nonresident purchaser fails to remove the aircraft from Florida within 10 days after purchase; or~~

~~b. The nonresident purchaser, if the aircraft is immediately placed in a registered repair facility following its purchase for repairs, alterations, refitting, or modifications, fails to remove the aircraft from Florida within 20 days following completion of such work; or~~

~~e. The nonresident purchaser permits the aircraft to return to Florida within 6 months of departure.~~

~~5. If the purchaser of an aircraft issues the selling dealer a fraudulent removal affidavit for the purpose of evading the payment of sales tax, the purchaser is subject to the payment of the tax plus a mandatory penalty of 200 percent of the tax. Further, the purchaser is subject to a fine of up to \$5,000 and imprisonment of up to 5 years for the commission of a third degree felony, as provided in s. 212.085, F.S., if convicted in court.~~

6. through 8. renumbered 4. through 6. No change.

(c)1. through 2. No change.

~~3.a. Any purchaser who claims exemption from payment of tax under this paragraph and fails to remove the aircraft from this state or permits the aircraft to return to this state within 6 months from the date of sale shall be liable for payment of the full amount of tax, plus a mandatory penalty. The mandatory penalty shall be 10 percent of any unpaid tax computed from the date of purchase, if the failure of removal or use is not more than 30 days, with an additional 10 percent of any unpaid tax for each additional 30 days, or fraction thereof, not to exceed, however, a total penalty of 50 percent (in aggregate) of any unpaid tax. Additionally, in the case of wilful intent to evade payment of the tax, the purchaser shall be liable for an additional mandatory penalty of 100 percent of the~~

unpaid tax, and may be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree.

~~b. If the purchaser of a flyable aircraft issues the selling dealer a fraudulent removal affidavit for the purpose of evading the payment of sales tax, the purchaser is subject to the payment of the tax plus a mandatory penalty of 200 percent of the tax. Further, the purchaser is subject to a fine of up to \$5,000 and imprisonment of up to 5 years for the commission of a third degree felony, as provided in s. 212.085, F.S., if convicted in court.~~

4. through 5. renumbered 3. through 4. No change.

(d) through (29) No change.

Specific Authority 212.05(1), (5)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2),(4),(10),(14),(15),(16),(19),(20), 212.03, 212.05(1), 212.06(1),(2),(4),(5),(7),(8),(10), (12), 212.0601, 212.07(2),(7), 212.08(5)(i),(7)(t),(aa),(ff),(10),(11), 212.085, 212.12(2),(12) FS. History-Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, 8-18-73, 12-11-74, 6-9-76, Amended 2-21-77, 5-10-77, 9-28-78, 3-16-80, 12-31-81, 7-20-82, 10-13-83, Formerly 12A-1.07, Amended 1-2-89, 12-11-89, 3-17-93, 10-17-94, 3-20-96,_____.

12A-1.009 Receipts from Services Rendered by Insect or Pest Exterminators.

(1) through (10)(a)2. No change.

~~3. Any person who fraudulently issues to any pest control service provider a statement in writing, as provided in subparagraph (1)(b)2., for the purpose of evading payment of the sales tax is liable for payment of the sales tax, a mandatory penalty of 200% of the tax, and a fine and punishment as provided by law for conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.~~

(b) through (11) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b), (k), 212.07(2), 212.085 FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.09, Amended 5-13-93, 3-20-96,_____.

12A-1.0091 Cleaning Services.

(1) through (5)(a)2. No change.

~~3. Any person who fraudulently issues to any cleaning service provider a statement in writing, as provided in subparagraph (1)(b)2., for the purpose of evading payment of the sales tax is liable for payment of the sales tax, a mandatory penalty of 200% of the tax, and a fine and punishment as provided by law for conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.~~

(b) through (6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b),(j), 212.07(2), 212.085 FS. History-New 5-13-93, Amended 3-20-96, 7-1-99,_____.

12A-1.0161 Sales and Use Tax on Services; Sale for Resale.

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

~~(d) Any person who fraudulently issues to any dealer or agent of the State a certification or statement in writing for the purpose of evading payment of the sales tax is liable for~~

payment of the sales tax, a mandatory penalty of 200% of the tax, and a fine and punishment as provided by law for conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

(6) through (13) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b),(j),(k), 212.054, 212.055, 212.0596(7), 212.06(1)(a),(2)(k), 212.07(1)(b),(8),(9), 212.08(7)(v) FS. History-New 5-13-93, Amended 1-4-94, 10-17-94, 3-20-96,_____.

12A-1.019 Receipts from Sale of Water.

~~(1) The sale of water delivered to the purchaser through pipes or conduits or delivered for irrigation purposes is exempt. The sale of drinking water, including waters that contain minerals or carbonation in their natural state, is exempt.~~

~~(2) Waters to which carbonation or minerals have been added are taxable.~~

~~Cross Reference Rule 12A-1.011(1)(a).~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(4)(a)1. FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.19, Repealed_____.

12A-1.029 Labels and Other Printed Matter Sold to Manufacturers.

(1) through (3) No change.

~~(4) Paint color cards are in the same category as direction sheets, instruction books or manuals and are exempt.~~

(5) Renumbered (4) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14), 212.05(1) FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.29, Amended_____.

12A-1.056 Tax Due at Time of Sale; Tax Returns and Regulations.

~~(1)(a)~~ The total amount of tax on cash sales, credit sales, installment sales, or sales made on any kind of deferred payment plan shall be due at the moment of the transaction. Except as provided in Rule Chapter 12-24, F.A.C., and this rule as otherwise provided for herein, all taxes required to be collected in any month by Chapter 212, F.S. Florida States, are ~~shall be~~ due the Department of Revenue on the first day of the month following the date of sale or transaction. The payment and return must either reach the office of the Department of Revenue or be postmarked on or before the 20th day of the month following the date of sale or transaction for a dealer to be entitled to the collection allowance and to avoid penalty and interest for late filing. When the 20th day falls on Saturday, Sunday, or a legal holiday, payments accompanied by returns ~~will shall~~ be accepted as timely if postmarked or delivered to the Department of Revenue on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For purposes of this rule purpose, a legal holiday means shall mean a holiday that which is observed by federal or state agencies as a legal holiday as this term is defined in Ch. 683, F.S., and Sec. 7503 of the Internal Revenue Code. A "legal holiday" pursuant to

Sec. 7503 of the Internal Revenue code means a legal holiday in the District of Columbia or a Statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

~~(b) When~~ Also, where the tax is required to be remitted by electronic funds transfer and the tax due date falls on a Saturday, a Sunday, a legal holiday as defined in s. 655.89, F.S., or on a legal holiday of the jurisdiction in which the taxpayer's financial institution is located, the deposit by electronic funds transfer is required on or before the first banking day thereafter. For the purposes of this rule these rules, "banking day" has the meaning prescribed in s. 655.89, F.S.

(c) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to s. 212.11(1)(c), F.S., the tax is due the first day of the month following the authorized reporting period and becomes delinquent on the 21st day of that month.

~~(2) Beginning with the December 1991 sales and use tax return, which was required to be filed on or before January 20, 1992, each dealer who operated one place of business, or who operated two or more places of business and maintained records for these businesses in a central office or place, or who filed a consolidated return or was eligible to file a consolidated return, and paid state sales and use taxes for the preceding state fiscal year of \$100,000 or more shall calculate his estimated tax liability for any month by one of the following methods provided in paragraphs (a) through (c).~~

~~(a) Sixty-six percent (66%) of the current month's gross tax liability on the tax return or consolidated tax return; (For example, when filing a December 1991 tax return required to be remitted by January 20, 1992, the current month's gross tax liability is the actual gross tax due on taxable transactions occurring in January 1992.)~~

~~(b) Sixty-six percent (66%) of the gross tax reported on the tax return or consolidated tax return for taxable transactions occurring during the corresponding month of the previous year; (For example, when filing a December 1991 tax return required to be remitted by January 20, 1992, the corresponding month's gross tax liability for the preceding calendar year is the gross tax liability reported on taxable transactions in January 1991.) or~~

~~(c) Sixty-six percent (66%) of the average gross tax liability reported on the tax return or consolidated tax return for months during the preceding calendar year in which there were reported taxable transactions. (For example, when filing a December 1991 tax return required to be remitted by January 20, 1992, the average gross tax liability for the preceding calendar year is the average monthly gross tax liability reported on taxable transactions occurring in all months of 1991 in which the dealer reported taxable transactions.) Any month in which the dealer did not report taxable transactions is excluded from the calculation of the average monthly gross tax liability. (For example, if a dealer reported taxable transactions~~

~~for only 6 months of 1991, the average monthly gross tax liability would be computed on one-sixth of the total gross tax liability reported on taxable transactions that occurred in those 6 months.)~~

~~(3) The amount of any estimated tax, required to be calculated pursuant to this section, shall be due, payable, and remitted by electronic funds transfer, as provided in Rule 12-24, F.A.C., by the 20th day of the month for which it is estimated. The difference between the estimated tax liability paid and the actual taxes due shall for each month be due on the first day of the month following the date of sale or transaction and shall be remitted by electronic funds transfer, as provided in Rule 12-24, F.A.C., by the 20th day thereof.~~

~~(4) When any dealer required by this section to pay any estimated tax fails to remit the payment of the estimated tax due by electronic funds transfer, or underpays the estimated tax due, on or before the 20th day of the current month, a penalty of 10 percent of any unpaid estimated tax will be added. In addition to this penalty, all other penalties and interest shall apply for failure to file a return or failure to pay the tax due.~~

~~(5) through (7) renumbered (2) through (4) No change.~~

~~(8)(a) Instead of 12 monthly reporting periods, the Executive Director of the Executive Director's designee in Return Reconciliation is authorized to permit a quarterly return and payment for the quarters ending in February, May, August and November when the tax remitted by the dealer for the preceding four quarters did not exceed \$1000. Also, the Executive Director or the Executive Director's designee in Return Reconciliation is authorized to permit a semiannual return and payment for the 6-month periods ending in May and November when the tax remitted by the dealer for the preceding four quarters did not exceed \$500.~~

~~(b) When quarterly or semiannual reporting is authorized, taxes become due the first day of the month following the authorized reporting period and shall be delinquent on the twenty-first day thereof.~~

~~(9) through (12) renumbered (5) through (8) No change.~~

~~(9)(13)(a) No change.~~

~~(b) Any person who is required to collect, truthfully account for, and pay over any tax and who willfully fails to collect, truthfully account for, and pay over such tax, or willfully attempts to evade or defeat such tax, or any officer or director of a corporation who has administered control over the collection and payment of such tax and who willfully directs any employee of the corporation to fail to collect, truthfully account for, and pay over such tax, shall, in addition to other penalties provided by law, be liable for a penalty equal to twice the total amount of the tax evaded or not accounted for or paid over.~~

~~(10)(14)(a) Interest shall accrue on any delinquent sales or use tax at the following rate; of~~

1. One 4 percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

3. Interest accrues on ~~of~~ the amount due from the date of delinquency until the date on which the tax is paid.

(b) Interest shall accrue for the failure to timely remit the proper estimated tax liability at the following rate; ~~of~~

1. One 4 percent per month (prorated daily using the daily factor of .000328767) for estimated tax due prior to January 1, 2000.

2. For estimated tax due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C., (prorated daily).

3. Interest accrues on the amount of the unpaid estimated tax due.

(e) ~~The decimal equivalent of the daily interest rate (.000328767) shall be applied to any delinquent period which is less than a month.~~

~~(15)(a) When any dealer or other person required to do so, fails to make a return or pay the tax or fee due within the time required, a delinquent penalty shall be added to the unpaid tax or fee. The amount added as a delinquent penalty shall be 10 percent of any unpaid tax or fee if the failure is for not more than 30 days, with an additional 10 percent delinquent penalty of any unpaid tax or fee for each additional 30 days, or fraction thereof, during the time which the failure continues, not to exceed, however, a total delinquent penalty of 50 percent in the aggregate. However, the Executive Director or the Executive Director's designee in the responsible program is authorized to compromise delinquent penalties on delinquent returns and audit assessments after the taxpayer has shown that the delinquency was due to reasonable cause as provided in Rule 12-13, F.A.C., but interest shall be collected.~~

~~(b) Any delinquent return subjects the person required to make the return and pay the tax or fee to a mandatory minimum delinquent penalty of \$10.~~

~~(c) In addition to the other penalties provided herein, when any dealer or other person makes a false or fraudulent return or willfully attempts to evade the payment of any tax or fee, he shall be liable for a specific penalty of 100 percent of the tax or fee due and for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree.~~

(11)(d) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 125.0104(3)(g)(a), 125.0108(2)(a), 212.03(2), 212.0305(3)(c),(h),(i), 212.031(3), 212.04(4),(5), 212.0506(4),(10), 212.054(4), 212.055, 212.06(1)(a), 212.0606, 212.085; 212.11, 212.12(1),(2),(3),(4),(5), 212.14(2), 212.15(1), 213.235, 213.29, 213.755, 215.01, 376.11, 403.718, 403.7185 FS. History-Revised 10-7-68, 6-16-72, Amended 10-21-75, 6-9-76, 11-8-76, 2-21-77, 4-2-78, 10-18-78, 12-23-80, 8-26-81, 9-24-81, 11-23-83, 5-28-85, Formerly 12A-1.56, Amended 3-12-86, 1-2-89, 12-19-89, 12-7-92, 10-20-93, 10-17-94, 3-20-96,_____.

12A-1.060 Registration

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

(e) Penalties for failure to file a return or to pay a fee, as required by this subsection are:

1. A penalty of 10 percent of any unpaid fee, if the failure is for not more than 30 days;

2. ~~An additional penalty of 10 percent of the unpaid fee for each 30 days or fraction thereof in addition to the first 30 days, referred to in subparagraph 1., during which the failure continued, not to exceed, however, a total penalty of 50 percent of any unpaid fee;~~

3. ~~A penalty of 100 percent of the fee, in addition to the penalties provided in subparagraphs 1. and 2. and any other penalties provided by law if the certificate holder filed a false or fraudulent return or willfully intended to evade payment of the fee.~~

4. ~~In addition to the penalties described in subparagraphs 1., 2., and 3., fine and punishment as provided by law for conviction of a misdemeanor of the first degree for a certificate holder who filed a false or fraudulent return or willfully intended to evade payment of the fee.~~

(f) renumbered (e) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1),(2), 212.04(4), 212.06(2), 212.12(2),(5),(6), 212.16(1),(2), 212.18(3),(5) FS, s. 14, Ch. 99-208, L.O.F. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 3-21-77, 5-10-77, 10-18-78, Formerly 12A-1.60, Amended 6-10-87, 1-2-89, 11-12-90, 3-17-94, 1-2-95, 3-20-96, 11-30-97,_____.

12A-1.088 Machines and Equipment Used in Manufacturing, Mining, Etc.

~~(1) The sale, the rental, the use, consumption or storage for use in this state of machines and equipment and parts and accessories therefor used in manufacturing, processing, compounding, producing, mining or quarrying personal property for sale or to be used in furnishing communications, transportation or public utility services are taxable.~~

~~Cross Reference Rule 12A 1.011(12)(b).~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(f) FS. History-Revised 10-7-68, 6-16-72, Amended 7-20-82, Formerly 12A-1.88, Repealed_____.

12A-1.093 Preservation of Records and Statute of Limitation; Acceptance of Resale and Exemption Certificates During Audit; Time Limitations.

~~(1) The Department of Revenue has the power to prescribe the records to be kept by all persons subject to the taxes imposed by Chapter 212, F.S.~~

~~(2) Each dealer defined in Chapter 212, F.S., each licensed wholesaler, and any other person subject to the tax imposed by Chapter 212, F.S., shall keep and preserve a complete record of all transactions, together with invoices, bills of lading, gross receipts from sales, RESALE CERTIFICATES, CONSUMER EXEMPTION CERTIFICATES and other pertinent records and papers as may be required by the Department of Revenue~~

for the reasonable administration of Chapter 212, F.S., and such books of account as may be necessary to determine the amount of tax due thereunder.

~~(3) All such books, invoices, and other records shall be open for inspection by the Department of Revenue at all reasonable hours at the dealer's store, sales office, warehouse, or place of business located in this state. Any dealer who maintains such books and records at a point outside this state shall make such books and records available for inspection by the Department of Revenue where the general records are regularly kept.~~

~~(4) For transactions for which a return was required and tax paid before July 1, 1985, books and records required to be kept shall be retained for three years from the first day of the month following the date on which the tax on the transaction became due and payable, or until the end of June 30, 1988, whichever is earlier.~~

~~(5) For transactions for which a return was required and tax paid on or after July 1, 1985, books and records shall be retained until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.~~

~~(6) The consequences of failure or refusal to keep and retain books and records, or to make them accessible, can be any or all of the following:~~

~~(a) Conviction of a misdemeanor under s. 212.13(2), F.S.;~~

~~(b) Assessment of tax based on an estimate by the department, based upon the best information or evidence available, of the maximum amount of tax that should have been reported and remitted by the dealer; or~~

~~(c) Loss of collection allowance, as authorized by s. 212.12(1), F.S.~~

~~(d) The Department prescribes Form DR-54, Formal Notice of Demand to Produce Certain Records (incorporated by reference in Rule 12A-1.097, F.A.C.), to be utilized in the formal demand for records.~~

~~(7)(a) Unless a Notification of Intent to Audit Books and Records is issued, the amount of any tax imposed under Chapter 212, F.S., may be determined and assessed for any of the following periods of time:~~

~~1. For a transaction on which a return was required and tax paid before July 1, 1985, a period of three years after the first day of the month following the date on which the tax on the transaction became due and payable.~~

~~2. For a transaction on which a return was required and tax paid on or after July 1, 1985:~~

~~a. Within 5 years after the date the tax is due, any return with respect to the tax is due, or the return is filed, whichever occurs later;~~

~~b. Within 6 years after the date the taxpayer either makes a substantial underpayment of tax, or files a substantially incorrect return;~~

~~c. At any time while the right to a refund or credit of the tax is available to the taxpayer;~~

~~d. At any time after the taxpayer has failed to make any required payment of the tax or has failed to file a required return, whether or not such failure was fraudulent;~~

~~e. At any time after the taxpayer has filed a grossly false or fraudulent return; or~~

~~f. Within five years after a refund of tax has been erroneously made for any reason, or at any time after making a refund of tax if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact.~~

~~3. Any date later than the date specified in subparagraphs 1. and 2., which is agreed upon by the Department and the taxpayer under Rule 12-16, F.A.C.~~

~~(b) For the purpose of this subsection, a tax return filed before the last day prescribed by law, including any extension thereof, shall be deemed to have been filed on such last day, and payments made prior to the last day prescribed by law shall be deemed to have been paid on such last day.~~

~~(c) Any person who, before January 1, 1988, was required by s. 212.13, F.S., to keep records relating to the sale or use of services which first became taxable effective July 1, 1986 (laundry, dry cleaning, valet, carpet and upholstery cleaning), and other services which first became taxable effective July 1, 1987, is subject to the same record-keeping, time for making assessment, and other requirements as stated above, even though the tax was repealed effective January 1, 1988.~~

~~(d) For purposes of s. 95.091(3)(a)2., F.S., sub-subparagraph (7)(a)2.b. a payment of tax will be considered a substantial underpayment if the taxpayer has omitted from a return an amount properly includable which is in excess of 25 percent of the tax due as shown by the return; and a return will be considered substantially incorrect if it contains errors, misstatements, or inaccuracies that result in payment of a tax that is less than 75 percent of the amount due.~~

~~(8)(a) The dealer shall have 60 days from the date of the "Notification of Intent to Audit Books and Records" to have available for inspection all such books and records, including RESALE AND EXEMPTION CERTIFICATES. The Department is not required to issue a Notification of Intent to Audit Books and Records in situations involving emergency audits requested by taxpayers, or in distress or jeopardy situations referred to in s. 212.14 or s. 212.15, F.S.~~

~~(b) When a "Notification of Intent to Audit Books and Records" (Form DR 840, incorporated by reference in Rule 12A-1.097, F.A.C.) is issued within the period of limitations specified in subsection (7), the limitation on assessment is tolled for two years. In this event, the period during which tax may be determined and assessed expires on the latest of:~~

~~1. Two years from the date of the Notification of Intent to Audit Books and Records;~~

~~2. The date the limitation would have expired had that notice not been issued; or~~

~~3. A date agreed upon by the Department and the taxpayer under Rule 12-16, F.A.C.~~

~~(9)(a) Valid resale and exemption certificates executed by dealers or exempt entities which were registered with the department at the time of sale are accepted by the Disposition Section of the Department, when submitted during the protest period, but shall not be accepted thereafter.~~

~~(b) For purposes of this subsection, the protest period is the 60 day period established by the "Notice of Proposed Assessment," or until a "Notice of Decision," or a "Notice of Decision on Reconsideration" has been issued, whichever is later.~~

~~(10) Time limitations for filing refund claims based on resale or exemption certificates:~~

~~(a) If a taxpayer has presented resale or exemption certificates as provided in subsection (8), it may pay the tax within 30 days of the date the "Notice of Intent to Make Audit Changes" has been issued or within the 60 days established by the "Notice of Proposed Assessment."~~

~~(b) If a taxpayer has presented a resale or exemption certificate as provided in subsection (8), and pays the tax as provided in paragraph (a), a refund claim based on valid certificates must be filed within 36 months from the date of payment of the tax to the state, as provided in Rule 12A-1.014(4)(a), F.A.C.~~

~~(11) Once an audit assessment has been referred to General Tax Administration for billing purposes, the Department shall not accept valid certificates, nor may the taxpayer initiate proceedings under Chapter 120, F.S., or a circuit court action under Chapter 72, F.S., for relief.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.04(4), 212.05, 212.07(1)(b), 212.12, 212.13, 213.35, 215.26 FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 7-20-82, Formerly 12A-1.93, Amended 12-16-91, 8-10-92, Repealed _____.

12A-1.097 Public Use Forms.

(1) No change.

Form Number Title Effective Date
(2) through (16) No change.

~~(17) DR-54 Formal Notice of Demand to Produce Certain Records (r. 04/90) 08/92~~

(18) through (26) renumbered (17) through (25) No change.

~~(27) *DR-840 Notification of Intent to Audit Books and Records (r. 02/90) 08/92~~

(28) through (31) renumbered (26) through (29) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.17(6), 212.18(2), (3) FS. History-New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, _____.

12A-1.105 Service Warranties.

(1)(a) Every person who solicits, offers, provides, enters into, issues, or delivers any service warranty, or who receives, on behalf of another person, any consideration from a service warranty holder is exercising a taxable privilege and shall register as a dealer with the Department of Revenue before such person may engage in or conduct business in this state. See Rule 12A-1.060, F.A.C.

(b) through (2)(g) No change.

~~(h) The total consideration received or to be received for any service warranty issued or renewed on or after July 6, 1989, is subject to any Discretionary Sales Surtax authorized by s. 212.055, F.S., and administered under s. 212.054, F.S., in any county which levies a surtax.~~

(3) through (6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), (14)(a), (16), 212.0506, 212.054, 212.055, 212.06, 212.08(7)(v), 212.17, 212.18(3), 634.011, 634.131, 634.401, 634.415 FS. History-New 1-2-89, Amended 12-11-89, 8-10-92, 1-4-94, 3-20-96, _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Battery Fee	12A-12.0011
Registration	12A-12.003
Reporting and Remitting Fees	12A-12.004
Records and Auditing Requirements	12A-12.005
Statute of Limitations	12A-12.006
General Administrative Procedures	12A-12.007

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-12.0011, FAC. (Battery Fee), is to implement the provisions of ss. 1-2, Chapter 99-281, L.O.F., removing the requirement to collect and remit the battery fee on those batteries that are not new or remanufactured.

The purpose of the proposed amendments to Rule 12A-12.003, FAC. (Registration), is to remove an obsolete reference to Rule 12A-12.002, FAC, a rule that has been repealed.

The purpose of the proposed amendments to Rule 12A-12.004, FAC, is to 1) implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S., and imposed a "market interest rate" on unpaid tax liabilities, instead of the flat rate of 1 percent per month which was previously imposed on delinquent fees; 2) remove from the rule unnecessary recitation of s. 212.11(1)(c), F.S., regarding when quarterly or semiannual returns may be authorized by the Department; and 3) provide technical changes to properly reference provisions in Rule 12A-1.056, FAC, as amended.

The purpose of the proposed repeal of Rule 12A-12.005, FAC. (Records and Auditing Requirements), is to remove unnecessary provisions regarding dealers' record keeping requirements and the Department's authority to audit that are clearly provided in the statutes.

The purpose of the proposed repeal of Rule 12A-12.006, FAC. (Statute of Limitations), is to remove obsolete provisions regarding the statute of limitations provided in s. 95.091(3), F.S., as amended by s. 1, Chapter 99-239, L.O.F. Section 95.091(3), F.S., clearly provides guidelines regarding the statute of limitations.

The purpose of the proposed repeal of Rule 12A-12.007, FAC. (General Administrative Procedures), is to remove the recitation of statutory provisions regarding the Department's authority to administer the battery fee and the new tire fee under the provisions of Chapter 212, F.S.

The effect of these proposed rule amendments and rule repeals is to remove the specific references to the flat interest rate, add references to the interest rate provisions contained in the new statute (s. 213.235, F.S.) and the Department's proposed new rule on interest (Rule 12-3.0015, F.A.C.), and remove provisions that are obsolete or redundant of the statutes as mandated by s. 120.74(1), F.S.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to give members of the public an opportunity to discuss the proposed elimination of the flat rate interest provision, the elimination of the obsolete statute of limitations provisions, and the removal of unnecessary provisions that are redundant of the statutes.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS.

LAW IMPLEMENTED: 95.091(3)(a), 212.13, 212.18(3), 403.717(1)(b),(h), 403.718, 403.7185, 403.7195 FS., ss. 1-2, ch. 99-281, LOF.

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

TIME AND DATE: 9:00 a.m., November 3, 1999

PLACE: Room B-12, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained by contacting any of the persons listed below.

Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips, (850)488-0717. If you are hearing- or speech-impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSONS TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP ARE: Janet L. Young, Tax Law Specialist, Larry Green, Tax Law Specialist, and Horace Royals, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-0717

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-12.0011 Battery Fee.

(1)(a) For the privilege of engaging in business, a fee at the rate of \$1.50 for each new or remanufactured lead-acid battery sold at retail in this state is imposed on each person engaging in the business of making retail sales of lead-acid batteries within this state.

(b) The fee is payable one time only on the ~~such a sale whether the battery is of a new, used, or remanufactured battery.~~

(c) The fee is payable if the new or remanufactured battery is sold as a component part of a motor vehicle, vessel, or aircraft or other property.

(d) No change.

(2) The fee is imposed upon the dealer selling the new or remanufactured battery and not upon the purchaser.

(3) While the fee is payable on the retail sale of a new or remanufactured battery only if the battery, as defined in paragraph (a) of subsection (6), is designed for use in motor vehicles, vessels, and aircraft, the fee is payable even if a battery so designed is purchased for use on other machinery or equipment or when sold at retail as a component part of other machinery or equipment.

(4) through (6)(c) No change.

(d) The term "sold at retail" includes the sale of a new or remanufactured lead-acid battery as a separate item or as a component part of a ~~new or used motor~~ vehicle, vessel, aircraft, or other machinery or equipment that contains a battery designed for use in a motor vehicle, vessel, or aircraft. The term "sold at retail" does not include the sale of a lead-acid battery to a person solely for the purpose of resale, as provided in subsection (7), or the sale of a lead-acid battery for the purpose of recycling its component parts.

1. through 2. No change.

~~3. Example: A motor vehicle dealer sells a used motor vehicle with its original battery, which has been used in the vehicle. The fee will be due on the sale of the used vehicle of which the used battery is a component part.~~

4. through 5. renumbered 3. through 4. No change.

~~5.6.~~ Example: A new or remanufactured lead-acid battery that is designed for use in an automobile is sold to a farmer to put into a farm tractor or other machinery that is not a "motor vehicle." The fee is payable by the retailer, since the battery is designed for use in a "motor vehicle," even though it was purchased for use in machinery that is not within that definition.

(e) A retail sale of a new or remanufactured lead-acid battery is "in this state" and, thus, is subject to the fee, if the sale is "in this state" for sales tax purposes, including a sale that is a "mail order sale," as defined in section 212.0596(1), Florida Statutes.

(7)(a) The sale of a new or remanufactured lead-acid battery to a person solely for the purpose of resale is not a "sale at retail," as defined in paragraph (6)(d), provided the seller shall have taken from the purchaser a sales tax resale certificate to the effect that the battery was purchased for resale. A resale certificate was given to the seller for sales tax purposes will also be sufficient evidence that the sale was not a retail sale for purposes of the fee.

(b)1. If a dealer purchases a new or remanufactured battery for resale, and later withdraws the battery from inventory to use in the dealer's own motor vehicle, vessel, aircraft, machinery, or other equipment; to give away; or for any purpose other than for resale, that dealer will owe the fee at the time the battery is withdrawn from inventory.

2. Example: Motor vehicle Dealer A purchases a new or remanufactured lead-acid battery to install in a used vehicle to be sold. No fee is payable by the battery seller if the seller takes from Dealer A a sales tax resale certificate. When Dealer A takes the battery out of inventory to put into the vehicle that is to be sold, that dealer will not owe the fee at that time, but the dealer will owe the fee, when the vehicle is sold at retail. However, if Dealer A sells the vehicle, in which the battery has been installed, to motor vehicle Dealer B to sell it at retail, the fee will not be payable by Dealer A, if he takes from Dealer B a resale certificate, but the fee will be payable by Dealer B, if he subsequently sells it at retail.

(c) A sales to a leasing company of a new or remanufactured lead-acid battery or vehicle or machinery of which the lead-acid battery is a component part is not a retail sale for purposes of the fee, if the purchaser gives the seller a sales tax resale certificate. Instead, the fee is payable by the leasing company when it first puts the vehicle into use in this state.

(8)(a) When a sale of a new or remanufactured battery upon which the fee has been paid is canceled or the battery is returned to the seller, and the sales price is refunded in full to the purchaser, the dealer is not required to report the sale and remit the fee, or, if previously remitted, may take a credit for the fee previously paid.

(b) If, instead of refunding the purchase price of the new or remanufactured battery, the customer is given a new battery in exchange for the battery that was returned, the dealer cannot take credit for the fee that was paid on the sale of the returned battery, but no fee is due on the battery that was given in exchange.

(c) If the purchaser of a new or remanufactured battery in a sale on which the fee is payable, returns it to the dealer and is given a partial refund, the fee is payable on this retail sale, and if it has already been remitted when the partial refund is given the dealer cannot take credit for the fee previously paid.

(d) If the purchaser of a new or remanufactured battery returns it and is not given another battery in exchange but, instead, is given a credit or partial payment on another

lead-acid battery, the fee is payable on the original retail sale, and if it has already been remitted when the credit or partial payment is given the dealer is not allowed a credit for the fee previously paid and must pay a fee on the sale of a lead-acid battery for which a partial credit was given.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.7185(3)(b) FS. Law Implemented 403.717(1)(b),(h), 403.7185 FS, ss. 1-2, ch. 99-281, L.O.F. History--New 10-16-89, Amended 12-16-91, 3-20-96, _____.

12A-12.003 Registration.

(1) Every person engaged in or conducting business in this ~~State~~ ~~state~~ of selling new tires at retail, as described in Rule 12A-12.001, F.A.C., or selling lead-acid batteries, as described in Rule 12A-12.0011, F.A.C., ~~or who consumes newsprint in this state, as described in Rule 12A-12.002, F.A.C.,~~ must be registered in order to do so. However, such person's registration for sales tax purposes is sufficient registration for purposes of the fees described in those rules.

(2) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b), 403.7195(2)(b) FS. Law Implemented 212.18(3), 403.718, 403.7185, 403.7195 FS. History--New 1-2-89, Amended 10-16-89, 12-16-91, _____.

12A-12.004 Reporting and Remitting Fees.

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

~~(e) Instead of 12 monthly reporting periods, the Executive Director or the Executive Director's designee in Return Reconciliation will permit a quarterly return and payment for the quarters ending in February, May, August and November when the fee remitted by the dealer for the preceding four quarters did not exceed \$1000. Also, the Executive Director or the Executive Director's designee in Return Reconciliation will permit a semiannual return and payment for the 6 month periods ending in May and November when the fee remitted by the dealer for the preceding four quarters did not exceed \$500.~~

~~(d) When quarterly or semiannual reporting is authorized, the fee becomes due the first day of the month following the authorized reporting period and shall be delinquent on the twenty-first day thereof.~~

~~(c)(e) When a dealer is required to file the new tire fee and the lead-acid battery fee under a single account number on the same return, the dealer must not exceed the limitations, as provided in s. 212.11(1)(c), F.S., specified above for the applicable time periods on either fee in order to be eligible to file on a quarterly or semiannual basis.~~

(3) No change.

(4) The fees ~~are shall~~ ~~not to~~ be included in the computation of estimated taxes, as ~~provided in s. 212.12(1)(a), F.S. No is~~ ~~required for taxes by Rule 12A-1.056(2), F.A.C., and no~~ estimate of ~~these~~ fees ~~is required to shall~~ be filed.

(5) No change.

(6) As stated in Rule 12A-1.056(9)(12), F.A.C., with reference to taxes, the department is not authorized to extend the time to make any return or to pay the fees; and the consequences described in that subsection are applicable to the fees.

(7)(a) Interest on delinquent fees shall be at the following rate: accrues as described in Rule 12A-1.056(14), F.A.C.

1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C., prorated daily.

(b) Interest accrues based upon the amount of the fee not paid from the date the fee is due until the fee is paid.

(8) Delinquency penalties pursuant to s. 212.12(2)(a), F.S. described in Rule 12A-1.056(15), F.A.C., are applicable to the fees, except that penalties for failure to file estimates are not applicable.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS. Law Implemented 403.718, 403.7185 FS. History—New 1-2-89, Amended 10-16-89, 12-16-91, 4-12-94, 3-21-95, 3-20-96, _____.

12A-12.005 Records and Auditing Requirements.

(1) The Department has the power to prescribe the records to be kept by all persons responsible, as described in this chapter, for collecting solid waste fees and for filing returns and remitting the fees.

(2) All persons having such responsibilities regarding fees shall keep and preserve a complete record of all sales of new tires, lead acid batteries, or consumption of newsprint, together with invoices, bills of lading, gross receipts from such sales, resale certificates, and other pertinent records and papers as may be required by the Department for the reasonable administration of ss. 403.718, 403.7185, and 403.7195, F.S., and such books of account as may be necessary to determine the amount of fees due thereunder.

(3) All such books, invoices, and other records shall be open for inspection by the Department at all reasonable hours at the responsible person's place of business. Any such person who maintains such books and records at a point outside this state shall make such books and records available for inspection by the Department where the general records are kept.

(4) Books and records required by subsection (2) to be kept shall be retained until expiration of the time within which the Department may make an assessment of fees, as stated in Rule 12A-12.006, F.A.C., with respect to any transaction or activity subject to a fee described in this chapter to which such books and records relate.

(5) The consequence of failure or refusal to keep and retain books and records or to make them accessible, as required by subsections (2), (3), and (4) can be any or all of the following:

(a) The levy of a penalty under authority of s. 213.29, F.S., or

(b) The necessity for the Department to estimate, based upon the best information or evidence available, the maximum amount of tax that should have been reported and remitted by the dealer, and assessment of tax based on that estimate.

(c) Prosecution for a misdemeanor of the first degree under s. 212.13(2), F.S.

(6) The person responsible for remitting fees shall have 60 days from the date of the Notice of Intent to audit books and records to have available for inspection all such books and records, including resale certificates; but the Department is not required to issue a Notice of Intent to audit in situations involving emergency audits requested by taxpayers, or in distress or jeopardy situations referred to in s. 212.14 or s. 212.15, F.S.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b), 403.7195(2)(b) FS. Law Implemented 212.13, 403.718, 403.7185, 403.7195 FS. History—New 1-2-89, Amended 10-16-89, 12-16-91, Repealed _____.

12A-12.006 Statute of Limitations.

The amount of any fee may be determined and assessed:

(1) Within 5 years after the date the fee is due, any return with respect to the fee is due, or such return is filed, whichever occurs later;

(2) Within 6 years after the date the person who remits it either makes a substantial underpayment of the fee or files a substantially incorrect return;

(3) At any time while the right to a refund or credit of the fee is available;

(4) At any time after the person responsible for paying it has failed to make any payment of the fee or has failed to file a required return, whether or not such failure was fraudulent;

(5) At any time after the responsible person has filed a grossly false or fraudulent return;

(6) In any case in which there has been a refund of a fee erroneously made for any reason, within 5 years after making such refund, if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact; or

(7) At any other time permissible under s. 95.091(3), F.S.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b), 403.7195(2)(b) FS. Law Implemented 95.091(3)(a), 403.718, 403.7185, 403.7195 FS. History—New 1-2-89, Repealed _____.

12A-12.007 General Administrative Procedures.

In addition to administrative procedures and requirements described in Rules 12A-12.003 through 12A-12.006, F.A.C., the Department of Revenue shall administer, audit, collect, and enforce the fees described in Rules 12A-12.001, 12A-12.0011, and 12A-12.002, F.A.C., pursuant to the same procedures used in the administration, auditing, collection, and enforcement of the sales tax imposed under Chapter 212, Florida Statutes; except as provided to the contrary in Rules 12A-12.003 through 12A-12.006, F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b), 403.7195(2)(b) FS. Law Implemented 403.718(3)(a), 403.7185(3)(a), 403.7195(2)(a) FS. History—New 1-2-89, Amended 10-16-89, Repealed _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Reporting and Remitting the Surcharge	12A-14.002
Records and Auditing Requirements	12A-14.003
Statute of Limitations	12A-14.004
General Administrative Procedures	12A-14.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-14.002, F.A.C., is to 1) implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S., and imposed a "market interest rate" on unpaid tax liabilities, instead of the flat rate of 1 percent per month which was previously imposed on delinquent surcharge; 2) remove from the rule unnecessary recitation of the delinquency penalties imposed under s. 212.12(2)(a), F.S.; 3) remove from the rule unnecessary recitation of s. 212.11(1)(c), F.S., regarding when quarterly or semiannual returns may be authorized by the Department; and 4) provide a technical change to properly reference Rule 12A-1.056, F.A.C., as amended.

The purpose of the proposed amendments to Rule 12A-14.003, F.A.C. (Records and Auditing Requirements), is to incorporate revisions to s. 212.13(2), F.S., providing that the failure or refusal to retain books and records may result in the prosecution for a felony of the third degree.

The purpose of the proposed repeal of Rule 12A-14.004, F.A.C. (Statute of Limitations), is to remove obsolete provisions regarding the statute of limitations provided in s. 95.091(3), F.S., as amended by s. 1, Chapter 99-239, L.O.F. Section 95.091(3), F.S., clearly provides guidelines regarding the statute of limitations.

The purpose of the proposed repeal of Rule 12A-14.005, F.A.C. (General Administrative Procedures), is to remove the recitation of s. 370.07(3), F.S., regarding the Department's authority to administer the Apalachicola Bay Oyster Surcharge under the provisions of Chapter 212, F.S.

The effect of these proposed rule amendments and rule repeals is to remove the specific references to the flat interest rate, add references to the interest rate provisions contained in the new statute (s. 213.235, F.S.) and the Department's proposed new rule on interest (Rule 12-3.0015, F.A.C.), and remove provisions that are obsolete or redundant of the statutes as mandated by s. 120.74(1), F.S.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to give members of the public an opportunity to discuss the proposed elimination of the flat rate interest provision, the elimination of the obsolete statute of limitations provisions, and the removal of unnecessary provisions that are redundant of the statutes.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 370.07(3) FS.

LAW IMPLEMENTED: 95.091(3), 212.12(2), 212.13(2),(5), 212.14, 212.15, 213.235, 213.29, 370.07(3)(c),(g) FS., s. 16, ch. 99-208, LOF.

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

TIME AND DATE: 9:00 a.m., November 3, 1999

PLACE: Room B-12, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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THE PERSONS TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP ARE: Janet L. Young, Tax Law Specialist, and Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-0717

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-14.002 Reporting and Remitting the Surcharge.

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

~~(c) Instead of 12 monthly reporting periods, the Executive Director or the Executive Director's designee will permit a quarterly return and payment for the quarters ending in February, May, August, and November when the surcharge remitted by the dealer for the preceding four quarters did not exceed \$1000. Also, the Executive Director or the Executive Director's designee will permit a semiannual return and payment for the 6 month periods ending in May and November when the surcharge remitted by the dealer for the preceding four quarters did not exceed \$500.~~

~~(d) When quarterly or semiannual reporting is authorized, the surcharge becomes due the first day of the month following the authorized reporting period and shall be delinquent on the twenty-first day thereof.~~

(3) through (4) No change.

(5) As stated in Rule 12A-1.056(9)(12), F.A.C., with reference to taxes, the department is not authorized to extend the time to make any return or to pay the surcharge; ~~and the consequences described in that subsection are applicable to the surcharge.~~

(6)(a) Interest shall accrue on any delinquent return at the following rate: ~~of~~

1. ~~One 1/4 percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.~~

2. ~~For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C., (prorated daily).~~

~~(b) Interest accrues on 1/4 of the amount due from the date of delinquency until the date on which the surcharge is paid.~~

~~(7) When any dealer or other person required to do so, fails to make a return or pay the surcharges due within the time required, a delinquent penalty shall be added to the unpaid surcharge. The amount added as a delinquent penalty shall be 10 percent of any unpaid surcharge, if the failure is for not more than 30 days, with an additional 10 percent delinquent penalty of any unpaid surcharge for each additional 30 days, or fraction thereof, during the time which the failure continues, not to exceed, however, a total delinquent penalty be less than \$10. However, the Executive Director or the Executive Director's designee in the responsible division is authorized to compromise delinquent returns and audit assessments after the taxpayer has shown that the assessments after the taxpayer has shown that the delinquency was due to reasonable cause as provided in Rule 12-13, F.A.C., but interest shall be collected.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3) FS. Law Implemented 212.12(2), 213.235, 370.07(3) FS. History-New 10-16-89, Amended 3-21-95, 3-20-96, _____.

12A-14.003 Records and Auditing Requirements.

(1) through (4) No change.

(5) The consequence of failure or refusal to keep and retain books and records or to make them accessible, as required by subsections (2), (3), and (4), can be any or all of the following:

(a) through (b) No change.

(c) Prosecution for a misdemeanor of the first degree or a felony of the third degree as provided under s. 212.13(2), F.S.

(6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3)(c) FS. Law Implemented 95.091(3), 212.13(2), (5), 212.14, 212.15, 213.29, 370.07(3)(c), (g) FS., s. 16, ch. 99-208, L.O.F. History-New 10-16-89, Amended _____.

12A-14.004 Statute of Limitations.

~~The amount of any surcharge may be determined and assessed:~~

~~(1) Within 5 years after the date the surcharge is due, any return with respect to the surcharge is due, or such return is filed, whichever occurs later;~~

~~(2) Within 6 years after the date the person who remits it either makes a substantial underpayment of the surcharge or files a substantially incorrect return;~~

~~(3) At any time while the right to a refund or credit of the surcharge is available;~~

~~(4) At any time after the person responsible for paying it has failed to make any payment of the surcharge or has failed to file a required return, whether or not such failure was fraudulent;~~

~~(5) At any time after the responsible person has filed a grossly false or fraudulent return;~~

~~(6) In any case in which there has been a refund of a surcharge erroneously made for any reason, within 5 years after making such refund, if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact; or~~

~~(7) At any other time permissible under s. 95.091(3), F.S.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3) FS. Law Implemented 95.091(3), 370.07(3) FS. History-New 10-16-89, Repealed _____.

12A-14.005 General Administrative Procedures.

In addition to administrative procedures and requirements described in Rules 12A-14.002 through 12A-14.004, F.A.C., the Department of Revenue shall administer, audit, collect, and enforce the surcharge described in Rule 12A-14.001, F.A.C., pursuant to the same procedures used in the administration, auditing, collection, and enforcement of the sales tax imposed under Part I, Chapter 212, Florida Statutes, except as provided to the contrary in Rule 12A-14.002, F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3) FS. Law Implemented 370.07(3) FS. History-New 10-16-89, Repealed _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Surcharge Returns and Regulations
RULE NO.: 12A-16.006

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.006, F.A.C., is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S., and imposed a "market interest rate" on unpaid tax liabilities, instead of the flat rate of 1 percent per month which was previously imposed on delinquent rental car surcharge. The effect of these proposed rule amendments is to remove the specific references to the flat interest rate, and add references to the interest rate provisions contained in the new statute (s. 213.235, F.S.) and the Department's proposed new rule on interest (Rule 12-3.0015, F.A.C.).

The purpose of the proposed amendments is to remove from the rule unnecessary recitation of the delinquency penalties imposed under s. 212.12(2)(a), F.S., as mandated by s. 120.74(1), F.S.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to give members of the public an opportunity to discuss the proposed elimination of the flat rate interest provision contained in this rule and the elimination of the recitation of statutorily imposed penalties from this rule.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.
 LAW IMPLEMENTED: 212.0606, 212.11, 212.12(2),(3),(4),(5), 213.235, 213.29 FS.

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

TIME AND DATE: 9:00 a.m., November 3, 1999
 PLACE: Room B-12, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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THE PERSONS TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP ARE: Janet L. Young, Tax Law Specialist, and Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-0717

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-16.006 Surcharge Returns and Regulations.

(1) through (3) No change.

(4)(a) Interest shall accrue on any delinquent surcharge at the following rate: ~~of~~

1. One \pm percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

(b) Interest accrues on ~~of~~ the amount due from the date of delinquency until the surcharge is paid.

~~(5)(a) When any person required to do so, fails to make a return or pay the surcharge due within the time required, a delinquent penalty shall be added to the unpaid surcharge, in the amount of ten (10) percent of any unpaid surcharge if the failure is for not more than thirty (30) days, with an additional ten (10) percent delinquent penalty of any unpaid surcharge for each additional thirty (30) days, or fraction thereof, during the time that the failure continues. However, the total delinquent penalty shall not exceed fifty (50) percent in the aggregate.~~

~~(b) Any delinquent return subjects the person required to make the return and pay the surcharge to a mandatory minimum delinquent penalty of \$10.~~

(5)(~~e~~) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.11, 212.12(2), (3), (4), (5), ~~213.235~~, 213.29 FS. History--New 11-14-89, Amended 7-7-91, 8-10-92, 5-19-93, 3-20-95, 3-20-96, _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Penalties and Interest
 RULE NO.: 12B-4.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-4.005, F.A.C., is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S., and imposed a "market interest rate" on unpaid tax liabilities, instead of the flat rate of 1 percent per month which was previously imposed.

The effect of these proposed rule amendments is to remove the specific references to the flat interest rate, and add references to the interest rate provisions contained in the new statute (s. 213.235, F.S.) and the Department's proposed new rule on interest (12-3.0015, F.A.C.).

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to give members of the public an opportunity to discuss the proposed elimination of the flat rate interest provision contained in this rule.

SPECIFIC AUTHORITY: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 201.11, 201.12, 201.17, 201.20, 213.21, 213.235 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-4.005 Penalties and Interest.

(1) No change.

(2)(a) Payment of interest shall be at the following rate: ~~of~~

1. One 4 percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000. ~~prorated~~

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C., prorated daily. ~~(.000328767)~~

(b) Interest accrues based upon the amount of the tax not paid from the date the tax is due until the tax is paid.

(b) Example:

Amount of Tax Due	\$	1,000.00
Daily Interest Factor	x	.000328767
Number of Days Late	x	5
Interest Due	\$	1.64

Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.11, 201.12, 201.17, 201.20, 213.21, 213.235 FS. History--Revised 8-18-73, Formerly 12A-4.05, Amended 2-21-77, 4-2-78, 10-18-78, 12-30-82, Formerly 12B-4.05, Amended 12-5-89, 2-16-93, 10-20-93, 12-30-97,_____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Penalties, Interest

RULE NO.: 12B-6.008

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-6.008, F.A.C., is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S., and imposed a "market interest rate" on unpaid tax liabilities, instead of the flat rate of 1 percent per month which was previously imposed on delinquent gross receipts tax.

The effect of these proposed rule amendments is to remove the specific references to the flat interest rate, and add references to the interest rate provisions contained in the new statute (s. 213.235, F.S.) and the Department's proposed new rule on interest (12-3.0015, F.A.C.).

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to give members of the public an opportunity to discuss the proposed elimination of the flat rate interest provision contained in this rule.

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 203.01, 203.03, 203.06, 203.07, 213.235 FS.

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

TIME AND DATE: 9:00 a.m., November 3, 1999

PLACE: Room B-12, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting

Jamie Phillips, (850)488-0717. 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 WORKSHOP IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-6.008 Penalties, Interest.

(1) No change.

(2) Interest.

(a) Interest shall accrue at the following rate: ~~of~~

1. One ~~one~~ percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

(b) Interest accrues from the date of the delinquency until paid.

(3) No change.

Specific Authority 213.06(1) FS. Law Implemented 203.01, 203.03, 203.06, 203.07, 213.235 FS. History--New 11-13-78, Amended 6-5-85, Formerly 12B-6.08, Amended 10-4-89,_____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES: Payment of Tax; Interest and Penalties

RULE NOS.: 12B-7.009

Penalties and Interest

12B-7.023

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12B-7.009 and 12B-7.023, F.A.C., is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S., and imposed a "market interest rate" on unpaid tax liabilities, instead of the flat rate of 12 percent per year which was previously imposed on delinquent severance taxes.

The effect of these proposed rule amendments is to remove the specific references to the flat interest rate, and add references to the interest rate provisions contained in the new statute (s. 213.235, F.S.) and the Department's proposed new rule on interest (12-3.0015, F.A.C.).

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to give members of the public an opportunity to discuss the proposed elimination of the flat rate interest provision contained in these rules.

SPECIFIC AUTHORITY: 211.125(1), 211.33(6), 213.06(1) FS.

LAW IMPLEMENTED: 211.075, 211.076, 211.33, 213.235 FS.

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

TIME AND DATE: 9:00 a.m., November 3, 1999
PLACE: Room B-12, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-7.009 Payment of Tax; Interest and Penalties.

(1) through (3) No change.

(4)(a) Interest. Any tax not paid by the due date is subject to interest at the following rate: ~~6f~~

1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

~~(b) Interest accrues 12 percent per year from the due date until the date of payment.~~

~~(b) Interest will be computed using the following factors:~~

- ~~1. annual factor .12~~
- ~~2. monthly factor .01~~
- ~~3. daily factor .00033~~

Specific Authority 211.125(1), 213.06(1) FS. Law Implemented 211.075, 211.076, 213.235 FS. History--New 12-28-78, Formerly 12B-7.09, Amended 12-18-94, _____.

12B-7.023 Penalties and Interest.

(1) No change.

(2)(a) Interest. Any tax not paid by the due date is subject to interest at the following rate: ~~6f~~

1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

~~(b) Interest accrues 12 percent per year from the due date until the date of payment.~~

~~(b) Interest will be computed using the following factors:~~

- ~~1. annual factor .12~~
- ~~2. monthly factor .01~~
- ~~3. daily factor .00033~~

Specific Authority 211.33(6), 213.06(1) FS. Law Implemented 211.33, 213.235 FS. History--New 12-18-94, Amended _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Premium Tax; Rate and Computation

RULE NO.: 12B-8.001

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.001, F.A.C., is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S., and imposed a "market interest rate" on unpaid tax liabilities, instead of the flat rate of 1 percent per month which was previously imposed on delinquent insurance premium tax.

The effect of these proposed rule amendments is to remove the specific references to the flat interest rate, and add references to the interest rate provisions contained in the new statute (s. 213.235, F.S.) and the Department's proposed new rule on interest (12-3.0015, F.A.C.).

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to give members of the public an opportunity to discuss the proposed elimination of the flat rate interest provision contained in this rule.

SPECIFIC AUTHORITY: 213.06(1), 220.183(6), 624.5105(6) FS.

LAW IMPLEMENTED: 175.101, 175.121, 175.141, 185.08(3), 185.10, 185.12, 213.05, 213.235, 220.183(3), 624.4621, 624.475, 624.509, 624.5092, 624.510, 624.5105, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS.

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

TIME AND DATE: 9:00 a.m., November 3, 1999
PLACE: Room B-12, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-8.001 Premium Tax; Rate and Computation.

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

(b) When any taxpayer fails to pay any amount due or any portion thereof, on or before the due date when the tax or installment of tax shall be required by law to be paid, interest shall be added to the amount due at the following ~~a~~ rate: ~~of~~

1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

~~(c) Interest accrues 12 percent per annum~~ from the date due until paid.

(3) through (9) No change.

Specific Authority 213.06(1), 220.183(6), 624.5105(6) FS. Law Implemented 175.101, 175.121, 175.141, 185.08(3), 185.10, 185.12, 213.05, 213.235, 220.183(3), 624.4621, 624.475, 624.509, 624.5092, 624.510, 624.5105, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS. History—New 2-3-80, Formerly 12B-8.01, Amended 3-25-90, 4-10-91, 2-18-93, 6-16-94, 10-19-94, 1-2-96, 12-9-97, 6-2-98, _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: RETURNS, REGULATIONS, AND FILING REQUIREMENTS

RULE NO.: 12B-12.006

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-12.006, F.A.C., is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S., and imposed a “market interest rate” on unpaid tax liabilities, instead of the flat rate of 1 percent per month which was previously imposed on delinquent perchloroethylene tax.

The effect of these proposed rule amendments is to remove the specific references to the flat interest rate, and add references to the interest rate provisions contained in the new statute (s. 213.235, F.S.) and the Department’s proposed new rule on interest (12-3.0015, F.A.C.).

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to give members of the public an opportunity to discuss the proposed elimination of the flat rate interest provision contained in this rule.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS.

LAW IMPLEMENTED: 212.11(1)(b),(d), 212.12(2)(a),(3),(4), 213.235, 376.75 FS.

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

TIME AND DATE: 9:00 a.m., November 3, 1999

PLACE: Room B-12, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-12.006 Returns, Regulations, and Filing Requirements.

(1) through (2) No change.

(3)(a) When any person fails to remit the tax, or any portion thereof, on or before the day when such tax is required to be paid, interest will be added to the amount of unpaid tax at the following rate: ~~of~~

1. One ~~+~~ percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

~~(b) Interest accrues on~~ ~~of~~ the amount due from the date of delinquency until the date on which the tax is paid.

~~(c)(b)~~ The decimal equivalent of the daily interest rate established pursuant to paragraph (a) above (~~.000328767~~) will be applied to any delinquent period that is less than one month.

(4) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS. Law Implemented 212.11(1)(b),(d), 212.12(2)(a),(3),(4), 213.235, 376.75 FS. History—New 2-19-95, Amended 3-18-96, _____.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLE: PENALTIES AND INTEREST

RULE NO.: 12C-2.007

Penalties and Interest

12C-2.007

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.007, F.A.C., is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S., and imposed a “market interest rate” on unpaid tax liabilities,

instead of the flat rate of 12 percent per year which was previously imposed on delinquent intangible personal property tax.

The effect of these proposed rule amendments is to remove the specific references to the flat interest rate, and add references to the interest rate provisions contained in the new statute (s. 213.235, F.S.) and the Department's proposed new rule on interest (12-3.0015, F.A.C.).

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to give members of the public an opportunity to discuss the proposed elimination of the flat rate interest provision contained in this rule.

SPECIFIC AUTHORITY: 199.202, 213.06(1), 213.21 FS.

LAW IMPLEMENTED: 199.052, 199.282, 213.235 FS.

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

TIME AND DATE: 9:00 a.m., November 3, 1999

PLACE: Room B-12, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-2.007 Penalties and Interest.

(1) through (5) No change.

(6)(a) Interest. All taxpayers shall pay interest at the following rate: ~~of~~

1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

(b) Interest is due based ~~12 percent per year~~ on the amount of tax paid after June 30 of the tax year regardless of any extension of time granted by the Department for paying the tax or filing a return. Interest accrues on the unpaid tax beginning

July 1 of the tax year and is calculated through and including the date of payment. ~~Interest will be computed using the following factors:~~

~~1. annual factor .12~~

~~2. monthly factor .01~~

~~3. daily factor .00033~~

(7) No change.

Specific Authority 199.202, 213.06(1), 213.21 FS. Law Implemented 199.052, 199.282, ~~213.235~~ FS. History—New 4-17-72, Revised 12-20-73, Amended 9-27-76, 4-2-78, Formerly 12C-2.07, Amended 11-21-91, 5-18-93.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLE:

RULE NO.:

Penalties and Interest

12C-3.009

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-3.009, F.A.C., is to implement s. 7 of Chapter 99-239, L.O.F., which created s. 213.235, F.S., and imposed a "market interest rate" on unpaid tax liabilities, instead of the flat rate of 1 percent per month which was previously imposed on delinquent estate tax.

The effect of these proposed rule amendments is to remove the specific references to the flat interest rate, and add references to the interest rate provisions contained in the new statute (s. 213.235, F.S.) and the Department's proposed new rule on interest (12-3.0015, F.A.C.).

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to give members of the public an opportunity to discuss the proposed elimination of the flat rate interest provision contained in this rule.

SPECIFIC AUTHORITY: 198.08, 213.06(1) FS.

LAW IMPLEMENTED: 198.15, 198.16, 198.18, 198.37, 198.38, 198.39, 198.40, 213.235 FS.

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

TIME AND DATE: 9:00 a.m., November 3, 1999

PLACE: Room B-12, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-3.009 Penalties and Interest.

(1) through (2) No change.

(3) Interest.

(a) Interest shall be calculated at the following rate: of

1. ~~One one~~ percent per month ~~(prorated daily using the daily factor of .000328767)~~ for payments due prior to January 1, 2000.

2. For payments due on or after January 1, 2000, the rate of interest established pursuant to s. 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).

(b) Interest accrues on the amount due from the original due date of the estate tax to the date the tax is paid. Interest is not imposed on penalties.

Specific Authority 198.08, 213.06(1) FS. Law Implemented 198.15, 198.16, 198.18, 198.37, 198.38, 198.39, 198.40, 213.235 FS. History--New 4-2-78, Formerly 12C-3.09, Amended 1-11-93, 8-25-94, _____.

DEPARTMENT OF CORRECTION

RULE TITLE:

Use of Tobacco Products

RULE NO.:

33-401.401

PURPOSE AND EFFECT: The proposed rule is needed in order to implement s. 944.115, Florida Statutes, which provides for the prohibition of tobacco products use in offices and buildings within state correctional facilities and other areas designated by the department as prohibited areas. The effect of the proposed rule is to prohibit use of tobacco products in all indoor areas of all buildings leased, owned or occupied by the Department of Corrections.

SUBJECT AREA TO BE ADDRESSED: Use of tobacco products.

SPECIFIC AUTHORITY: 944.09, 944.115 FS.

LAW IMPLEMENTED: 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 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., November 3, 1999

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-401.401 ~~Use of Tobacco Products~~ Smoking Rules.

(1) This rule establishes the ~~tobacco products use~~ smoking policy for ~~the all~~ Department of Corrections ~~buildings or areas of buildings owned or leased by the department.~~ For the purposes of this rule, "tobacco products" means items such as cigars, cigarettes, snuff, loose tobacco, or similar goods made with any part of the tobacco plant, which are prepared or used for smoking, chewing, dipping, sniffing, or other personal use.

(2) Use of any tobacco products ~~Smoking~~ shall be prohibited in all indoor areas of any building owned, leased or wholly occupied by the Department of Corrections except for employee housing on department grounds and inmate maximum security (death row) housing areas.

(3) Should Department of Corrections' offices be located in buildings not totally in the control of the department, use of tobacco products ~~smoking~~ shall be prohibited in all indoor areas occupied or controlled by the department. Employees may use tobacco products ~~smoke~~ in those indoor areas which have been legally designated as smoking areas by other occupants of the building. Employees may not smoke in areas which do not fully meet the requirements of the Florida Indoor Clean Air Act, sections 386.201-209, F.S.

~~(4) Smoking shall be prohibited in all indoor areas at institutions or facilities except that smoking areas may be designated in areas in which inmates are housed or inmate activities are held. At least one dormitory or housing area at each institution or facility shall be designated as entirely non-smoking. Smoking and non-smoking designations for such areas shall be made by the warden or officer in charge at the institution or facility.~~

~~(5)(5) Outdoor areas owned or leased by the Department of Corrections may be designated by the secretary or the secretary's designee as smoking areas where tobacco products may be used by inmates, staff, or visitors. # Tobacco waste receptacles shall be provided in all areas where tobacco products use is permitted are present. This designation shall be made by the secretary or the secretary's designee. While on department premises, department employees may only smoke in the designated areas and must use the waste receptacles provided.~~

~~(5)(6) Use of tobacco products~~ Smoking shall be prohibited in all vehicles owned or leased by the department.

(6) Tobacco cessation assistance shall be available to inmates to assist them in making a successful tobacco-free transition.

(7) Violation of this rule shall be grounds for disciplinary action against employees and inmates. Visitors found in violation of this rule shall be subject to having their approval for access to the department facility withdrawn.

Specific Authority 944.09, 944.115 FS. Law Implemented 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 FS. History—New 12-31-80, Formerly 33-20.01, Amended 3-12-86, 2-24-92, 1-4-94, Formerly 33-20.001, Amended.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Substance Abuse Program Services – General Policy	33-507.001
Operation of Substance Abuse Programs	33-507.002
Substance Abuse Program Services – Determination of Need	33-507.201
Substance Abuse Program – Inmate Procedures Confidentiality of Substance Abuse Services Files	33-507.202 33-507.401

PURPOSE AND EFFECT: The purpose of the proposed rules is to provide for mandatory substance abuse services, and to correct titles of personnel and offices associated with substance abuse programs. The effect of the proposed rules is to establish criteria for placement in mandatory substance abuse programs and to establish restrictions to be applied to those inmates refusing mandatory services.

SUBJECT AREA TO BE ADDRESSED: Substance abuse programs.

SPECIFIC AUTHORITY: 397.754 FS.

LAW IMPLEMENTED: 397.745 FS.

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

TIME AND DATE: 2:00 p.m., November 10, 1999

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-507.001 Substance Abuse ~~Treatment~~ Program Services – General Policy.

The department shall provide substance abuse service ~~treatment~~ programs at institutions and facilities to the extent that is permitted by available resources. Inmates who meet criteria established by the department shall be mandated to participate in substance abuse services when such services are available. ~~The assignment of inmates to such programs is a classification function as authorized in chapter 33-601, Florida Administrative Code, and No right to substance abuse program services~~ treatment is stated, intended, or otherwise implied by this chapter.

Specific Authority 397.754 FS. Law Implemented 397.754 FS. History—New 1-18-95, Formerly 33-37.001, Amended.

33-507.002 Operation of Substance Abuse Programs.

Inmate substance abuse programs shall be operated under the direction of the program manager within whose administrative area the program exists ~~regional director, warden, or employee in charge of each region, institution or facility.~~ In order to ensure the provision of quality services, the bureau of substance abuse programs services ~~office~~ shall have responsibility for administering the overall program, for the development and issuance of performance standards for each program entity with regard to program operation, staffing ratio, hours of service delivery ~~counseling~~, and other such areas as deemed necessary for the administration of the programs, and for oversight review. Each program manager ~~region~~ shall provide for periodic monitoring activities for programs at institutions and facilities in his or her administrative area ~~the region~~ to ensure that performance standards and contract compliance are maintained.

Specific Authority 397.754 FS. Law Implemented 397.754 FS. History—New 1-18-95, Formerly 33-37.002, Amended.

33-507.201 Substance Abuse ~~Treatment~~ Program Services – Determination of Need.

(1) Upon arrival at a Department of Corrections' reception center for initial processing, each inmate shall be screened and assessed ~~through review of his or her record~~ to determine if the inmate meets the department's criteria ~~his or her need~~ for mandated substance abuse services.

(2) Criteria for mandated substance abuse program services shall be based upon:

(a) The presence of a diagnosed psychoactive substance dependence or use disorder;

(b) The severity of the addiction;

(c) A history of criminal behavior related to substance abuse;

(d) A sentencing authority recommendation for substance abuse program services;

(e) Unsuccessful participation in community-based substance abuse services.

(3)(2) When, in accordance with criteria established in (2), it is determined that an inmate is in need of substance abuse program services ~~treatment~~, he or she shall be assigned a priority ranking for services based upon these criteria and shall be placed into available programs or referred for further assessment, placed on a waiting list for future assignment to a program, or assigned to a substance abuse treatment program.

(4)(3) Priority ranking for assignment shall be maintained for all inmates and updated at least monthly. based upon space available in substance abuse treatment programs, Prioritization ranking shall also be based upon length of sentence remaining to be served, and readiness for program services ~~treatment~~.

(5) Inmates who refuse to participate in mandated substance abuse services shall be subject to the restrictions or privileges including any combination of the following:

- (a) Reduction of incentive gain time award;
- (b) Restriction of telephone use;
- (c) Restriction of visitation;
- (d) Restriction of other privileges such as access to canteen or recreational facilities.

(6) Inmates discharged from substance abuse programs due to program rule violations, violation of institutional rules, or behavioral management problems shall be subject to the restrictions in (5) above.

(7) Inmates who refuse to participate in mandated services shall be removed from the priority listing until such time as the inmate agrees to participate in the mandated program.

- (8) Inmates shall only be subject to restrictions:
 - (a) When mandated services are available, and
 - (b) Only for the duration during which the inmate refuses the program.

(9) If an inmate recants an earlier refusal for mandated services, he or she will be returned to the priority listing and the priority ranking shall be recalculated. When a program slot becomes available, the inmate shall be placed into the substance abuse program and any restrictions resulting from the earlier refusal removed at the time of program entry.

(10)(4) Inmates shall not be denied access to substance abuse ~~program~~ ~~treatment~~ services on the basis of race, gender, ethnicity, age, sexual preference, human immunodeficiency virus status, prior treatment departures against ~~professional~~ ~~medical~~ advice, disability or number of relapse episodes.

Specific Authority 397.754 FS. Law Implemented 397.754 FS. History--New 1-18-95, Formerly 33-37.003, Amended _____.

33-507.202 Substance Abuse ~~Treatment~~ Program – Inmate Procedures.

(1) Consideration for individual dignity shall be accorded to inmates in the provision of substance abuse services ~~treatment~~. No employee of the department or of any agency or individual under contract with the department to provide substance abuse program services ~~treatment~~ shall use or authorize deliberate acts of humiliation as part of any substance abuse ~~the treatment~~ program.

(2) Substance abuse services shall be designed to suit each inmate's individual needs.

(3) Inmates who are assigned to a substance abuse services ~~treatment~~ program shall have an individualized services ~~treatment~~ plan developed by the individual designated as their primary counselor by the department or the contract services ~~treatment~~ provider which shall include service ~~treatment~~ goals and shall specify the types of activities necessary to meet those goals.

(4) Inmate participants in substance abuse services ~~treatment~~ programs shall be subject to the same communication restrictions that apply to inmates in the general population at the institution or facility. Any additional limitations imposed as a part of the substance abuse program ~~treatment regimen~~ shall be agreed to in writing by the inmate participant.

(5) Within one month prior to final release from the facility, inmates participating in substance abuse programs shall be provided with information by their primary counselor or transitional assistance officer regarding options for continuing substance abuse services in the community and with referrals for such services if requested.

Specific Authority 397.754 FS. Law Implemented 397.754 FS. History--New 1-18-95, Formerly 33-37.004, Amended _____.

33-507.401 Confidentiality of Substance Abuse Services ~~Treatment~~ Files.

Files of the department or of service providers which pertain to the identity, diagnosis, and prognosis of substance abuse services ~~treatment~~ to any inmate are confidential in accordance with the provisions of Section 397.754(8), Florida Statutes, and 42 USCS 290, ee-3, and shall be disclosed only in accordance with these provisions.

Specific Authority 397.501(7), 397.752, 397.754(8), 42 USCS 290 ee-3. Law Implemented 397.501(7), 397.752, 397.754(8), 42 USCS 290 ee-3. History--New 1-18-95, Formerly 33-37.005, Amended _____.

**LAND AND WATER ADJUDICATORY COMMISSION
Cypress Grove Community Development District**

RULE CHAPTER TITLE: Cypress Grove Community Development District
RULE CHAPTER NO.: 420-1

RULE TITLE: Creation
RULE NO.: 420-1.001

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to delete language of the rule for which specific statutory authority does not exist.

SUBJECT AREA TO BE ADDRESSED: Delete portions of the above referenced Florida Land and Water Adjudicatory Commission rule.

SPECIFIC AUTHORITY: 120.53(1), 190.005 FS.

LAW IMPLEMENTED: 190.005 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Tuesday, November 2, 1999

PLACE: Room 2106, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)488-7793, at least 3 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

42O-1.001 Creation.

Cypress Grove Community Development District is hereby created. ~~This district is established for the purpose of operating and maintaining existing infrastructure for an existing citrus grove, and will remain predominately agricultural in character. However, if at a future date the purpose of the community development district is changed, approval by the Florida Land and Water Adjudicatory Commission will be required by amendment to this rule.~~

Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.005 FS. History--New 12-14-93, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Open Heart Surgery Program

RULE NO.: 59C-1.033

PURPOSE AND EFFECT: Rule 59C-1.033 is the agency's Certificate of Need (CON) rule regulating open heart surgery programs. Paragraph (7)(c) of the rule contains a methodology which can override the calculated net need for an additional open heart surgery program in specified circumstances. A DOAH Final Order has invalidated the last two sentences of that paragraph. The agency is deleting those sentences and also the remaining language, since the remainder of the paragraph could not be implemented if it stood alone. There is no proposed replacement for the provisions of paragraph (7)(c).

SUBJECT AREA TO BE ADDRESSED: Elimination of an invalidated portion of the CON rule regulating Open Heart Surgery Programs.

SPECIFIC AUTHORITY: 408.15(8), 408.034(5) FS.

LAW IMPLEMENTED: 408.036(1)(g)(k) FS.

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

TIME AND DATE: 2:00 p.m., November 2, 1999

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Davis, Certificate of Need Office, 2727 Mahan Drive, Tallahassee, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.033 Open Heart Surgery Program.

(1) through (6) No change.

(7) Adult Open Heart Surgery Program Need Determination.

(a) A new adult open heart surgery program shall not normally be approved in the district if any of the following conditions exist:

1. There is an approved adult open heart surgery program in the district;

2. One or more of the operational adult open heart surgery programs in the district that were operational for at least 12 months as of 3 months prior to the beginning date of the quarter of the publication of the fixed need pool performed less than 350 adult open heart surgery operations during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool; or,

3. One or more of the adult open heart surgery programs in the district that were operational for less than 12 months during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool performed less than an average of 29 adult open heart surgery operations per month.

(b) Provided that the provisions of paragraphs (7)(a) ~~and (7)(e)~~ do not apply, the agency shall determine the net need for one additional adult open heart surgery program in the district based on the following formula:

$$NN = ((Uc \times Px) / 350) - OP \geq 0.5$$

where:

1. NN = The need for one additional adult open heart surgery program in the district projected for the applicable planning horizon. The additional adult open heart surgery program may be approved when NN is 0.5 or greater.

2. Uc = Actual use rate, which is the number of adult open heart surgery operations performed in the district during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool, divided by the population age 15 years and over. For applications submitted between January 1 and June 30, the population estimate used in calculating Uc shall be for January of the preceding year; for applications submitted between July 1 and December 31, the population estimate used in calculating Uc shall be for July of the preceding year. The population estimates shall be the most recent population estimates of the Executive Office of the Governor that are available to the agency 3 weeks prior to publication of the fixed need pool.

3. Px = Projected population age 15 and over in the district for the applicable planning horizon. The population projections shall be the most recent population projections of the Executive Office of the Governor that are available to the agency 3 weeks prior to publication of the fixed need pool.

4. OP = the number of operational adult open heart surgery programs in the district.

(c) Regardless of whether need for a new adult open heart surgery program is shown in paragraph (b) above, a new adult open heart surgery program will not normally be approved for an district if the approval would reduce the 12 month total at an existing adult open heart surgery program in the district below 350 open heart surgery operations. In determining whether this condition applies, the agency will calculate (Uc X Px)/(OP + 1). If the result is less than 350 no additional open heart surgery program shall normally be approved.

(8) No change.

Specific Authority 408.15(8), 408.034(3)(5) FS. Law Implemented 408.036(1)(g)(k)(e)(h) FS. History--New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5-11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 6-11-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(f), Amended 1-26-92, Formerly 10-5.033, Amended 6-17-93, 8-24-93,_____.

DEPARTMENT OF MANAGEMENT SERVICES

Florida Commission on Human Relations

RULE TITLE: Complaints RULE NO.: 60Y-5.001

PURPOSE AND EFFECT: The goal of the proposed rule amendments is to simplify and clarify the requirements of a complaint filed with the Florida Commission on Human Relations. The effect of the proposed rule amendments is that rule requirements will comport with the statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Complaints of unlawful employment practices filed with the Florida Commission on Human Relations.

SPECIFIC AUTHORITY: 760.06(12), 760.11(14) FS.

LAW IMPLEMENTED: 760.06, 760.10, 760.11(1) FS.

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

TIME AND DATE: 10:00 a.m., November 2, 1999

PLACE: Florida Commission on Human Relations, 325 John Knox Road, Suite 240, Building F, Tallahassee, Florida 32303-4149

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dana Baird, General Counsel, Florida Commission on Human Relations, 325 John Knox Road, Suite 240, Building F, Tallahassee, Florida 32303-4149, whose telephone number is (850)488-7082

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60Y-5.001 Complaints.

(1) No change.

(2) Time for Filing. A complaint may be filed at any time within ~~365~~ 180 days of the occurrence of the alleged unlawful employment practice. If the alleged unlawful employment practice is of a continuing nature, the date of the occurrence may be any date subsequent to the commencement of the unlawful employment practice up to and including the date on which it shall have ceased.

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

(6)(b) Notwithstanding the provision of paragraph (a) of this subsection, a complaint is sufficient if it is in writing, signed by the Complainant, verified, under oath or affirmation and is sufficiently precise to identify the parties and to describe generally the action or practice complained of.

(7) through (8) No change.

(9) Notice to Respondent. When it is determined that a complaint has been timely filed, the Commission, Executive Director ~~within 5 days of the complaint being filed,~~ shall send by registered mail ~~cause~~ notice of the filing and a copy of the complaint to ~~be served upon~~ the respondent. An amendment likewise shall be sent by registered mail to the ~~served upon a~~ respondent. ~~Notice should be served within 15 days of the date of filing.~~

(10) No change.

Specific Authority 760.06(12), 760.11(14) FS. Law Implemented 760.06, 760.10, 760.11(1) FS. History--New 11-2-78, Amended 10-4-82, Formerly 22T-9.01, 22T-9.001, Amended 1-28-99,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLES:	RULE NOS.:
Fees	61-20.504
Continuing Education	61-20.508
Continuing Education Courses	61-20.5081
Continuing Education Course Approval	61-20.5082
Renewal Requirements for Continuing Education	61-20.5083
Reactivation Continuing Education	61-20.509

PURPOSE AND EFFECT: The Regulatory Council proposes to amend Rule 61-20.504 to expand the fees to be adopted by the Council. The Board will discuss Rule 61-20.508 to determine if a substantial rewording is necessary to clarify continuing education for provider approval. The Board proposes to discuss Rule 61-20.5081 to determine if the rule should be reworded to clarify continuing education for provider approval. The Board will discuss the possibility of creating a new rule, numbered 61-20.5082, which will address continuing education course approval. The Board proposes to repeal Rule 61-20.5083 because the substance of the rule text is contained in Rule 61-20.508, thus making this rule

unnecessary. The Board will discuss Rule 61-20.509 to determine if the words "or delinquent" should be omitted from this rule.

SUBJECT AREA TO BE ADDRESSED: Fees; continuing education; continuing education; continuing education courses; renewal requirements for continuing education; and reactivation continuing education.

SPECIFIC AUTHORITY: 468.4315, 468.433, 468.4337 FS.

LAW IMPLEMENTED: 455.217, 455.2171, 455.219(6), 468.433, 468.4337, 468.4338 FS.

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

TIME AND DATE: 10:00 a.m., or shortly thereafter on December 13, 1999

PLACE: The Department of Business and Professional Regulation, 1940 North Monroe Street, Northwood Centre, Secretary's Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ed Broyles, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Standards of Practice – Drug Therapy Management

RULE NO.: 64B16-27.830

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule which will provide language for the standards of practice for drug therapy management.

SUBJECT AREA TO BE ADDRESSED: Standards of practice – drug therapy management.

SPECIFIC AUTHORITY: 465.005, 465.0155 FS.

LAW IMPLEMENTED: 465.003(5),(7),(9),(12),(13), 465.0155, 465.0276, 465.186 FS.

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

TIME AND DATE: 10:00 a.m., or shortly thereafter on December 7, 1999

PLACE: The Embassy Suites, 3974 N. W. South River Drive, Miami, Florida 33142

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

Taylor, Executive Director, Board of Pharmacy/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-27.830 Standards of Practice – Drug Therapy Management.

(1) "Drug Therapy Management" means any act or service by a pharmacist in compliance with orders in a Prescriber Care Plan issued by a practitioner authorized by the laws of the state to prescribe medicinal drugs, in which the practitioner has prescribed the conditions under which a pharmacist shall interpret laboratory values ordered for a patient, or modify drug therapy ordered for a patient, or implement drug therapy ordered for a patient.

(2) "Prescriber Care Plan" means an individualized assessment of a patient and orders for drugs intended to be dispensed by a pharmacist, written or transmitted by any means of communication by a practitioner authorized by the laws of the state to prescribe medicinal drugs.

(3) A pharmacist may provide Drug Therapy Management services for a patient, incidental to the dispensing of medicinal drugs or as a part of consulting concerning therapeutic values of medicinal drugs. A pharmacist who provides Drug Therapy Management services for a patient shall comply with orders on a Prescriber Care Plan, issued by a duly licensed practitioner authorized by the laws of the state to prescribe medicinal drugs. The pharmacist shall comply with such orders insofar as they specify:

(a) drug therapy to be initially dispensed to the patient by the pharmacist; or

(b) laboratory values to be monitored and interpreted by the pharmacist, or

(c) the conditions under which the duly licensed practitioner authorizes modification by the pharmacist of drug therapy for the patient; or

(d) the conditions under which the duly licensed practitioner authorizes implementation by the pharmacist of drug therapy for the patient.

(4) A pharmacist who provides Drug Therapy Management services for a patient must be professionally qualified as competent to provide such services.

(5) A pharmacist who provides Drug Therapy Management services shall do so only under the auspices of a pharmacy permit that provides the following:

- (a) a transferrable patient care record that includes:
 1. a referral from a duly licensed practitioner for each patient for whom a pharmacist provides Drug Therapy Management services; and

2. a Prescriber Care Plan that includes a section noted as "orders" from a duly licensed practitioner for each patient for whom a pharmacist provides Drug Therapy Management services; and

3. progress notes; and

(b) a pharmaceutical care area that is private, distinct, and partitioned from any area in which activities other than patient care activities occur, and in which the pharmacist and patient may sit down during the provision of Drug Therapy Management services; and

(c) a continuous quality improvement program that includes standards and procedures to identify, evaluate, and constantly improve Drug Therapy Management services provided by a pharmacist.

Specific Authority 465.005, 465.0155 FS. Law Implemented 465.003(13), 465.0155 FS. History--New

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Special Parenteral/Enteral Compounding RULE NO.: 64B16-28.820

PURPOSE AND EFFECT: The rule amendments will delete certain rule text from Subsection (3)(d) that is no longer needed and new language will be added to clarify the Quality Assurance Program in compliance with recommended standards published by the American Society of Health-System Pharmacies and the United States Pharmacopeial Convention.

SUBJECT AREA TO BE ADDRESSED: Special parenteral/enteral compounding.

SPECIFIC AUTHORITY: 465.005, 465.007 FS.

LAW IMPLEMENTED: 465.007, 465.018 FS.

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

TIME AND DATE: 10:00 a.m., or shortly thereafter on December 7, 1999

PLACE: The Embassy Suites, 3974 N. W. South River Drive, Miami, Florida 33142

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B16-28.820 Special Parenteral/Enteral Compounding. (1) through (2) No change. (3) General Requirements (a) through (c) No change.

(d) A Policy and Procedure Manual shall be prepared and maintained at each special parenteral/enteral compounding pharmacy, and be available for inspection by authorized agents of the Board of Pharmacy and the Agency. The Policy and Procedure Manual shall set forth in detail the objectives and operational guidelines of the permittee. The Policy and Procedure Manual shall include a Quality Assurance Program which monitors personnel qualifications, training and performance, equipment facilities, and process validation in compliance with recommended standards published by the American Society of Health-System Pharmacies and the United States Pharmacopeial Convention. random production sampling consistent with recommended standards for compounding and dispensing intravenous admixtures as set forth by the Joint Commission on Accreditation of Health Organizations, the National Coordinating Committee and Large Volume Parenteral, and as provided by the Florida Board of Pharmacy.

(e) through (h) No change.

(4) through (6) No change.

Specific Authority 465.005, 465.007 FS. Law Implemented 465.007, 465.018 FS. History--New 4-26-84, Formerly 21S-1.40, Amended 7-27-86, Formerly 21S-1.040, Amended 7-31-91, 10-14-91, Formerly 21S-28.820, 61F10-28.820, Amended 3-10-96, 6-4-97, Formerly 59X-28.820, Amended

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances RULE NOS.: 64B16-30.001

Citations 64B16-30.003

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the range of penalties in the disciplinary guidelines and in citation violations.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines and citations.

SPECIFIC AUTHORITY: 455.617, 455.621, 455.624, 455.627, 465.005 FS.

LAW IMPLEMENTED: 455.617, 455.624, 455.627 FS.

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

TIME AND DATE: 10:00 a.m., or shortly thereafter, December 7, 1999

PLACE: The Embassy Suites, 3974 N. W. South River Drive, Miami, Florida 33142

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-30.001 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating Chapter 465, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 465. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapter 465 or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty at the board's discretion.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees and permittees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) Obtaining a license or permit by misrepresentation fraud or error (465.016(1)(a), F.S.) (465.023(1)(a), F.S.)	Revocation	
(b) Procuring a license or permit through false representation (465.016(1)(b), F.S.) (465.023(1)(b), F.S.)	Revocation	
(c) Permitting unlicensed persons to practice pharmacy (465.016(1)(c), F.S.)	\$2,500 \$1,000 fine	\$5,000 and One (1) year suspension
(d) No change.		
(e) Violating laws governing the practice of pharmacy (465.016(1)(e), F.S.) (465.023(1)(c), F.S.)		
1. Chapter 465:		
a. Failure to supervise pharmacy technician (465.014, F.S.)	\$1,500 \$500 fine and one (1) year probation	\$5,000 and One (1) year suspension
b. Operating a pharmacy without a permit (465.015(1)(a), F.S.)	\$500 \$300 per month to maximum of \$5,000 \$1,000 (penalty will require permittee to renew permit or cease practice)	Revocation (if no permit exists, refer to State's Attorney)

c. Operating a pharmacy where an unlicensed and unsupervised person practices pharmacy (465.015(1)(b), F.S.)	\$5,000 \$1,000 fine and one (1) year probation	\$5,000 and One (1) year suspension
d. No change.		
e. Practicing pharmacy as an inactive licensee (465.015(2)(b), F.S.)		Fine based on length of time in practice while inactive; \$200 \$100/month or \$5,000 \$1,000 maximum (penalty will require licensee to renew license or cease practice)
f. Selling or dispensing drugs without a prescription (465.015(2)(c), F.S.)		
(i) Non-scheduled legend drugs	\$1,500 \$500 fine	\$5,000 and One (1) year suspension
(ii) Scheduled (controlled substances) legend drugs	\$5,000 \$1,000 fine and one (1) year probation	Revocation
g. No change.		
h. Failure to notify the board of or not to have a prescription department manager or consultant pharmacist (465.022(4), F.S.)		
(i) Failure to notify		Fine based on length of time prior to notifying board. \$200 \$100 a month to \$5,000 \$1,000 maximum (penalty requires notification or ceasing practice)
(ii) Failure to have prescription department manager or consultant pharmacist	\$2,500 fine and one (1) year probation	Revocation of permit
i. Failure to comply with required substitution of legend drug requirements (465.025, F.S.)	\$1,000 fine Letter of guidance	\$2,500 \$1,000 fine
j. Failure to follow negative formulary requirements (465.025(6), F.S.) 64B16-27.500, F.A.C.	Reprimand	\$2,500 \$1,000 fine and one (1) year probation
k. No change.		
l. Engage in prohibited rebate scheme (465.185, F.S.)	\$1,500 \$500 fine	\$5,000 \$1,000 fine and one (1) year probation
m. No change.		
2. Chapter 499		
a. Adulteration of a drug (499.005(2)(3), F.S.) (499.006, F.S.)	\$2,000 fine and One (1) year probation	Revocation suspension
b. Misbranding a drug (499.005(2), (3), F.S.) (499.007, F.S.)		

(i) Incomplete or inaccurate labeling (499.007, F.S.) 64B16-28.108, F.A.C.	\$1,000 \$500 fine	\$2,500 \$1,000 fine and one (1) year probation	1. Inappropriate selling of Schedule V controlled substance (893.08(3)(c), F.S.)	\$1,500 \$1,000 fine and one (1) year probation	One (1) year suspension
(ii) Fraudulent misbranding of legend drugs (499.007, F.S.) 3. Chapter 893 (Controlled substances)	One (1) year suspension	Revocation	m. Unlawful possession of controlled substance (893.13, F.S.)	\$2,500 \$1,000 fine and one (1) year probation	Revocation
a. Filling a year prescription not appropriately signed (893.04(1)(b), F.S.)	\$1,500 \$500 fine	\$5,000 fine and One (1) suspension	4. Violation of Federal Drug Abuse Act 21 U.S.C. 821 et seq.	\$1,000 fine and one (1) year probation Reprimand	\$5,000 fine and One (1) year suspension probation
b. Filling an improper prescription (other 64B16-30.001(2)(e)3. above) (893.04(1)(b), (c), F.S.)	\$1,500 \$500 fine	\$5,000 \$1,000 fine and one (1) year probation	(f) Criminal conviction related to pharmacy (465.016(1)(f), F.S.) (465.023(1)(d), F.S.)	Misdemeanor: \$1,000 fine	\$5,000 \$1,000 fine, one (1) year suspension and two (2) year probation
c. Failing to retain prescription records for two (2) years (893.04(1)(d), F.S.)	\$1,000 \$500 fine	\$2,500 \$1,000 fine and one (1) year probation	(g) No change.	Felony: One (1) year suspension two (2) year probation & \$5,000 \$1,000 fine	Revocation and \$1,000 fine
d. Failing to appropriately label (893.04(1)(e), F.S.)	\$500 \$250 fine	\$1,000 fine and one (1) year probation	(h) Filing a false report or failing to file a report required by law		
e. Dispensing a Schedule II drug inappropriately with a non-written prescription (893.04(1)(f), F.S.)	\$2,500 \$1,000 fine	\$5,000 \$1,000 fine and one (1) year probation (for dispensing without a prescription see Rule 64B16-30.001(2)(e)1.f.above)	1. Knowing violation	\$2,000 \$1,000 fine and one (1) year probation	Revocation
f. Inappropriate refilling of Schedule III, IV, or V drugs (893.04(1)(g), F.S.)	\$1,750 \$750 fine and one (1) year probation	One (1) year suspension	2. Negligent violation	Reprimand	One (1) year probation and \$1,000 fine
g. Receiving controlled substances without an appropriate order form (893.06(1), F.S.)	\$1,500 \$500 fine	\$5,000 \$1,000 fine and one (1) year probation	(i) No change.		
h. Unlawful possession of controlled substances (893.06(2), F.S.)	\$2,500 \$1,000 fine and one (1) year probation	Revocation	(j) Improperly placing returned drugs into the stock of a pharmacy (465.016(1)(l), F.S.)	\$1,500 \$500 fine	\$3,000 \$1,000 fine and one (1) year probation
i. Failure to take a biennial inventory (893.07(1)(a), (2), (3), (4), (5), F.S.)	\$1,000 \$250 fine	\$2,500 \$1,000 fine and one (1) year probation	(k) Violating a rule or order of the board or Department (465.016(1)(n), F.S.)		
j. No change.			1. Rules of Board of Pharmacy		
k. Dispensing controlled substances in other than good faith (893.08(3)(b), F.S.)	\$2,500 \$1,000 fine and one (1) year probation	Revocation	a. 64B16-28.101 to 64B16-28.104 64B16-27.100 64B16-28.106 64B16-28.107 64B16-28.109 64B16-27.103 64B16-28.111 64B16-27.104 64B16-26.400 64B16-26.401 64B16-28.404 64B16-26.301 64B16-28.114 64B16-27.105	\$1,000 \$500 fine	One (1) year probation and \$2,000 \$1,000 fine
			b. through c. No change.		

d. 64B16-28.110 (outdated pharmaceuticals)	\$500 fine	One (1) year probation and \$2,000 \$1,000 fine (if drugs dispensed, One (1) year suspension)	4. through 5. No change. 6. Having been found liable civil proceeding for knowingly filing a false report or complaint with the Department against another licensee.	\$3,000 \$1,000 fine	\$5,000 fine and Six (6) month suspension
e. No change.			7. through 8. No change.		
f. 64B16-26.300(1) (Serving as consultant pharmacist without being licensed as a consultant pharmacist)	<u>\$500 per month</u> <u>up to a \$5,000</u> <u>maximum</u>	One (1) year suspension of pharmacist license	9. Aiding, assisting, year procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this part, the chapter regulating the profession, or the rules of the Department or the Board.	<u>\$2,000 \$1,000</u> fine	<u>\$5,000 fine and</u> One (1) suspension
g. 64B16-28.140 and 64B16-28.150 64B16-28.119 (Data processing systems)	\$1,000 \$500 fine and one (1) year probation	\$5,000 fine and two (2) years probation Revocation	10. Failing to perform any statutory or legal obligation placed upon a licensee.	<u>\$2,000 \$1,000</u> fine	<u>\$5,000 \$1,000</u> fine and one (1) year probation
h. 64B16-28.120 (Location of legend drugs)	<u>\$1,000 \$500</u> fine	<u>\$5,000 fine and</u> <u>two (2) years probation</u> One (1) year suspension	11. Making or filing a report to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.	<u>\$3,000 \$1,000</u> fine and two (2) years probation	<u>\$5,000 fine and</u> One (1) year suspension
i. No change.			12. Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.	<u>\$3,000 \$1,000</u> fine and two (2) years probation	<u>\$5,000 fine and</u> One (1) year suspension
j. 64B16-28.202 and 64B16-28.203 (transfer of prescription files and drugs)	<u>\$1,500 fine</u>	Revocation of permit	13. Exercising influence on the patient or client fo the purpose of financial gain of the licensee or a third party.	<u>\$3,000 \$1,000</u> fine and two (2) years probation	<u>\$5,000 fine and</u> One (1) year suspension
2. Violation of orders of Board or Department (l) No change.	<u>\$2,500 fine and</u> One (1) year <u>probation suspension</u>	Revocation	14. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.	<u>\$2,000 \$1,000</u> fine and two (2) years probation	<u>\$5,000 fine and</u> One (1) year suspension
(m) Failure to comply with Board's rule on patient counseling. (64B16-27.800, 64B16-27.810, 64B16-27.820, FAC.)	<u>\$750 fine</u> Letter of Guidancee	<u>\$2,500 \$1000</u> fine and one year suspension ; one year probation.			
(n) No change.					
(o) Violating 455.624, F.S.					
1. Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.	<u>\$2,500 \$1,000</u> fine and one (1) year probation	<u>\$5,000 fine and</u> One (1) suspension			
2. Intentionally violating any rule adopted by the Board or the Department, as appropriate.	<u>\$1,500 \$500</u> fine	<u>\$2,500 \$1,000</u> fine and one (1) year probation			
3. Being convicted or found year guilty of, or entering a plea of nolo contendere to, regardless of adjudication a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.	Misdemeanor: \$1,000 fine Felony: <u>\$3,000 fine and</u> One (1) year <u>probation suspension</u>	<u>\$5,000 fine and</u> One (1) suspension Revocation			

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|---|---|---|
| <p>15. Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.</p> | <p>\$2,000 \$1,000 fine and two (2) years probation</p> | <p>\$5,000 fine and One (1) year suspension</p> |
| <p>16. Violating any provision of this part, the applicable professional practice act, a rule of the Department or the Board, or a lawful order of the Department or the Board, or failing to comply with a lawfully issued subpoena of the Department.</p> | <p>\$1,000 fine</p> | <p>\$5,000 \$1,000 fine and two (2) years probation</p> |
| <p>17. Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.</p> | <p>\$2,500 \$1,000 fine and two (2) years probation</p> | <p>\$5,000 fine and One (1) year suspension</p> |

(3) through (4) No change.

Specific Authority 455.624, 455.627, 465.005 FS. Law Implemented 455.624, 455.627 FS. History—New 3-1-87, Amended 5-11-88, Formerly 21S-17.001, 21S-30.001, 61F10-30.001, Amended 6-26-95, 1-30-96., Formerly 59X-30.001, Amended 12-3-97, 11-15-98,_____.

64B16-30.003 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

- | | |
|--|--|
| <p>(a) Practicing pharmacy as an inactive licensee (465.015(2)(b), FS.)</p> | <p>Fine based on length of time in practice while inactive; \$200 \$100/month or \$5,000 \$1,000 maximum (penalty will require licensee to renew license or cease practice).</p> |
| <p>(b) Operating a pharmacy <u>with an inactive</u> without a permit (465.015(1)(a), FS.)</p> | <p>\$500 \$150 per month to a maximum of \$5,000 \$1000 (penalty will require permittee to renew permit or cease practice).</p> |

(4) through (5) No change.

Specific Authority 455.617, 455.621, 465.005 FS. Law Implemented 455.617 FS. History—New 12-22-91, Formerly 21S-30.003, 61F10-30.003, 59X-30.003, Amended_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE CHAPTER TITLE: Alternate Service Procurement
 RULE CHAPTER NO.: 65-28
 Method Procedures

PURPOSE AND EFFECT: The purpose of this rule is to implement the provisions of Section 20.19(17)(c), Florida Statutes, to provide procedures for a methodology for the competitive procurement of contracted client services, which represents an alternative to the request-for-proposal or the invitation-to-bid process.

SUBJECT AREA TO BE ADDRESSED: Contracted client services procurement.

SPECIFIC AUTHORITY: 20.19(17)(c) FS.

LAW IMPLEMENTED: 20.19(17) (c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE FLORIDA ADMINISTRATIVE WEEKLY, NOT LESS THAN 14 DAYS PRIOR TO THE DATE WORKSHOP(S) ARE TO BE HELD.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joy Neves, 413-7464, (SC) 293-7464

THE PRELIMINARY TEXT OF THE PROPOSED RULE MAY BE OBTAINED, IN HARD COPY OR ELECTRONIC FORMAT, WITHOUT COST, UPON REQUEST TO THE CONTACT PERSON ABOVE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Relocation Assistance
 RULE NO.: 65A-4.100

PURPOSE AND EFFECT: This proposed rule amendment implements the requirements of Ch. 414.155, F.S., Relocation Assistance Program, as amended by the 1999 legislature.

SUBJECT AREA TO BE ADDRESSED: This proposed rule amendment implements four changes in relocation assistance policy. These changes are: clarifying that receiving relocation assistance will preclude application for temporary cash assistance for a period of six months in accordance with policy established by the WAGES State Board; establishing procedures for calculating the amount of relocation assistance; establishing procedures for calculating amounts of relocation assistance that must be repaid; and, clarifying that relocation assistance will not be paid to relocate outside the State of Florida. Forms associated with relocation assistance will be amended to reflect these changed policies. Additionally, a statement limiting the number of times an individual may apply for relocation assistance is removed.

SPECIFIC AUTHORITY: 414.45, 414.155 FS.

LAW IMPLEMENTED: 414.155 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 1999
PLACE: Building 3, Room 414, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Building 3, Room 412-D, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, Telephone (850)488-3090

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

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE TITLES:	RULE NOS:
Policy	66B-1.004
Application Process	66B-1.006
Project Eligibility	66B-1.008

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: modify the property control requirements for project sites that are leased; clarify the amount of pre-agreement expenses that are eligible for program funding; modify the Attorney's Certificate of Title for clarity; revise the project priority list; and, revise the date when permits are required for construction projects. The effect of the rule development is to implement changes in the administration of the District's Cooperative Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Cooperative Assistance Program rule sections; Definitions, Policy, Application Process and Project Eligibility.

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

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

TIME AND DATE: 2:00 p.m., November 10, 1999
PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

66B-1.004 Policy.

The following constitutes the policy of the District regarding the administration of the program:

- (1) through (6) No change.
- (7) The site of a new proposed land-based development project shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document.
- (8) No change.
- (9) The project sponsor shall not commence work on an approved project prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Pre-agreement expenses will be authorized if they are less than fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only fifty (50) percent of the pre-agreement expenses will be eligible for reimbursement funding from the District.

(10) through (11) No change.

(12) All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be authorized if they are less than fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only fifty (50) percent of the pre-agreement expenses will be eligible for reimbursement funding from the District.

(13) through (19) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1),(2) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.004, Amended 5-17-98, 3-31-99,_____.

66B-1.006 Application Process.

- (1) through (2) No change.
- (3) A pre-application meeting will be held with District staff prior to formal submission of the application. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-16 (effective date 2-6-97), hereby incorporated by reference and

available from the District office, and for compliance with the eligibility requirements of this rule. If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date _____ 2-6-97), hereby incorporated by reference and available from the District office. When an application is determined by staff to be incomplete or ineligible, Staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.006, Amended _____.

66B-1.008 Project Eligibility.

(1) Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, and inlet management directly related to the waterways.

(a) Program funds may be used for projects such as acquisition planning, development, construction, reconstruction, extension improvement, operation or maintenance of the following for public use on land and water:

- 1. Public navigation channel dredging ~~Public boat ramps and launching facilities.~~
- 2. Public navigation aids and markers ~~Public navigation channel dredging.~~
- 3. Inlet management projects that are a benefit to public navigation in the District ~~Public navigation channel lights and markers.~~
- 4. Public shoreline stabilization ~~Waterway signs and buoys for safety, regulation or information.~~
- 5. Public spoil disposal site development ~~Public boat docking and mooring facilities.~~
- 6. Waterway signs and buoys for safety, regulation or information ~~Public shoreline stabilization.~~
- 7. Public boat ramps and launching facilities ~~Public spoil disposal site development, acquisition or management.~~
- 8. Public boat docking and mooring facilities ~~Public fishing and viewing piers.~~
- 9. Waterways related environmental education programs and facilities ~~Public waterfront boardwalks.~~
- 10. Public fishing and viewing piers ~~Waterways related environmental education programs and facilities.~~
- 11. Public waterfront boardwalks ~~Waterways boating safety programs and equipment.~~
- 12. Waterways boating safety programs and equipment ~~Inlet management projects related to waterway navigation improvement.~~

13. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project ~~Derelict vessel removal.~~

14. Other waterway related projects.

(b) through (c) No change.

(d) Applications for eligible waterway projects which include construction elements below mean high water will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. Applicants for Phase II funding will demonstrate that the environmental permitting element of Phase I will be completed by the District's final TRIM hearing prior to the tentative approval date of funding for Phase II. ~~Should the environmental permitting element of Phase I of an application for a construction project not be completed by the District's final TRIM hearing meeting where tentative funding decisions for this program will be made, the Phase II project will not be considered for funding. An applicant may file a petition pursuant to the rule waiver procedures of s. 120.542, F.S. and Chapter 28 104, F.A.C. to extend the date for receipt of the required environmental permits. Petitions filed pursuant to this rule section should be submitted to the District no later than July 1st to facilitate the orderly process of this program and the preparation of the District's fiscal year budget in which the assistance funds will be included.~~ The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency applicant filing a petition after that date.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.008, Amended 5-17-98, 3-31-99, _____.

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE TITLES:	RULE NOS.:
Policy	66B-2.004
Application Process	66B-2.006
Project Eligibility	66B-2.008

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: modify the property control requirements for project sites that are leased; clarify the amount of pre-agreement expenses that are eligible for program funding; modify the Attorney's Certificate of Title for clarity; revise the project priority list; and, revise the date when permits are required for construction projects. The effect of the rule development is to implement changes in the administration of the District's Waterways Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Waterways Assistance Program rule sections; Definitions, Policy, Application Process and Project Eligibility.

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3),(5) FS.

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

TIME AND DATE: 1:00 p.m., November 10, 1999

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

66B-2.004 Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) through (6) No change.

(7) The site of a new proposed land-based development project shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document.

(8) No change.

(9) The project sponsor shall not commence work on an approved project prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Pre-agreement expenses will be authorized if they are less than fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only fifty (50) percent of the pre-agreement expenses will be eligible for reimbursement funding from the District.

(10) through (11) No change.

(12) All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be authorized if they are less than fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only fifty (50) percent of the pre-agreement expenses will be eligible for reimbursement funding from the District.

(13) through (18) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History--New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, _____.

66B-2.006 Application Process.

(1) No change.

(2) Applications will be reviewed by the local FIND Commissioner before being submitted to the District Office. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 4-12-95) and for compliance with the eligibility requirements of this rule. If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date _____ 4-12-95). When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended _____.

66B-2.008 Project Eligibility.

(1) Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, spoil site acquisition directly related to the waterways, inlet management, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, improvement, operation or maintenance of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging.

2. Public navigation aids and markers.

3. Inlet management projects that are a benefit to public navigation in the District ~~Public boat ramps and launching facilities.~~

- 4. Public shoreline stabilization ~~Public boat docking and mooring facilities.~~
- 5. Public spoil disposal site development ~~Public shoreline stabilization.~~
- 6. Waterway signs and buoys for safety, regulation or information ~~Inlet management projects that are a benefit to public navigation in the District.~~
- 7. Public boat ramps and launching facilities ~~Waterway signs and buoys for safety, regulation or information.~~
- 8. Public boat docking and mooring facilities ~~Public spoil disposal site development.~~
- 9. Waterways related environmental education programs and facilities.
- 10. Public fishing and viewing piers.
- 11. Public waterfront boardwalks.
- 12. Waterways boating safety programs and equipment.
- 13. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project.
- 14. Other waterway related projects.

(b) through (c) No change.

(d) Applications for eligible waterway projects which include construction elements below mean high water will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. Applicants for Phase II funding will demonstrate that the environmental permitting element of Phase I will be completed by the District's final TRIM hearing prior to the tentative approval date of funding for Phase II. Should the environmental permitting element of Phase I of an application for a construction project not be completed by the District's final TRIM hearing meeting where tentative funding decisions for this program will be made, the Phase II project will not be considered for funding. ~~An applicant may file a petition pursuant to the rule waiver procedures of s. 120.542, F.S. and Chapter 28-104, F.A.C. to extend the date for receipt of the required environmental permits. Petitions filed pursuant to this rule section should be submitted to the District no later than July 1st to facilitate the orderly process of this program and the preparation of the District's fiscal year budget in which the assistance funds will be included. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency applicant filing a petition after that date.~~

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, _____.

Section II Proposed Rules

PUBLIC SERVICE COMMISSION

DOCKET NO. 991427-WS

RULE TITLE:

RULE NO.:

Records and Reports; Annual Reports 25-30.110
 PURPOSE AND EFFECT: The Class A, B, and C water and wastewater utility annual report forms are being revised to incorporate a more recent version of the NARUC Uniform System of Accounts; combine the three forms into one; eliminate numerous unnecessary and obsolete requirements; clarify other requirements; and add some requirements.

SUMMARY: Rule 25-30.110 is being amended to revise the annual report forms for Class A, B, and C water and wastewater utilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Revision of the annual report forms will result in a one-time cost to the utilities to convert to the new forms. In addition, there may be an additional cost for Class A and B utilities to calculate or estimate the non-used and useful facilities, and to calculate working capital. The costs to Class C utilities should be minimal because their reporting form was substantially revised in 1996, and there are relatively minor changes being recommended in this revision.

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), 367.121 FS.

LAW IMPLEMENTED: 367.121(1)(c), 367.121(1)(g), 367.121(1)(i), 367.121(1)(k), 367.156(1), 367.161 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:

25-30.110 Records and Reports; Annual Reports.

(1) through (3) No change.

(4) ANNUAL REPORTS; CONTENTS. The appropriate annual report form required from each utility shall be determined by using the same three classes of utilities used by

the National Association of Regulatory Utility Commissioners for publishing its system of accounts: Class A (those having annual water or wastewater operating revenues of \$1,000,000 ~~\$750,000~~ or more); Class B (those having annual water or wastewater revenues of \$200,000 or more but less than \$1,000,000 ~~\$150,000 to \$749,999~~); Class C (annual water or wastewater revenues of less than \$200,000 ~~\$150,000~~). The class to which a utility belongs shall be determined by using the higher of the average of its annual water or wastewater operating revenues for each of the last three preceding years.

(a) Class A and B utilities shall file the annual report on Commission Form PSC/WAW 3 (/), entitled "Water and/or Wastewater Utilities (Gross Revenues of \$200,000 or more \$750,000 and Over)", which is incorporated by reference into this rule, required by Commission Form PSC/WAS 4 (Rev. 12/86), which was effective on December 22, 1986.

~~(b) Class B utilities shall file the annual report entitled "Water and/or wastewater Utilities (Gross Revenues of \$150,000 or more But Less Than \$750,000 Each)" required by Commission Form PSC/WAS 5 (Rev. 12/86) which was effective on December 22, 1986.~~

~~(b)(e)~~ Class C utilities shall file the annual report on Commission Form PSC/WAW 6 (/), entitled "Water and/or Wastewater Utilities (Gross Revenues of less than \$200,000 ~~\$150,000~~ each), which is incorporated by reference into this rule, required by Commission Form PSC/WAS 6 (Rev. 5/96).

~~(d) Class A or B utilities that have multiple systems under one consolidated company should file the Consolidated Annual Report (Form PSC/WAS 3 (3/91)) in lieu of separate annual reports for each system. Any questions regarding the annual report form to be filed should be directed to the Division of Water and Wastewater, Bureau of Accounting.~~

~~(c)(e)~~ The foregoing forms can be obtained from the Commission's Division of Water and Wastewater.

(5) through (7) No change.

(8) INCOMPLETE REPORTS.

(a) No change.

(b) A report is incomplete if any of the schedules required by the following forms of this rule are not completed:

1. Form PSC/WAW 3 (/) ~~4 (Rev. 12/86)~~ for Class A and B utilities;

2. Form PSC/WAS 5 (Rev. 12/86) for Class B utilities;

3. Form PSC/WAS 3 (Rev. 03/91) for Class A or B utilities that have multiple systems; and

~~24.~~ Form PSC/WAW 6 (/) ~~Rev. 5/96~~ for Class C utilities.

(c) No change.

(9) through (11) No change.

Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.121(1)(c), 367.121(1)(g), 367.121(1)(i), 367.121(1)(k), 367.156(1), 367.161 FS. History—Amended 9-12-74, 1-18-83, 2-24-85, 10-27-85, Formerly 25-10.25, 25-10.025 11-9-86, Amended 12-22-86, 3-11-91, 11-13-95, 5-1-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tricia Merchant

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 1999

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

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

ADMINISTRATION COMMISSION

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Land Planning Regulations for the Apalachicola Bay Area of Critical State Concern – Franklin County

28-22

RULE TITLES: RULE NOS.:

First Revision to Zoning Code 28-22.101

Second Revision to Zoning Code 28-22.102

Third Revision to Zoning Code 28-22.103

Revision to Comprehensive Plan 28-22.104

Revision to Zoning Code 28-22.105

Revision to Comprehensive Plan 28-22.106

Revision to Comprehensive Plan 28-22.107

Revision to Zoning Code 28-22.108

Revision to Zoning Code 28-22.109

Revision to Zoning Code 28-22.110

Amendment to Comprehensive Plan 28-22.111

Amendment to Comprehensive Plan 28-22.112

Subdivision Regulations Ordinance; Adoption of Franklin County Ordinance No. 89-7 28-22.113

Critical Shoreline District Regulation Ordinance, Franklin County Ordinance No. 89-8 28-22.114

Amendment to Comprehensive Plan 28-22.115

Amendment to Comprehensive Plan 28-22.116

Amendment to the Franklin County Zoning Code 28-22.117

Amendment to the Franklin County Zoning Code 28-22.121

Amendment to the Franklin County Zoning Code 28-22.122

Amendment to the Franklin County Zoning Code 28-22.123

Amendment to the Franklin County Zoning Code 28-22.124

Adoption of the Franklin County Local Comprehensive Plan 28-22.125

Amendment to the Franklin County Land Development Regulations 28-22.126

Amendment to the Franklin County Land Development Regulations 28-22.127

Amendment to the Franklin County Land Development Regulations 28-22.128

Amendment to the Franklin County Land Development Regulations 28-22.129

Amendment to the Franklin County Land Development Regulations 28-22.130

Amendment to the Franklin County Land Development Regulations 28-22.131

Amendment to the Franklin County Land Development Regulations 28-22.132

Adoption of City of Carrabelle Ordinance No. 203 To Adopt City of Carrabelle Resolution 2-88 and Ordinances 207, 208 28-22.301

28-22.302

Subdivision Regulations Ordinance: Adoption of the City of Carrabelle’s Ordinance No. 211 28-22.303

Adoption of City of Carrabelle’s Zoning Ordinance 28-22.304

Adoption of City of Carrabelle Septic Tank Ordinance 28-22.305

Adoption of the 1988 State Minimum Building Code with 1989 and 1990 Amendments as the City of Carrabelle Building Code 28-22.307

Amendment to the City of Carrabelle Zoning Code 28-22.308

City of Carrabelle Comprehensive Plan 28-22.309

Amendments to the City of Carrabelle Land Development Regulations 28-22.310

PURPOSE AND EFFECT: The purpose and effect is to repeal certain rules. The rules identified for repeal relate to the Land Planning Regulations for the Apalachicola Bay Area of Critical State Concern – Franklin County. In 1994, the Administration Commission de-designated the City of Carrabelle and the unincorporated lands within Franklin County from the Apalachicola Bay Area of Critical State Concern. The specific rules that were adopted by the Commission setting forth land planning regulations for these areas during the period of area of critical state concern designation are obsolete and no longer necessary.

SUMMARY: Repeals the above referenced Administration Commission rules.

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

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

SPECIFIC AUTHORITY: 120.74 FS.

LAW IMPLEMENTED: 120.536(1) 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: 3:00 – 5:00 p.m., Wednesday, November 3, 1999

PLACE: Room 2106, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)488-7793, at least 3 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Governmental Analyst, Administration Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE FULL TEXT OF THE PROPOSED RULES IS:

28-22.101 First Revision to Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 3-16-87, Amended 8-26-87, Repealed.

28-22.102 Second Revision to Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 8-26-87, Repealed.

28-22.103 Third Revision to Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 4-18-88, Repealed.

28-22.104 Revision to Comprehensive Plan.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 10-5-88, Repealed.

28-22.105 Revision to Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 10-5-88, Repealed.

28-22.106 Revision to Comprehensive Plan.

Specific Authority 380.0555 (10) FS. Law Implemented 380.0555 (10) FS. History–New 1-30-89, Repealed.

28-22.107 Revision to Comprehensive Plan.

Specific Authority 380.0555 (10) FS. Law Implemented 380.0555 (10) FS. History–New 1-30-89, Repealed.

28-22.108 Revision to Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 1-8-89, Repealed.

28-22.109 Revision to Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 1-30-89, Repealed.

28-22.110 Revision to Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 1-8-89, Repealed.

28-22.111 Amendment to Comprehensive Plan.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 7-20-89, Repealed.

28-22.112 Amendment to Comprehensive Plan.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 9-14-89, Repealed.

28-22.113 Subdivision Regulations Ordinance: Adoption of Franklin County Ordinance No. 89-7.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 10-29-89, Repealed.

28-22.114 Critical Shoreline District Regulation Ordinance, Franklin County Ordinance No. 89-8.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 10-29-89, Repealed.

28-22.115 Amendment to Comprehensive Plan.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 10-25-89, Repealed.

28-22.116 Amendment to Comprehensive Plan.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 11-20-89, Repealed.

28-22.117 Amendment to the Franklin County Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 1-1-90, Repealed.

28-22.121 Amendment to the Franklin County Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 10-11-90, Repealed.

28-22.122 Amendment to the Franklin County Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 10-11-90, Repealed.

28-22.123 Amendment to the Franklin County Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 2-6-91, Repealed.

28-22.124 Amendment to the Franklin County Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 7-21-91, Repealed.

28-22.125 Adoption of the Franklin County Local Comprehensive Plan.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 8-1-91, Repealed.

28-22.126 Amendment to the Franklin County Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 8-1-91, Repealed.

28-22.127 Amendment to the Franklin County Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 8-1-91, Amended 1-15-92, Repealed.

28-22.128 Amendment to the Franklin County Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 12-21-92, Repealed.

28-22.129 Amendment to the Franklin County Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 12-21-92, Repealed.

28-22.130 Amendment to the Franklin County Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 12-21-92, Repealed.

28-22.131 Amendment to the Franklin County Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 12-21-92, Repealed.

28-22.132 Amendment to the Franklin County Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 1-5-93, Repealed.

28-22.301 Adoption of City of Carrabelle Ordinance No. 203.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 6-21-88, Repealed.

28-22.302 To Adopt City of Carrabelle Resolution 2-88 and Ordinances 207, 208.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 7-21-88, Repealed.

28-22.303 Subdivision Regulations Ordinance: Adoption of the City of Carrabelle's Ordinance No. 211.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 9-14-89, Repealed.

28-22.304 Adoption of City of Carrabelle's Zoning Ordinance.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 1-1-90, Repealed.

28-22.305 Adoption of City of Carrabelle Septic Tank Ordinance.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History--New 12-17-89, Repealed.

28-22.307 Adoption of the 1988 State Minimum Building Code with 1989 and 1990 Amendments as the City of Carrabelle Building Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History--New 5-19-91, Repealed.

28-22.308 Amendment to the City of Carrabelle Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History--New 7-21-91, Repealed.

28-22.309 City of Carrabelle Comprehensive Plan.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History--New 2-16-93, Repealed.

28-22.310 Amendments to the City of Carrabelle Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History--New 2-16-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Workshop not required pursuant to section 120.54(2)(a), Florida Statutes, since the rules are to be repealed.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Medicaid

RULE TITLE: Medical Foster Care RULE NO.: 59G-4.197

PURPOSE AND EFFECT: The purpose of the proposed rule is to separate Medical Foster Care from Prescribed Pediatric Rehabilitative Services, rule 59G-4.260; and incorporate by reference the Florida Medicaid Medical Foster Care Coverage and Limitations Handbook, December 1997, in 59G-4.197. The effect is to consolidate the policies specific to the medical foster care program into the Medicaid handbooks and to eliminate duplication.

SUMMARY: The purpose of the rule is to update and to incorporate by reference the revised Florida Medicaid Medical Foster Care Services Coverage and Limitations Handbook, December 1997, in 59G-4.260; and to repeal portions of the rule which are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

TIME AND DATE: 1:00 p.m., November 10, 1999

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kenn Jones, Registered Nursing Consultant, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida, 32317-2600, Telephone (850)922-7310

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.197 Medical Foster Care.

(1) This rule applies to all Medical Foster Care (MFC) providers enrolled in the Medicaid program.

(2) All Medicaid-enrolled Medical Foster Care (MFC) providers must be in compliance with the Florida Medicaid Medical Foster Care Coverage and Limitations Handbook, December 1997, incorporated by reference, and the Florida Medicaid Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenn Jones, Registered Nursing Consultant, Medicaid Program Development

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., AHCA Director

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Medicaid

RULE TITLE: Prescribed Pediatric Extended Care Services RULE NO.: 59G-4.260

PURPOSE AND EFFECT: The purpose of the rule amendment is to update and to incorporate by reference the revised Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, May 1999, in 59G-4.260; and to repeal portions of the rule which are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations. The effect is to consolidate the policies specific to the prescribed pediatric extended care (PPEC) services program into the Medicaid handbooks and eliminate duplication.

SUMMARY: This rule amendment incorporates the Prescribed Pediatric Extended Care Coverage and Limitation Handbook, May 1999 by reference in 59G-4.260 and eliminates duplication.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

TIME AND DATE: 9:00 a.m., November 10, 1999

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE: Kenn Jones, Registered Nursing Consultant, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida, 32317-2600, Telephone: (850)922-7310

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 59G-4.260 follows. See Florida Administrative Code for present text.)

59G-4.260 Prescribed Pediatric Extended Care Services Prescribed Pediatric Rehabilitative Services.

(1) This rule applies to all Prescribed Pediatric Extended Care (PPEC) service providers enrolled in the Medicaid program.

(2) All Medicaid enrolled prescribed pediatric extended care service providers must be in compliance with the Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, May 1999, incorporated by reference, and the Florida Medicaid Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919, FS., Law Implemented 409.905(2), 409.913(5)(e), ~~(8)(h)~~ FS., 409.908 FS., History—New 8-27-91, Amended 4-21-92, 3-9-93, Formerly 10C-7.0471, Amended 2-11-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenn Jones, Registered Nursing Consultant, Medicaid Program Development

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., AHCA Director

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-33R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

The Management of Spent Mercury –
Containing Lamps and Devices Destined
for Recycling 62-737

RULE TITLES: RULE NOS.:

Requirements and Management Standards for
Handlers and Transporters of Spent Universal
Waste Lamps and Devices 62-737.400

Additional Permitting Requirements for
Mercury Recovery Facilities 62-737.840

PURPOSE AND EFFECT: Rule 62-737.400(3)(a) is being amended to clarify those criteria the Department applies when taking action to deny, suspend or revoke the registration issued to any handler or transporter of spent mercury-containing lamps or devices.

Rule 62-737.840(3) sets limits on the amount of mercury that can remain on “processed materials” not going for further mercury reclamation by retorting. These “processed materials” are generally the glass and aluminum end caps from the recycling of fluorescent lamps. The rule states that the twelve week rolling “average mercury” content must be less than 3 parts per million (ppm) of mercury and the “weekly composite sample of process operations” should report less than 5 parts per million of mercury. The rule also states that these standards will be lowered to 1ppm and 3 ppm, respectively, by January 1, 2000. Rule 62-737.840(3)(d) is being amended to allow facilities to propose an alternative program to divert and recycle additional mercury from mercury-containing materials that would achieve at least the same amount of mercury recovery as would compliance with the reduced “average mercury content” residual standard which goes into effect on January 1, 2000.

The Department estimates that only three to four kilograms of additional mercury would be removed from the environment under the new lower standard, and in most cases at a high economic cost. There is also the possibility that the increased cost to businesses for recycling their mercury-containing lamps

and devices will actually reduce compliance, which would reduce the overall statewide recycling rates and hence result in less mercury diversion from the municipal solid waste stream, in spite of the new standard. The proposed rule is expected to allow greater flexibility to mercury recover facilities to remove as much or more mercury from the waste stream as the current rule requires, at a lower economic cost.

SUMMARY: Rule 62-737.400(3)(a) is being amended to add criteria the Department will use when denying, suspending or revoking the registration issued to any handler or transporter of spent mercury-containing lamps or devices. The proposed language is virtually identical to that in Rule 62-710.600(5), F.A.C., which applies to used oil transporters.

Rule 62-737.840(3)(d) is being amended to authorize mercury recovery facilities to request an "alternative procedure" in order to recover the same amount of mercury called for under the reduced "average mercury content" residual standard which goes into effect on January 1, 2000.

Any person who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 403.061, 403.7186 FS.

LAW IMPLEMENTED: 403.704, 403.7186, 403.721 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., November 9, 1999

PLACE: Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Room 423, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Services, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Raoul Clarke, Hazardous Waste Management Section, Mail Station 4555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)488-0300

THE FULL TEXT OF THE PROPOSED RULES IS:

62-737.400 Requirements and Management Standards for Handlers and Transporters of Spent Universal Waste Lamps and Devices.

(1) through (3) No change.

(3)(a) Registration:

1. through 3. No change.

4. Within 60 days of receipt of a completed registration form (DEP Form 62-737.900(1)) and supporting material, including the registration fee if applicable, the Department shall review the form and supporting material and shall either:

a. No change.

b. Notify the owner or operator in writing of any deficiencies in or items omitted from the registration materials. For purposes of this paragraph, "deficiency" means that the submitted material does not contain information adequate to support the conclusion that the submittal conforms to the requirements specified in this Chapter. Within 30 days of receipt of a written notification from the Department that a submission is deficient, the owner or operator shall submit the requested information to the Department. A modification of this 30 day time frame may be obtained by the owner or operator by requesting in writing that the Department make such a modification. Upon receipt of the omitted items and/or correction of deficiencies, the Department shall issue the registration, subject to subparagraph 7 of this paragraph.

5. through 6. No change.

7. Any handler or transporter is subject to having its registration denied, suspended or revoked, pursuant to Section 403.087, F.S., and in accordance with the procedural requirements of Section 120.60, F.S., upon a finding by the Department that such handler or transporter:

(a) Has submitted false or inaccurate information in its registration form;

(b) Has violated statutes which the Department is authorized to enforce, Department orders, rules, or registration conditions;

(c) Has failed to submit reports or other information required by Department rule or registration condition; or

(d) Has refused to allow inspection of its records or equipment by Department personnel or other persons when such inspection is authorized by Department rule or registration condition.

(b) No change.

(4) through (8) No change.

Specific Authority 403.061, 403.7186 FS. Law Implemented 403.704, 403.7186, 403.721 FS. History--New 5-10-95, Amended 5-20-98, _____.

62-737.840 Additional Permitting Requirements for Mercury Recovery Facilities.

(1) through (2) No change.

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

(d) Effective January 1, 2000, the "average mercury" content and the "weekly composite sample of process operations" identified in subparagraphs (a)1. and 2. shall be reduced to 1 part per million and 3 parts per million, respectively.

1. The owners or operators of any facility or group of facilities may request in writing a determination by the Department that the provisions for mercury recovery of this paragraph may be met through proposed alternate procedures. This request must address the criteria set forth in Rule 62-701.310(2), F.A.C., which is hereby incorporated by reference solely for the purposes of this paragraph. Requests for alternate procedures shall be submitted to the appropriate

District office of the Department in the form of a request for permit modification, and shall be acted upon by that District office in the same manner as any other permit modification. The fee shall be the same as for permit modifications provided in Rule 62-737.800(10), F.A.C.

2. In order to show that the alternate procedure provides an equal degree of protection for the public and the environment, a person shall demonstrate that the total amount of mercury to be annually recovered and reclaimed under the alternate procedure would be at least as much as the total amount of mercury that would be recovered and reclaimed without the alternate procedure. Such a determination shall initially be based upon the amount of mercury recovered by a facility from processed materials subject to the standard in this paragraph during the base year immediately preceding a request for approval of alternate procedures as documented on Form 62-737.900(3). If the amount of processed materials has increased during the current or a subsequent year over the preceding base year, the facility shall make the appropriate adjustments during that year to ensure that an equivalent amount of mercury is being recovered and reclaimed as would be had the alternate procedure not been approved.

(e) No change.

(4) through (5) No change.

Specific Authority 403.061, 403.7186 FS. Law Implemented 403.7186, 403.721 FS. History--New 5-10-95, Amended 5-20-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Hinkley, Chief, Bureau of Solid and Hazardous Waste
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Ruddell, Director, Division of Waste Management

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Optional State Supplementation	65A-2
RULE TITLES:	RULE NOS.:
Rights and Responsibilities	65A-2.022
Determination of Continued Eligibility	65A-2.024
Advance Notice: Written Ten Day Advance Notice	65A-2.031
Optional State Supplementation Eligibility Criteria	65A-2.032
Optional State Supplementation coverage Groups	65A-2.033
Definitions of Special Living Arrangements	65A-2.034
Income Calculation	65A-2.035
Amount of Optional State Supplementation Payments	65A-2.036

PURPOSE AND EFFECT: These rule amendments are the result of a review of each listed rule to identify deficiencies in rule statements regarding citations of other rules, references to program names, definitions of special living arrangements, and redundant rule material. Additionally the maximum provider rate is up-dated.

SUMMARY: Rule 65A-2.022 is clarified as to applicability of the right to prompt notice of decision and use of a designated representative. Rule 65A-2.024 is amended to use the word terminated instead of the word cancelled and to clarify use of a designated representative. Rule 65A-2.031 is amended to use "terminate" and "termination or reduction" instead of "cancel" or "cancellation". Rule 65A-2.032 is amended to correct rule citations within it and to clarify eligibility requirements. Rule 65A-2.033 is amended to use current terminology that reflects types of special living arrangements. Rule 65A-2.034 is repealed. Rule 65A-2.035 is amended to correct a rule citation and to remove language that repeats statutory provisions. Rule 65A-2.036 is amended to correct a rule citation, to use current terminology that reflects types of special living arrangements and to change the maximum provider rate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 409.212(6) FS.

LAW IMPLEMENTED: 409.212 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: 2:00 p.m., November 8, 1999

PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE, THE PUBLIC HEARING OR AN ECONOMIC STATEMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 412D, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-2.022 Rights and Responsibilities of Applicants and Recipients.

Any individual has the right to apply for Optional State Supplementation and, if found eligible according to these rules, to receive an established monthly payment. The use of this payment is not restricted. The recipient is responsible for providing all facts necessary to establish initial and continuing eligibility. The recipient is also responsible to promptly notify the Department of any changes in circumstances that may affect their eligibility. An authorized representative may be

appointed to act on behalf of the individual. The Department is responsible for providing prompt action, equitable treatment and timely notification of any decision ~~to make a change~~ in an individual's payment or status.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History--New 1-1-77, Formerly 10C-2.22, 10C-2.022, Amended _____.

65A-2.024 Determination of Continued Eligibility.

The individual receiving Optional State Supplementation must maintain continuing communication with the Department. The Department in cooperation with the individual must redetermine the individual's eligibility for continued assistance at least annually. An authorized representative may be appointed to act on behalf of the individual. Individuals who do not cooperate with the Department in the provision of required information or documentation shall have their case terminated ~~cancelled~~, as continuing eligibility cannot be established.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History--New 1-1-77, Amended 10-7-80, Formerly 10C-2.24, 10C-2.024, Amended _____.

65A-2.031 Advance Notice: Written Ten Day Advance Notice.

A person receiving Optional State Supplementation must be given or mailed written notification ten days in advance of action to terminate ~~cancel~~ his/her grant or reduce the amount of assistance.

Exception: Conformity to ten day advance notice is waived in the following situations, but written notification must be given or mailed to the individual prior to the effective date of the action.

- (1) When termination ~~cancellation~~ is due to death;
- (2) When termination or reduction of assistance ~~cancellation~~ is due to transfer within program to another type of coverage;
- (3) When a person requests termination or reduction of assistance ~~cancellation~~ in writing;
- (4) When the Department is unable to locate an individual as evidenced by the return of a letter of a recent date indicating that the letter could not be delivered due to no forwarding address and no further information for locating the individual is available;
- (5) When an Administrative Hearing has been denied; or
- (6) When systems transactions fail to effect payment ~~reduce or terminate assistance correctly~~ ~~cancellation~~ and notice has previously been given.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History--New 1-1-77, Formerly 10C-2.31, 10C-2.031, Amended _____.

65A-2.032 Optional State Supplementation Eligibility General Eligibility Criteria.

(1) An eligible individual must be aged (age 65 or older), age 18 or older and blind or disabled as defined by Title XVI of the Social Security Act (disability criteria is defined in 20 CFR 416). Eligibility on the factors of age, residence, citizenship, assets, and income is established by Supplemental Security Income Program staff based on Title XVI of the Social Security Act for those recipients receiving Supplemental Security Income.

(2) An eligible individual must be living in the state of Florida with the intent to remain. To be eligible for Optional State Supplementation an individual must be eligible for and receiving a check from the Supplemental Security Income Program, or any Optional State Supplementation recipient who for the month of June 1981 or thereafter was receiving financial assistance under the Title XVI Supplemental Security Income Program, was also entitled to monthly insurance benefits under the Title II Social Security Program, and except for the increase(s) in monthly insurance benefits under Title II would have been eligible for Title XVI (Supplemental Security Income) benefits for the current month, may be determined to be eligible for Optional State Supplementation provided applicable criteria found in (1) above and those listed under Rule 65A-2.033 are met. All individuals receiving Optional State Supplementation (OSS) must meet the program eligibility criteria as specified under Chapters 10A-4, 10A-5, and 10E-4 for the specific living arrangement.

(3) An eligible individual must be a United States citizen or a qualified alien.

(4) An eligible individual cannot have assets or income in excess of standards established by the department. Aged, blind or disabled adults who meet Supplemental Security Income Program eligibility criteria, except for the amount of their income meet all other Optional State Supplementation Program eligibility criteria may be eligible to receive Optional State Supplementation payments if their monthly income is equal to or below the income standard set by the Department.

(5) An eligible individual must be living in a licensed assisted living facility (as defined in s. 400.402, F.S.); adult family care home (as defined in s. 400.618, F.S.); or, a mental health residential treatment facility (as defined in s. 394.875, F.S.) that can meet the individual's needs based on medical and social evaluations, in accordance with approved department policies, as specified in Chapters 58A-5, 58A-14 or 65E-4, respectively.

(6) When Optional State Supplementation funds are insufficient to meet placement needs, applicants requesting Optional State Supplementation placement must be evaluated according to the following placement criteria, with the first criterion being the highest priority.

(a) The applicant must be in imminent danger of abuse, neglect or exploitation, and all other placement alternatives and resources have been explored;

(b) The applicant must be at risk of institutionalization within 90 days and all other placement alternatives and resources have been explored.

(c) The applicant is institutionalized, is ready for discharge, and all other placement alternatives and resources have been explored.

(d) All other placement alternatives have been explored and assisted living facility, adult family care home or mental health residential treatment facility is the only appropriate placement. The individual requires Optional State Supplementation assistance to pay for placement.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 9-29-81, 10-31-83, Formerly 10C-2.32, Amended 9-30-86, Formerly 10C-2.032, Amended _____.

65A-2.033 Optional State Supplementation Coverage Groups Eligibility Factors Other Than Need.

To be determined Optional State Supplementation eligible, an individual must qualify under one of the following coverage groups:

(1) To be eligible for Optional State Supplementation, an individual must be eligible for and receiving a check from the Supplemental Security Income Program administered by the Social Security Administration. The Department can accept that an SSI recipient meets all factors of Optional State Supplementation eligibility criteria in 65A-2.032, except age and placement, which must be verified by Department staff. A person meeting general eligibility criteria must be certified as eligible for placement in Room and Board with Personal Care or Foster Care for Adults, or other Special Living Arrangements. Eligibility is based on medical and social evaluations in accordance with approved departmental policies relating to the Community Care Program, as found in Chapter 10A-4, Specialized Adult Services, F.A.C.

(2) To be eligible for Optional State Supplementation, an individual must have been eligible for and receiving SSI on or after June 1981; must have been entitled to monthly Title II Social Security benefits; and except for an increase in the Title II Social Security benefits would have remained eligible for SSI benefits for the current month. This protected Optional State Supplementation coverage allows former SSI recipients to continue to receive Optional State Supplementation benefits when their SSI benefits were terminated due to increases in their Social Security benefits. These individuals may have income over the department's income standard. For the purpose of meeting OSS placement criteria, mental health residential treatment facilities licensed under Chapter 394.875(2), F.S., will be considered as living in a special living arrangement.

(3) To be eligible for Optional State Supplementation, an individual must meet all SSI eligibility criteria, except for the amount of their income which must equal or be less than the Optional State Supplementation income standard established by the department. These individuals must meet eligibility criteria in section 65A-2.032. The following placement criteria used when funds are insufficient to meet the placement needs. Applicants requesting placement must be evaluated according to the following criterion with the first criteria being the highest priority.

(a) The applicant must be in imminent danger of abuse, neglect or exploitation and all other placement alternatives and resources have been explored;

(b) The applicant must be at risk of institutionalization within 90 days and all other placement alternatives and resources have been explored;

(c) The applicant is institutionalized and is discharge ready and all other placement alternatives and resources have been explored;

(d) All other placement alternatives have been explored and Adult Congregate Living Facility, Mental Health Residential Treatment Facility or Adult Foster Home Placement is the only appropriate placement and the receipt of Optional State Supplementation is a prerequisite for placement.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Formerly 10C-2.33, Amended 9-30-86, 2-9-88, Formerly 10C-2.033, Amended _____.

65A-2.034 Definitions of Special Living Arrangements.

Specific Authority 409.212(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Formerly 10C-2.34, Amended 9-30-86, 2-9-88, Formerly 10C-2.034, Repealed _____.

65A-2.035 Income Calculation Eligibility Factors of Need.

(1) A person eligible for Optional State Supplementation must not have gross monthly income, with the following exclusions, in excess of Departmental standards, as found in 65A-2.036(3)(d). (a) Gross income, less the earned income exclusion, is computed on a monthly basis and considered in determining the amount of an individual's Optional State Supplementation Payment. An earned income exclusion of \$65 plus one-half of the remaining earned income is applied in cases where the individual has earned income. Refer to Chapter 409.212(3) and (4), F.S., for additional exclusions.

(b) A person may receive additional supplementation from third parties to contribute to his cost of care. The payments shall be made to the adult congregate living facility, or to the operator of an adult foster home, family placement, or other special living arrangement, on behalf of the person and not directly to the Optional State Supplementation recipient. The additional supplementation shall not exceed two times the provider rate recognized under the Optional State Supplementation program. Contributions meeting these qualifications will be excluded as income.

~~(e) Rent vouchers issued pursuant to a federal, state, or local housing program may be issued directly to a recipient of Optional State Supplementation. Rent vouchers will be excluded as income.~~

~~Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History-- New 1-1-77, Amended 9-29-82, Formerly 10C-2.35, Amended 1-27-91, Formerly 10C-2.035, Amended _____.~~

65A-2.036 Amount of Optional State Supplementation Payments.

~~(1) The Department establishes a standard provider rate (amount to be paid to facility providing the room, board and services to the individual) and a standard personal needs allowance (amount the individual keeps for personal needs) within the funds appropriated by the legislature. The Departmental Standards for the cost of care in the Special Living Arrangement, plus a personal need allowance, less the individual's gross income, minus the earned income exclusion, equals the amount of the Optional State Supplementation Payment rounded down to the nearest whole dollar. Payment for the month of admission shall be prorated if the month of admission is the month of application or later. For months other than the month of admission, payment begins the first day of the month. The payment is issued monthly through a computerized delivery system. Reference 65A 2.036(3) below. The cost of care standard established for OSS applicants and recipients residing in Adult Congregate Living Facilities will be utilized for OSS applicants and recipients residing in Mental Health Residential Treatment Facilities.~~

~~(2) To calculate the amount of the Optional State Supplementation payment, the standard provider rate is added to the standard personal needs allowance to determine the individual's total needs. From this sum, the individual's gross income, minus the allowable exclusions, is subtracted to give the amount of the Optional State Supplementation payment, which is rounded down to the nearest whole dollar. The Optional State Supplementation payment is, in fact, a supplement to all other sources of income, excepting the exclusions found in 65A 2.035, to meet the recognized cost of care in special living arrangements. The department shall not increase an Optional State Supplementation payment to offset the reduction in Supplemental Security Income benefits that will occur because of third party contributions.~~

~~(3) Payment for the month of admission shall be prorated if the month of admission is the month of application or later. For months other than the month of admission, payment begins the first day of the month.~~

~~(4) The payment is issued monthly through an automated delivery system.~~

~~(5) The maximum provider rate (also called cost of care) is the same for all approved special living arrangements.~~

~~(6)(3) Optional State Supplementation Program Standards (a) Personal Needs Standard - \$43.~~

(b) ~~Monthly Maximum~~ Provider Rate (cost of care) - a standard of ~~\$685 622~~ per month.

(c) Monthly Income Standard - ~~\$685 622~~.

~~Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History-- New 1-1-77, Amended 9-27-79, 10-7-80, 9-29-81, 9-29-82, 10-31-83, 11-28-83, 9-30-84, 10-1-85, Formerly 10C-2.36, Amended 1-1-87, 2-9-88, 11-6-88, 2-16-89, 3-1-90, 1-27-91, 2-19-95, Formerly 10C-2.036, Amended 1-27-99, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney McInnis, Management Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy Bureau

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
Staffing Requirements	65C-20.009
Health Records	65C-20.011
Large Family Child Care Homes	65C-20.013

PURPOSE AND EFFECT: The modifications contained in this document will repeal the existing requirement for written approval from the owner of the property, prior to the issuance of a license, when family day care homes are operated on a leased or rental property; the increased number of training hours required for family day care home operators and their substitutes, per amendments to §402.313, F.S., will equip providers with a higher scope of knowledge in the areas of child development; health, safety, and nutrition; state requirements; reporting child abuse; and other areas deemed appropriate by the Department of Children and Families; will eliminate the need to amend Chapter 65C-20, F.A.C., every time amendments to immunization requirements occur in Chapter 64D-3, F.A.C.; will ensure the health and safety of children cared for in large family child care homes.

SUMMARY: Current §402.313, F.S., does not grant the Department of Children and Families statutory authority to establish by rule, requirements for written approval from the owner of a leased or rental property, when the licensed family day care home is operated in such property. Amended §402.313, F.S., increases the number of required training hours for operators of family day care homes and their staff or substitutes. Chapter 65C-22.006(2)(c), F.A.C., currently lists all the required immunizations per Chapter 64D-3, F.A.C., the amended language simply refers the reader to the authority source for the requirement. Added §402.3131, F.S., authorizes the Department of Children and Families to establish by rule, minimum standards for Large Family Child Care Homes.

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: 402.3131 FS.

LAW IMPLEMENTED: 402.3131 FS.

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

TIME AND DATE: 9:00 a.m., November 8, 1999

PLACE: Broward County Emergency Operations Center, 201 N. W. 84th Avenue, Room 332-A, Plantation, Florida 33324

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

PLACE: Hurston Building, South Tower, First Floor Conference Center 113, Conference Room D, 400 W. Robinson Street, Orlando, Florida 32801

TIME AND DATE: 9:00 a.m., November 10, 1999

PLACE: Department of Children and Family Services, 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Pace-Brown, Program Specialist, 1317 Winewood Blvd., Building 7, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

FAMILY DAY CARE STANDARDS AND LARGE FAMILY CHILD CARE HOMES

65C-20.009 Staffing Requirements.

(1) Personnel.

(a) The family day care home license shall be issued in the name of the operator who must be at least 18 years of age and a resident of the family home. The operator of a family day care may not work out of the home during the hours when the family day care is operating. In the event of rental or leased property the operator shall be the individual who occupies the residence. ~~Written approval from the owner of the property must be secured prior to issuance of the license.~~

(b) No change.

(2) Staff Training.

(a) After October 1, 1999, prior to licensure, Within 90 days of licensure all family day care operators must complete training in the department's 30-clock-hour Fundamentals Family of Child Care Training course, documented on the department's CF-FSP Form 5194, May 97, 5155, Oct. 96 ~~Fundamentals of Family Child Care~~ training certificate, which is incorporated by reference. The person providing care to the children in the family day care home must have a valid training certificate attesting to completion of the ~~Fundamentals of Family Child Care~~ Training course.

(b) No change.

(3) No change.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended.

65C-20.011 Health Records.

(1) Immunizations. Within 30 days of enrollment, each child must have on file and keep current a Florida Certificate of Immunization DH Form 680, Part A-1, B, and or C, (Nov. 96), or Religious Exemption from Immunization, DH Form 681, (Jun. 94), ~~Florida Certificate of Immunization~~, which is incorporated by reference and can be obtained from the local county public health unit of the Department of Health. The DH Form 680 Parts A-1, or B shall be signed by a physician licensed under the provisions of Chapter 458, 459, or 460, Florida Statutes and shall document vaccinations ~~for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps, and haemophilus influenzae type B (HIB)~~ as required by 64D-3, Florida Administrative Code, Control of Communicable Diseases. The DH Form 680 Part C, Permanent Medical Exemptions, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, Florida Statutes.

(2) Children's Student Health Examination.

(a) Within 30 days of enrollment, each child must have on file a completed ~~HRS-HDH~~ Form 3040, ~~(Oct. 96 Mar. 94)~~, Student Health Examination, which is incorporated by reference, and copies of which are available from the local county public health unit of the Department of Health or the child's pediatrician. The student health examination shall be completed by a person given statutory authority to perform health examinations.

(b) This Student Health Examination is valid for two (2) years from the date the physical was performed.

(3) Immunization and Health Records.

(a) Immunization and student health examination records are the property of the custodial parent or legal guardian when the child withdraws from care and are transferable to another child care arrangement.

(b) School-age children attending public or nonpublic schools are not required to have student health examination (~~HRS-HDH~~ Form 3040) and immunization records (DH 680 or 681) on file at the family day care home as such records are on file at the school where the child is enrolled.

(4) No change.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended.

65C-20.013 Large Family Child Care Homes.

(1) Large Family Child Care Homes. Large family child care homes shall meet all of the requirements in 65C-20.008 – 65C-20.012, FAC, in addition to the requirements listed below.

(2) Definitions:

(a) "Full Time Employee," means one additional staff person at least 18 years of age, who is on the premises during the hours of operating as and meeting the definition of a large family child care home.

(b) "Hours of Operation," means the hours of the day or night that a large family child care home has enough children in care to meet the definition.

(c) "Large Family Child Care Home," is defined by s. 402.3131, F.S., and for the purpose of this rule means a home which must have been licensed as a family day care home for two consecutive years, with an operator who has had a child development associate credential or its equivalent for 1 year, and meet all the requirements of this rule. Large family child care homes must meet and comply with all standards at all times unless there are insufficient numbers of children in care to meet the definition in which case an additional employee is not required.

(d) "Operator," means the occupant and licensee of the large family child care home who is at least 21 years of age responsible for the overall operation of the home.

(e) "Substitute," means a competent adult, at least 18 years of age, who is available to substitute for the operator or employee on a temporary or emergency basis.

(3) License.

(a) Application for a license or for renewal of a license to operate a large family child care home shall be made on CF-FSP Form XXXX, (month) 1999, Application for a License to Operate a Large Family Child Care Home, which is incorporated by reference and can be obtained at the Department of Children and Families local district service center or the local licensing agency.

(b) A copy of the annual license shall be posted in a conspicuous location within the large family child care home.

(4) Personnel:

(a) The large family child care home license shall be issued in the name of the operator who must be at least 21 years of age and a resident of the large family child care home. In the event of rental or leased property the operator shall be the individual who occupies the residence.

(b) The operator of the large family child care home may not work outside of the home during hours when the large family child care home is operating.

(5) Staff Training:

(a) Within 90 days of licensure, all large family child care home operators shall begin training in the department's 40-clock-hour introductory course in group child care and shall complete such training within 1 year of the date that the training began. The training shall consist of the 30-clock-hour Family Child Care Training course, documented on the department's CF-FSP Form 5194, May 97 and one of the following 10-hour specialized training modules:

1. Developmentally appropriate practices for infants and toddlers

2. Developmentally appropriate practices for young children

3. Developmentally appropriate practices for school-age children

4. Developmentally appropriate practices for children with special needs.

(b) Documentation. Training certificates are issued by training coordinating agencies upon the completion of training. The 10-hour specialized training must be documented on CF-FSP Form 5166, Oct. 96, the Department's Specialized Training Module Certificates, which are incorporated by reference.

(c) Large family child care homes must have one person on premises during all hours of operation who has a valid certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training.

(d) Employees in a large family child care home shall be at least 18 years of age and within 90 days of employment, shall begin the 30-clock-hour Family Child Care Training course. The training shall be completed within one year of the date on which the training began. The Family Child Care Training Course must be documented on the department's CF-FSP Form 5194, May 97, Family Child Care Training certificate, which is incorporated by reference.

(e) Substitutes for the operator of large family child care homes shall be at least 18 years of age and shall have the 30-clock-hour Family Child Care Training course, documented on the department's CF-FSP Form 5194, May 97, Family Child Care Training certificate, which is incorporated by reference prior to taking care of children. Substitutes for the employee who substitute at the large family child care home less than 40 hours a month will not be required to have any training. Substitutes who work more than 40 hours a month shall have to complete the 30-clock-hour Family Child Care Training course, documented on the form referenced above prior to taking care of children.

(6) Annual In Service Training:

(a) Operators and employees of large family child care homes must complete 8-clock-hours of in-service training annually during the state's fiscal year beginning July 1 and ending June 30.

(b) The annual 8-clock-hour in-service training must be completed in one or more of the following areas:

1. health and safety; including universal precautions;
2. CPR/first aid;
3. nutrition;
4. child development – typical and atypical;
5. child transportation and safety;
6. behavior management;
7. working with families;
8. design and use of child oriented space;

9. community, health and social service resources;

10. child abuse;

11. child care for multilingual children;

12. working with children with disabilities in child care;

13. owner or operator training program;

14. playground safety;

15. other course areas relating to child care or child care management.

(c) Documentation of the in-service training must be recorded on CF-FSP Form 5130, Apr. 97, Child Care In-Service Training Record, which is incorporated by reference, and included in the large family child care homes' personnel records.

(7) Supervision.

(a) In a large family child care home direct supervision must be maintained at all times during the hours of operation. Direct supervision means watching and directing children's activities within the area designated as usable indoor floor space or outdoor play space and responding to each child's need.

(b) Additional Supervision Requirements.

1. If there are more than 6 preschoolers participating on field trips away from the large family child care home an additional adult must be present for the purpose of safety and to assist in providing direct supervision. Where some children remain in the home the adult supervision as required in s. 402.302(7), F.S., shall be maintained. At no time shall the total number of children exceed the capacity defined in s. 402.3131, F.S.

2. An additional adult must be present during all water activities, for the purpose of safety, to assist in providing direct supervision. If a large family child care home uses a swimming pool which exceeds 3 feet in depth or uses beach or lake areas for water activities, the large family child care home must provide one person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when any children are in the swimming area.

(8) Transportation.

(a) When any vehicle is regularly used by a large family child care home to provide transportation, the driver shall have a current Florida driver's license and an annual physical examination which grants medical approval to drive.

(b) All large family child care homes must comply with the inspection responsibilities and insurance requirements found in s. 316.615, F.S.

(c) All vehicles regularly used to transport children shall be inspected annually, by a mechanic, to ensure proper working order. Documentation by the mechanic shall be maintained in the vehicle.

(d) The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

(e) Each child, when transported, must be in an individual factory installed seat belt or federally approved child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute.

(f) Children shall be never be left unattended by an adult in a vehicle.

(9) Planned Activities.

(a) Each age group or class must have a written and followed plan of scheduled activities posted in a place accessible to the parents. The written plan must meet the needs of the children being served and include scheduled activities which:

1. Promote emotional, social, intellectual and physical growth.

2. Include quiet and active play, both indoors and outdoors.

3. Include meals, snacks, and nap times, if appropriate for the age and the times the children are in care.

(b) Parents must be advised in advance of each field trip activity. The date, time and location of the field trip must be posted in a conspicuous location at least 2 working days prior to each field trip. Written parental permission must be obtained, either in the form of a general permission slip, or prior to each field trip activity. If special circumstances arise where notification of an event cannot be posted for 2 working days then individual permission slips must be obtained from each parent.

1. A telephone or other means of communication shall be available to the operator, employee or other adult responsible for children during all field trips.

2. Emergency medical forms signed by the parent or legal guardian and emergency contact numbers must accompany the children on all field trips.

(10) Child Discipline.

(a) Large family child care homes shall adopt a discipline policy consistent with s. 402.305(12), F.S.

(b) Each staff member of the large family child care home shall comply with the facility's written disciplinary policy.

(c) Copy of the discipline policy must be available for review by the licensing authority, in order to determine compliance with s. 402.305(12), F.S.

(11) General Requirements.

(a) Fire Safety. Large family child care homes shall conform to state standards adopted by the State Fire Marshal, Chapter 4A-36, Florida Administrative Code, Uniform Fire Safety Standards for Child Care Facilities and shall be inspected annually.

(b) Indoor Floor Space and Indoor Equipment.

1. A large family child care home must have 35 square feet of usable indoor floor space per child which does not include bedrooms unless it can be demonstrated that these bedrooms are used as multipurpose activity rooms.

2. Usable indoor floor space refers to that space available for indoor play and activities. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

3. Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

4. Where infants are in care, they shall have open indoor floor space outside of cribs and playpens.

5. Large family child care homes shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity for each child to be involved in activities.

6. Toys, equipment and furnishings must be safe and maintained in a sanitary condition.

(c) Outdoor Play Space and Outdoor Equipment.

1. At all large family child care homes the outdoor play space shall be fenced, a minimum of 4 feet in height.

2. All large family child care homes must have a minimum of 270 square feet of usable outdoor play space located on their property and which is exclusively used for the children attending or residing at the large family child care home. Large family child care homes caring for infants under 12 months of age only, shall not be required to have an outdoor play space.

3. All large family child care homes shall provide equipment and play activities suitable to each child's age and development.

4. All play equipment shall be securely anchored, unless portable by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include routine checks of all supports, above and below the ground, all connectors, and moving parts.

5. Permanent playground equipment must have a ground cover or other protective surface under the equipment which provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

6. All equipment, fences, and objects on the large family child care home's premises shall be free of sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one area.

7. All equipment used in the outdoor play area shall be constructed to allow for water drainage and maintained in a safe and sanitary condition.

(d) Emergency Procedures and Notification.

1. The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the operator, employee and children may exit each area of the home in the event of fire or other emergency requiring evacuation. This plan shall be posted or shared with the employees and parents.

2. In addition to conducting fire drills as specified in 65C-20.010(3)(b)4., F.A.C., the large family child care home shall maintain the fire drill record on the premises for twelve months.

(12) Enforcement.

(a) Pursuant to section 402.3131, F.S., the department or local licensing agency may deny, suspend, revoke a license, or impose an administrative fine for the violation of any provision of ss.402.301-402.319, F.S., or rules adopted thereunder.

(b) Provisional license. The department or the local licensing agency may issue a provisional license to applicants for a license or to licensees who are unable to conform to all the standards provided for in ss. 402.301-402.319, F.S., as long as the violations are beyond their control and do not present immediate danger to the children in care.

(c) No provisional license may be issued unless the operator makes adequate provisions for the health and safety of all children who are or will be in care. A provisional license may be issued if all of the screening materials have been submitted; however, a provisional license may not be issued unless the large family child care home is in compliance with the requirements for screening of child care personnel in ss. 402.305 and 402.3055, F.S.

(d) The provisional license shall not be issued for a period in excess of 6 months; however, it may be renewed one time for a period not in excess of 6 months under unusual circumstances beyond the control of the applicant or the licensee of the large family child care home.

(e) The provisional license may be revoked if an inspection made by the department or the local licensing agency indicates that insufficient progress has been made achieving compliance.

Specific Authority 402.3131 FS. Law Implemented 402.3131 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cindy Pace-Brown, Specialist, 1317 Winewood Blvd.,
Building 7, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Debbie Russo, Acting Director,
1317 Winewood Blvd., Building 7, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 6, 1999

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
General Information	65C-22.001
Training	65C-22.003
Food and Nutrition	65C-22.005
Record Keeping	65C-22.006

PURPOSE AND EFFECT: The modifications contained in this document will update statutory reference for change of ownership requirements; delineate requirements on how to obtain a director’s credential; increase the required training hours for child care personnel; change environmental health reference from unit to section; and changes the language to eliminate the need to amend Chapter 65C-22, FAC, every time amendments to immunization requirements occur in Chapter 64D-3, FAC.

SUMMARY: Amendment to §402.305, F.S. renumbered the current §405.305(17) and (18), F.S. Section 402.305(2)(f), F.S., requires child care directors to have completed a director’s credential by January 1, 2003. Amended §402.305(2) increased the number of required training hours for child care personnel. Chapter 65C-22.005(2), FAC, makes reference to Environmental Health as a “unit”, however, the proper term should be “section”. Chapter 65C-22.006(2)(c), FAC, currently lists all the required immunizations per Chapter 64D-3, FAC., the amended language simply refers the reader to the authority source for the requirement.

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: 402.305 FS.

LAW IMPLEMENTED: 402.305 FS.

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

- TIME AND DATE:** 1:00 p.m., November 8, 1999
PLACE: Broward County Emergency Operations Center, 201 N. W. 84th Avenue, Room 332-A, Plantation, Florida 33324
TIME AND DATE: 1:00 p.m., November 9, 1999
PLACE: Hurston Building, South Tower, First Floor Conference Center 113, Conference Room D, 400 W. Robinson Street, Orlando, Florida 32801
TIME AND DATE: 1:00 p.m., November 10, 1999
PLACE: Department of Children and Family Services, 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Pace-Brown, Specialist, 1317 Winewood Blvd., Building 7, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-22.001 General Information.

- (1) No change.
- (2) License.
 - (a) No change.
 - (b) In compliance with section 402.305(19)(18), Florida Statutes, at least one week prior to changing ownership of a child care facility, one of the following methods of notification to parents or guardians must be observed:

- 1. Posting a notice in a conspicuous location at the facility.
- 2. Incorporating information in any existing newsletter.
- 3. Individual letters, or fliers.
- (3) through (9) No change.

Specific Authority 402.305 FS. Law Implemented 402.301, 402.302, 402.305, 402.3055, 402.308 FS. History—New 6-1-97, Amended 3-17-99, _____.

65C-22.003 Training.

- (1) Definitions.
 - (a) through (c) No change.
 - (d) “Director,” for the purpose of this section and consistent with the statutory definition of operator, refers to the onsite administrator or individual of a child care facility who has the primary responsibility for the day-to-day operation, supervision and administration of the child care facility.

(e) “Director Credential,” also referred to as Florida Child Care and Education Program Administrator Credential, means a comprehensive credentialing program consisting of two levels of education and experiential requirements as outlined in 65C-22.003(7), F.A.C.

(2) Training Requirements.

(a) The ~~40~~ 30-hour introductory child care training requirement is divided into two parts. Part I, is outlined in s. 402.305(2)(d), F.S., and is comprised of 30 hours of training. Part II consists of five specialized training modules, identified below, any of which child care personnel can choose to attend and together with Part I will complete the ~~40~~ 30-hour training requirement:

- 1. Developmentally appropriate practices for infants and toddlers
- 2. Developmentally appropriate practices for young children
- 3. Developmentally appropriate practices for school-age children
- 4. Developmentally appropriate practices for children with special needs.
- 5. Owners/Operators of child care programs.

(b) Child care personnel hired on or after October 1, 1992, must complete Part I and Part II of the department's 40 30-hour introductory child care training course requirement. Child care personnel hired prior to October 1, 1992, substantiated by documentation, are required to complete Part I only.

(c) No change.

(3) No change.

(4) Trainer Qualifications. Qualified child care professionals eligible to teach the introductory child care training course (Part I), the specialized training modules (Part II), 30-clock-hour Family Child Care Training course and the 3-Hour Fundamentals of Child Care training course, must meet the following qualifications:

(a) through (d) No change.

(5) through (6) No change.

(7) Director Credential.

(a) Pursuant to s. 402.305(2)(f), F.S., every child care facility director must have a director credential by January 1, 2003, which consists of the foundational level or the advanced level.

(b) The foundational level applicants must meet the following educational and experiential requirements:

1. High school diploma or GED; and

2. The Department of Children and Families 30-hour introductory child care training course (Part I); and

3. The departmental module Developmentally Appropriate Practices for Children with Special Needs or an approved equivalent that meets the statutory requirement for licensing; and

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; an approved Florida CDA Equivalency; a formal education exemption qualification (waiver); or a documented employment history recognition exemption; and

5. One course in the curriculum content area "Overview of Child Care Center Management," which must be met by one approved three-hour college level course, offered for credit or 4.5 Continuing Education Units (CEUs) through continuing education or one approved Post Secondary Adult Vocational course offered through a vocational-technical institution in Florida; and

6. One year experience on-site as a child care director. For those candidates who have met the educational requirements of this level but have not completed the one year experiential requirement a temporary credential, not to exceed one year, will be granted.

(c) The advanced level applicants must meet the following educational and experiential requirements:

1. High school diploma or GED; and

2. The Department of Children and Families 30-hour introductory child care training course (Part I); and

3. The departmental module Developmental Appropriate Practices for Children with Special Needs or an approved equivalent that meets the statutory requirement for licensing; and

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; an approved Florida CDA Equivalency; a formal education exemption qualification (waiver); or a documented employment history recognition exemption; and

5. Three approved courses in child care education program administration. The coursework requirement must be taken for college credit and must be from the following curriculum areas: Overview of Child Care Center Management, Child Care and Education Organizational Leadership and Management, Child Care and Education Financial and Legal Issues, Child Care and Education Programming; and

6. Two years of experience on-site as a child care director. For those candidates who have met all the educational requirements of this level but have not completed the two year experiential requirement a temporary credential, not to exceed two years, will be granted.

(d) All applications and documentation will be verified and credentials issued through the Florida Children's Forum. Applications may be obtained from:

Administrator Credential Coordinator
Florida Children's Forum
2807 Remington Green Circle
Tallahassee, Florida 32308

(e) Exceptions: For the advanced level credential only, an educational exception will be granted to individuals who meet 65C-22.003(7)(c)1.-4. & 6., F.A.C. and any of the following:

1. An A.S. degree in child care center management, or

2. An A.S., B.A., B.S. or advanced degree in early childhood education/child development, family and consumer sciences (formerly home economics/child development), school-age child care or elementary education with at least three credit hours in child care administration, business administration or educational administration, or

3. A B.A., B.S. or advanced degree other than those degree areas in number 2. above, with three credit hours in early childhood/child development or school-age child care and three credit hours in child care administration, business administration or educational administration, or

4. Persons with more than five years of administrative or director experience in a licensed child care facility, with three credit hours in early childhood/child development or school-age child care and three credit hours in child care administration, business administration or educational administration. All coursework for this exception must have been completed within the last ten years.

(f) Testing. For the advanced level credential only, individuals who meet the requirements for the educational exception but do not have coursework in early childhood

education or administration may opt to take a competency-based test to meet the three credit hour course requirement in early childhood education/child development and/or the three credit hour course requirement in administration. This process will require the candidate to complete a written test at a local community college with a minimum score of 80%.

(g) Renewal. To maintain a valid directors credential at either level, every 5 years, candidates must complete and document 4.5 Continuing Education Units (CEUs) or one three-hour college credit course in any one of the curriculum areas listed in 65C-22.003(7)(c)5., F.A.C. and demonstrate professional contributions in the field. Professional contributions include, but are not limited to, presentations at conferences, published articles, membership in a professional child care organization or mentoring other child care professionals.

(h) Coursework Recognition and Approval.

1. The Florida Children's Forum is responsible for reviewing existing and developing coursework, offered through vocational-technical schools, community colleges and universities, to determine if it meets the requirements for Florida's credential.

2. The Florida Children's Forum is responsible for reviewing out-of-state adopted director credentials to determine if it meets the requirements for Florida's credential.

3. A list of approved courses and approved out-of-state credentials must be maintained and will be available through the Florida Children's Forum.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, _____.

65C-22.005 Food and Nutrition.

(1) No change.

(2) Food Preparation Area. All licensed child care facilities approved by the Environmental Health ~~Section~~ Unit to prepare food shall meet the applicable requirements as specified in Chapter 64E-11, Florida Administrative Code, Food Hygiene.

(3) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 3-17-99, Amended _____.

65C-22.006 Record Keeping.

(1) No change.

(2) Children's Health Requirements.

(a) Within 30 days of enrollment, unless statutorily exempted, each child shall have on file at the facility a completed ~~HRSDH~~ Form 3040, Mar. 91, Student Health Examination, which is incorporated by reference. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

(b) The Student Health Examination is valid for two (2) years from the date the physical was performed.

(c) Within 30 days of enrollment, each child shall have on file and keep current a DH Form 680, Part A-1, B, and/or C, Nov. 96 Florida Certificate of Immunization, or DH Form 681, Jun. 94, Religious Exemption from Immunization. The DH Form 680 Parts A-1, or B shall be signed by a physician licensed under the provisions of Chapter 458, 459, or 460, Florida Statutes, and shall document vaccinations ~~for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rebella, mumps, and haemophilus influenzae type B (HIB)~~ as required by 64D-3, Florida Administrative Code, Control of Communicable Diseases. The DH Form 680, Part C, Permanent Medical Exemption, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, Florida Statutes.

(d) through (e) No change.

(3) No change.

(4) Enrollment Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, Dec. 97, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent form that contains all the information required by the department's form.

(a) through (b) No change.

(c) There shall be signed statements that the child care facility has provided the following information to parents:

1. The department's child care facility brochure, ~~HRSCF~~PI 175-24, 2/95, Know Your Child Care Center, which is incorporated by reference. Local licensing agencies may use an equivalent brochure approved by the department's district licensing office containing all the information required by the department.

2. The child care facility's written disciplinary practices.

(5) through (6) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cindy Pace-Brown, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Debbie Russo, Acting Chief, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
Definitions	65C-25.001
Admission and Assessment	65C-25.002
General Information	65C-25.003
Physical Environment	65C-25.004
Personnel Requirements	65C-25.005
Health and Safety	65C-25.006
Food and Nutrition	65C-25.007
Record Keeping	65C-25.008

PURPOSE AND EFFECT: The minimum standards developed through this document will ensure the health and safety of all children cared for in child care facilities which provide care for mildly ill children either exclusively or as a component of their child care arrangement.

SUMMARY: Amendments to §402.305(17), F.S., authorized the Department of Children and Families to develop minimum standards in conjunction with the Department of Health, for specialized child care facilities for the care of mildly ill children. The areas to be addressed are: personnel requirements; staff-to-child ratios; staff training and credentials; health and safety; physical facility requirements, including square footage; client eligibility, including a definition of "mildly ill children"; sanitation and safety; admission and record keeping; dispensing of medication; and a schedule of activities.

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: 402.305 (17) FS.

LAW IMPLEMENTED: 402.305 (17) FS.

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

TIME AND DATE: 10:30 a.m., November 8, 1999

PLACE: Broward County Emergency Operations Center, 201 N.W. 84th Avenue, Room 332-A, Plantation, Florida 33324

TIME AND DATE: 10:30 a.m., November 9, 1999

PLACE: Hurston Building, South Tower, First Floor Conference Center 113, Conference Room D, 400 W. Robinson Street Orlando, Florida 32801

TIME AND DATE: 10:30 a.m., November 10, 1999

PLACE: Department of Children and Family Services, 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Maria Vazquez, Program Specialist, 1601 West Gulf Atlantic Highway, Wildwood, FL 34785

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-25.001 Definitions.

(1) "Child Care for Mildly Ill Children" – means the care of children with short term illness or symptoms of illness or disability, provided either as an exclusive service or as a component of other child care services, for a period of less than 24 hours per day.

(2) "Contagious disease" – for the purpose of this rule, refers to a type of infectious disease caused by receiving living germs directly from the person afflicted with the disease, or by contact with a secretion of his/hers, or by some object he/she has handled or used.

(3) "Health Consultant" – for the purpose of this rule, means a Florida licensed pediatric physician; a Florida licensed family practitioner; a physician's assistant; or a registered nurse with experience in pediatric nursing, who supervises or provides direction to the licensed health caregiver, and is available for consultation.

(4) "Isolation" – refers to an area within the child care facility for mildly ill children, which provides separate airflow, and physical separation, from the rest of the facility. This area shall be utilized when caring for children with contagious diseases.

(5) "Licensed Health Caregiver" – for the purpose of this rule, shall mean at minimum a licensed practical nurse who has knowledge and experience in the routine medical needs of mildly ill children, and is under the direction of a health consultant.

(6) "Mildly Ill children" – refers to children exhibiting illnesses or symptoms of illnesses which have caused or would cause them to be excluded from regular child care settings, as defined in Chapter 65C-22.004(2)(a)1.-10., FAC., and who meet the admission criteria for mildly ill programs as described in section 65C-25.002, FAC, of this rule.

(7) "Sanitize" – for the purpose of this rule, and as it refers to linen, shall mean adding one cup of bleach per gallon of water, to the final rinse cycle of the wash, in an effort to eliminate children's exposure to disease microorganisms.

(8) "Single-service articles"- any cups, containers, closures, plates, straws, place mats, napkins, doilies, spoons, stirrers, paddles, knives, forks, wrapping materials and all similar materials which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic or any other readily destructible material, and are intended by the manufacturer to be for one-time, one-person use, and to then be discarded.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History—
New _____.

65C-25.002 Admission and Assessment.(1) General Requirements.

(a) A child care facility for mildly ill children, shall have at a minimum, an ongoing agreement with a Health Consultant, as defined in Ch. 65C-25.001(3), F.A.C., for continuing medical/nursing consultation. The health consultant shall perform the following services:

1. Oversee the development of written policies and procedures.
2. Review, approve, and update annually, such policies and procedures.
3. Provide at least quarterly on-site monitoring of the implementation of such policies and procedures.
4. Provide on going consultation to the facility in its overall operation and management.

(b) A child care facility for mildly ill children shall have at a minimum one licensed health caregiver, as defined in Ch. 65C-25.001(5), F.A.C. The licensed health caregiver shall be responsible for performing the initial assessment, and periodic children evaluations, per Ch. 65C-25.002(2)(b),(c), and (d), F.A.C.; provide on going daily oversight; make decisions as to the exclusion of any child; and be present at the facility at all times during the hours of operation.

(2) Admission.

(a) No child shall be accepted to a child care facility for mildly ill children without written parental or guardian permission. However, permission may be obtained by telephone if a child in attendance at a regular child care facility becomes mildly ill and is admitted to that same facility's program for mildly ill children. Where the child is in care under telephone permission, written parental permission must be obtained prior to the child's admittance to the program for mildly ill children the following day.

(b) An initial written physical assessment on each child shall be completed by the licensed health caregiver, as defined in Ch. 65C-25.001(5), FAC, based on the inclusion and exclusion criteria outlined in Ch. 65C-25.002(3) and (4), FAC, to determine appropriateness of admission to the facility. Parent must remain on the premises until admission has been determined.

(c) The written physical assessment shall at a minimum include vital signs, and observation of the child's general appearance, head, eyes, nose, mouth, ears, skin, abdomen, arms and legs, and breathing pattern for symptoms of illness.

(d) Once admitted, children shall be periodically monitored by the licensed health caregiver, and evaluated according to policies and procedures established and approved by the facility and the health consultant . Evaluations on each child's condition shall be documented, and shall include, but are not limited to, the following:

1. Temperature
2. Respiration

3. Pulse4. Amount of food or fluid intake5. Color, consistency and number of stools6. Color urine and frequency of urination7. Skin color and alertness8. Activities such as amount of sleep, rest, and play

(e) The condition evaluations must be maintained in each child's record and retained by the facility for a minimum of four months. Copies shall be provided to parents daily.

(f) The program director or licensed health caregiver shall have the authority to require a written medical evaluation for a child to include diagnosis, treatment and prognosis, if such evaluation is necessary to determine the appropriateness of a child's attendance prior to admission and/or upon worsening of the child's symptoms.

(g) Prior to admission, the child care facility for mildly ill children shall require a written description signed by the parent, of the child's current and recent illnesses, immunization history, habits, special diets, allergies, medication needs and symptoms requiring notification of parent or health care provider, and where and how the parent or health care provider is to be notified.

(h) Children with communicable illnesses (e.g., chicken pox) may be accepted in a child care facility for mildly ill children, only if there is an isolation room, as defined in Ch. 65C-25.001(4), F.A.C., of this rule, and provided the isolation area has a separate outside entrance from the rest of the child care facility.

(i) A child may not remain in a child care facility for mildly ill children for more than 3 consecutive days without the written approval of the child's physician.

(3) Inclusions. A child care facility for mildly ill children may consider for admission, and accept children exhibiting illnesses/symptoms for which they are excluded from child care provided for well children, but who do not meet exclusion criteria as outlined in Ch. 65C-25.002(4), F.A.C., of this rule. Children exhibiting the following symptoms/illnesses, or disabilities, shall be deemed eligible to participate in child care facilities for mildly-ill children:

(a) Not feeling well, unable to participate in regular child care activities, or has other activity restrictions.

(b) Recovering from prior day surgical procedure or hospital admission.

(c) Controlled fever of 102° orally; 101° axillary, or 103° rectally or below. If temperature is above 102° orally, a physician must have given written approval for admission; or verbal approval with written follow up for admission.

(d) Respiratory infections such as cold/flu, virus.

(e) Vomiting less than three times without dehydration.

(f) Diarrhea (more than one abnormally loose stool within a 24 hour period) without signs of dehydration, and without blood or mucus in the stool.

- (g) Gastroenteritis without signs of severe dehydration.
- (h) Diagnosed asthma.
- (i) Urinary track infections.
- (j) Ear infections.
- (k) Orthopedic injuries.
- (l) Diagnosed rash.
- (m) Tonsillitis.
- (n) Strep throat or conjunctivitis only after 24 hours of appropriate medication, if isolation is unavailable.
- (4) Exclusions. Any child exhibiting the following symptoms or combination of symptoms, shall be excluded from child care facilities for mildly ill children:
 - (a) Unresponsive temperature of 104° orally.
 - (b) Undiagnosed or unidentified rash.
 - (c) Respiratory distress.
 - (d) Major change in condition requiring further care.
 - (e) Contagious diseases, if no isolation room is available:
 - 1. Strep throat or Conjunctivitis prior to 24 hours of treatment.
 - 2. Diarrhea due to diagnosed shigella, salmonella, rota virus.
 - 3. Chicken pox, mumps, measles, rubella, pertussis, diphtheria.
 - 4. Head lice, scabies prior to 24 hours of treatment.
 - 5. Other conditions as determined by the director or health consultant.

Specific Authority 402.305 FS Law Implemented 402.305 FS. History--New

65C-25.003 General Information.

(1) Application.

(a) Application must be made on CF-FSP Form _____, 99, Application For A License To Operate a Child Care Facility for Mildly Ill Children, which is incorporated by reference.

(b) Each completed application must be submitted to the licensing authority, with the statutory licensing fee pursuant to §402.315(3), F.S.

(c) The completed application must be signed by the individual owner, prospective owner, or the designated representative of a partnership, association, or corporation.

(2) License.

(a) A license to operate a child care facility for mildly ill children, is issued in the name of the owner, partnership, association, or corporation.

(b) Facilities providing both regular child care for well children, and child care for mildly ill children, must procure and maintain two separate licenses.

(c) Hospitals maintaining current Joint Commission for the Accreditation of Healthcare Organizations (JCAHO) accreditation, operating hospital based child care for mildly ill children, shall be exempt from licensure under this rule.

(d) In compliance with §402.305(19), Florida Statutes, at least one week prior to changing ownership of a child care facility, one or more of the following methods of notification to parents or guardians must be observed:

- 1. Posting a notice in a conspicuous location at the facility.
- 2. Incorporating information in any existing newsletter.
- 3. Individual letters, or fliers.

(e) The license must be posted in a conspicuous location at the facility.

(3) Ratios.

(a) The following staff to child ratios are based on primary responsibility for the supervision of children and applies at all times, when mildly ill children are in care:

- 1. For children from birth up to 1 year of age, there must be one child care personnel for every three children.
- 2. For children 1 year of age up to 4 years of age, there must be one child care personnel for every four children.
- 3. For children 4 years of age and older, there must be one child care personnel for every six children.

(b) Mixed Age Groups.

1. In groups of mixed age ranges, where one or more children under 1 year of age are included, one child care personnel shall be responsible for a maximum of three children of any age group.

2. In groups of mixed age ranges, where one or more children 1 year of age and older are in care, the staff to child ratio shall be based on the age of the largest numbers of children within the group. When equal numbers of children in each group are in care, the most restrictive staff to child ratio shall apply.

(4) Supervision.

(a) Direct supervision means watching and directing children's activities within the same room or designated outdoor play area and responding to each child's need. Child care personnel at a child care facility for mildly ill children must be assigned to provide direct supervision to a specific group of children and be present with that group of children at all times.

(b) No operator, owner or employee of a child care facility for mildly ill children, shall be under the influence of narcotics, alcohol, or other impairing drugs, which affects their ability to provide supervision and safe child care.

(5) Schedule of Activities.

(a) The facility shall include a daily schedule tailored to each child's symptoms, energy level, and parent's instructions.

(b) The daily schedule shall be flexible and provide age appropriate activities without over-stressing the children.

(6) Access.

(a) Child care facilities for mildly ill children, shall provide the custodial parent or legal guardian, access to the facility in person and by telephone, during hours of operation and at all times the child is in care.

(b) Access to the facility shall be provided to the licensing authority, pursuant to §402.311, F.S.

(7) Child Discipline.

(a) Child care facilities for mildly ill children shall adopt a discipline policy consistent with §402.305(12), F.S.

(b) Each staff member of the child care facility for mildly ill children must comply with the facility's written discipline policy.

(c) Copy of the discipline policy must be available for review by the licensing authority in order to determine compliance with §402.305(12), F.S.

Specific Authority 402.305 FS Law Implemented 402.305 FS. History--New

65C-25.004 Physical Environment.

(1) Sanitation and Safety.

(a) A child care facility for mildly ill children, if located in a regular licensed child care facility, shall utilize rooms/areas which are physically separated by floor to ceiling walls, from all other components of the regular licensed child care facility.

(b) The physical indoor and outdoor space, and equipment designated for use by the mildly ill children, shall not be used by/for children and child care staff, from any other component of the regular licensed child care facility.

(c) Child care facilities for mildly ill children, which serves children with contagious diseases, as defined in Chapter 65C-25.002, F.A.C., shall have separate isolation rooms, ventilation systems, and entrances.

(d) Child care programs for mildly ill children, shall make provisions to prevent the participating children from coming in contact with other components of the facility, where well children are in care.

(e) Child care facilities for mildly ill children, must be in good repair, free from health and safety hazards, clean and free from vermin infestation. During the hours the facility is in operation, no portion of the building shall be used for any activity which could endanger the health and safety of the children.

(f) All areas and surfaces accessible to children shall be free of toxic substances and hazardous materials.

(g) No animals shall be allowed on the premises of programs caring for mildly ill children.

(h) All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items as well as knives and sharp tools must be stored in locations inaccessible to the children in care.

(i) No firearms shall be kept on the premises.

(j) No narcotics, alcohol, or other impairing drugs, shall be present on the premises, unless prescribed for any of the children in care.

(k) Smoking is prohibited within the child care facility and all outdoor play areas.

(2) Rooms Occupied by Children.

(a) All rooms must have lighting the equivalent of 20 foot candles to allow for supervision and for safe methods of entering and exiting each room.

(b) An inside temperature of 65° to 82° F. must be maintained at all times.

(c) All rooms shall be kept clean, adequately ventilated and in good repair. Cleaning shall not take place while rooms are occupied by children except for general clean-up activities which are a part of the daily routine.

(d) Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

(3) Indoor Floor Space.

(a) There shall be a minimum of 35 square feet of usable space per child.

(b) Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, and other areas not used by children in normal day-to-day operations are not included when calculating usable indoor floor space.

(c) Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

(4) Outdoor play space.

(a) Child care facilities for mildly ill children are not required to provide outdoor play space.

(b) Should a facility choose to provide outdoor play space, it shall be physically separated from that provided for well children, and all equipment shall meet all safety requirements as outlined in Ch. 65C-25.006(3)(b).

(5) Napping and Sleeping Space. For the purpose of these standards, sleeping refers to the normal overnight sleep cycle while napping refers to a brief period of rest during daylight or early evening hours.

(a) Each child care facility for mildly ill children must include a designated area where a child can sit quietly and lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably.

(b) When napping or sleeping, each child in care must be provided safe and sanitary bedding. Bedding means a cot, bed, crib, or playpen. Playpens may not be used for care when children are sleeping. Bedding must be appropriate for the child's size.

(c) Linens, if provided by the facility, must be sanitized daily, per Chapter 65C-25.001(7), F.A.C., and more often if soiled or dirty. Linens must be provided when children are sleeping and pillows and blankets must be available.

(d) Linens must be stored in a sanitary manner.

(e) A minimum of 3 feet separation between bedding must be maintained at all times bedding is in use. Exit areas must remain clear in accordance with fire safety regulations.

(f) Children up to one (1) year of age must be in their own crib, port-a-crib or playpen with sides. Crib sides must be raised and secured while an infant is in the crib. Cribs must meet the construction regulations as outlined in Title 16, Parts 1508 & 1509, Code of Federal Regulations.

(g) No double or multi-deck cribs, cots or beds may be used.

(6) Toilet and Bath Facilities.

(a) Child care facilities for mildly ill children, shall provide toilet and bath facilities, which are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed and easily cleaned and sanitized.

(b) The facility shall provide a minimum of one toilet and one wash basin, for every ten children.

(c) Toilet and bath facilities shall be designated for the exclusive use of the mildly ill children in care and/or their caregivers; shall be accessible from within the room where care is being provided; and shall be separate from those utilized by children and caregivers from other components of the facility.

(d) Toilet and bath facilities shall provide privacy to all their users.

(e) Toilet facilities shall not open directly into an area where food is prepared. A toilet facility may open directly into an area used by children where food is served.

(f) Children must receive supervision and care in accordance with their age and required needs and be accounted for at all times while bathing or using the toilet facilities.

(g) At least one portable or permanent bath facility shall be provided and be available for bathing children.

(h) Running water, toilet paper, disposable towels, liquid soap and trash receptacles shall be available to and within reach of children using the toilet facility.

(i) Each basin and toilet must be maintained in good operating condition and sanitized after each use, or as needed.

(j) Hand washing sinks shall not be used for food service preparation or food clean up.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New

65C-25.005 Personnel Requirements.

(1) Minimum Requirements. All child care personnel in facilities for mildly ill children shall meet the requirements outlined in § 402.305(2), FS, and the following additional requirements.

(2) Minimum Age Requirements.

(a) Operators/Directors of a child care facility for mildly ill children shall be at least 21 years of age.

(b) In the absence of the operator/director, there must be a staff person in charge of the facility, who is at least 21 years of age and remains on the premises at all times during the hours of operation.

(c) No person under the age of 18, shall be allowed to provide care for mildly ill children.

(3) Minimum Training Requirements.

(a) All child care personnel caring for mildly ill children, shall have current certification in child cardiopulmonary resuscitation and first aid prior to caring for the children at the facility.

(b) In addition to the required training outlined in §402.305(2)(d), F.S., and Ch. 65C-22.003, F.A.C., all child care personnel caring for mildly ill children shall complete 8 hours of annual in-service training relating to the recognition and care of sick children and the prevention of communicable diseases. Operators/Directors shall complete at least 2 hours of training relating to sick children, as part of their 8 hours annual in-service training.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New

65C-25.006 Health and Safety.

(1) General Requirements.

(a) When windows or doors are left opened, they must be screened to prevent entrance of any insect or rodent. Screens are not required for open air classrooms and picnic areas.

(b) Following personal hygiene procedures for themselves or when assisting others, employees, volunteers, and children shall wash their hands with soap and running water, drying thoroughly with disposable towels. Only soap from a liquid soap dispenser shall be used for hand washing.

(c) A child care facility for mildly ill children shall ensure that safe drinking water and other fluids consistent with the child's physical condition are available at all times to all children in care. Drinking fountains shall not be used.

(d) Only single-service articles, per Ch. 65C-25.001(8), F.A.C., may be used for eating and drinking. Children may bring labeled items for their exclusive use, which must be returned to the parent or legal guardian on a daily basis.

(e) If the children are sleeping overnight in the facility, child care staff must ensure accepted bedtime routines are maintained, such as brushing teeth and face and hand washing. Toothbrushes, towels and wash cloths may not be shared.

(2) Diapering Requirements.

(a) Hand washing facilities which include a basin with running water, disposable towels, liquid soap, and trash receptacle, shall be available in the infant room or in the room where children with special needs in diapers are in care. Hands shall be washed and dried thoroughly after each diapering or toileting procedure, to prevent the transmission of illnesses to other children in the facility's care.

(b) When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned with a sanitizing solution after each use. Children must be attended at all times when being diapered or when changing clothes.

(c) Diaper changing shall be in a separate area from the feeding or food service area.

(d) There shall be a supply of clean disposable diapers, clothing and sanitized linens at all times, which shall be changed or removed promptly when soiled or wet.

(e) Soiled disposable diapers shall be disposed of in a plastic lined, securely covered container, which is not accessible to children. The container shall be emptied and sanitized at least daily.

(f) When children require cloth diapers, only those brought from the child's home may be used, and must be returned to the parent at the end of the day.

(g) Soiled cloth diapers shall be emptied of feces in the toilet and placed in a securely covered container which is not accessible to children. The container shall be emptied and sanitized daily.

(3) Equipment and Furnishings.

(a) Indoor Equipment.

1. A child care facility for mildly ill children shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity for each child to be involved in activities.

2. Toys, equipment and furnishings must be safe and maintained in a sanitary condition.

3. All washable toys, equipment and furniture used for one group of children in a child care facility for mildly ill children, shall be washed and disinfected before being used by another group of children.

4. Non-washable toys brought from home may not be shared, and shall be sent home daily.

(b) Outdoor Equipment.

1. If the facility chooses to provide outdoor play space, equipment shall be securely anchored, unless portable by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include routine checks of all supports, above and below the ground, all connectors, and moving parts.

2. Permanent playground equipment must have a ground cover or other protective surface under the equipment which provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

3. All equipment, fences, and objects on the facility's premises shall be free of sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one area.

4. All equipment used in the outdoor play area shall be constructed to allow for water drainage and maintained in a safe and sanitary condition.

(4) Fire Safety.

(a) Unless statutorily exempted, all child care facilities for mildly ill children shall conform to state standards adopted by the State Fire Marshal, Chapter 4A-36, Florida Administrative Code, Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the department or local licensing agency.

(b) There shall be at least one operable, readily accessible telephone in the child care facility which is neither locked nor located at a pay station and is available to all staff during the hours of operation, even in the event of a power outage.

(c) Child care facilities for mildly ill children, shall conduct monthly fire drills when children are in care. Subject to local fire authority's approval, evacuation of the premises shall not be required, however, facilities shall ensure that the children are taken at least to the point of exit. A current attendance record must accompany staff during a drill or actual evacuation and be used to account for all children.

(5) Emergency Procedures.

(a) At least one first aid kit containing materials to administer first aid must be maintained on the premises of all child care facilities for mildly ill children, at all times. Each kit shall be in a closed container and labeled "First Aid". The kits shall be accessible to the child care staff at all times and kept out of the reach of children. Each kit must include:

1. soap,

2. Band-aids or equivalent,

3. disposable latex gloves,

4. cotton balls or applicators,

5. sterile gauze pads and rolls,

6. adhesive tape,

7. thermometer,

8. tweezers,

9. in date syrup of ipecac, labeled "DO NOT INDUCE VOMITING UNLESS DIRECTED TO DO SO BY A PHYSICIAN OR POISON CONTROL" 1-800-282-3171,

10. pre-moistened wipes,

11. scissors, and

12. a current resource guide on first aid and CPR procedures.

(b) Procedures and Notification.

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, and the address of and directions to the facility, must be posted on or near all facility telephones and shall be used as necessary to protect the health, safety and well-being of any child in care.

2. Custodial parents or legal guardians shall be notified immediately in the event of any significant change in a child's illness/symptoms, accident, or injuries sustained at the facility, which are more serious than minor cuts and scratches, and their specific instructions regarding action to be taken under such circumstances, shall be obtained and followed. If the custodial parent or legal guardian cannot be reached, the facility operator will contact those persons designated by the custodial parent or legal guardian to be contacted under these circumstances, and shall follow any written instructions provided by the custodial parent or legal guardian on the enrollment/registration form.

3. Child care facilities for mildly ill children shall make arrangements with the parent or legal guardian, for obtaining medical evaluation or treatment for a child, if necessary as determined by the licensed health caregiver and program policies.

4. Child care facilities for mildly ill children shall obtain emergency medical treatment without specific parental instruction when the parent or legal guardian cannot be reached, and the nature of the illness/symptoms or injury is such that there should be no delay in obtaining medical treatment, as determined by the licensed health caregiver or other qualified health professional.

5. Child care facilities for mildly ill children shall call the parent or legal guardian immediately when a child's illness/symptoms worsens to the degree that it meets criteria for exclusion from the program, as outlined in Ch. 65C-25.002(4), F.A.C.

6. All accidents and incidents which occur at a facility must be documented and shared with the custodial parent or legal guardian on the day they occur.

(6) Dispensing of Medication.

(a) Prescription and non-prescription medication brought to the child care facility for mildly ill children by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label stating the name of the physician, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label.

(b) Medicines shall be stored separately and locked or placed out of a child's reach.

(c) Medication shall be returned to the parent or legal guardian at the end of each day.

(7) Minimum Health Requirements – Tuberculosis.

(a) Upon hire, each employee of a child care facility for mildly ill children, must provide documentation of a tuberculosis test administered within the past two years and this documentation must be in the employee's personnel file within 10 days of employment. If results are positive, the employee must provide written medical authorization to work in a child care facility.

(b) All personnel in child care facilities for mildly ill children with a previous negative tuberculosis test, must be re-tested for tuberculosis at least every two years and provide documentation for their personnel file. If results are positive, the employee must provide written medical authorization to work in a child care facility.

(c) All personnel in child care facilities for mildly ill children with a previous positive tuberculosis test, must be evaluated every two years for symptoms of tuberculosis, and provide written medical authorization to work in a child care facility.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History–New _____.

65C-25.007 Food and Nutrition.

(1) Nutrition.

(a) If a child care facility for mildly ill children chooses to supply food, they shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children.

(b) If a facility chooses not to provide meals and snacks, arrangements must be made with the custodial parent or legal guardian to provide nutritional food for the child.

(c) Child care facilities for mildly ill children shall ensure that menus for children can be modified to meet the individual condition of each child in care.

(2) Food Preparation Area.

(a) All licensed child care facilities for mildly ill children, approved by the Environmental Health Section to prepare food, shall meet the applicable requirements as specified in Ch. 64E-11, F.A.C., Food Hygiene.

(b) Kitchen area may be shared with other components of the facility, however, staff providing child care for mildly ill children, shall not be involved in food preparation.

(3) Food Service.

(a) Children shall be individually fed or supervised at feeding and offered foods appropriate for their ages, and physical condition.

(b) There shall be no propped bottles. There shall be no automatic feeding devices unless medically prescribed. Formula shall be refrigerated and handled in a sanitary manner before and after use. All bottles shall be individually labeled.

(c) All meals, and snacks provided for children participating in child care facilities for mildly ill children, must be served on single-service articles, per Ch. 65C-25.001(8), F.A.C.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History–New _____.

65C-25.008 Record Keeping.

(1) All required records in child care facilities for mildly ill children, shall be maintained pursuant to §402.305(9), F.S., and available at the facility for the licensing authority to review during the hours of operation.

(2) Children's Records.

(a) Each child's record shall contain a signed statement from the parent, attesting to the child's immunization status, either current or religiously exempt from immunization, as required by Ch. 64D-3, F.A.C.

(b) Enrollment/Registration Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting a child in care. This information shall be documented on CF-FSP Form 99, Application for Enrollment in Child Care Facilities for Mildly Ill Children, which is incorporated by reference, or an equivalent form that contains all the following information required by the department's form:

1. Child's name, age, date of birth, sex.
2. Parent or legal guardian's name.
3. Employer name.
4. Home, work and beeper telephone numbers.
5. Person and telephone number to call in case parent cannot be reached.
6. Child's physician and telephone number.
7. Allergies and type of reaction.
8. Present and past prescriptions and childhood diseases.
9. Current diet.
10. Special areas of concern and/or in need of assistance.
11. Diapering requirements.

(c) The child shall not be released to any person other than the person(s), or in the manner authorized in writing, by the custodial parent or legal guardians.

(d) Children's files shall contain signed statements that the child care facility for mildly ill children has provided the following information to parents:

1. Admission policy
2. The program's infection control procedure
3. Methods for the daily care of children, including the child's progress
4. Procedures for the care and referral for a medical evaluation, for children who exhibit worsening symptoms, including a listing of those symptoms
5. Policy and procedure for staff communication with parents and health care providers
6. Discipline policy

(3) Medication Records.

(a) A written record documenting the child's name, the name of the medication, date, time, dosage to be given, and signature of the custodial parent or legal guardian, shall be

maintained at the facility. This record shall be initialed or signed by and at the time the facility personnel dispenses the medication.

(b) This record shall be maintained for a minimum of four months after the last day the child received the medication.

(4) Personnel Records. Records shall be maintained and kept current on all child care personnel, as defined by §402.302(8), F.S., and household members if the facility is located in a private residence. These shall include:

(a) An employment application with the required statement pursuant to §402.3055(1)(b), F.S.

(b) Results of TB test.

(c) Position and date of employment.

(d) Signed statement that the employee understands the statutory requirements for professionals' reporting of child abuse and neglect.

(e) Level 2 screening information documented on CF-FSP Form 5131, Apr. 97, Background Screening and Personnel File Requirements.

(f) Copies of all required training information/certificates and credentials.

(5) Other Records.

(a) Daily attendance of children shall be taken and recorded by the child care facility's personnel, documenting when each child enters and departs a child care facility for mildly ill children. Such records shall be maintained for a minimum of four months.

(b) Record of accidents and incidents shall be documented daily and maintained for four months. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate required signatures of facility staff and custodial parent or legal guardian.

(c) The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the personnel and children may exit each area of the facility in the event of fire or other emergency requiring evacuation of the facility and post a copy of the plan in each room of the facility.

(d) The operator shall maintain a written record of monthly fire drills showing the date, number of children in attendance, and time taken to evacuate or simulate evacuation of the premises. Each monthly record shall be maintained for a minimum of a year from the date of the fire drill.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cindy Pace-Brown, Specialist, 1317 Winewood Blvd.,
Building 8, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Debbie Russo, Acting Chief, 1317
Winewood Blvd., Building 8, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 1999

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-150.003	Definitions
4-150.103	Definitions
4-150.203	Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 28, July 16, 1999, of the Florida Administrative Weekly.

These changes are being made to address concerns expressed at the public hearing.

4-150.003 – Changed subparagraph 3. of paragraph (b) of subsection (11) to read: State Refer to premium cost. If an advertisement which would otherwise be considered an invitation to inquire does state a cost, it shall be considered an invitation to contract pursuant to this rule chapter; or

4-150.103 – Changed subparagraph 3. of paragraph (b) of subsection (11) to read: State Refer to premium cost or rates. If an advertisement which would otherwise be considered an invitation to inquire does state cost or rates, it shall be considered an invitation to contract pursuant to this rule chapter; or

4-150.203 – Changed subparagraph 3. of paragraph (b) of subsection (9) to read: State Refer to premium cost. If an advertisement which would otherwise be considered an invitation to inquire does state a cost, it shall be considered an invitation to contract pursuant to this rule chapter; or

The remainder of the rule reads as previously published.

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE NO.:	RULE TITLE:
29F-3.110	Requests to Initiate Submitted by Others

NOTICE OF CHANGE

Notice is hereby given that proposed Rule Chapter 29F-3, F.A.C., published in the Florida Administrative Weekly, Vol. 25, No. 31, on August 6, 1999, has been changed to reflect

comments made by the Joint Administrative Procedures Committee. All other portions of Rule 29F-3 remain as published on that date, with the exception of non-published technical changes.

29F-3.110 Requests to Initiate Submitted by Others.

(1) Private interests may ask any jurisdiction to initiate the process.

(2) Any public or private organization, group or individual may request that the RPC recommend use of this process to address a potential dispute pertaining to a development proposal that would have an impact on an adjacent local government or identified state or regional resources or facilities, in accordance with 29F-3.109(5), ~~3.010(5)~~. Such a request shall be submitted in writing and shall include the information required for an initiation letter in 29F-3.109(2), ~~3.010(2)~~.

(3) After reviewing the information submitted by, and consulting with, the requesting organization, group or individual, the RPC staff will conduct a situation assessment and respond in writing. The situation assessment shall involve an informal review of provided documents and other information, interviews or meetings as necessary to determine the issues in dispute, the stakeholders, additional information which is needed to reach a decision and an opinion of whether the dispute meets the intent and purpose of the RDRP, as stated in 29F-3.101.

(4) If the RPC staff determines, through the situation assessment, that the potential dispute is suitable for the process, it shall transmit that determination in writing to the potential parties, as agreed upon by the RPC and the requester. If determined to be suitable for the process, the written determination shall include a recommendation that one or more of the jurisdictions among the potential parties initiate the process. The RPC may also suggest that other processes be used. Any party may request that the staff's determination of the suitability of the dispute for this process be reviewed by the governing board of the RPC at its next regularly scheduled meeting. Such requests must be made in writing and delivered to the Executive Director of the RPC within 15 days of the date of the staff's written determination. In making its decision, the governing board shall consider the situation assessment report, and other information which may be presented, for conformity with the criteria and intent of this chapter.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Winter Park, FL 32751

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 82 Specifics
RULE NO.: 53ER99-47
SUMMARY OF THE RULE: This emergency rule describes Instant Game 82, "TOP DOG," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners 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:

53ER99-47 Instant Game 82 Specifics.

(1) Name of Game. Instant Game Number 82 "TOP DOG."

(2) Price. TOP DOG tickets sell for \$1.00 per ticket.

(3) TOP DOG 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 TOP DOG 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 TOP DOG Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play captions in TOP DOG are as follows:

INSERT SYMBOLS

(5) The "PRIZE" symbols and captions in TOP DOG are as follows:

INSERT SYMBOLS

(6) Determination of Prize Winners.

(a) The holder of a ticket having three "PAWS" exposed in the play area in any one row, column or diagonal shall be entitled to a prize of the amount shown in the "PRIZE" play area, or if "TICKET" is shown in the "PRIZE" play area, shall be entitled to a prize of a free \$1.00 ticket.

(b) The holder of a ticket having three "HYDRANTS" exposed in the play area in any one row, column or diagonal shall be entitled to a prize of double the amount shown in the "PRIZE" play area.

(7) Prize amounts in Instant Game Number 82, TOP DOG are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$50.00, \$100 and \$500.

(8) Number and Size of Prizes. The following prizes will be available in the Instant Game Number 82, TOP DOG:

(a) Approximately 1,682,982 prizes falling in the cash categories per 42 pools of 240,000 tickets per pool.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 82 are as follows:

<u>GET 3 "PAWS" IN ANY ROW COLUMN OR DIAGONAL, WIN PRIZE. GET 3 "HYDRANTS" IN ANY ROW, COLUMN OR DIAGONAL WIN DOUBLE PRIZE:</u>		<u>WIN</u>	<u>NUMBER IN 42 POOLS</u>	<u>ODDS</u>
<u>TICKET</u>	<u>TICKET</u>			
\$1	\$1	1,176,000	1 in 8.57	
\$1 (DOUBLE)	\$2	436,800	1 in 23.08	
\$2	\$2	638,400	1 in 15.79	
\$2 (DOUBLE)	\$4	168,000	1 in 60.00	
\$4	\$4	235,200	1 in 42.86	
\$4 (DOUBLE)	\$8	67,200	1 in 150.00	
\$5 (DOUBLE)	\$10	67,200	1 in 150.00	
\$10	\$10	33,600	1 in 300.00	
\$50	\$50	33,600	1 in 300.00	
\$50 (DOUBLE)	\$100	2,100	1 in 4,800.00	
\$100	\$100	378	1 in 26,666.67	
\$500	\$500	378	1 in 26,666.67	
		126	1 in 80,000.00	

(9) The over-all odds of winning any prize in Instant Game Number 82 are 1 in 3.53.

(10) For reorders of Instant Game Number 82, the expected value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History--New 10-1-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 1, 1999

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Raymond Lavin on September 24, 1999, a petition for Variance or Waiver of Rule 11B-27.0026 and 11B-35.004(3), FAC, pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that a person who separated from employment and fails to obtain employment within four (4) years must complete

the training program in section 11B-35.008, FAC, and pass the basic recruit examination. Petitioner has also requested that the Department waive completion of the Cross-Over Training Program from Correctional Probation to Corrections based on Petitioner's training and experience in the corrections field.

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, Attention: Assistant General Counsel Rick Courtemanche.

A copy of the Petition may be obtained by contacting Assistant General Counsel Rick Courtemanche at the above address, or by calling (850)410-7676.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Telaleasing Enterprises, Inc., filed September 21, 1999, in Docket No. 991425-TC, seeking waiver from Rule 25-24.515(13), Florida Administrative Code. The rule requires that each pay telephone allow incoming calls. Comments on the petition should be filed with the Commission's Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice. A copy of the petition can be obtained from the Division of Records and Reporting. For additional information, please contact Clintina Watts, Division of Legal Services, at the above address or telephone (850)413-6199.

DEPARTMENT OF MANAGEMENT SERVICES

The Capitol Center Planning Commission hereby gives notice that it has received a petition, filed on September 23, 1999, from greenberg Traurig, P.A., seeking a waiver or variance of Rules 60F-3.005(5)(a) and 3.006(1)(d), Florida Administrative Code, with respect to an exterior ornamental canopy and the maximum building height for buildings situated in Block 28 of the Capitol Center. Comments on this petition should be filed with the Capitol Center Planning Commission, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950, within 14 days of publication of this notice.

For a copy of the petition, contact Trent Price, Executive Director, Capitol Center Planning Commission, at the above address or telephone (850)488-2074.

DEPARTMENT OF HEALTH

The Board of Orthotists and Prosthetists hereby gives notice that it received a petition for variance filed by Deloras M. Mullinix. The Petitioner is seeking a variance from the Board policy to require applicants for licensure as an orthotic fitter under section 468.803 to demonstrate two years experience as a licensed orthotic fitter assistant. The Board DENIED the petition pursuant to the Order filed in this matter.

A copy of the final order can be obtained from Joe Baker, Jr., Board of Orthotists and Prosthetists, Executive Director, 2020 S. E. Capital Circle, Southeast, BIN #C09, Tallahassee, Florida 32399-3259.

The Board of Orthotists and Prosthetists hereby gives notice that it received a petition for variance filed by Carla L. Landry. The Petitioner is seeking a variance from the Board policy to require applicants for licensure as an orthotic fitter under section 468.803 to demonstrate two years experience as a licensed orthotic fitter assistant. The Board DENIED the petition pursuant to the Order filed in this matter.

A copy of the final order can be obtained from Joe Baker, Jr., Board of Orthotists and Prosthetists, Executive Director, 2020 S. E. Capital Circle, Southeast, BIN #C09, Tallahassee, Florida 32399-3259.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection
- DATE AND TIME: October 26, 1998, 9:00 a.m.
- PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215, F.S. and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The

Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact

under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members, at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Office of International Affairs** announces a meeting of the "Our World In The New Millennium" Sister City Grant panel appointed by the Secretary of State to which all interested persons are invited.

DATE AND TIME: October 26, 1999, 10:00 a.m.

PLACE: Senate Office Building, Committee Room A, Tallahassee, FL

PURPOSE: The purpose of this meeting is to discuss the "Our World In The New Millennium" grant applications with the entire panel. This review will determine scoring for each eligible application; however, the panel will not decide exact funding.

The **Department of State, Division of Historical Resources**, Florida National Register Review Board announces a public meeting to which all interested parties are invited:

DATE AND TIME: Friday, October 29, 1999, 9:00 a.m.

PLACE: Third Floor, Conference Room, R. A. Gray Building, Tallahassee, Florida

PURPOSE: Review of National Register Nomination Proposals.

A copy of the agenda may be obtained by writing: Survey and Registration Section, Division of Historical Resources, Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any person with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Historic Preservation Advisory Council** announces three public meetings to which all persons are invited.

DATES AND TIMES: Tuesday, November 16, 1999, 9:00 a.m.; Wednesday, November 17, 1999, 9:00 a.m.; Thursday, November 18, 1999, 9:00 a.m.

PLACE: R. A. Gray Building, Auditorium, 500 South Bronough Street, Tallahassee, FL

PURPOSE: To review applications submitted to the Bureau of Historic Preservation by August 31, 1999 for State and Federal grant assistance for historic preservation projects and to recommend priority ranking and funding levels for grant awards.

A copy of the agenda may be obtained by writing: Dr. Janet Snyder Matthews, Chief, Bureau of Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250 or calling (850)487-2333.

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, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request

any special assistance. Please contact the Bureau of Historic Preservation by telephone (850)487-2333 or by Fax (850)922-0496.

DEPARTMENT OF LEGAL AFFAIRS

The **Office of the Attorney General**, Florida Motor Vehicle Theft Prevention Authority announces a public meeting of the Board of Directors of the Florida Motor Vehicle Theft Prevention Authority to which all interested persons are invited.

DATE AND TIME: Wednesday, December 1, 1999, 10:00 a.m.

PLACE: Office of the State Attorney, Ninth Judicial Circuit, Court House Complex, 415 North Orange Avenue, Fifth Floor, Conference Room, Orlando, Florida

PURPOSE: Quarterly meeting of the Board of Directors as required by Florida Statute. Consideration of matters as presented in the agenda for the meeting.

A copy of the agenda may be obtained by contacting: Mary Mills, Florida Motor Vehicle Theft Prevention Authority, Office of the Attorney General, The Capitol, Room PL-01, Tallahassee, Florida 32399-1050, or by calling (850)414-3362.

A request for the agenda may be faxed to the Authority Office, (850)413-0633. TDD users, please call through the Florida Relay Service at 1(800)955-8771.

If special accommodations are needed to attend this meeting because of a disability, please contact Mary Mills no later than seven days prior to the proceedings at (850)414-3362. If hearing impaired, contact Mary Mills via Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATES AND TIME: Wednesday, November 3, 1999; Thursday, November 4, 1999, 8:30 a.m. – 5:00 p.m.

PLACE: Room 2002, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer's reports.

For a copy of the agenda call Steve Christensen, telephone (850)922-4539.

If you need an accommodation because of disability in order to participate, please call Steven Christensen at least 48 hours before the meeting.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 26, 1999, 11:00 a.m. – 1:00 p.m.
 PLACE: Indigo Lakes Holiday Inn, Plantation Room, 2620 West International Speedway Blvd., Daytona Beach, FL
 PURPOSE: This is a meeting of the Florida Propane Education, Safety and Research (FPGSER) Council and representatives of the DACS Marketing Division to review the marketing, research and educational proposals developed pursuant to the FPGSER Act. Additional information may be obtained by writing: Vicki O’Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650 or by calling Vicki O’Neil, (850)921-8001.

Pursuant to 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 in advance by contacting Ms. O’Neil at the number above.

The **African Bee Task Force** announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, October 25, 1999, 10:00 a.m.
 PLACE: Doyle Conner Building, Auditorium, 1911 S. W. 34th Street, Gainesville, Florida 32608

PURPOSE: To consider the following agenda items:

- 1) Organization – select chairman
- 2) Update on the African bee movement
- 3) Update on research
- 4) Recommendations

If you need a special accommodation in order to attend this meeting because of a disability, please let us know by October 18, 1999.

A copy of the agenda may be obtained by writing: Mr. Laurence Cutts, Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100, Telephone (352)372-3505.

The Florida **Department of Agriculture and Consumer Services** announces a Notice of Public Meeting of the Fertilizer Technical Council, to which all persons are invited:

DATE AND TIME: November 5, 1999, 10:00 a.m.
 PLACE: Division of Plant Industry, Doyle Conner Building, 1911 Southwest 34th Street, Gainesville, Florida 32614, Telephone (352)372-3505

PURPOSE: Fertilizer Technical Council Meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: You may contact: Mr. Dale Dubberly, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8, L-29, Tallahassee, Florida 32399-1650, Telephone (850)488-8731.

If special accommodations are needed to attend this meeting because of a disability, please call Dale Dubberly as soon as possible.

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Agriculture and Horse Park Authority to which all persons are invited:

DATE AND TIME: October 26, 1999, 10:00 a.m.
 PLACE: Executive Office of Seminole Stores, 335 N. W. Watula Avenue, Ocala, Florida

PURPOSE: Florida Agriculture Center and Horse Park Authority will conduct a workshop with the design team for the redesign of the conceptual site plan.

A copy of the agenda can be obtained by contacting: Stephen Monroe, Mayo Building, Room 431, Tallahassee, Florida 32399-0800 or by calling (850)488-4132.

If special accommodations are needed to attend this meeting because of a disability, please contact Stephen Monroe.

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Arabian Horse Advisory Council to which all persons are invited:

DATE AND TIME: October 28, 1999, 1:00 p.m.
 PLACE: Town and Country Farms, Route 1, Box 624, Micanopy, Florida 32667

PURPOSE: General and Executive Committee Meeting.

For more information contact chairperson Hilton “Sonny” Werneth (352)591-2600.

A copy of the agenda can be obtained by contacting: Stephen Monroe, Mayo Building, Room 431, Tallahassee, Florida 32399-0800 or by calling (850)488-4132.

If special accommodations are needed to attend this meeting because of a disability, please contact Stephen Monroe.

The **Department of Agriculture and Consumer Services** announces a meeting of the Citrus Production Research Advisory Council to which all persons are invited.

DATE AND TIME: November 9, 1999, 10:00 a.m.
 PLACE: Highlands County Agricultural Center, 6400 Highway 27, South, Sebring, Florida

PURPOSE: For the Council to review citrus research project pre-proposals for the year 2000-2001 and address other issues as needed.

If special accommodations are needed to attend this meeting because of a disability, please contact Pleas Strickland, (850)488-5831.

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited:

DATE AND TIME: Friday, November 5, 1999, 10:00 a.m.
 PLACE: 115 S. Andrews Avenue, Room 301, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumers’ Council will be meeting to discuss consumer-related issues and proposed legislation for the 2000 Florida session addressing issues of interest to consumers.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 233 Mayo Building, 407 S. Calhoun Street, Tallahassee, Florida 32399-0800, Telephone (850)922-2966.

The **Forestry Arson Alert Association**, Inc. announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, November 10, 1999, 1:30 p.m.

PLACE: Ocala/Silver Springs Hilton, Ocala, Florida (I-75 & SR 200, Exit 68)

PURPOSE: To consider the following agenda items: 1) Arson rewards; 2) Budget; 3) Prevention Items; 4) New Business.

A copy of the agenda may be obtained by writing: Mr. L. Earl Peterson, Division of Forestry, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, Telephone (850)488-6111.

DEPARTMENT OF EDUCATION

The **Department of Education**, Blue Ribbon Committee on Education Governance announces a public meeting to which all persons are invited.

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

PLACE: Hillsborough Community College, Dale Mabry Campus, Student Services Building Auditorium, 4001 Tampa Bay Boulevard, Tampa, Florida

PURPOSE: To continue discussion of the education governance affected by the passage of Constitutional Amendment 8 during the 1998 elections. The Committee will consider public testimony in preparation for recommendations to the Florida Legislature. Public testimony will be held beginning at 11:30 a.m.

A copy of the agenda may be obtained by writing: Kathy Mizereck, Director, Legislative Affairs, Department of Education, LL-24, The Capitol, Tallahassee, Florida 32399-0400.

Any 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 proceedings at the address given on the notice, Telephone (850)488-9513.

The State of Florida, **Education Practices Commission** announces a Teacher Hearing Panel to which all persons are invited.

DATE AND TIME: October 29, 1999, 8:30 a.m., or as soon thereafter as can be heard

PLACE: The Embassy Suites, Tampa Airport, Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

PURPOSE: A Teacher Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining teachers.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or 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.

Additional information may be obtained by writing: Education Practices Commission, Florida Education Center, 325 W. Gaines Street, Room 224-E, Tallahassee, Florida 32399-0400. Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)488-0547, at least five calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Florida Art in State Buildings Program** (FAMU) announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, October 21, 1999, 9:00 a.m.

PLACE: Florida A & M University, Plant Operation, 2400 Wahnish Way, Room 120B, Tallahassee, Florida 32307, (850)561-2842

PURPOSE: To hold a Slide Review meeting to review entries and select artists as finalists for FAMU Art In State Buildings Project #BR-371, Science and Research Facility, Leon County, Tallahassee, Florida.

Committee: Art Selection Committee.

For more information, please contact: Kenneth Falana, User Agency Representative, Art In State Buildings Program, Florida A & M University, Tallahassee, Florida, 32307, (850)561-2842.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Art In State Buildings Program.

The Board of Trustees of the Florida **School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, October 23, 1999, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 North San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

The State **Board of Independent Colleges and Universities** announces public meetings to which all persons are invited:

DATE AND TIME: Thursday, October 28, 1999, 10:00 a.m. – 9:30 p.m.

PLACE: IMPAC University, 900 West Marion Avenue, Punta Gorda, Florida

PURPOSE: 1) Committee Meeting on Licensing, 10:00 a.m. – 12:00 p.m.

2) SBICU Retreat for Board Members, 2:00 p.m. – 5:00 p.m.

3) Advisory Council Meeting, 7:30 p.m. – 9:30 p.m.

DATE AND TIME: Friday, October 29, 1999, 8:30 a.m. – 3:00 p.m.

PURPOSE: SBICU Quarterly Board Meeting.

The Board welcomes participation from any interested members of the public.

Any person who desires a copy of the proceedings should arrange to tape the meetings.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he or 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise the Board at least five calendar days before the meeting by contacting Mary Cook, (850)488-8695.

The State **Board of Community Colleges** announces the following conference call to which all persons are invited:

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

PLACE: Ralph Turlington Building, Room 1314, 325 W. Gaines Street, Tallahassee, Florida. To participate in the conference call, dial Suncom 291-5320 or (850)921-5320.

PURPOSE: Preliminary review of community college audits for Board action by the Finance Subcommittee on Audits.

If you need additional information, write: Division of Community Colleges, 1314 Ralph Turlington Building, 325 W. Gaines Street, Tallahassee, Florida 32399-0400.

The Florida Community College Distance Learning Consortium of the State **Board of Community Colleges** announces the following public meeting to which all persons are invited to participate:

DATE AND TIME: Wednesday, November 3, 1999, 1:00 p.m. – 5:00 p.m. (EST)

PLACE: Sheraton World Resort, 10100 International Drive, Orlando, Florida (In Conjunction with the Florida Association of Community Colleges Convention)

PURPOSE: Regular Quarterly Business Meeting.

NOTE: If you need additional information or special services to participate in the meeting, please contact: Florida Community College Distance Learning Consortium, 816 South Martin Luther King Boulevard, Tallahassee, FL 32301, Telephone (850)222-7823.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a meeting to which all interested persons are invited.

CSBG FARM WORKER STUDY GROUP

DATE AND TIME: October 26, 1999, 1:00 p.m. – 4:30 p.m.

PLACE: Betty Easley Conference Center, Room 182, 4075 Esplanade Way, Tallahassee, Florida 32399, Telephone (850)488-7541

PURPOSE: The purpose of this group is to make recommendations to the state CSBG Advisory Committee and the DCA concerning how farm workers can be best served throughout the state with CSBG funds. These discussions will include the uses and distribution of the \$100,000 farm worker emergency set-aside, as well as, the proposed .5 percent farm worker training and technical assistance funds, and methods of estimating the farm worker population.

A copy of the agenda may be obtained by calling or writing: Hilda Frazier, Planning Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or appearing in person at the agency headquarters.

If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting, he or she will be required to provide a record of the proceedings, and for such purposes he or she must ensure that an official record is made, including the testimony and evidence upon which the appeal is to be made.

Any person requiring special accommodations at this meeting because of a disability or a physical impairment should contact the CSBG program at (850)488-7541, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the CSBG program using the Florida Dual Party Relay System which can be reached at 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 16, 1999, 10:00 a.m.

PLACE: The Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida

PURPOSE: The Criminal and Juvenile Justice Information Systems Council will conduct its regular meeting to discuss state and national issues in areas of criminal and juvenile justice information and information systems.

Individuals with a disability as defined by the Americans with Disabilities Act (ADA) may call Senior Management Analyst Becky Panebianco, (850)410-7126, about accommodations that would enable attendance.

A copy of the agenda may be obtained by writing: Senior Management Analyst, Becky Panebianco, Florida Department of Law Enforcement, Division of Criminal Justice Information Systems, Strategic Planning and Systems Integrity, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-7126, Suncom 210-7126.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation** announces one public teleconference of the Florida Freight Stakeholders Task Force Executive Committee to which all interested persons are invited.

DATE AND TIME: October 22, 1999, 11:00 a.m. – 12:00 p.m.

PLACE: Teleconference Only. Executive Committee, Telephone (850)633-5802, I.D. #2000, Florida Department of Transportation, Haydon Burns Building, 605 Suwannee Street, Room 580, Tallahassee, Florida 32399

PURPOSE: General Business, Teleconference.

A copy of the agenda for each meeting may be obtained one week in advance by writing: Robert G. Hebert, Jr., Administrator-Ports/Intermodal, Florida Department of Transportation, Rail Office, M.S. #25, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

Additional information on the teleconference may be obtained by calling (850)414-4546. Written or other physical evidence may be offered into evidence by submitting it to: Robert G. Hebert, Jr., Administrator-Ports/Intermodal, Florida Department of Transportation, Rail Office, M.S. #25, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

The Florida **Department of Transportation**, District 2 announces a public hearing to which all persons are invited:

DATE AND TIME: November 9, 1999, 7:00 p.m.

PLACE: Whitehouse Elementary School, Media Room, 11160 General Avenue, Jacksonville, Florida

PURPOSE: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social economic and environmental effects of Financial Management Number 213317-1, State Project No. 72270-1465, Federal Aid Project Number IM-10-5(107)352, otherwise known as I-10 Rest Area in Duval County. The proposed improvements will provide relocation/reconstruction of the existing Eastbound Rest Area which is located on Interstate 10 approximately 1 mile west of Chaffee Road and the existing West Bound Rest Area is located approximately 2 miles west of Chaffee Road. These Rest Areas will be relocated to approximately 2.8 miles east of the US-301/I-10 Interchange. Each Rest Area will require approximately 20 acres of right of way.

Anyone needing project or public hearing information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call telephone number (904)752-3300 or 1(800)749-2967. Special accommodations requested under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Huey Hawkins, District Secretary, Florida, Department of Transportation, District 2, Post Office Box 1089, Lake City, Florida 32056-1089.

The Florida **Department of Transportation**, District 7, announces a Public Hearing to which all persons are invited.

DATE AND TIME: Monday, November 15, 1999, 4:30 p.m. – 7:30 p.m. (with formal presentation at 6:00 p.m.)

PLACE: Calvary Episcopal Church, 1615 1st Street, Indian Rocks Beach, Florida 33785

PURPOSE: This Hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Work Program Item Segment Number: 257083 1; FAP No: XA-1255(18); S.R. 699 (Gulf Boulevard) from Park Boulevard to Walsingham Road, Indian Rocks Beach/Indian Shores, Florida.

A copy of the agenda may be obtained by writing: Kenneth A. Hartmann, P. E., District Seven Secretary, Florida Department of Transportation, 11201 N. McKinley Drive, Tampa, Florida 33612-6456.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIMES: October 27, 1999, 9:00 a.m., Committee Meetings; 10:30 a.m., Regular Monthly Meeting

PLACE: Florida Department of Citrus, 1115 East Memorial Boulevard, Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular monthly meeting.

A copy of the agenda may be obtained by contacting: Florida Department of Citrus, Attention: Executive Office, Post Office Box 148, Lakeland, Florida 33802.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone (941)499-2510.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces the relocation of the following hearing in Docket No. 990750-TP – Petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom for arbitration of certain unresolved issues in interconnection negotiations between ITC^DeltaCom and BellSouth Telecommunications, Inc.

DATE AND TIME: October 27- 29, 1999, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida, Room changed from 148 to 152.

The Florida **Public Service Commission** announces a prehearing conference and hearing to be held in the following dockets, to which all interested persons and parties are invited to attend:

DOCKET NO. 990001-EI – Fuel and Purchased Power Cost Recovery Clause and Generating Performance Incentive Factor;

DOCKET NO. 990002-EG – Energy Conservation Cost Recovery Clause;

DOCKET NO. 990003-GU – Purchased Gas Adjustment (PGA) True-Up; and

DOCKET NO. 990007-EI – Environmental Cost Recovery Clause.

DATES AND TIMES: Prehearing Conference, Thursday, November 4, 1999, 9:30 a.m., Hearing, Monday, November 22, 1999, 9:30 a.m., Tuesday, November 23, 1999, has also been reserved for continuation of the hearing, if necessary. The starting time of the next day’s session will be announced at the conclusion of each day. The hearing may be adjourned early if all testimony is concluded.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301.

PURPOSE: To receive testimony and exhibits relative to the following issues and subjects:

1. Fuel and Purchased Power Cost Recovery Factors;
2. Generating Performance Incentive Factors;
3. Energy Conservation Cost Recovery Factors;
4. Purchased Gas Adjustment Factors; and
5. Environmental Cost Recovery Factors

to be established for Florida’s investor-owned natural gas and electric utilities, as applicable.

JURISDICTION: Florida Public Service Commission jurisdiction over the rates and charges of investor-owned utilities is established by the provisions of Sections 366.06 and 366.07, Florida Statutes. Jurisdiction to consider recovery of environmental costs is established by the provisions of Section 366.8255, Florida Statutes.

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

NOTICE OF CHANGE – The **Public Service Commission** at the agenda conference scheduled for:

DATE AND TIME: November 30, 1999, 9:30 a.m.

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL

PURPOSE: Docket No. 980569-PU, will consider approving the proposed amendments to Rule 25-4.141, Minimum Filing Requirements for Rate-of-Return Regulated Local Exchange Companies; Commission Designee; Rule 25-4.202, Construction and Waivers. The proposed amendments delete the provisions for waivers of the rules. The rules were originally noticed in the Florida Administrative Weekly on December 31, 1998, Vol. 24, No. 53, pp. 7063-7064. A public hearing was held on August 12, 1999. The person to be contacted regarding the rule is Christiana T. Moore, (850)413-6098.

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

NOTICE OF CHANGE – The **Public Service Commission** at the agenda conference scheduled for:

DATE AND TIME: November 30, 1999, 9:30 a.m.

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL

PURPOSE: Docket No. 980569-PU, will consider approving the proposed amendments to Rule 25-6.002, Application and Scope, Rule 25-6.043, Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee, and Rule 25-6.0438, Non-Firm Electric Service-Terms and Conditions. The proposed amendments delete the provisions for waivers of the rules. The rules were originally noticed in the Florida Administrative Weekly on December 31, 1998, Vol.

24, No. 53, pp. 7064-7065. A public hearing was held on August 12, 1999. The person to be contacted regarding the rules is Christiana T. Moore, (850)413-6098.

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

NOTICE OF CHANGE – The Public Service Commission at the agenda conference scheduled for:

DATE AND TIME: November 30, 1999, 9:30 a.m.

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL

PURPOSE: Docket No. 980569-PU, will consider approving the proposed amendments to 25-17.087, Interconnection and Standards. The proposed amendments delete the provisions for waivers of the rules. The rules were originally noticed in the Florida Administrative Weekly on December 31, 1998, Vol. 24, No. 53, pp. 7065-7066. A public hearing was held on August 12, 1999. The person to be contacted regarding the rules is Christiana T. Moore, (850)413-6098.

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

NOTICE OF CHANGE – The Public Service Commission, at the agenda conference scheduled for:

DATE AND TIME: November 30, 1999, 9:30 a.m.

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL

PURPOSE: Docket No. 980569-PU, will consider approving the proposed amendments to 25-24.455, Scope and Waiver. The proposed amendments delete the provisions for waivers of the rules. The rules were originally noticed in the Florida Administrative Weekly on December 31, 1998, Vol. 24, No. 53, pp. 7066-7067. A public hearing was held on August 12, 1999. The person to be contacted regarding the rules is Christiana T. Moore, (850)413-6098.

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

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

NOTICE OF CHANGE – The Public Service Commission at the agenda conference scheduled for:

DATE AND TIME: November 30, 1999, 9:30 a.m.

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL

PURPOSE: Docket No. 980569-PU, will consider approving the proposed amendments to Rule 25-30.010, Rules for General Application, Rule 25-30.011, Application and Scope, Rule 25-30.436, General Information and Instructions Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase, Rule 25-30.450, Burden of Proof and Audit Provisions, Rule 25-30.455, Staff Assistance in Rate Cases, Rule 25-30.456, Staff Assistance in Alternative Rate Setting, Rule 25-30.570, Imputation of Contributions-in-Aid-of-Construction, and Rule 25-30.580, Guidelines for Designing Service Availability Policy. The proposed amendments delete the provisions for waivers of the rules. The rules were originally noticed in the Florida Administrative Weekly on December 31, 1998, Vol. 24, No. 53, pp. 7067-7069. A public hearing was held on August 12, 1999. The person to be contacted regarding the rules is Christiana T. Moore, (850)413-6098.

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

REGIONAL PLANNING COUNCILS

The **Central Florida Regional Planning Council** announces a public meeting of the Hardee County Transportation Disadvantaged Local Coordinating Board, to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 1999, 9:00 a.m.

PLACE: Hardee County Commission Chambers, 412 West Orange Street, Room A204, Courthouse Annex, Wauchula, Florida

PURPOSE: Regular Quarterly LCB Meeting.

To receive information regarding the agenda or if there are any questions contact Marcia Staszko, (941)534-7130, ext. 103.

In accordance with the American 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 date given on the notice.

The **Central Florida Regional Planning Council** announces a public meeting of the Okeechobee County Transportation Disadvantaged Local Coordinating Board, to which all persons are invited.

DATE AND TIME: Friday, October 22, 1999, 10:00 a.m.
PLACE: Okeechobee County Health Department, 1728 N. W. 9th Avenue, Okeechobee, Florida
PURPOSE: Regular Quarterly LCB Meeting.

To receive information regarding the agenda or if there are any questions contact Marcia Staszko, (941)534-7130, ext. 103.
In accordance with the American 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 date given on the notice.

The **Central Florida Regional Planning Council** announces a public meeting of the Highlands County Transportation Disadvantaged Local Coordinating Board, to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 1999, 1:30 p.m.
PLACE: Highlands County Agri-Civic Center, 4509 West George Boulevard, Sebring, Florida
PURPOSE: Regular Quarterly LCB Meeting.

To receive information regarding the agenda or if there are any questions contact Marcia Staszko, (941)534-7130, ext. 103.
In accordance with the American 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 date given on the notice.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 3, 1999, 9:30 a.m.
PLACE: Highlands County HRS Health Department, Conf. Room, 7205 South George Boulevard, Sebring, Florida
PURPOSE: Regular Monthly Meeting of the Council.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may

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.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 1, 1999, 10:30 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; Proposed Local Government Comprehensive Plan Amendment for Pembroke Park; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for Davie; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD) if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The District II, **Local Emergency Planning Committee** (LEPC) 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: October 20, 1999, 10:00 a.m., Eastern Time, 9:00 a.m., Central Time
PLACE: Thomas P. Smith Wastewater Treatment Facility, 3805 Springhill Road, Tallahassee, Florida
PURPOSE: To hold the regularly scheduled LEPC meeting.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 314 East Central Avenue, Blountstown, FL 32424 or calling (904)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact the 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.

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: October 28, 1999, 10:30 a.m. Eastern Time, 9:30 a.m., Central Time

PLACE: The Clarion Capital 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 (904)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 **Central Florida Regional Transportation Authority (LYNX)** announces the following public meeting of the Governing Board of the Authority to which all persons are invited.

DATE AND TIME: October 28, 1999, 2:30 p.m.

PLACE: Educational Leadership Center, Board Room, 1st Floor, 445 W. Amelia Street, Orlando, FL 32801

PURPOSE: Regularly Scheduled Board Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order.
2. Presentations, if any.
3. Approval of Minutes.
4. Consent Items.

5. Action Items.
6. Chairman's Report.
7. Executive Director's Report.
8. Other Business.

A copy of the detailed agenda may be obtained by contacting: Sandy Bazinet, Assistant Secretary, Central Florida Regional Transportation Authority, 445 W. Amelia Street, Suite 800, Orlando, Florida 32801, (407)841-2279.

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 Ron Jones, (407)841-2279, at least 48 hours before the meeting. If hearing impaired, contact the Authority, (407)423-0787 (TDD).

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: November 1, 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: November 1, 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: Mary Staples, Administrative Assistant II, 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).

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces a telephone conference of its Coordinating Committee to discuss general issues.

DATE AND TIME: Wednesday, October 20, 1999, 10:00 a.m.

PLACE: Call (850)487-2613 for instruction on participation.

PURPOSE: The purpose of the meeting is to discuss issues to be on the agenda for the full Workers' Compensation Oversight Board meeting.

For further information about this telephone conference, contact: Julie Douthit, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, telephone number (850)487-2613, two days prior to the date of the meeting.

In the event meeting time and/or place changes, notice of change will be posted on meeting notice bulletin board: 2574 Seagate Drive, Suite 100 Marathon Building, Tallahassee, Florida 32399-2152. You may call (850)487-2613.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech

impaired, please contact Becky Thomas using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces a telephone conference of its Fraud Committee to discuss general issues.

DATE AND TIME: Monday, October 25, 1999, 1:30 p.m.

PLACE: Call (850)487-2613 for instruction on participation.

PURPOSE: The purpose of the meetings is to discuss issues of interest to the Fraud Committee.

For further information about this telephone conference, contact: Becky Thomas, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, telephone number (850)487-2613, two days prior to the date of the conference call.

In the event time and/or date changes, notice of change will be posted on meeting notice bulletin board: 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152. You may call (850)487-2613.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least five business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact Donna Kornatowski using the Florida Dual Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces meeting to which the public is invited.

DATE AND TIME: November 3, 1999, 9:00 a.m.

PLACE: Suite 200, Webster Building, 2671 Executive Circle, West, Tallahassee, Florida

PURPOSE: The purpose is to discuss issues of interest to the Board and Committees.

For a copy of the agenda or for further information about this meeting, contact: Julie Douthit, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, telephone number (850)487-2613.

In the event meeting time and/or place changes, notice of change will be posted on meeting notice bulletin board: 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152. You may call (850)487-2613.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech

impaired, please contact Becky Thomas using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Labor and Employment Security, Division of Vocational Rehabilitation** and the Florida Rehabilitation Council in partnership with the Occupational Access and Opportunities Commission announce the following public forums. The purpose is to receive comments, suggestions, and recommendations concerning both the reassignment of the Division from the Department of Labor to the Occupational Access and Opportunities Commission in the Department of Education and the redesign of the system for delivering Vocational Rehabilitation services to the citizens of Florida. In addition, this information will assist in the development of the State Plan.

DATE AND TIME: Monday, October 25, 1999, 4:00 p.m. – 7:00 p.m.

PLACE: B. C. C., North Regional Library, Building 62, Room 154, 1100 Coconut Creek Boulevard, Coconut Creek, FL 33066

CONTACT: Phyllis Moore (954)714-3519

DATE AND TIME: Tuesday, October 26, 1999, 4:00 p.m. – 6:30 p.m.

PLACE: Port St. Lucie Community Center, 2195 South East Airoso Boulevard, Port St. Lucie, FL 34984

CONTACT: Joan Mayo (561)871-7672

Interpreters for the deaf will be available. Individuals requiring other accommodations or assistance should contact the individuals listed above no later than October 20, 1999. Written comments may be sent to: Tamara Allen, Director, Division of Vocational Rehabilitation, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following Facilities/Planning/Construction Committee meeting:

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

PLACE: Orlando Service Center, 618 East South Street, Orlando, FL 32801

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).

NOTE: 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 **St. Johns River Water Management District** announces a Land Acquisition and Management Committee Meeting and tour to which all persons are invited.

DATE AND TIME: Thursday, October 28, 1999, 1:30 p.m. – 3:30 p.m.

PLACE: World Golf Village Resort Hotel, St. Augustine, Florida

PURPOSE: To review land management and land acquisition activities.

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).

NOTE: 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 **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

DATES AND TIME: November 16, 1999, 9:00 a.m., continuing November 17, 1999, 9:00 a.m., if needed

PLACE: Governing Board Room, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899

PURPOSE: The acquisition of certain lands eligible to be considered for funding from the Water Management Lands Trust Fund (Save Our Rivers)/Florida Preservation 2000 Trust Fund which lands are further described as follows:

Part of the Green Swamp project comprised of one parcel referred to as SWF Parcel No.: 10-200-157, consisting of approximately 7,660± acres and lies in part or all of Sections 22, 23, 25, 26, 27, 34, 35 and 36, Township 25 South, Range 23 East and Sections 2, 3, 10 and 11, Township 26 South, Range 23 East in Polk County, Florida; and

Part of the Green Swamp project comprised of one parcel referred to as SWF Parcel No.: 10-200-1216C, consisting of approximately 85.72± acres to be acquired by conservation easement, lying in Section 23, Township 23 South, Range 24 East in Lake County, Florida; and

Part of the Green Swamp project comprised of one parcel referred to as SWF Parcel No.: 10-200-676, consisting of approximately 5± acres and lying in Section 25, Township 24 South, Range 24 East in Lake County, Florida.

Any person deciding to appeal any decision made by the District Governing Board concerning the above-referenced hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

A copy of the agenda or a more specific legal description of the lands proposed for acquisition may be obtained by contacting Fritz H. Musselmann, Land Resources Director, Southwest Florida Water Management District, at the above address. The District does not discriminate based on disability status. Anyone requiring reasonable accommodations under the ADA should call 1(800)423-1476 (Florida only), extension 4452; Fax (352)754-6877; TTD only 1(800)231-6103.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: October 21, 1999, 9:30 a.m. – 12:30 p.m.

PLACE: Orlando Utilities Commission, 3800 Gardenia Avenue, Orlando, Florida

PURPOSE: To review and gather public input on the Kissimmee Basin Water Supply 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 further information, contact Chris Sweazy, (407)858-6100.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: October 21, 1999, 10:00 a.m. – 5:00 p.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: A SB1672 pre-application conference will be held with applicable state and federal agencies to discuss the permitability and operability of certain projects related to the Central and Southern Florida Project Comprehensive Review Study.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

For further information, contact John Mulliken, Project Manager, (561)682-6649.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: October 25, 1999, 1:00 p.m. – 4:00 p.m.

PLACE: South Florida Water Management District, B-1 Conference Room 2B, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: The Level of Certainty Subcommittee of the Lower East Coast Regional Water Supply Plan will meet to review and discuss "1 in 10" Level of Certainty and discuss other matters related to the development of the Lower East coast Regional Water Supply 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 further information, contact John Mulliken, Project Manager, (561)682-6649.

The South Florida Water Management District announces a public workshop of the Miami-dade County Lake Belt Plan Implementation Committee to which all interested parties are invited:

DATE AND TIME: October 21, 1999, 10:00 a.m.
PLACE: South Florida Water Management District Miami Field Station, 9001 N. W. 58th Street, Miami, Florida
PURPOSE: Workshop session to discuss the Lake Belt Detailed Master Plan, including wellfield protection and non-mining issues. The Committee's 1999 Progress Report will also be discussed.

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 Miami-Dade County Lake Belt Plan Implementation Committee decision require a record of the proceedings. Affected persons are advised 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 of the meeting to make appropriate arrangements.

For more information, contact the Project Manager, Jim Jackson, (561)682-6334.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida Commission for the Transportation Disadvantaged, the American's with Disabilities Working Group and the Division of Blind Services announces a Blind Services Forum to which all persons are invited.

DATE AND TIME: Saturday, October 23, 1999, 10:00 a.m. – 2:00 p.m.

PLACE: 401 Northwest 6th Street, Santa Fe Community College, Gainesville, Florida, the Training Room, (352)395-5645.

PURPOSE: To provide and exchange information regarding the transportation disadvantaged program and the transportation service delivery in the area.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact John Dehmer at the following address and telephone number: American's with Disabilities Working Group, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)487-3423. The meeting is subject to change upon chairperson's request.

DEPARTMENT OF ELDER AFFAIRS

The Department of Elder Affairs announces a public meeting to which all persons are invited:

SHINE (Serving Health Insurance Needs of Elders) Steering Committee Meeting.

DATE AND TIME: Wednesday, October 27, 1999, 9:00 a.m.

PLACE: DoubleTree Guest Suites, Orlando Airport, 7550 Augusta National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Elder Insurance and Benefits Counseling, and Curriculum Development Issues.

A copy of the agenda may be obtained by contacting: Shelia Kilpatrick, (850)414-2060.

The Department of Elder Affairs announces a public meeting to which all persons are invited:

DATE AND TIME: Monday, November 8, 1999, 1:00 p.m.

PLACE: Marriott Hotel, Tampa International Airport, Tampa FL

PURPOSE: Meeting of the Secretary with CCE Lead Agencies.

A copy of the agenda may be attained by contacting Michelle Davila, (850)414-2000.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Probable Cause Panel (South), Board of Medicine announces a meeting.

DATE AND TIME: Wednesday, October 13, 1999, 6:00 p.m. or soon thereafter

PLACE: Hilton Palm Beach Airport, 150 Australian Avenue, West Palm Beach, Florida 33406, (561)684-9400

PURPOSE: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted: P. O. Box 14229, Tallahassee, Florida 32317-4229, Telephone (850)922-2414; 1(800)955-8771(TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Probable Cause Panel (North), Board of Medicine announces a meeting.

DATE AND TIME: Friday, October 29, 1999, 1:00 p.m. or soon thereafter

PLACE: Agency for Health Care Administration, Conference Room, 1580 Waldo Palmer Lane, Tallahassee, Florida 32308, (850)487-9700

PURPOSE: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted: P. O. Box 14229, Tallahassee, Florida 32317-4229, Telephone (850)922-2414; 1(800)955-8771(TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Agency for Health Care Administration** announces a meeting of the Advisory Group on the Submission and Payment of Health Claims' Workgroup II to which all interested parties are invited.

DATE AND TIME: Wednesday, October 20, 1999, 10:00 a.m.

PLACE: Winter Park Memorial Hospital Conference Center, 200 North Lakemont Avenue, Winter Park, FL 32792, (407)646-7000

PURPOSE: Develop goals relating to the clarification of emergency room law.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Bruce Carpenter, (813)273-7474 at least five calendar days prior to the meeting. A copy of the agenda may be obtained by writing: Bruce Carpenter, 1410 North Westshore Boulevard, Suite 200, Tampa, FL 33607.

The **Agency for Health Care Administration** announces a meeting of the Advisory Group on the Submission and Payment of Health Claims' Workgroup III to which all interested parties are invited.

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

PLACE: Winter Park Memorial Hospital, Dining Room B, 200 North Lakemont Avenue, Winter Park, FL 32792, (407)646-7000

PURPOSE: Develop goals relating to business expenses of electronic billing, processing, status, reporting and profiling.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Kathryn Torres, (904)391-1173, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Kathryn Torres, 3627 University Boulevard, Suite 810, Jacksonville, FL 32216.

The **Agency for Health Care Administration** announces a meeting of the Florida Statewide Organ and Tissue Procurement and Transplantation Advisory Board meeting in Tampa, Florida, to which all persons are invited.

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

PLACE: Board Room, Central Florida Lions Eye and Tissue Bank, 5523 West Cypress, Suite 100, Tampa, FL 33607

PURPOSE: The purpose of the meeting is to review possible revisions to Ch. 59A-1, Florida Administrative Code; funeral home charges to procurement agencies and to donor families; possible consolidation of the Organ Transplant Advisory Council, Organ and Tissue Procurement and Transplantation Advisory Board, and the Organ and tissue Donor Education Panel; and to conduct the normal business of the advisory board.

Note: If you need a special accommodation in order to attend this meeting because of a disability, please notify the Agency for Health Care Administration in writing, 2727 Mahan Drive, Tallahassee, FL 32308, or by phone call Jo Ann Linch, (850)487-2717.

The **Agency for Health Care Administration** (AHCA) has scheduled a statewide workgroup meeting:

DATE AND TIME: Wednesday, November 3, 1999, 10:30 a.m. – 1:00 p.m.

PLACE: Sheraton Suites, 4400 West Cypress Street, Tampa, FL

PURPOSE: To receive comments from all interested parties regarding the draft document entitled Florida's Inpatient Pediatric Program Standards for Hospitals.

Interested parties planning to participate in the workgroup session are asked to confirm their attendance with Linda Colvin in the Office of Health Policy. Ms. Colvin's telephone number is (850)922-7708.

The **Agency for Health Care Administration** announces a 2nd meeting of the Certificate of Need Workgroup to which all interested parties are invited.

DATE AND TIME: Friday, November 5, 1999, 10:30 a.m. – 3:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308

PURPOSE: To Study the Florida Certificate of Need (CON) Program

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carole Dulany, (850)922-0791 at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carole Dulany, Certificate of Need, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308.

A copy of the agenda may be obtained by writing: Florida Geographic Information Board, 4050 Esplanade Way, Building 4030, Suite 180, Tallahassee, Florida 32399-0950.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a meeting of the Commission for Purchase from the Blind or Other Severely Handicapped to which all persons are invited.

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

PLACE: Division of Blind Services, 2551 Executive Center Circle, West, Suite 200, Lafayette Building, Tallahassee, FL

PURPOSE: Industry Impact Review and Fair Market Price Determination and assignment of the following service contracts and products to qualified agencies for persons with disabilities through the provisions of Section 413.035, Florida Statutes: Department of Environmental Protection, Florida Caverns Grounds Maintenance Contract; Department of Environmental Protection, San Luis Archeological Site Janitorial Services Contract; Department of Transportation, Florida Highway Patrol, Orlando Administration Offices, Janitorial Services Contract; Miami International Airport, Janitorial Services Contract; Palm Beach County Government Buildings, Janitorial Services Contract; bakery mixes; instant potatoes; and tri-fold boards.

Price adjustments of various service contracts and products, and other matters related to the business of the Commission are also on the agenda.

Written public comments relative to the above items are invited. Please mail comments to the address below prior to the scheduled meeting. A copy of the agenda may be obtained by contacting: RESPECT of Florida, 2475 Apalachee Parkway, Suite 205, Tallahassee, Florida 32301-4946, (850)942-0905.

Any person requiring a special accommodation at the meeting because of a disability should call RESPECT, (850)942-0905, at least five (5) workdays prior to the meeting. If you are hearing or speech impaired, please contact RESPECT by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The **Executive Office of the Governor** announces a public meeting of the Florida State Complete Count Committee to which all persons are invited.

DATE AND TIME: October 25, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: The State Capitol Bldg., Room 317, Rules Committee Room, Tallahassee, FL

PURPOSE: A regularly scheduled meeting of the Florida State Complete Count Committee.

For further information call 850-414-0279.

The State of Florida, **Capitol Center Planning Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 26, 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.

RECORD OF PROCEEDINGS: If a person anticipates that s/he may appeal any decision made by the Commission with respect to any matter considered at this meeting, s/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.

SPECIAL ACCOMMODATION: 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).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces Hearings for Final Disposition to which all interested persons are invited.

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

PLACE: Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, FL 32399-2202

PURPOSE: Hearings for Final Disposition.

If any person decides to appeal any decision made by the Hearing Officer with respect to any matter considered at this Informal Hearing, 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: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Pam Powell, (850)487-9661, Department of Business and Professional Regulation at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Pam Powell using Florida dual party relay system which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Barbers' Board** announces a Board meeting open to the public and all persons are invited to participate.

DATE AND TIME: Monday, November 1, 1999, 9:00 a.m.

PLACE: Sheraton Suites, Tampa Airport, 4400 West Cypress Street, Tampa, Florida 33607

PURPOSE: Regular Board Business and Committee Matters.

A copy of the agenda may be obtained by writing: Florida Barbers' Board, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-0790

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIME: October 27, 1999, 9:00 a.m. and 11:00 a.m., or soon thereafter

PLACE: Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, FL 32301, (850)413-0623

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, Lead Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, FL 32399-2202, or by telephone (850)413-0623.

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**, Pilotage Rate Review Board announces the following public meeting to which all persons are invited to attend.

DATE AND TIME: October 28, 1999, 9:30 a.m.

PLACE: DoubleTree Suites, 2649 South Bayshore Drive, Miami, Florida, (305)858-2500

PURPOSE: Fact finding proceeding by the Investigative Committee pursuant to Rule 61E13-2.007, Florida Administrative Code. (No Board business will be transacted)

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Pilotage Rate Review Board, 1940 N. Monroe St., Tallahassee, Florida 32399-0773.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-0698 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Real Estate Commission**, Education and Research Foundation Advisory Committee has scheduled a telephone conference call meeting to which all persons are invited.

DATE AND TIME: Friday, October 22, 1999, 9:30 a.m.

PLACE: Suite 301, North Tower, 400 W. Robinson Street, Orlando Florida

PURPOSE: Official business of the Foundation, including but not limited to proposed legislation affecting Chapter 475, review the progress of persons conducting research and studies, the results of any research project shall not be published or disseminated until it has been reviewed and approved in writing by the advisory committee, to create and promote education projects to expand the knowledge of the public and real estate licensees, to augment the existing real estate programs, to make studies of, and recommend changes in state statutes and municipal ordinances; request proposals for studies are requested by the governor or the presiding officers of the Legislature, prepare information of consumer interest concerning Florida real estate and to make the information available to the public and appropriate state agencies.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800, ext. 5 (between the hours of 9:00 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda, can be obtained by contacting: Jo Ellen Peacock of the Education Section.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Florida **Department of Environmental Protection** announces the public hearing described below:

DATE AND TIME: November 1, 1999, 10:00 a.m. (CST)

PLACE: Southport Community Center, 7734 Franklin Avenue, Southport, Florida

PURPOSE: A public hearing will be held to determine whether or not Gulf Power Company’s Lansing Smith Unit 3 power plant is in conformance with local land use plans and zoning ordinances, pursuant to the Florida Electrical Power Plant Siting Act, §§ 403.501-403.518, F.S. The hearing will be conducted by P. Michael Ruff, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. The date for filing of notices of intent to become a party to the certification proceeding under § 403.508(4)(c) has been extended until December 1, 1999. The Department’s application number for this project is PA99-40. The Division of Administrative Hearings case number is 99-2641EPP. For additional information concerning the hearing, contact Buck Oven, (850)487-0472, or at the Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400.

The **Department of Environmental Protection** announces second public workshop for rule development to which all persons are invited.

DATE AND TIME: Tuesday, November 2, 1999, 7:00 p.m.

PLACE: Flagler County Commission Chambers, Room 107, Flagler County Courthouse, 201 East Moody Blvd., Bunnell, Florida 32110

If an Americans with Disabilities Act accommodation is needed to participate in this activity, please contact Linda Harvey, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Environmental Protection received a petition to designate Lake Disston and Little Haw Creek as Outstanding Florida Waters (OFW) under Rule 62-302.700, F.A.C. (Docket No. 97-17R). A previous public workshop was held in Bunnell on June 21, 1999. The workshop listed above is being

conducted as part of the Department’s analysis of the proposal to designate Lake Disston and Little Haw Creek as OFW. The Department intends to present a map identifying the areas proposed for designation and to discuss specific alternatives to the proposed boundaries. The Department is particularly interested in receiving economic information regarding the impacts of the proposed OFW designation and the proposed alternatives. The Department is also interested in receiving comments, either written or oral, on these alternatives. Written comments may be submitted to Janet Klemm at the address listed below before, during, and for a limited time after the public workshop.

A copy of the workshop agenda may be obtained by contacting: Janet Klemm, Division of Water Resource Management, Mail Station 3575, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9928, email: Janet.Klemm@dep.state.fl.us.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, October 26, 1999, 7:00 p.m. (EDT)

PLACE: Ravine State Gardens, Civic Center, 1600 Twigg Street, Palatka, Florida 32178-1096

PURPOSE: To receive comments regarding management and land uses for Ravine State Gardens subsequent to the development of a management plan for the park.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 3, Administration, 1800 Wekiwa Circle, Wekiwa Springs, Florida 32712.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Thursday, October 28, 1999, 7:00 p.m. (EDT)

PLACE: Gulf County Courthouse, County Commissioners Board Room, 1000 Cecil G. Costin, Sr. Blvd., Port St. Joe, Florida 32456

PURPOSE: To receive comments regarding management and land uses for T. H. Stone Memorial St. Joseph Peninsula State Park subsequent to the development of a management plan for the park.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be

made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 1, Administration, 4620 State Park Lane, Panama City, Florida 32408.

DEPARTMENT OF JUVENILE JUSTICE

The **Juvenile Justice Accountability Board** announces a planning meeting which is open to the public.

DATE AND TIMES: November 3, 1999, Meeting, 10:00 a.m. – 5:00 p.m., Public Hearing, 5:30 p.m. – 7:30 p.m., or adjournment

PLACE: Tampa Hyatt, 2 Tampa City Center, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General subject matter to be considered includes vocational programming for youth committed to the Department of Juvenile Justice, school district accountability and funding, and the programmatic, fiscal and governance issues associated with the creation of a separate school district.

The Task Force is also seeking input from the public regarding these issues. For more information, contact Marianna Tutwiler, Juvenile Justice Accountability Board Office, (850)921-5274.

DEPARTMENT OF HEALTH

The **Correctional Medical Authority** announces a Budget and Personnel Committee meeting to be held in Tallahassee, Florida to which all persons are invited:

DATE AND TIME: October 28, 1999, 10:00 a.m. – 2:00 p.m.

PLACE: Correctional Medical Authority, Building 3917, Conference Room 207, 4025 Esplanade Way, State Office Complex, Tallahassee, Florida 32399, (850)487-3580

PURPOSE: Continued discussion of correctional health care budget and personnel issues.

NOTE: AFTER OCTOBER 15, 1999, THE CORRECTIONAL MEDICAL AUTHORITY OFFICES WILL BE LOCATED AT THE CAPITAL CIRCLE OFFICE COMPLEX, BUILDING 3917. IF YOU REQUIRE DIRECTIONS, PLEASE CALL OUR OFFICE AT (850)487-3580.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The **Correctional Medical Authority** announces a meeting of the Mental Health Committee to be held in Tallahassee, Florida. All persons are invited.

DATE AND TIME: October 29, 1999, 10:00 a.m. – 2:00 p.m.

PLACE: Building 3917, Conference Room 207, 4025 Esplanade Way, Capital Circle Office Complex, Tallahassee, FL 32399

PURPOSE: Continued discussion of issues relating to mental health care in the Florida Department of Corrections.

PLEASE NOTE THE ABOVE ADDRESS IS NEW – AFTER OCTOBER 15, CORRECTIONAL MEDICAL AUTHORITY WILL NO LONGER BE LOCATED AT THE ALEXANDER BUILDING. PLEASE CALL (850)487-3580 FOR DIRECTIONS.

A copy of the agenda may be obtained by writing: Murdina Campbell, Correctional Medical Authority, 2020 Capital Circle, S. E., B-04, Tallahassee, FL 32399-1732, Telephone (850)487-3580.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The Florida **Board of Chiropractic Medicine** will hold a duly noticed meeting to which all persons are invited to attend.

DATES AND TIME: Friday, October 29, 1999, 9:00 a.m., continuing Saturday, October 30, 1999, 9:00 a.m., if necessary

PLACE: The Adams Mark, 1500 Sand Lake Road, Orlando, Florida 32809, (407)859-1500

PURPOSE: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Chiropractic Medicine, (850)487-3052, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Chiropractic Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If you respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra W. Causey, Professional Regulation Specialist II, Florida Board of Chiropractic Medicine, Department of Health, Division of Medical Quality Assurance, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257.

The Florida **Board of Dentistry** will hold the following meetings to which all persons are invited:

DATES AND TIMES: Thursday, November 11, 1999, Committees 6:00 p.m., Friday, November 12, 1999, 9:00 a.m., General Business Meeting immediately following; reconvening Saturday, November 13, 1999, 8:00 a.m.

PLACE: Sheraton Ft. Lauderdale, Airport Hotel, 1825 Griffin Road, Dania, FL 33004, (954)920-3500.

PURPOSE: To conduct Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: William H. Buckhalt, Executive Director, Board of Dentistry, 2020 Capital Circle, S. E., BIN C06, Tallahassee, Florida 32399-3256, or you may call (850)488-6016. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)488-6016, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine's**, Medical Fraud Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday October 22, 1999, 4:00 p.m., or soon thereafter

PLACE: The Ft. Lauderdale, Airport Hilton, 1870 Griffin Road, Dania, Florida 33004, (954)926-8527

PURPOSE: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Florida Board of Medicine, (904)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 2020 Capital Circle, S E., Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health**, Tele-Health Task force Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, October 23, 1999, 9:00 a.m. or soon thereafter

PLACE: Broward County Medical Examiner and Trauma Services, 5301 S. W. 31 Avenue, Fort Lauderdale, Florida 33312, (954)964-0200

PURPOSE: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

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: November 9, 1999, 3:00 a.m.

PLACE: The Adams Mark Hotel, 1500 Sand Lake Road, Orlando, Florida 32809, Telephone (407)859-1500

PURPOSE: Review exam applicatoin for the 01/13/2000 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 Rules Workshop Meeting to which all interested persons are invited.

DATE AND TIME: November 9, 1999, 10:00 a.m.

PLACE: The Adams Mark Hotel, 1500 Sand Lake Road, Orlando, Florida 32809, Telephone (407)859-1500

PURPOSE: Review Rule 64B10, Florida Administrative Code for revisions and/or possible deletions.

A copy of the agenda may be obtained by contacting the Board of Nursing Home Administrators, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-0777, Telephone (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 Nursing Home Administrators** announces an Application Review Committee meeting to which all interested persons are invited.

DATE AND TIME: November 10, 1999, 9:00 a.m.

PLACE: The Adams Mark Hotel, 1500 Sand Lake Road, Orlando, Florida 32809, Telephone (407)859-1500

PURPOSE: Approve applications, conduct disciplinary proceedings and general business of the board.

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** announces a public meeting to which all persons are invited. The meeting will be held by telephone conference call at the following locations:

Marina Garcia Wood, Ft. Lauderdale, FL, (954)983-9666

Lucius Noyes, Palatka, FL, (904)325-7576

James Norris, St. Cloud, FL, (407)892-2135

Gene R. Motley, St. Augustine, FL, (904)829-5693

Leonard Inge, Tallahassee, FL, (850)599-3474

Juan Mora, Miami, FL, (954)924-2032

Helen Fong, Orlando, FL, (407)248-1826

Daniel Fucarino, Tampa, FL, (813)961-8798

Michael Stamitoles, Pensacola, FL, (904)434-4990

Edwin Bayo, Att. Gen. Office, Tallahassee, FL, (850)414-3300

John Taylor, Dept. of Health, Tallahassee, FL, (850)488-6526

DATE AND TIME: November 8, 1999, 10:00 a.m. (EDT)

PURPOSE: To approve candidates for licensure and examination. Review any applicants with disciplinary action.

A copy of the agenda may be obtained by writing: 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: Board of Pharmacy, Garnet Keller, (850)487-9833, 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 a verbatim record is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Tobacco-Free Partnership of Bay County** will hold a public meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, October 20, 1999, 4:00 p.m.

PLACE: Bay County Health Dept., 597 West 11th Street, Panama City, Florida 32401

PURPOSE: Review partnership budget and work plan activities for this fiscal year.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Tobacco-Free Partnership, (850)872-4455, Extension 136, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the above number 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 at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Tobacco Prevention Coordinator, Bay County Health Department, 597 West 11th Street, Panama City, Florida 32401.

The **Department of Health, Community Environmental Health Advisory Board** announces a meeting to be held by way of telephone conference hookup.

DATE AND TIME: October 28, 1999, 12:00 Noon – 2:00 p.m.

PLACE: Number 1(800)314-2343

PURPOSE: To conduct general business of the board.

A passcode for the call and a copy of the agenda may be obtained by writing: Emily J. Wilson, R. S., M.P.H., Department of Health, Environmental Epidemiology, 1000 N. E. 16th Avenue, Box 19, Gainesville, FL 32601-4598, 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 5 days before the workshop/hearing/meeting by contacting the board office, (352)955-5792. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, Health and Human Services Board, (District Ten) will conduct the following meeting during the month of October:

The HHSB Child Care Sub-Committee announces a public meeting to which you are invited:

DATE AND TIME: October 25, 1999, 9:00 a.m.

PLACE: Family Central, 840 S. W. 81 Street, North Lauderdale, Florida 33068

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion relating to Child Care.

A copy of the agenda may be obtained by writing: Scott Silverman, Management Review Specialist, Regional Office, 201 W. Broward Blvd., Suite 406, Ft. Lauderdale, FL 33301.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration, Scott Silverman, at least 5 working days before the meeting (954)467-4298 or (954)467-4509 (TDD).

The **Department of Children and Family Services**, District 12, Health and Human Services Board, Funding and Volunteer Opportunities Action Group announces a public meeting to which all persons are invited.

DATE AND TIME: October 26, 1999, 10:30 a.m.

PLACE: Daytona Beach Service Center, 210 N. Palmetto Avenue, Conference Room 440, Daytona Beach, Florida

PURPOSE: Regular 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. assisted 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**, District 12, Human Rights Advocacy Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 1999, 10:30 a.m.

PLACE: New Smyrna Beach Service Center, 1431 S. Dixie Freeway, Daytona Beach, Florida

PURPOSE: Regular 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.: Rafael Bello.

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Rafael Bello, (904)238-3711, 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, November 1, 1999, 1:30 p.m.

PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King, Jr. Blvd., Room 542, Tampa, FL

PURPOSE: To discuss advocacy and legislative issues.

Committee: Manatee Planning Group

DATE AND TIME: Thursday, November 4, 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, November 5, 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, November 8, 1999, 1:30 p.m.

PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King Blvd., Room 542, Tampa, FL

PURPOSE: To discuss current health issues.

Committee: Adult Services

DATE AND TIME: November 10, 1999, 10:00 a.m.

PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King Blvd., Room 421A, Tampa, FL

PURPOSE: To discuss issues related to Adult Services.

Committee: Family Care Council

DATE AND TIME: Wednesday, November 10, 1999, 10:30 a.m.

PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King Blvd., Room 166, Tampa, FL

PURPOSE: To review supports and services for individuals with developmental disabilities and their families.

Committee: Developmental Services Committee

DATE AND TIME: Friday, November 12, 1999, 1:00 p.m.

PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King Blvd., Room 542, Tampa, FL

PURPOSE: To discuss developmental service issues.

Committee: Executive Committee

DATE AND TIME: Wednesday, November 17, 1999, 12:00 p.m.

PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King Blvd., Auditorium, Tampa, FL

PURPOSE: General Business and planning activities.

Committee: Full Health and Human Services Board

DATE AND TIME: Wednesday, November 17, 1999, 1:00 p.m.

PLACE: W. T. Edwards, 4000 W. Dr. Martin Luther King Blvd., Auditorium, Tampa, FL

PURPOSE: General business.

Committee: Substance Abuse Subcommittee

DATE AND TIME: Thursday, November 18, 1999, 10:00 a.m.

PLACE: Centre For Women, 305 South Hyde Park Avenue, Tampa, FL

PURPOSE: Discuss substance abuse service issues.

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 at 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.

DATE AND TIME: Saturday, October 23, 1999, 8:30 a.m.

PLACE: The Sheraton, Ft. Lauderdale Airport Hotel, 1825 Griffin Road, Dania, Florida

PURPOSE: A regular and workshop meeting of the Board of Commissioners to conduct the business of the District. Additionally, the District's Land Acquisition and Management and Manatee Sign 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 Board of Directors to which all interested parties are invited:

DATE AND TIME: October 28, 1999, 1:00 p.m.

Fiscal Committee

Guarantee Committee

Professional Services Selection Committee

FHFC Board Workshop

PLACE: Daytona Beach Hilton, 2637 South Atlantic Avenue, Daytona Beach, Florida 32118

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 action 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 multi-family 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, Telephone (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:

DATE AND TIME: October 28, 1999, 7:00 p.m. – 10:00 p.m.
 Reception for Board Members, Florida Housing Finance Corporation Staff and general public
 PLACE: 18 Broadriver Road, Ormond Beach, Florida 32174
 To R.S.V.P. and to receive information and directions, please contact: Mary Floyd, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Telephone (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).

The Counsel for the **Florida Housing Finance Corporation** (the "Corporation") will request a special meeting of the Board of Directors to be held as follows:

DATE AND TIME: October 29, 1999, 9:00 a.m.
 PLACE: Daytona Beach Hilton, 2637 South Atlantic Avenue, Daytona Beach, Florida 32118
 PURPOSE:

- 1) Opening of a public meeting.
- 2) An attorney-client closed session of the Corporation, in accordance with Section 286.011 (8), Florida Statutes, as to settlement negotiations or strategy relating to litigation expenditures by the Corporation in connection with litigation against the Corporation. Present at the meeting will be: Corporation Board Members: Richard Martin, Chairman; Edward Lee, Jr., Vice-Chairman; Stephanie Baldwin; Dewitt Jackson Maxwell; Terry N. Santini; Charles Lydecker; Robert Jay Taylor; Rene R. Diaz de Villegas; Steven Seibert; Corporation Counsel: Stephen M. Donelan, Esq.; Special Counsels to the Corporation: Mark T. Mustian, Esq., Tom Lang, Esq.; and Attorneys representing the Corporation in such litigation, Michael Glazer, Esq., Maureen Daughton, Esq., and Harry F. Chiles, Esq.
- 3) A reopening of the public meeting following termination of the attorney-client session.
- 4) Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Hawthorne, Deputy Administrative Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a public meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee; Guarantee Committee; Professional Services Selection Committee; FHFC Board Meeting

DATE AND TIME: October 29, 1999, 9:00 a.m.

PLACE: Daytona Beach Hilton, 2637 South Atlantic Avenue, Daytona Beach, Florida 32118

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 multi-family 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.

SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION

The **Sunshine State Governmental Financing Commission** announces its 1999-2000 public meeting schedule as follows:

DATE AND TIME: October 22, 1999, 11:00 a.m.

PLACE: City Hall, Conf. Room "R", 400 South Orange Avenue, Orlando, Florida

DATE AND TIME: November 19, 1999, 11:00 a.m.

PLACE: City Hall, Commission Conference Room 228, S. Massachusetts Ave., Lakeland, Florida

DATE AND TIME: December 10, 1999, 11:00 a.m.

PLACE: City Hall, Conf. Room "R", 400 South Orange Avenue, Orlando, Florida

DATE AND TIME: January 14, 2000, 11:00 a.m.

PLACE: Palm Beach County, Government Center, 301 North Olive Avenue, West Palm Beach, Florida

DATE AND TIME: February 11, 2000, 11:00 a.m.

PLACE: City Hall, Conf. Room "R", 400 South Orange Avenue, Orlando, Florida

DATE AND TIME: March 17, 2000, 11:00 a.m. and 1:30 p.m.

PLACE: Commission Conf. Room, 100 North Andrews Avenue, Fort Lauderdale, Florida

PURPOSE: Annual Meeting

DATE AND TIME: April 14, 2000, 11:00 a.m.

PLACE: City Hall, Conf. Room "R", 400 South Orange Avenue, Orlando, Florida

DATE AND TIME: May 12, 2000, 11:00 a.m.

PLACE: City Hall, Comm. Chambers, 175 Fifth Street, North, St. Petersburg, Florida

DATE AND TIME: June 23, 2000, 11:00 a.m.

PLACE: City Hall, Conf. Room, 9551 West Sample Road, Coral Springs, Florida

DATE AND TIME: July 21, 2000, 11:00 a.m.

PLACE: City Hall, Conf. Room, 301 South Ridgewood, Daytona Beach, Florida

DATE AND TIME: August 11, 2000, 11:00 a.m.

PLACE: Broward County Conv. Center, 1950 Eisenhower Blvd., Fort Lauderdale, Florida

DATE AND TIME: September 15, 2000, 11:00 a.m.

PLACE: City Hall, Florida Room, 300 South Adams Street, Tallahassee, Florida

All interested parties are invited to attend.

A copy of each meeting agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, Post Office Box 14923, Tallahassee, FL 32317-4923 or calling (850)878-1874.

If a person decides to appeal any decision made by the Commission, with respect to any matter considered at such meeting, 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.

If you have a disability requiring accommodations, please contact the Commission, no later than five working days prior to the meeting day at the address given on this notice.

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, October 26, 1999, 4:30 p.m.

PLACE: Moffitt Cancer Center Board Room, 12902 Magnolia Drive, Tampa, FL

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, October 22, 1999.

HEARTLAND WORKFORCE INVESTMENT BOARD

The **Heartland Workforce Investment Board, Inc.** and **WAGES Coalition** (DeSoto, Hardee and Highlands Counties) announces a public meeting to which all persons are invited:

DATE AND TIME: October 27, 1999, 1:30 p.m.

PLACE: Hardee County Health Department, 115 K. D. Revell Road, Wauchula, Florida 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workforce Development issues including Occupational Forecast List, High Wages – High Skills, Department of Management Services contract, DeSoto County School Board lease, Performance Goals, Year End Information, Committee Reports, Director’s Report, Administrative Entity Update, WIA/WAGES Update, Pregnancy Prevention/Teen Parent Update, School-To-Work Update, WAGES Employment Creation Projects Update, One-Stop Update, and Jobs and Benefits Update.

A copy of the agenda may be obtained by contacting: James Gose, HWIB/WAGES Director, 600 West College Drive, Building L, Room 241, Avon Park, Florida 33825, (941)453-6661, extension 7267.

STATEWIDE HUMAN RIGHTS ADVOCACY COMMITTEE

The **Statewide Human Rights Advocacy Committee** (SHRAC) would like to announce a conference call meeting:

DATE AND TIME: October 29, 1999, 1:00 p.m. – 2:00 p.m.

PLACE: The conference call telephone numbers are (850)488-5776 or Suncom 278-5776

PURPOSE: To discuss 2000 Legislative issues.

If you have any questions, please feel free to call (850)488-6173 or Suncom 278-6173.

The **Statewide Human Rights Advocacy Committee** (SHRAC) would like to announce a training conference call meeting:

DATE AND TIME: October 29, 1999, 3:00 p.m. – 4:00 p.m.

PLACE: The conference call telephone numbers are (850)488-5778 or Suncom 278-5778

PURPOSE: To plan the upcoming chairs training and to discuss concurrent issues throughout the state regarding policies and procedures.

If you have any questions, please feel free to call (850)488-6173 or suncom 278-6173.

CANCER CONTROL AND RESEARCH ADVISORY COUNCIL

The Florida **Cancer Control and Research Advisory Council**, (C-CRAB) announces its semi-annual meeting, to which all persons are invited.

DATE AND TIME: November 1, 1999, 1:00 p.m. – 4:00 p.m.

PLACE: Tampa Airport Marriott Hotel, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business of the Council.

A copy of the agenda may be obtained by contacting: Dorothy Parker, C-CRAB, Executive Director, H. Lee Moffitt Cancer Center and Research Institute, 12902 Magnolia Dr., Tampa, FL 33612, (813)632-1339.

WAGES BOARD

The State of Florida **Wages Board** announces a Board of Directors Meeting to which all persons are invited:

DATE AND TIME: Wednesday, November 17, 1999, 9:00 a.m. – 4:00 pm

PLACE: Tampa Airport Marriott Hotel, (located at the Airport), Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

A copy of the board agenda will be available by November 10, 1999. Please contact Elma Williams at the State of Florida Wages Office for a copy of the agenda, by calling (813)233-2261.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition for a Declaratory Ruling from GTE Florida Incorporated. The petition seeks the agency's opinion as the applicability of Order No. PSC-99-1477-FOF-TP as it applies to petitioner.

DOCKET No. 991414-TP

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

The Department of Revenue HEREBY GIVES NOTICE that the Administrative Law Judge in Associated Marine Institutes, Inc. v. Department of Revenue, D.O.A.H. Case No. 99-1679RX (September 13, 1999), has determined that paragraph (b) of subsection (3) of Rule 12A-1.001, FAC, is invalid to the extent that it denies exemption for sales made by entities "exempt from the tax imposed by this chapter," including but not limited to entities exempt pursuant to s. 212.08(7)(n), F.S. Additionally, paragraph (q) of that same subsection was determined to be invalid to the extent that it requires such organizations to hold a consumer's certificate of exemption to make exempt sales. The time for filing an appeal of this decision expires on October 13, 1999. The Department will amend paragraphs (b) and (q) of subsection (3) of Rule 12A-1.001, FAC, to incorporate the findings of the Administrative Law Judge.

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

The University of Florida, for and on behalf of the Board of Regents, a public corporation of the State of Florida, announces that professional services in the discipline of campus master planning will be required for the project listed below:

Project No: BR-121, Update of the University of Florida
Comprehensive Master Plan.

Project Budget: \$375,000.00

Work will consist of updating the various Elements in the current Master Plan, including Future Land Use, Academic Facilities, Support Facilities, Housing, Recreation and Open Space, General Infrastructure, Utilities, Transportation and Capital Improvements Elements. Additional work will consist of updating the University's current Land Management Plans for satellite facilities for inclusion in the Master Plan. The first priority for satellite facilities will be six agricultural (IFAS) sites in Alachua County. The consultant will be expected to participate in the public hearing process and adoption of the plan by the Board of Regents. The successful consultant should demonstrate familiarity with Florida's campus master planning program and statutory and administrative rule requirements. Consultants should demonstrate the ability to assess the impacts of five more years of university development on off-campus public facilities and services (e.g., stormwater management, potable water, sanitary sewer, solid waste, roads and parks and recreation facilities). Consultants should demonstrate the ability to update existing master plan map conditions to reflect the 5-year assessment. Greater consideration will be given to those consultants with previous experience in campus master planning, local government comprehensive plans and concurrency management in Florida. The Campus Master Plan may be viewed on the webpage address listed below.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application. The letter of application must have attached:

1. A completed Board of Regents "Professional Qualifications Supplement" dated 2/99. 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 four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained by contacting: Janie Heidler, Office Assistant, Campus Planning and Construction Management, 232 Stadium, P. O. Box 115050, Gainesville, FL 32611-5050, Telephone (352)392-1256, Fax (352)392-6378, Homepage: www.admin.ufl.edu/division/cp

Submittals must be received in the Campus Planning and Construction Management Office, Attn.: John Maruniak by 3:00 p.m., local time, on November 15, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

CORRECTION TO CALL FOR BIDS

PROJECT: McCarty Chilled Water Plant – Phase III

PROJECT NUMBER: BR-138

BID NUMBER: 00L-43

FOR: University of Florida

PRE-QUALIFICATION: It is the intention of the Owner to award this contract to a Bidder competent to perform and complete the work in a satisfactory manner. All Bidders must be qualified at the time of bid opening in accordance with the instructions to Bidders, Article B-2, and Special Conditions, Article 4.

Pre-qualification information which MUST be submitted is as follows: The Bidder shall have experience constructing a minimum of four central utility plant projects of which two must have been within the past five (5) years. Each of these central utility plant projects must have included installation of a centrifugal chiller of not less than 400 ton capacity to be operated in parallel with other chillers, medium voltage switchgear (25 KV) to receive utility power, and secondary distribution voltages of 5 KV and below. These central utility plant projects shall have been either new construction and/or addition/renovation/retrofit of a pre-existing central chiller plant, and may have been either attached or detached from buildings served.

To demonstrate compliance with this requirement, the Bidder shall submit a pre-qualification package including for each project: (1) Facility Name and Address (or location), (2) Project Description and Design Capacity in tons, (3) Name,

Title, Address and Phone Number of Owner's Representative. This package shall also include a completed Contractor's Qualification Statement (AIA Document A305-1986) for the Bidder. To be considered, two copies of the Pre-qualification submittals must be received in the office of G.R.G Vanderweil Engineers, Inc., 1055 Maitland Center Commons Blvd., Maitland, FL 32751, Attn.: William C. Weinaug, Jr. P. E. with an additional copy sent to the University of Florida, Physical Plant Division, Architectural/Engineering Department, Building 700, Radio Road, Gainesville, FL 32611-2063, Attn.: Mr. Larry Alvarez, Project Manager, by 4:00 p.m., local time, November 1, 1999. Owner intends to notify all contractors submitting pre-qualification packages whether they are qualified to bid on the project not later than November 4, 1999. Notice of qualified contractors will be provided by Bid Addendum.

To be considered, sealed bids from pre-qualified firms must be received by:

DATE AND TIME: November 23, 1999, Until 1:00 p.m., local time.

PLACE: University of Florida, Physical Plant Division, Building 270, "Mainstreet" Training Building, Radio Road, Gainesville, FL, Telephone (352)392-2121

Bids will be publicly opened and read aloud immediately thereafter.

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.

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: G. R. G. Vanderweil Engineers, Inc., 1055 Maitland Center Commons Blvd., Maitland, FL 32751, Attention: William C. Weinaug, Jr., Vanderweil Engineers, Inc.

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Florida Department of Labor and Employment Security, Minority Business Advocacy and Assistance Office (MBAAO). Consideration will be given to the percentage of participation, as described in the instructions to Bidders, in the award of the contract.

The University of Florida has established a Construction Minority Business Enterprise Participation Program in compliance with Board of Regents Rules. This program is designed to encourage bidders to expend at least 21% of the base bid with Minority Business Enterprise (MBE) subcontractors that are certified by the Florida Department of Labor and Security, Minority Business Advocacy and Assistance Office (MBAAO), at the time the bid is submitted.

PRE-SOLICITATION/PRE-BID MEETING: The Bidder is encouraged to attend the pre-solicitation/pre-bid meeting. Minority Business Enterprises 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: November 9, 1999, 10:00 a.m., Local Time

PLACE: University of Florida, Physical Plant Division, Building 270, Gainesville, FL 32611. For directions call (352)392-2121

DEPOSIT: \$200.00 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 specification: (a) submit a bona fide bid, or (b) provide written evidence that they have submitted bids as subcontractors for Plumbing, Heating/Ventilation/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 after September 23, 1999. Full sets may be purchased through the Architect/ Engineer for \$200.00 per set for the printing and handling cost. Partial sets may be purchased at \$3.00 per sheet of the Drawings and \$100.00 per copy of the Project Manual, and are sold subject to the provisions of Article B-27 of the instructions to Bidders.

NOTICE TO CONSTRUCTION MANAGERS:

The University of Florida on and behalf of the Board of Regents, a public corporation of the State of Florida, announces that construction management services will be required for the project listed below:

Project No.: BR-142, Project and Location: Weil Hall Renovation, University of Florida Campus, Gainesville, Florida. Weil Hall has been in continuous service on campus for almost 50 years. An addition was added in 1966. Although minor renovation projects have been completed over the years, no major renovation projects have been undertaken to upgrade the structure. This project consists of a major remodeling/renovation of approximately 151,000 GSF to produce a modern, well-equipped, efficient and functional facility for the College of Engineering. The project will be phased over the next 4 to 5 years. The estimated construction cost is \$18,700,000.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability

analysis, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet

may be obtained by contacting: Janie Heidler, Office Assistant, Campus Planning and Construction Management, 232 Stadium, P. O. Box 115050, Gainesville, FL 32611-5050, Telephone (352)392-1256, Fax (352)392-6378, Internet: www.admin.ufl.edu/division/cp

Five (5) bound copies of the required proposal must be received in the Campus Planning and Construction, Management Office, Attn.: Steve Grube, Project Manager by 3:00 p.m. local time on Friday, November 12, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

Florida A & M University, on behalf of the State of Florida, Board of Regents, announces that construction management services will be required for the project listed below:

Project No.: BR-306, Project and Location: School of Business and Industry, West Wing, Florida A & M University, Tallahassee, Florida 32307.

This is phase two of the SBI project which consists of construction of an additional 37,050 square feet academic space to the West Wing. This wing will have four or five floors with appropriate footings provided for future construction of ground floors if ever warranted. A covered plaza is envisioned as a permanent cover spanning from wing to wing over the entire plaza area created by all four or five wings. The site is located on the southeast corner of Gamble Street and Wahnish Way intersection in the same vicinity with the existing east and south buildings.

The estimated construction cost is \$8,202,493.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business

enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Alice T. Williams, Secretary or Samuel J. Houston, Director, Facilities Planning and Construction, (850)599-3197, Fax (850)561-2289.

Five (5) bound copies of the required proposal data shall be submitted to: Samuel J. Houston, Director, Facilities Planning and Construction, Florida A & M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307.

Submittals must be received by 3:00 p.m. local time, November 24, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, (FDOT) announces that on October 15, 1999, FDOT has issued a Request for Proposals for Joint Public-Private Development of Rights-of-Way for the Florida Fiber Network, RFP-DOT-FFN 99-1 (RFP).

The Florida Department of Transportation, pursuant to Section 337.251, Florida Statutes, in coordination with the Florida Department of Management Services and the Miami-Dade Expressway Authority, is seeking Proposals for a lease of limited-access rights-of-way in exchange for the design, construction/installation, and maintenance of a fiber optic network infrastructure, called the Florida Fiber Network (FFN), to be fully deployed over approximately 2,000 miles of limited-access highway. The FFN, which is more fully described in the RFP, is envisioned to be an optical transport network, to provide the network infrastructure necessary to support intelligent transportation system initiatives and the development of a statewide communications system.

The official RFP and associated Reference Documents is available for pick-up at no charge from the Department's Official Contact Person: Mr. Terry Cappellini, Manager, Contractual Services Office, State of Florida, Department of Transportation, 605 Suwannee Street, Room 481, Mail Station 20, Tallahassee, FL 32399-0450, Telephone (850)414-4477, Fax (850)922-3019, TDD Telephone 1(800)955-8771. Additional copies are available at cost from Kinko's, 3425 Thomasville Road, Tallahassee, FL 32308, Telephone (850)668-5679, Fax (850)668-8329. Other documents available from DOT may be purchased from Maps and Publications Sales, Mail Station 12, 605 Suwannee Street, Tallahassee, FL 32399-0450, Phone (850)414-4050, Fax (850)414-4915, or via the Website: <http://www.dot.state.fl.us/MapsAndPublications/manuals/pub-list.htm>

The RFP sets forth a schedule of RFP events that must be complied with by a Proposer, including a mandatory Pre-Proposal Meeting, 2:00 p.m., Local Time on November 3, 1999; the right to submit written questions until 5:00 p.m. (Local Time) on November 10, 1999; and the deadline for submittal of proposals by 2:30 p.m. (Local Time) on January 7, 2000. See the RFP for details.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Cappellini, at the above address or by calling (850)414-4477 or TDD Telephone 1(800)955-8771.

RIGHT TO PROTEST RFP SPECIFICATIONS

Any person whose substantial interests will be determined or affected by the specifications contained in the aforementioned RFP has the right, pursuant to Paragraph 120.57(3)(b), Florida Statutes, to protest the specifications and to file a petition for an administrative hearing. A notice of protest must be filed, in writing, within 72 hours of receipt of notice of the issuance of the RFP and a formal written protest must be filed within 10 days after date the notice of protest is filed. The notice of protest and the formal written protest must comply with the requirements set forth in the Uniform Rule Chapter 28-110,

Florida Administrative Code. The notice of protest and the formal written protest shall be filed with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, Mail Station 58, 605 Suwannee Street, Tallahassee, FL 32399-0458. Failure to file a written notice of protest or failure to file a formal written protest within the allowed time constitutes a waiver of any right such person has to protest the specifications of the RFP under Chapter 120, Florida Statutes.

THE DEPARTMENT RESERVES THE RIGHT TO REJECT ANY AND ALL PROPOSALS OR ACCEPT MINOR IRREGULARITIES IN THE BEST INTEREST OF THE STATE OF FLORIDA.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

ADVERTISEMENT FOR BIDS

Proposals are requested from qualified General Contractors by the Department of Labor and Employment Security, Division of Administrative Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: 080924-99

SAMAS CODE: 54-20-2-648001 5401 0000 00 080924-99

PROJECT NAME AND LOCATION: Caldwell Building Renovations – Phase II, Millard Filmore Caldwell Building, 107 East Madison Street, Tallahassee, Florida

FOR: Interior and Exterior Renovations, Sitework and Building Infrastructure Upgrades.

MINORITY PROGRAM: An MBE participation goal has been established for this project. The bidder is required to meet or exceed MBE participation goals or make a good faith effort to contract with certified Minority Business Enterprises. The Bidder is advised to review the contract documents immediately in order to schedule the necessary tasks to accomplish good faith efforts.

PRE-BID MEETING: A mandatory pre-bid meeting will be held for all interested bidders on:

DATE AND TIME: Tuesday, November 15, 1999, 2:00 p.m., Local time

PLACE: Room B-21, Caldwell Building, 107 East Madison Street, Tallahassee, Florida

Certified Minority Business Enterprises are encouraged to participate and address subcontracting opportunities with Prime Bidders. If a special accommodation is needed, please advise no later than five working days prior to the event. If you are hearing or speech impaired, please contact the above office using the Florida Relay Service that can be reached at 1(800)955-8771 (TDD).

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure and certification must submit prequalification data of their eligibility to submit proposals ten (10) calendar days prior

to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233, for information on prequalification with the Department of Management Services.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following conviction for a public crime may not submit a bid on a contract to provide goods or services to a public entity, may not submit a contract with a public entity for the construction or repair of a public building or public work, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

PERFORMANCE BOND AND LABOR AND MATERIALS BOND: A Performance Bond and a Labor and Material Payment Bond are required.

SEALED BIDS WILL BE RECEIVED AND PUBLICLY OPENED AND READ ALOUD ON:

DATE AND TIME: Tuesday, November 30, 1999, 2:00 p.m., local time

PLACE: Department of Labor and Employment Security, Division of Administrative Services, Bureau of Administrative Support, Suite 280, Sutton Building, 2670 Executive Center Circle, West, Tallahassee, Florida

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

DESIGN PROFESSIONAL: Akin and Associates Architects, Inc., 2603 W. Tharpe Street, Suite A, Tallahassee, Florida 32303, Telephone (850)385-2546

The Department of Labor and Employment Security reserves the right to reject all bids or to accept minor irregularities in the best interest of the State.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at 2:00 p.m., local time on Wednesday, November December 1, 1999 at the location where the bids were opened. If no protest is filed per Article 16 of the Instructions to Bidders, "Protests", the contract will be awarded by the Owner to the qualified, responsive low bidder in accordance with Rule 60D-5, Florida Administrative Code.

WATER MANAGEMENT DISTRICTS

REQUEST FOR BID (RFB) #99/00-001RM
 REPAIR/RESTORATION FOR THE BOAT RAMP
 LOCATED AT
 WITHLACOOCHEE RIVER CAMP SITES BETWEEN
 LOTS 40 AND 41
 IN HAMILTON COUNTY, FLORIDA

The Suwannee River Water Management District is requesting bids to repair/restore the boat ramp located at Withlacoochee River Camp Sites between Lots 40 and 41 in Hamilton County, Florida. The plans and specifications are currently available.

The boat ramp has degraded due to improper facility design. The proposed design will allow boats to be loaded and unloaded during low river levels. The District desires to complete the project during low river levels; therefore, time is essential.

Following mailing of the plans and specifications, all RFB responses must be mailed or delivered to the District prior to 4:00 p.m. on October 29, 1999. Construction will begin soon thereafter and completion shall require no more than 30 days. Any individual or firm desiring to obtain a copy of this Request for Bid may do so by contacting: Sandra Keiser, Administrative Assistant, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (904)362-1001 or 1(800)226-1066, Florida only.

Technical questions should be directed to David Still, P. E., at the same address and phone number listed above.

Anyone requiring reasonable accommodation as provided for in the Americans With Disabilities Act should contact Sandra Keiser, Administrative Assistant, (904)362-1001 or 1(800)226-1066 (Florida only).

SPACEPORT FLORIDA AUTHORITY

REQUEST FOR BID PROPOSAL
 FOR CONTRACT TASK

The Spaceport Florida Authority (SFA) is seeking expressions of interest and statement of qualifications by aerospace contractors to participate with SFA in expanding SFA's capabilities in support launch requirements of commercial, educational and Department of Defense programs.

Contract Task: install Fiber Optic Cable to Connect CX 20. SFA requires one 36 fiber optic cable (Single Mode), procured, installed and attenuation tested. The pull will be to connect SFA's CX 20 Blockhouse at Cape Canaveral Air Station, FL to the nearest connecting point (North Terminal Building). The distance is approximately 6,000 linear feet. The requirement is to furnish and pull approximately 6,000 feet of 36-strand single mode fiber in existing duct or conduit. The installation will require the contractor to furnish and install the following: 1) Four (4) 1" inter duct conduits in the existing duct system as required, 2) Terminals in the North Terminal Building and CX 20 Blockhouse, 3) Equipment rack in CX 20 Blockhouse, 4) 72

single mode ST connectors. All fibers will be tested with an OTDR and attenuation readings provided to SFA. Cable will be tagged in all manholes and two cable vaults. The standards of the work and testing will be in compliance with Air Force Tech Order (AFTO) 31W3-10-34. The bid is not to exceed Twenty Thousand dollars (\$20,000.00) to be acceptable.

Spaceport Florida Authority is not obligated to issue any contracts as a result of this solicitation. However, the Spaceport Florida Authority will evaluate responses to this solicitation and qualify contractors who may receive future task order contracts in the area of their qualification.

Interested persons should send a proposal that defines their areas of interest, lists their technical qualification and provides examples of recent experience in their field. Selection of participating contractors will be based on a ranking of their technical expertise, cost and recent experience in similar projects.

Interested persons should submit three (3) copies of their expression of interest in a sealed envelope entitled "APPLICATION TO PARTICIPATE IN SPACEPORT FLORIDA AUTHORITY LAUNCH SUPPORT PROGRAMS" to: Director, Infrastructure Development, Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, FL 32920-4003. Applications must be received not later than 3:00 p.m., on November 5, 1999. Questions should be addressed to: Jackie Martin, (407)730-5301, Ext. 1130.

The SPACEPORT FLORIDA AUTHORITY reserves the right to accept or reject any and all responses in the best interest of the State.

DEPARTMENT OF MANAGEMENT SERVICES

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL AND MECHANICAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF MANAGEMENT SERVICES, DIVISION OF BUILDING CONSTRUCTION HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO: MSFM-96034046

SAMAS CODE: 72-60-2-696001-72400000-00-083400-99

PROJECT NAME & LOCATION: NEW CHILLERS & MECHANICAL UPGRADES, PARK TRAMMELL BUILDING, TAMPA, FL

FOR: STATE OF FLORIDA, DEPARTMENT OF MANAGEMENT SERVICES, FACILITIES MANAGEMENT

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Owner for the current biennium (July 1 through June 30) of

odd numbered years. Call (850)488-6233 for information on prequalification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Chapter 60D-5.004. A copy of the requirements is included in the Instruction to Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor And Material Payment Bond are not required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: October 21, 1999, until 2:00 p.m. Local Time

PLACE: 4508 Oak Fair Blvd., Suite 200, Tampa, FL 33610

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: EMTEC Corporation, Jon R. Peruki, P. E., 1000 N. Ashley Drive, Suite 500, Tampa, FL 33602, (813)228-8877

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at 8:00 a.m., local time on OCTOBER 28, 1999 at the location where the bids were opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF MANAGEMENT SERVICES, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO: AG-98005000

SAMAS CODE: 42 30 1 000709 42060000 00 083969 99

PROJECT NAME & LOCATION:
ADDITIONS/REPLACEMENTS/LAND
PURCHASE/RENOVATIONS - PALATKA STATE
FARMERS MARKET

FOR: THE DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

MINORITY PROGRAM: An MBE participation goal of 10% has been established for this project. The Bidder is required to meet or exceed MBE participation goals or make a good faith effort to contract with certified Minority Business Enterprises. The Bidder is advised to review the contract documents immediately in order to schedule the necessary tasks to accomplish good faith efforts.

A MANDATORY PREBID CONFERENCE will be held Wednesday, October 20, 1999, 10:00 a.m. Local Time at the project site located at the PALATKA STATE FARMERS MARKET, 225 Highway 17 South, East Palatka, Florida 32131. All MBE's certified by the Minority Advocacy and Assistance Office interested in this project are encouraged to attend this prebid conference. All Prime Bidders interested in bidding on this project are encouraged to attend and address subcontracting opportunities for MBE's.

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Owner for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233, for information on prequalification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Chapter 60D-5.004. A copy of the requirements is included in the Instruction To Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity, and may not transact business

with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and a Labor and Material Payment Bond are not required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: Thursday, November 4, 1999, until 2:00 p.m., local time

PLACE: Palatka State Farmers Market, 225 Highway 17 South, East Palatka, Florida 32131

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: T. C. Skinner & Associates, Inc., 211 S. W. 4th Avenue, Suite 3, Gainesville, FL 32601

TELEPHONE: (352)378-4400

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at 4:00 p.m., local time on THURSDAY, NOVEMBER 4, 1999 at the location where the bids were opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

INVITATION TO NEGOTIATE
TO PROVIDE DEVELOPMENTAL SERVICES
CASE MANAGEMENT
ITN-99-KL01

The Department of Children and Family Services, District 11B, is seeking qualified individuals and/or organizations interested in providing Case Management services to eligible children and adults of the Department's Developmental Services program in Monroe County. Invitations to Negotiate will be available from the Subdistrict 11B Office of the Department of Children and Family Services on and after October 15, 1999 at: 1111 12th Street, Suite 301, Key West, Florida 33040. The contact person is Theresa Phelan, Contract Manager.

One (1) original and nine (9) copies of the completed proposal/application package must be submitted by November 5, 1999, 3:00 p.m., Eastern Daylight Time, to: Theresa Phelan, Contract Manager, Department of Children and Family

Services, 1111 12th Street, Suite 301, Key West, Florida 33040. Proposals/applications will be opened at 4:00 p.m., Eastern Daylight Time, November 5, 1999, in the Suite 301 Conference Room at the above address. Certified minority business enterprises are encouraged to participate in the process.

The Department of Children and Family Services 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.

**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., November 5, 1999):

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Gulf States Credit Union, P. O. Box 945110, Maitland, Florida 32794-5110

Expansion Includes: Members of the Home Builders Association of Mid-Florida and employees of members of the association; members of the Apartment Association of Greater Orlando, and employees of members of the Association.

Received: October 1, 1999

Correspondent and Telephone Number: Bernard E. Arvin, (407)831-8844

Name and Address of Applicant: Florida Commerce Credit Union, Post Office Box 6416, Tallahassee, Florida 32314

Expansion Includes: NRT Contract Manufacturing and North Florida Community College, inclusive of family members.

Received: October 4, 1999

Correspondent and Telephone Number: Ronald W. Fye, President, (850)488-0035 or 1(800)533-5772

Name and Address of Applicant: Fairwinds Credit Union, 3075 N. Alafaya Trail, Orlando, Florida 32826

Expansion Includes: Employees of Lutheran Haven, Inc., who live or work in Oviedo, Florida; Crain Fire Sprinkler Corporation, who live or work in Longwood, Florida;

Vaughan, Donohoe and Williams, who live or work in Orlando, Florida; Cyber-Test, Inc., who live or work in Longwood, Florida; Sun State Siding, who live or work in Casselberry, Florida; Alpha Imaging Products & Services, Inc., who live or work in Orlando, Florida; Sunshine Companies, Inc., who live or work in Winter Park, Florida; Strategic Outsourcing Inc., who live or work in Orlando, Florida; Covenant House Florida, who live or work in Orlando, Florida; Professional Forensic Services, Inc., who live or work in Winter Park, Florida; Hewitt Associates, LLC, who live or work in Maitland, Florida; Super Vision International, Inc., who work in Orlando, Florida; Co-Advantage Resources, Inc., who work in or are paid from Orlando, Florida; Home Depot, who work in Orlando, Florida; Continental PET Tech, who work in Orlando, Florida; and MiraLink Group, Inc., who work in Winter Park, Florida.

Received: October 5, 1999

Correspondent and Telephone Number: Ed Baranowski, President, (407)277-5045

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIVR-0600-003/BLID-600-002

DATE RECEIVED: September 29, 1999

DEVELOPMENT NAME: HALIFAX MEDICAL CENTER

DEVELOPER/AGENT: Halifax Medical Center, Board of Dir.

DEVELOPMENT TYPE: 28-24.017, FAC

COUNTY LOCATION: Volusia

LOCAL GOVERNMENT: Daytona Beach City

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 Global Electric MotorCars, LLC, intends to allow the establishment of Physicians Leasing Co., Inc., as a dealership for the sale of GEM vehicles, at 11410 US 1 North, Saint Augustine (Saint Johns County), Florida 32095, on or after September 29, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Physicians Leasing Co., Inc. are: Edward C. Thompson and James V. Ward, 11410 US 1, North, Saint Augustine, Florida 32095.

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. Kenneth R. Montler, President/COO, Global Electric MotorCars, LLC, 3601 7th Avenue, N. W., Fargo, ND 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Global Electric MotorCars, LLC, intends to allow the establishment of GEM of Naples, as a dealership for the sale of GEM vehicles, at 1965 East Tamiami Trail, Naples (Collier County), Florida 33941, on or after September 29, 1999.

The name and address of the dealer operator(s) and principal investor(s) of GEM of Naples is: Mr. Gary Tschetter, 1965 East Tamiami Trail, Naples, Florida 33941.

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.

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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.

STATE BOARD OF ADMINISTRATION

NOTICE OF 1999-2000 ADVANCE PAYMENT CONTRACT PRICES

The Florida Prepaid College Board hereby gives notice of the adoption at a duly called meeting on October 5, 1999 of the 1999-2000 advance payment contract prices for the Florida Prepaid College Program.

FLORIDA PREPAID COLLEGE PROGRAM
TUITION CONTRACT
STATE UNIVERSITY – FOUR YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2000	\$7,024.25	\$1,020.55	n/a
11	2001	7,010.07	388.01	n/a
10	2002	6,995.92	245.32	n/a
9	2003	6,981.80	182.38	n/a
8	2004	6,967.71	146.97	\$146.97
7	2005	6,953.65	124.32	146.68
6	2006	6,939.61	108.60	146.38
5	2007	6,925.61	97.07	146.09
4	2008	6,911.63	88.26	145.79
3	2009	6,897.68	81.33	145.50
2	2010	6,883.76	75.74	145.20
1	2011	6,869.87	71.15	144.91
K	2012	6,856.00	67.31	144.62
Age 4	2013	6,842.16	64.05	144.33
Age 3	2014	6,828.35	61.27	144.03
Age 2	2015	6,814.57	58.86	143.74
Age 1	2016	6,800.82	56.76	143.45
Infant	2017	6,787.09	54.91	143.16
Newborn	2018	6,773.39	53.28	142.88

FLORIDA PREPAID COLLEGE PROGRAM
TUITION CONTRACT
COMMUNITY COLLEGE – TWO YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2000	\$2,494.26	362.39	n/a
11	2001	2,434.42	134.75	n/a
10	2002	2,376.07	83.32	n/a
9	2003	2,319.17	60.58	n/a
8	2004	2,263.70	47.75	47.75
7	2005	2,209.61	39.50	46.61
6	2006	2,156.87	33.75	45.50
5	2007	2,105.45	29.51	44.41
4	2008	2,055.31	26.25	43.35
3	2009	2,006.42	23.66	42.32
2	2010	1,958.74	21.55	41.32
1	2011	1,912.25	19.80	40.34

K	2012	1,866.92	18.33	39.38	7	2005	4,854.99	86.80	102.41
Age 4	2013	1,822.72	17.06	38.45	6	2006	4,779.02	74.79	100.81
Age 3	2014	1,779.61	15.97	37.54	5	2007	4,704.26	65.93	99.23
Age 2	2015	1,737.58	15.01	36.65	4	2008	4,630.69	59.14	97.68
Age 1	2016	1,696.59	14.16	35.79	3	2009	4,558.29	53.75	96.15
Infant	2017	1,656.61	13.40	34.94	2	2010	4,487.04	49.37	94.65
Newborn	2018	1,617.63	12.72	34.12	1	2011	4,416.93	45.74	93.17

FLORIDA PREPAID COLLEGE PROGRAM
TUITION CONTRACT
COMMUNITY COLLEGE – TWO YEARS
FOUNDATION SCHOLARSHIP PRICES

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2000	\$2,993.11	\$434.87	n/a
11	2001	2,921.30	161.70	n/a
10	2002	2,851.28	99.98	n/a
9	2003	2,783.00	72.70	n/a
8	2004	2,716.44	57.30	\$57.30
7	2005	2,651.53	47.40	55.93
6	2006	2,588.24	40.50	54.60
5	2007	2,526.54	35.41	53.29
4	2008	2,466.37	31.50	52.02
3	2009	2,407.70	28.39	50.78
2	2010	2,350.49	25.86	49.58
1	2011	2,294.70	23.76	48.41
K	2012	2,240.30	22.00	47.26
Age 4	2013	2,187.26	20.47	46.14
Age 3	2014	2,135.53	19.16	45.05
Age 2	2015	2,085.10	18.01	43.98
Age 1	2016	2,035.91	16.99	42.95
Infant	2017	1,987.93	16.08	41.93
Newborn	2018	1,941.16	15.26	40.94

Rule 19B-13, Florida Administrative Code, allows the Florida Prepaid College Foundation to purchase prepaid tuition contracts for qualifying students. These contracts are only available to the Foundation and provide up to 72 credit hours at community colleges.

FLORIDA PREPAID COLLEGE PROGRAM
DORMITORY CONTRACT
TWO-YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2000	\$5,253.70	\$763.31	n/a
11	2001	5,171.38	286.24	n/a
10	2002	5,090.36	178.50	n/a
9	2003	5,010.64	130.89	n/a
8	2004	4,932.19	104.04	\$104.04

K	2012	4,347.93	42.68	91.71
Age 4	2013	4,280.03	40.07	90.28
Age 3	2014	4,213.22	37.80	88.87
Age 2	2015	4,147.46	35.82	87.48
Age 1	2016	4,082.75	34.07	86.12
Infant	2017	4,019.07	32.52	84.78
Newborn	2018	3,956.40	31.12	83.45

FLORIDA PREPAID COLLEGE PROGRAM
DORMITORY CONTRACT
THREE-YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2000	\$7,801.81	\$1,133.53	n/a
11	2001	7,679.59	425.07	n/a
10	2002	7,559.31	265.08	n/a
9	2003	7,440.95	194.37	n/a
8	2004	7,324.47	154.50	\$154.50
7	2005	7,209.86	128.90	152.08
6	2006	7,097.06	111.06	149.70
5	2007	6,986.07	97.92	147.36
4	2008	6,876.84	87.82	145.06
3	2009	6,769.35	79.82	142.79
2	2010	6,663.57	73.32	140.56
1	2011	6,559.47	67.93	138.36
K	2012	6,457.03	63.39	136.20
Age 4	2013	6,356.22	59.50	134.08
Age 3	2014	6,257.02	56.14	131.98
Age 2	2015	6,159.39	53.20	129.92
Age 1	2016	6,063.31	50.60	127.90
Infant	2017	5,968.76	48.29	125.90
Newborn	2018	5,875.72	46.22	123.94

FLORIDA PREPAID COLLEGE PROGRAM
DORMITORY CONTRACT
FOUR-YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2000	\$10,298.88	\$1,496.33	n/a
11	2001	10,137.57	561.12	n/a
10	2002	9,978.83	349.92	n/a
9	2003	9,822.62	256.58	n/a
8	2004	9,668.90	203.95	\$203.95

7	2005	9,517.63	170.16	200.76	8	2004	1,939.83	40.92	\$40.92
6	2006	9,368.77	146.61	197.62	7	2005	1,909.48	34.14	40.28
5	2007	9,222.28	129.26	194.53	6	2006	1,879.61	29.41	39.65
4	2008	9,078.13	115.93	191.49	5	2007	1,850.22	25.93	39.03
3	2009	8,936.26	105.37	188.50	4	2008	1,821.30	23.26	38.42
2	2010	8,796.66	96.79	185.55	3	2009	1,792.84	21.14	37.82
1	2011	8,659.27	89.68	182.66	2	2010	1,764.83	19.42	37.23
K	2012	8,524.08	83.68	179.80	1	2011	1,737.27	17.99	36.65
Age 4	2013	8,391.03	78.55	177.00	K	2012	1,710.14	16.79	36.07
Age 3	2014	8,260.10	74.11	174.24	Age 4	2013	1,683.45	15.76	35.51
Age 2	2015	8,131.25	70.23	171.52	Age 3	2014	1,657.18	14.87	34.96
Age 1	2016	8,004.45	66.80	168.84	Age 2	2015	1,631.33	14.09	34.41
Infant	2017	7,879.66	63.75	166.21	Age 1	2016	1,605.89	13.40	33.87
Newborn	2018	7,756.86	61.01	163.62	Infant	2017	1,580.86	12.79	33.35
					Newborn	2018	1,556.22	12.24	32.83

FLORIDA PREPAID COLLEGE PROGRAM
DORMITORY CONTRACT
FIVE-YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2000	\$12,745.94	\$1,851.86	n/a
11	2001	12,546.36	694.45	n/a
10	2002	12,349.95	433.07	n/a
9	2003	12,156.67	317.55	n/a
8	2004	11,966.47	252.42	\$252.42
7	2005	11,779.30	210.59	248.47
6	2006	11,595.11	181.45	244.58
5	2007	11,413.85	159.97	240.76
4	2008	11,235.48	143.48	237.00
3	2009	11,059.95	130.41	233.29
2	2010	10,887.21	119.80	229.65
1	2011	10,717.22	110.99	226.06
K	2012	10,549.93	103.57	222.54
Age 4	2013	10,385.30	97.22	219.06
Age 3	2014	10,223.29	91.73	215.65
Age 2	2015	10,063.86	86.92	212.28
Age 1	2016	9,906.96	82.68	208.97
Infant	2017	9,752.56	78.90	205.72
Newborn	2018	9,496.21	74.69	200.31

FLORIDA PREPAID COLLEGE PROGRAM
LOCAL FEE CONTRACT
COMMUNITY COLLEGE-TWO YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan
12	2000	\$343.46
11	2001	354.02
10	2002	364.92
9	2003	376.14
8	2004	387.72
7	2005	399.65
6	2006	411.96
5	2007	424.64
4	2008	437.72
3	2009	451.20
2	2010	465.09
1	2011	479.42
K	2012	494.19
Age 4	2013	509.42
Age 3	2014	525.13
Age 2	2015	541.31
Age 1	2016	558.00
Infant	2017	575.21
Newborn	2018	592.95

FLORIDA PREPAID COLLEGE PROGRAM
LOCAL FEE CONTRACT
STATE UNIVERSITY-FOUR YEARS

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2000	\$2,066.21	\$300.20	n/a
11	2001	2,033.85	112.58	n/a
10	2002	2,002.00	70.20	n/a
9	2003	1,970.67	51.48	n/a

FLORIDA PREPAID COLLEGE PROGRAM
LOCAL FEE CONTRACT
TWO YEAR COMMUNITY COLLEGE
PLUS TWO YEARS STATE UNIVERSITY

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Payment Plan
12	2000	\$1,355.65	\$196.96	n/a
11	2001	1,350.37	74.74	n/a
10	2002	1,345.67	47.19	n/a
9	2003	1,341.55	35.04	n/a

8	2004	1,338.02	28.22	\$28.22
7	2005	1,335.10	23.87	28.16
6	2006	1,332.78	20.86	28.11
5	2007	1,331.07	18.66	28.08
4	2008	1,329.98	16.98	28.05
3	2009	1,329.53	15.68	28.04
2	2010	1,329.71	14.63	28.05
1	2011	1,330.54	13.78	28.07
K	2012	1,332.03	13.08	28.10
Age 4	2013	1,334.19	12.49	28.14
Age 3	2014	1,337.03	12.00	28.20
Age 2	2015	1,340.56	11.58	28.28
Age 1	2016	1,344.79	11.22	28.37
Infant	2017	1,349.74	10.92	28.47
Newborn	2018	1,355.42	10.66	28.59

FLORIDA PREPAID COLLEGE PROGRAM
LOCAL FEE CONTRACT

COMMUNITY COLLEGE-TWO YEARS

FOUNDATION SCHOLARSHIP PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan
	2000	\$412.15
11	2001	424.83
10	2002	437.90
9	2003	451.37
8	2004	465.26
7	2005	479.58
6	2006	494.35
5	2007	509.57
4	2008	525.26
3	2009	541.44
2	2010	558.11
1	2011	575.31
K	2012	593.03
Age 4	2013	611.31
Age 3	2014	630.15
Age 2	2015	649.58
Age 1	2016	669.60
Infant	2017	690.25
Newborn	2018	711.54

LAND AND WATER ADJUDICATORY COMMISSION

NOTICE OF RECEIPT OF PETITION

THE DUNES COMMUNITY DEVELOPMENT DISTRICT
On September 16, 1999, the Florida Land and Water Adjudicatory Commission ("Commission") received a petition to adopt an administrative rule to amend the boundaries of the Dunes Community Development District ("District") as reflected in Chapter 42E-1, Florida Administrative Code. The Commission will follow the requirements of Chapter 190, Florida Statutes, and Chapter 42-1, Florida Administrative Code, in ruling on this petition.

SUMMARY OF CONTENTS OF PETITION: The petition was filed by the Dunes Community Development District, 5000 Palm Coast Parkway, Palm Coast, Florida 32137 (the "District"). The new area to be included in the District consists of approximately 33 acres generally located adjacent to the current District boundaries in the Hammock Dunes Development of Regional Impact (DRI) in Flagler County, Florida. The District has written consent to expand the District from the owners of 100% of the real property to be added to the District. The petition evidences the District's intention to provide the potable water distribution system, wastewater collection system, and effluent irrigation system for the acreage within the proposed expansion. Certain capital costs associated with these improvements would be borne by the District and may be financed through the use of non-ad valorem special assessments, fees or other user charges.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COSTS: The District has prepared a Statement of Estimated Regulatory Costs (SERC). The complete text of the SERC is contained as Exhibit 7 to the petition to amend the boundaries of the District. The amendment of the District's boundaries would result in no costs to the State or its citizens other than administrative costs associated with rule adoption and will benefit the State and its citizens through improved planning and growth management for the new areas to be served. Costs of rule adoption to Flagler County and their citizens are minimal and are offset by the \$1,500 application fee which has been provided by the District. The District has no present plans to issue general obligation debt or to impose ad valorem taxes, and the citizens of the District would receive the benefits of planned development of public infrastructure. Consumers who purchase land within the amended District may pay non-ad valorem assessments and fees to maintain its facilities, and would receive a higher level of public services and facilities than would otherwise be available to these lands. Expansion of the District may have a nominal beneficial effect on small businesses because the District operates according to Florida's Sunshine laws, and the District must take bids, as required, for the goods and services it will purchase. As a result, small businesses will be better able to compete for District business. The expansion of the District is expected to have a small but positive impact on small counties and cities as defined in Section 120.52 F.S., (since Flagler County is a small county as defined) for all of the reasons cited above. Administrative costs would be incurred by the Commission, the Department of Community Affairs, and the District. Other than administrative costs, no costs would be incurred by the State of Florida or the general citizenry.

A hearing will be held at the time, date and place shown below:
TIME AND DATE: October 29, 1999, 9:00 a.m.
PLACE: Flagler County School Board, Main Board Room, 3039 Highway 100, East, Bunnell, Florida 32110

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Jonathan T. Johnson, (850)222-7500, at least 3 business days in advance to make appropriate arrangements.

Copies of the petition may be obtained by contacting: Jonathan T. Johnson, Hopping Green Sams & Smith, P. A., 123 South Calhoun Street, P. O. Box 6526, Tallahassee, Florida 32314, or the Florida Land and Water Adjudicatory Commission, Office of Planning and Budgeting, Executive Office of the Governor, Capitol Building, Room 2105, Tallahassee, Florida 32399-0001.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF NURSING HOME FIXED NEED POOL

The Agency for Health Care Administration has established projected net bed need figures for nursing homes for July 2002 by subdistrict pursuant to the provisions of Rule 59C-2.200, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Office, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, on or before 5:00 p.m. November 1, 1999.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this time period will result in no adjustment to the fixed need pool number for this cycle. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, F.S., your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the Agency Clerk, 2727 Mahan Drive,

Building 3, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Nursing Home Need Projections

District	Subdistrict	Net Need
1	1 Escambia, Santa Rosa	2
1	2 Okaloosa	0
1	3 Walton	0
2	1 Gadsden, Holmes, Jackson, Washington	60
2	2 Bay	0
2	3 Calhoun, Franklin, Gulf, Liberty, Wakulla	0
2	4 Leon	0
2	5 Jefferson, Madison, Taylor	10
3	All Counties	0
4	1 Nassau, North Duval	14
4	2 Baker, Clay, Southwest Duval	0
4	3 St. Johns, Southeast Duval	9
4	4 Flagler, Volusia	0
5	1 Pasco	0
5	2 Pinellas	0
6	1 Hillsborough	9
6	2 Manatee	0
6	3 Hardee	0
6	4 Highlands	52
6	5 Polk	0
7	1 Brevard	64
7	2 Orange	22
7	3 Osceola	0
7	4 Seminole	0
8	1 Charlotte	32
8	2 Collier	0
8	3 DeSoto	0
8	4 Glades, Hendry	0
8	5 Lee	83
8	6 Sarasota	0
9	1 Indian River	0
9	2 Martin	24
9	3 Okeechobee	6
9	4 Palm Beach	0

9	5 St. Lucie	0
10	Broward	0
11	1 Dade	0
11	2 Monroe	0
	STATE TOTAL	387

The person to be contacted concerning this notice is: Laura MacLafferty, Certificate of Need Office, 2727 Mahan Drive, Tallahassee, Florida 32308, Telephone (850)922-7760.

**NOTICE OF FIXED NEED POOL
FOR CHAPTER 395 SKILLED NURSING BEDS**

The Agency for Health Care Administration has established projected net bed need figures for skilled nursing beds licensed under Chapter 395, F.S., for July 2002 by subdistrict pursuant to the provisions of Rule 59C-1.036, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Office, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, on or before 5:00 p.m. November 1, 1999.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted prior to or during the grace period for this cycle. Failure to notify the agency of the error during this time period will result in no adjustment to the fixed need pool number for this cycle. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, F.S., your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings

shall be made to the Agency for Health Care Administration and must be filed with the Agency Clerk, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Hospital Based Nursing Home Bed Need Projections

District	Subdistrict	Net Need
1	1 Escambia, Santa Rosa	0
1	2 Okaloosa, Walton	0
2	1 Bay, Calhoun, Franklin, Gulf, Holmes, Jackson, Washington	0
2	2 Gadsden, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla	4
3	1 Columbia, Hamilton, Suwannee	7
3	2 Alachua, Bradford, Dixie, Gilchrist, Lafayette, Levy, Union	5
3	3 Putnam	0
3	4 Marion	0
3	5 Citrus	26
3	6 Hernando	30
3	7 Lake, Sumter	6
4	1 Nassau, North Duval	3
4	Baker, Clay, Southwest Duval	2
4	3 St. Johns, Southeast Duval	0
4	4 Flagler, East Volusia	1
4	5 West Volusia	16
5	1 West Pasco	0
5	2 East Pasco	0
5	3 North Pinellas	22
5	4 South Pinellas	2
6	1 Hillsborough	0
6	2 Polk	0
6	3 Manatee	6

6	4 Hardee	0
6	5 Highlands	9
7	1 Brevard	40
7	2 Orange	0
7	3 Osceola	0
7	4 Seminole	6
8	1 Charlotte	0
8	2 Collier	0
8	3 DeSoto	2
8	4 Glades, Hendry	1
8	5 Lee	21
8	6 Sarasota	0
9	1 Indian River	5
9	2 Martin, St. Lucie	0
9	3 Okeechobee	1
9	4 North Palm Beach	0
9	5 South Palm Beach	0
10	Broward	79
11	1 Dade	203
11	2 Monroe	3
	STATE TOTAL	500

The person to be contacted concerning this notice is: Laura MacLafferty, Certificate of Need Office, 2727 Mahan Drive, Tallahassee, Florida 32308, Telephone (850)922-7760.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

The Florida Department of Environmental Protection has determined that the proposed work to consolidate the existing water systems in the Belleview-Ocklawaha-Lake Weir area into a single water system to eliminate the source of chemical contamination by the construction of wells, disinfecting

facilities, elevated storage tank, and approximately 67,000 linear feet of 6 to 10-inch-diameter water mains (DWFP4201-Water Facilities Plan for Sunshine Utilities of Central Florida, Inc.) will not adversely affect the environment. The total cost of the proposed facilities is estimated at \$2,102,000. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: Jun Tabanguil, Bureau of Water Facilities Funding, Department of Environmental Protection, Mail Station #3505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

FLORIDA RESIDENTIAL PROPERTY & CASUALTY JOINT UNDERWRITING ASSOCIATION

The Florida Residential Property & Casualty Joint Underwriting Association (FRPCJUA) announces the availability of two packages of residential property insurance policies of approximately 40,000 policies each under the Enhanced Takeout Program. Under the Program, an insurer has the opportunity to assume the FRPCJUA policies and receive substantial financial incentives. Information about the policies in the two packages will be available on October 15, 1999. Proposals from companies interested in taking out the policies in these packages must be submitted to the FRPCJUA by November 16, 1999.

Companies interested in removing one of the 40,000 policy packages can obtain additional information from the FRPCJUA by contacting Jay Newman, Executive Director, (850)513-3727.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN September 28, 1999
and October 4, 1999

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE
Board of Funeral and Cemetery Services

3F-5.0016	9/28/99	10/18/99	25/31	
3F-10.002	9/28/99	10/18/99	25/31	

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

5I-2.003	9/28/99	10/18/99	25/22	25/33
5I-2.004	9/28/99	10/18/99	25/22	25/33
5I-2.006	9/28/99	10/18/99	25/22	25/33

DEPARTMENT OF EDUCATION
State Board of Education

6A-1.0014	9/28/99	10/18/99	25/32	
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Florida State University

6C2-2.015	9/30/99	10/20/99	Newspaper	
6C2-4.039	9/30/99	10/20/99	Newspaper	
6C2-5.056	9/30/99	10/20/99	Newspaper	

DEPARTMENT OF REVENUE

12-18.001	9/29/99	10/19/99	24/50	25/32
12-18.002	9/29/99	10/19/99	24/50	25/32
12-18.003	9/29/99	10/19/99	24/50	25/32
12-18.004	9/29/99	10/19/99	24/50	
12-18.005	9/29/99	10/19/99	24/50	
12-18.006	9/29/99	10/19/99	24/50	
12-18.008	9/29/99	10/19/99	24/50	25/32

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF LOTTERY

53-16.009	10/1/99	10/21/99	25/21	25/33
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AGENCY FOR HEALTH CARE ADMINISTRATION
Office of Licensure and Certification

59A-4.133	10/1/99	10/21/99	25/21	25/28
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Medicaid Program Office

59G-4.160	9/28/99	10/18/99	25/30	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

61-20.508	9/28/99	10/18/99	25/33	
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DEPARTMENT OF HEALTH

Board of Clinical Social Work

64B4-4.002	9/28/99	10/18/99	25/32	
64B4-4.017	9/28/99	10/18/99	25/32	
64B4-4.018	9/28/99	10/18/99	25/32	
64B4-5.007	9/28/99	10/18/99	25/32	
64B4-6.0013	9/28/99	10/18/99	25/32	
64B4-6.0045	9/28/99	10/18/99	25/32	

Board of Orthotists and Prosthetists

64B14-3.001	10/1/99	10/21/99	25/34	
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FLORIDA HOUSING FINANCE CORPORATION

67-39.002	10/1/99	10/21/99	25/27	25/36
67-39.003	10/1/99	10/21/99	25/27	
67-39.004	10/1/99	10/21/99	25/27	25/36
67-39.005	10/1/99	10/21/99	25/27	
67-39.006	10/1/99	10/21/99	25/27	25/36
67-39.008	10/1/99	10/21/99	25/27	
67-39.010	10/1/99	10/21/99	25/27	25/36
67-39.011	10/1/99	10/21/99	25/27	
67-39.012	10/1/99	10/21/99	25/27	
67-39.014	10/1/99	10/21/99	25/27	
67-39.015	10/1/99	10/21/99	25/27	