

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Claims
RULE NO.: 2A-2.002

PURPOSE AND EFFECT: The proposed rule development is intended to incorporate revised forms into the rule.

SUBJECT AREA TO BE ADDRESSED: The incorporation of revised forms into the rule.

SPECIFIC AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.13(1)(b) 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., December 1, 1999

PLACE: Room 324, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32302

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jacquelyn Dupree, Chief, Bureau of Victim Compensation, Division of Victim Services and Criminal Justice Programs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-2.002 Claims.

Application and benefit payment criteria, limitations and procedures for victim assistance are provided in the publication entitled "Victim Compensation Assistance," BVC-P001 (January 2000), effective (March 1999), effective 8-17-99, which is incorporated into these rules by reference. In addition, the following documents are incorporated into this rule by reference:

(1) BVC 100, entitled "Victim Compensation Claim Form," (rev. 11/99), effective (6/97) (rev. 2/99), effective 9-24-97.

(2) BVC 100SF, entitled "Victim Compensation Claim Form" (Short Form), (10/99), effective

(3)(2) BVC 102, entitled "Filing Time Explanation" (1/99), effective 8-17-99.

(4)(3) BVC 103, entitled "Reporting Time Explanation" (2/99), effective 8-17-99.

(5)(4) BVC 104, entitled "Non-Cooperation Explanation" (1/99), effective 8-17-99.

(6) BVC 105, entitled "Domestic Violence Relocation Certification" (10/99), effective

(7)(5) BVC 211, entitled "Notice of Rights - Hearing Request," (3/99), effective 8-17-99.

(8)(6) BVC 405, entitled "Employment Report," (1/99), effective 8-17-99.

(9)(7) BVC 409, entitled "Treatment Statement," (2/99), effective 8-17-99.

(10)(8) BVC 410, entitled "Disability Statement," (1/99), effective 8-17-99.

(9) BVC 600, entitled "Property Loss Claim Form," (7/97) (rev 2/99), effective 9-24-97.

Specific Authority 960.045(1) FS. Law Implemented 960.065, 960.07, 960.13(1)(b) FS. History-New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, 8-17-99.

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Application and Payment Procedures
RULE NO.: 2A-3.002

PURPOSE AND EFFECT: The proposed rule development is intended to incorporate a revised form into the rule.

SUBJECT AREA TO BE ADDRESSED: Incorporation of a revised form into the rule.

SPECIFIC AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.28 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., December 1, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida 32302

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jacquelyn Dupree, Chief, Bureau of Victim Compensation, Division of Victim Services and Criminal Justice Programs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-3.002 Application and Payment Procedures.

Application and payment procedures for sexual assault examinations are provided on the form entitled "Sexual Battery Claim Form," DVS-201, (Rev. 11/99), effective (07/97), effective 9-24-97, which is incorporated in this rule by reference.

Specific Authority 960.045(1) FS. Law Implemented 960.28 FS. History-New 11-1-92, Amended 9-13-94, 9-26-95, 6-19-96, 9-24-97.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Phytophagous Snails
 RULE TITLE: Infested and Regulated Areas
 PURPOSE AND EFFECT: The purpose of this rule amendment is to remove unnecessary restrictions on the State of South Carolina in shipping plant material to Florida.
 SUBJECT AREA TO BE ADDRESSED: South Carolina is removed as an infested area.
 SPECIFIC AUTHORITY: 570.07(23), 581.031(1),(5) FS.
 LAW IMPLEMENTED: 581.031(7),(8),(21), 581.101, 581.111 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., November 30, 1999
 PLACE: Division of Plant Industry, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL 32608
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida 32608, Phone (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-43.009 Infested and Regulated Areas.

(1) Infested areas. The following states in which plant-feeding snails, as described in 5B-43.003, are known to be established shall be known as infested areas.

- (a) Arizona
- (b) California
- (c) Hawaii
- (d) New Mexico
- (e) Oregon
- ~~(f) South Carolina~~
- ~~(f)(g) Texas~~
- ~~(g)(h) Washington~~

~~(h)(i)~~ Any other state where plant-feeding snails, as described in 5B-43.003, may be determined to be established.

(2) through (4) No change.

Specific Authority 570.07(23), 581.031(1),(5) FS. Law Implemented 581.031(7),(8),(21), 581.101, 581.111 FS. History--New 6-15-81, Amended 8-18-85, 2-10-87,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Guidelines for Imposing Administrative Penalties
 RULE NO.: 5F-2.016
 PURPOSE AND EFFECT: The purpose of 5F-2.016 is to specify Departmental policies when imposing an administrative fine as described in s. 525.16, F.S. The effect is to have uniform imposition of administrative fines.
 SUBJECT AREA TO BE ADDRESSED: Proposed rule 5F-2.016 will specify guidelines when administrative fines are imposed pursuant to Chapter 525.16, F.S.
 SPECIFIC AUTHORITY: 525.14 FS.
 LAW IMPLEMENTED: 525.16 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., Monday, November 29, 1999
 PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, Phone (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-2.016 Guidelines for Imposing Administrative Penalties.

(1) Any person who is shown to have willfully and intentionally violated any provision of Chapter 525, Florida Statutes, shall have a maximum administrative fine of \$5,000 levied per violation.

(2) Any person who commits a first violation of Chapter 525, Florida Statutes, within a three-year period that is not shown to have been willful or intentional shall be issued a warning letter.

(3) Any person who commits a second violation of Chapter 525, Florida Statutes, within a three-year period that is not shown to have been willful or intentional shall have a maximum administrative fine of \$1,000 levied per violation.

(4) Any person who commits three or more violations of Chapter 525, Florida Statutes, within a three-year period that are not shown to have been willful or intentional shall have a maximum administrative fine of \$5,000 levied per violation.

(5) Pursuant to Section 525.16(1)(a)(2), Florida Statutes, four factors will be considered when imposing an administrative fine on a second time or repeat offender for violations that are not shown to have been willful or intentional. The factors are:

- (a) The degree and extent of harm caused by the violation;
- (b) The cost of rectifying the damage;
- (c) The amount of money the violator benefitted from the noncompliance; and
- (d) The compliance record of the violator.

The administrative fine will be a sum of the assigned monetary amounts of these factors. These factors will be assigned monetary amounts in the following manner:

1. The degree of harm is determined by the severity and nature of the violation and the extent of harm will be determined by the amount of substandard product sold.

a. Severity and Nature of the Violation
Gasoline

<u>Fine</u>	<u>\$100</u>	<u>\$250</u>	<u>\$500</u>
<u>Distillation:</u> <u>End Point, °F</u>	<u>450-475</u>	<u>476-500</u>	<u>>500</u>
<u>Distillation:</u> <u>10, 50 & 90% evaporated</u> <u>temperature, °F</u>		<u>all violations</u>	
<u>Vapor Pressure, psi</u>	<u>April-October:</u> <u>>maximum but< 11.5</u>	<u>November-March: >13.5</u> <u>April-October: >11.5</u>	
<u>Antiknock Index</u>			<u>>2.0 below displayed value</u>
<u>Sulfur</u>			<u>all violations</u>
<u>Gum</u>			<u>all violations</u>
<u>Alcohol/Oxygenates</u>		<u>>maximum but< 20%</u>	<u>>20%</u>

Diesel, Kerosene and Fuel Oils

<u>Fine</u>	<u>\$100</u>	<u>\$250</u>	<u>\$500</u>
<u>Flash Point, °F</u>	<u>diesel & fuel oils:</u> <u>80-93.</u> <u>kerosene: 80-91</u>	<u>diesel, kerosene & fuel</u> <u>oils: 60-79</u>	<u>diesel, kerosene & fuel oils:</u> <u><60</u>
<u>Distillation</u>		<u>diesel, kerosene & fuel</u> <u>oils: all violations</u>	

b. Extent of Harm

<u>Fine</u>	<u>\$250</u>	<u>\$750</u>	<u>\$1,500</u>
<u># of gallons sold</u>	<u>0-500</u>	<u>501-1000</u>	<u>>1000</u>

2. The cost of rectifying the damage is determined by the monetary value of repairs for equipment damaged by the substandard product. These damages must be related to a valid complaint filed with The Department.

<u>Fine</u>	<u>\$100</u>	<u>\$250</u>	<u>\$500</u>
<u>\$value</u>	<u><\$500</u>	<u>\$500-1000</u>	<u>>\$1000</u>

3. Benefit to Violator

<u>Fine</u>	<u>Revenue resulting from sale of substandard product.</u>
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4. Compliance Record

<u>Fine</u>	<u>\$100 per violation</u>	<u>\$250 per violation</u>	<u>\$500 per violation</u>
<u># of violations subject to</u> <u>penalty</u>	<u>3rd previous year</u>	<u>2nd previous year</u>	<u>1st previous year</u>

Specific Authority 525.14 FS. Law Implemented 525.16 FS. History—New

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Residential Construction Mitigation Program	9B-68
RULE TITLES:	RULE NOS.:
Residential Construction Mitigation Program	9B-68.001
Residential Construction Mitigation Program: Quality of Evaluation	9B-68.002
Residential Construction Mitigation Program: Retrofit Techniques	9B-68.003
Residential Construction Mitigation Program: Qualified Applicants	9B-68.004

PURPOSE AND EFFECT: The purpose of the proposed rule amendment to Rule Ch. 9B-68, Fla. Admin. Code is to reflect the change in eligibility and examination requirements for the Residential Construction Mitigation Program Inspector; updating the Wind Resistance Checklist version and incorporate it by reference; and revising home eligibility requirements to include all residents of Florida.

SUBJECT AREA TO BE ADDRESSED: Residential Construction Mitigation Program.

SPECIFIC AUTHORITY: 627.0629(9)(d) FS.

LAW IMPLEMENTED: 627.0629(9) FS.

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

TIME AND DATE: 8:00 a.m. – 10:00 a.m., December 6, 1999

PLACE: Kelly Training Center, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida
Copies of the agenda for the rule development workshop may be obtained from: Traci Buzbee, Planning Manager, Long Term Redevelopment Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone (850)922-5434.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Long Term Redevelopment Section is asked to advise the Department at least five (5) calendar days before such proceeding by contacting: Traci Buzbee, (850)922-5434. If you are hearing or speech impaired, please contact the Department by using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE: Traci Buzbee, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, 850/922-5434

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-68.001 Residential Construction Mitigation Program.
In order to be eligible to be certified as a Residential Construction Mitigation Program (RCMP) Inspector ~~Wind Mitigation Inspector~~, for the Residential Construction Mitigation Program, an individual must be one of the following with an active license in good standing; a State Standard Certified Building Inspector, a State Certified or Registered Building, Residential or General Contractor, a Florida Registered Architect, or a Florida Professional Engineer. Eligible individuals must also complete the Department of Community Affairs' Residential Inspection Using the Wind Resistance Checklist Course ~~Wind Retrofitting Inspector Course~~ and pass the exam before being certified as an Inspector.

Specific Authority 627.0629(9)(d) FS. Law Implemented 627.0629(9) FS. History--New 1-11-98, Amended _____.

9B-68.002 Residential Construction Mitigation Program: Quality of Evaluation

Evaluations shall be conducted by a Certified Wind Inspector utilizing the Wind Resistance Checklist, version 2.1, 6/1/99, which is hereby incorporated by reference as Form No. 2.1, effective 6/1/99, version 1.1, 1/7/98. A copy of the Checklist which may be obtained from Office of Long Term Redevelopment the Department of Community Affairs, Division of Housing and Community Development 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. The checklist ensures the quality of evaluations because it collects the appropriate data and allows an analysis of the whole house. ~~The checklist develops information about construction of the house including applicable code (governed by date of construction), building type, and structural features such as: windows, roof, fasteners, doors, coverings, and foundations.~~ Certified Wind Inspectors shall complete the Wind Resistance Checklist, supplying all information in accordance with the accompanying instructions.

Specific Authority 627.0629(9)(d) FS. Law Implemented 627.0629(9) FS. History--New 12-24-98, Amended _____.

9B-68.003 Residential Construction Mitigation Program: Retrofit Techniques.

(1) Information contained in the Wind Resistance Checklist along with the reasonably expected conditions resulting from extreme wind events shall be evaluated through the performance of a vulnerability-loss analysis. This analysis shall include simulated failures for reasonably expected hurricanes and extreme wind events. The analysis shall include a component-by-component load and resistance analysis, time specific and progressive failures, internal pressure and envelope failures. The vulnerability-loss analysis shall generate a component damage by storm result, including losses to structures, appurtenances and loss of use.

(2) The cumulative vulnerability-loss analysis shall form the basis for an analysis of options to reduce the predicted damages. Retrofit recommendations shall address wind resistance of residential structures and prevention of damage from hurricane force winds. Options to be considered shall include all reasonable, feasible, practicable and available methods of envelope protection, internal and external non-destructive upgrades and structural bracing. Each option shall include estimated cost information. Default values shall be substituted for missing or unknown information on structural construction or components. For each option and combination of options, the evaluation shall generate a benefit-cost analysis which shall indicate the ratio of reduced losses in future events to the estimated cost of implementing each option. This ratio shall assume a life of 15 years, an interest rate of 5% and an inflation rate of 2%. Future benefits shall be converted to net present value for comparison to retrofit cost. ~~Options with a ratio of 1.0 or greater shall be reported.~~ The evaluation shall generate one or more recommended retrofits for each evaluated structure, and information about each option's predicted loss reduction.

(3) Mitigation retrofit recommendations shall consider one or more of the following: (a) replacement of roof sheathing; (b) replacement of roof covering; (c) installation of window and door opening protection; (d) brace bottom chord gable end; (e) anchoring of wall or floor units; and (f) roof to wall to foundation connections.

Specific Authority 627.0629(9)(d) FS. Law Implemented 627.0629(9) FS. History--New 12-24-98, Amended _____.

9B-68.004 Residential Construction Mitigation Program: Qualified Applicants.

~~All residents in the State of Florida living in a site built single family dwelling are qualified to participate in the Residential Construction Mitigation Program (RCMP). In order to receive an inspection, the homeowner must hire a Certified RCMP Inspector. The Florida Windstorm Underwriting Association (FWUA) shall recommend areas of the state with the greatest wind risk to residential properties, which make up the pool of those initially eligible. Actual eligible residential structures shall be randomly selected to achieve a uniform distribution by age of the residential structure. Homes built after 1995 shall not be considered since these residences have been constructed under the provisions of the new South Florida Building Code or other recent code with wind protection provisions, and thus, the wind mitigation has been built into the construction. In order to ensure funds achieve positive results, those residential properties in areas identified by FWUA and the program which are insured through the FWUA wind pool created by section 627.531(2), Florida Statutes, and which can be cost effectively retrofitted, as determined by the cost benefit analysis, represent those eligible for the Residential Construction Mitigation Program.~~

Specific Authority 627.0629 FS. Law Implemented 627.0629 FS. History--New 12-24-98, Amended _____.

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Definitions	12-11.002
Requests for Technical Assistance Advisements	12-11.003
Requests for Conference Discussion	12-11.004
Deletion of Private or Confidential Information	12-11.005
Processing Requests for, and Obtaining Copies of, Technical Assistance Advisements	12-11.006
Effect of Advisements	12-11.007
Requests by Representatives	12-11.008
Informal Technical Tax Statements	12-11.013

PURPOSE AND EFFECT: A) The proposed amendments to Rule 12-11.002, FAC., revise the definition of a Technical Assistance Advisement (TAA) to include a TAA issued to a taxpayer association; define "taxpayer association" to mean an organization authorized by its members to act on their behalf; and define a Tax Information Publication (TIP) to mean a written, informal statement issued by the Department of Revenue (DOR). B) The changes to Rule 12-11.003, FAC., allow DOR to issue a TAA to a taxpayer association; clarify that a TAA request must include copies of pertinent documents; identify the information which must accompany an association's request for a TAA, including a written description of all relevant facts, an explanation of the entire transaction, a discussion of any determination the association proposes, a statement from the association promising to distribute the TAA to all its members, and a statement allowing the TAA to be published; provide that an association's TAA request should be submitted to the DOR's Director of Industry and Intergovernmental Relations, who will determine if the issue is appropriate for DOR to issue a TAA; implement a 1998 legislative change authorizing DOR to issue a TAA at any time, if it deals with the sales and use tax exemption granted to general groceries or medical items; and, add a taxpayer association's request for a TAA within the existing TAA procedures. C) The proposed amendments to Rule 12-11.004, FAC., provide that a taxpayer association can request a conference with DOR regarding its request for a TAA. D) The suggested revisions to Rule 12-11.005, FAC., clarify that the requestor of a TAA is granted the opportunity to identify information that DOR cannot disclose pursuant to confidentiality concerns. E) The proposed revisions to Rule 12-11.006, FAC., explain how a taxpayer's association can check on the status of a TAA request that has been submitted to DOR; clarify that the fee imposed on requests for copies of previously-issued TAAs does not apply when someone accesses and prints a TAA from DOR's Internet website; provide that this copying fee does apply to requests for copies of supporting information, and states that the fee must be paid before the TAA or supporting information copies will be sent to the requestor by the Department. F) The changes to Rule

12-11.007, FAC., state that a TAA issued to a taxpayer association provides guidance to all members of the association who engage in the transaction discussed in the TAA; and, clarify that, if a member of the association decides to not follow the TAA, such member could be liable for the tax consequences of such a decision. G) The proposed amendments to Rule 12-11.008, FAC., add taxpayer association requests for TAA to the provisions governing how representatives of taxpayers can act on behalf of clients who need a TAA. H) The creation of Rule 12-11.013, FAC., discusses DOR's authority to issue informal technical tax statements known as Tax Information Publications (TIPs); explains that TIPs are meant to guide taxpayers and help them comply with tax laws and rules, promote uniform compliance with the tax laws, notify taxpayers about law changes or legal decisions, and explain to taxpayers the rights they are granted by statutes and rules; states that TIPs do not supersede or change any provision of tax law, Department rule, or other law; clarifies that TIPs are not considered rules pursuant to Chapter 120, F.S.; and, reminds taxpayers who rely on a TIP that they must be aware of subsequent law or rule changes that render a previously-issued TIP obsolete.

SUBJECT AREA TO BE ADDRESSED: These proposed rule amendments address the Department's statutory authority to issue written, binding statements called Technical Assistance Advisements (TAAs) to taxpayers who request them. These amendments also address DOR's issuance of written, informal technical tax statements called Tax Information Publications (TIPs).

SPECIFIC AUTHORITY: 213.06(1), 213.22(3) FS.

LAW IMPLEMENTED: 213.015(1), 213.22, 213.2201 FS.

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

TIME AND DATE: 10:00 a.m., December 2, 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.

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 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:

12-11.002 Definitions.

(1) "Technical Assistance Advisements" (TAA) or "Advisements" are written statements issued to taxpayers or to industry or trade associations by the Department of Revenue, setting forth the Department's position on the tax consequences of a specific transaction or event under applicable statutes and rules.

(2) "Internal Technical Advisements" (ITA) are written statements issued to Department personnel, in response to a Request for Technical Assistance (RTA), which state the Department's position on the tax consequences of a specific transaction or event under applicable statutes and rules.

(3) No change.

(4) "Taxpayer" shall mean a person subject to any tax imposed under law by the Florida Statutes, ~~that which~~ tax is subject to administration by the Department of Revenue.

(5) through (7) No change.

(8) "Taxpayer Association" shall mean an organization that has been authorized by its members to represent the interests of the members.

(9) "Tax Information Publication" (TIP) shall mean a written, informal statement developed and issued by the Department.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22 FS. History—New 5-27-82, Formerly 12-11.02, Amended 10-24-96, _____.

12-11.003 Requests for Technical Assistance Advisements.

(1) No change.

(2) Each written request for a technical assistance advisement (TAA) from a taxpayer or his or her representative related to the specific circumstances of an individual taxpayer must contain:

(a) No change.

(b) In addition, true copies of all contracts, wills, deeds, agreements, instruments, and other documents involved in the transaction ~~must should~~ be submitted with the request:

1. For prompt disposition, relevant facts reflected in documents submitted ~~must should~~ be included in the taxpayer's statement and not merely incorporated by reference, and;

2. ~~Must Should~~ be accompanied by an analysis of their bearing on the issue or issues, specifying the pertinent provisions.

(c) An explanation of an entire, integrated transaction when the request pertains to only a portion of that transaction ~~Where the request pertains to only one step of a larger integrated transaction, the facts, circumstances, etc., should be submitted with respect to the entire transaction.~~

(d) No change.

(3) Each written request for a technical assistance advisement from a taxpayer association or the association's representative must contain:

(a) A complete description of all relevant facts relating to the potential transaction(s).

(b) An explanation of an entire, integrated transaction when the request pertains to only a portion of that transaction.

(c) If the taxpayer association asserts a particular determination of the issues, an explanation of the grounds for the determination, and a statement of relevant authorities in support of the position asserted should be furnished. Even though the taxpayer association is urging no particular determination with regard to a proposed transaction, the association's views as to the tax consequences of the proposed action should be stated and a statement of relevant authorities to support such views should be furnished. In addition, the taxpayer association should, for prompt disposition, inform the Department of any legislation, court decisions, or regulations that the taxpayer association determines to be contrary to the position advanced. If the taxpayer association determines that there are no contrary authorities, a statement to this effect should be included in the advisement request.

(d) A statement from the taxpayer association agreeing to disseminate the TAA to all of its members and related interested parties.

(e) A statement waiving the provisions of s. 213.22 (2), F.S., to allow the TAA to be published.

(4) Upon receipt of a request from a taxpayer association for a TAA, the Department's Director of Industry and Intergovernmental Relations will determine whether the issue is of general applicability and is appropriate for the issuance of an industry-wide TAA.

(5)(3) An advisement request, other than a request regarding the sales and use tax exemptions granted to general groceries and medical items pursuant to s. 212.08(1) and (2), F.S., must also contain a statement whether, to the best of knowledge of the taxpayer or his or her representative or the taxpayer association or its representative, the identical issue is involved in a return of the taxpayer or a member of the taxpayer association, and, if so, whether:

(a) The taxpayer or a member of the taxpayer association is under audit,

(b) The issue is being considered by the Department,

(c) The issue has been examined and the statutory period for assessment or refund has expired,

(d) The issue is pending in litigation in a case involving the taxpayer, a member of the taxpayer association, or a person who is a party to the transaction, or

(e) The issue, or a substantially similar issue, has been ruled on by the Department for the taxpayer or predecessor of the taxpayer, or a member of the taxpayer association, and the substance of the prior ruling or advisement.

After a request is filed, but before an advisement is issued, if a taxpayer or his or her authorized representative or the taxpayer association or its representative becomes aware that an examination of the issue by the Department has commenced, the taxpayer or his or her representative or the taxpayer association or its representative shall so notify the Department in writing.

(6)(4) A request for an advisement must comply with the deletion requirements in Rule 12-11.005.

(7)(a)(5) A request for a technical assistance advisement by the Department from an individual taxpayer or his or her representative should be addressed to Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443.

(b) A request from a taxpayer association or its representative should be addressed to the Office of Industry and Intergovernmental Relations, Room 104, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida 32399-0100.

(8)(6) Any request for an advisement that does not comply with all the provisions of this paragraph will be acknowledged, and the requirements that have not been met will be pointed out. If a request for an advisement lacks essential information, the taxpayer or his or her representative, or the taxpayer association or its representative, will be advised that if the information is not forthcoming within 30 days, the request will be closed. If the information is received after the request is closed, the request will be reopened and treated as a new request as of the date of the receipt of the essential information.

(9)(7) When a taxpayer who is under audit or a taxpayer association that has a member who is under audit requests a Technical Assistance Advisement (TAA) on any tax being audited or a transaction or period being reviewed, other than a request regarding the sales and use tax exemptions granted to general groceries and medical items pursuant to s. 212.08(1) and (2), F.S., the taxpayer or the taxpayer association shall mail or hand-deliver to the authorized employee conducting the audit or review a copy of the TAA request at the same time the request is mailed to Technical Assistance and Dispute Resolution (TADR) or the Office of Industry and Intergovernmental Relations (I & IR) for a response. Upon receipt of the TAA request, the authorized employee will notify TADR or I & IR of his or her intent to provide any factual information, documents, arguments or authorities which he or she wants considered. The authorized employee shall have 10 working days from the date of the TAA request in which to forward any information to TADR or I & IR or to request additional time to submit information regarding the TAA request. The authorized employee shall not be obligated to suspend the audit or review pending issuance of the TAA. After issuance of a Notice of Proposed Assessment or billing, no TAA will be issued to a taxpayer or taxpayer association with respect to the tax liability reflected by the proposed

assessment or billing, other than a TAA request regarding the sales and use tax exemptions granted to general groceries and medical items pursuant to s. 212.08(1) and (2), F.S.

~~(10)~~(8) No TAA will be issued to an individual a taxpayer who has received notification of the Department's intent to audit a specific tax, other than a TAA request regarding the sales and use tax exemptions granted to general groceries and medical items pursuant to s. 212.08(1) and (2), F.S., if an RTA by the authorized employee, with respect to the same taxpayer and issue, is pending. If the Department does not issue an ITA in this situation, the taxpayer may submit a request for a TAA.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22(+),(3) FS. History--New 5-27-82, Formerly 12-11.03, Amended 10-24-96, _____.

12-11.004 Requests for Conference Discussion.

(1) A taxpayer, or the taxpayer's his or her representative who, or a taxpayer association or its representative that, desires an oral discussion of the issue or issues involved should indicate such desire in writing when filing the request in order that the conference may be arranged at that stage of consideration when it will be most helpful.

(2) If a conference has been requested, the taxpayer or taxpayer association will be notified of the time and place of the conference. Unless specifically agreed to by the Department, all conferences will be held at the Department's Department offices in Tallahassee, Florida, or by telephone conference call if requested by the taxpayer or taxpayer association. A conference is normally scheduled only when the Department agrees determines that it will be helpful in deciding the case, or when an adverse decision is indicated.

Specific Authority 213.06(1), 213.22 (3) FS. Law Implemented 213.22 (+),(3) FS. History--New 5-27-82, Formerly 12-11.04, Amended _____.

12-11.005 Deletion of Private or Confidential Information.

(1) In order to assist the Department in making the deletions of private and confidential materials and privileged financial and commercial information from the text of advisements and supporting information provided by the requestor to the Department which are open to public inspection, there must accompany requests for advisements and the submission of supporting information either a statement of the deletions proposed by the person requesting the advisements, or a statement that no information other than names, addresses, and taxpayer identification numbers needs to need be deleted.

(2) through (5) No change.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22 (+),(3) FS. History--New 5-27-82, Formerly 12-11.05, Amended _____.

12-11.006 Processing Requests for, and Obtaining Copies of, Technical Assistance Advisements.

(1) No change.

(2) A taxpayer, or the taxpayer's authorized representative, or a taxpayer association or its representative, desiring to obtain information as to the status of the taxpayer's request may do so by contacting either the Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443 or the Director of Industry and Intergovernmental Relations at Room 104, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida 32399-0100, depending on where the request was directed originally.

(3)(a) An individual who accesses and prints a copy of a previously-issued TAA using the Department's Internet website does not have to submit the fee required by paragraph (b). The Department's Internet address is shown inside the brackets [http://www.state.fl.us/dor/].

(b) A request for a copy of a previously-issued TAA or supporting information should be mailed or faxed to Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, FAX number (850)921-2983. An individual who mails or faxes a request for a paper copy of a previously-issued TAA or supporting information must first submit a check made payable to the Department of Revenue in an amount equal to 50 cents per page, with a minimum amount of \$5.00 for each TAA or supporting information document requested.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22(+) FS. History--New 5-27-82, Formerly 12-11.06, Amended 10-24-96, _____.

12-11.007 Effect of Advisements.

(1) A taxpayer may not rely on an advisement issued to another taxpayer, except that an advisement issued to a taxpayer association provides guidance to those taxpayers who are members of the taxpayer association for the particular transaction(s) discussed in the TAA. An advisement may be revoked or modified at any time by the Department in the administration of the taxing statutes. If an advisement is revoked or modified, the revocation or modification shall be prospectively only, and such revocation or modification shall not be applied retroactively against the taxpayer.

(2) An advisement, issued to a taxpayer or a taxpayer association, with respect to a particular transaction represents a holding of the Department on that transaction only. If the advisement is later found to be in error, or no longer in accord with the position of the Department, it will afford the taxpayer no protection with respect to a like transaction in the same or subsequent years.

(3) No change.

(4) As part of the determination of a taxpayer's liability, it is the responsibility of the Department to ascertain whether an advisement previously issued to the taxpayer or the taxpayer association has been properly applied. It should be determined whether the representations, upon which the advisement was based, reflected an accurate statement of the material facts and whether the transaction actually was carried out substantially as proposed.

(5) Members of a taxpayer association who choose not to follow the guidance provided in a TAA may be liable for the tax consequences of not adhering to the Department's position expressed in the TAA.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22 FS. History--New 5-27-82, Formerly 12-11.07, Amended _____.

12-11.008 Requests by Representatives.

(1) A request, by or for a taxpayer or a taxpayer association, must be signed by the taxpayer, an officer or director of the taxpayer association, or an his or her authorized representative of the taxpayer or the taxpayer association. If the request is signed by an authorized ~~a~~ representative of the taxpayer, he or she must either be:

(a) An attorney, who is a member in good standing of the Florida Bar or of the bar of the highest court of any state, possession, commonwealth, or the District of Columbia, and who files with the Department a written declaration that he or she is currently qualified as an attorney and he or she is authorized to represent the principal, or

(b) through (2) No change.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22(1),(3) FS. History--New 5-27-82, Formerly 12-11.08, Amended _____.

12-11.013 Informal Technical Tax Statements.

Pursuant to the provisions of ss. 213.015(1) and 213.2201, F.S., the Department is authorized to issue informal written technical statements called Tax Information Publications (TIPs).

(1) Tax Information Publications are intended to:

(a) Provide guidance to taxpayers, tax practitioners, and the public;

(b) Promote the uniform application of the tax laws;

(c) Inform taxpayers about the Department's response to changes in:

1. United States or Florida tax laws; or,

2. Court or Division of Administrative Hearings decisions that interpret tax laws;

(d) Explain to taxpayers their rights and responsibilities under the tax laws; and,

(e) Assist taxpayers in complying with the tax laws.

(2)(a) TIPs cannot supersede, alter, or otherwise change any provision of Florida law, Department rule, or any other source of law. They are not binding on the Department or on taxpayers.

(b) A TIP is not a rule under the provisions of Chapter 120, F.S.

(3)(a) If there is an inconsistency between a TIP and a statute, rule, or court decision, the statute, rule, or court decision controls.

(b) Any person relying on a TIP is required to consider the effects of later statute or rule changes, or court decisions, that render the TIP inapplicable. A taxpayer who relies on the

provision(s) contained in an inapplicable TIP cannot subsequently allege that he or she received inaccurate guidance from the Department.

Specific Authority 213.06(1) FS. Law Implemented 213.015(1), 213.2201 FS. History--New _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE:

RULE NO.:

Specific Exemptions

12A-1.001

PURPOSE AND EFFECT: The proposed amendments to Rule 12A-1.001, FAC., implement s. 3, Chapter 99-238, L.O.F., which expanded the exemption contained in s. 212.08(7)(dd), F.S., to include the purchase or importation of works of art. The proposed amendments provide guidelines regarding the tax exemption provided to works of art purchased or imported into Florida for the purposes of being donated to, or being loaned to and made available for display by, an educational institution. The amendments provide a suggested format of the affidavit that is required to be provided by the purchaser, or the authorized agent, to the vendor of the art work. The proposed amendments also remove obsolete guidelines effective prior to this statutory change.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to discuss the proposed amendments to the rule which implement the statutory exemption from sales and use tax provided for works, acquired exclusively for donation to educational institutions, as defined in s. 212.08(7)(o)2.d., F.S.

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), (8), 212.085, 212.17, 212.18, 213.12(2), 213.37, 403.715 FS., s. 3, ch. 99-238, L.O.F.

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

TIME AND DATE: 10:00 a.m., December 1, 1999

PLACE: Room B-12, 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.

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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Robert D. Heyde, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4714

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.001 Specific Exemptions.

(1) through (2) No change.

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

3.a. A "work of art," as defined in s. 212.08(7)(dd)8., F.S., is exempt from sales and use tax if the work of art is sold to or used by an educational institution, as defined in subparagraph 2., or if it is sold to or used by any person under all of the following conditions specified in sub-subparagraphs b. through i.:

b. The work of art must have been purchased in Florida or imported into Florida within six months from the date of purchase by any person exclusively for the purpose of being donated to, or being loaned to and made available for display by, an educational institution. A work of art is presumed to have been purchased in or imported into this state exclusively for loan to an educational institution if it is so loaned or placed in storage in preparation for such a loan within 90 days after purchase or importation, whichever is later. A work of art will not be deemed to be "in storage" for purposes of this subparagraph if it is displayed at any place other than an educational institution.

b.e. The purchaser or his authorized agent must: (1) complete an affidavit documenting entitlement to the exemption provided in s. 212.08(7)(dd), F.S., by stating that the purchaser has or will enter into a written loan agreement with an educational institution, which is or will be identified by its name and address, for a period of at least ten years; (2) present the affidavit to the seller of the work or works of art, and (3) forward a copy of the affidavit to the Department of Revenue when it is presented to the vendor. A purchaser may authorize his or her agent to execute such affidavit by a documented Power of Attorney filed with the Department. The Department prescribes Form DR-835, Power of Attorney (incorporated by reference in Rule 12A-1.097, F.A.C.), as the form to be used for such purposes.

c.d. The following is a suggested format of the affidavit to be provided by the purchaser or the his authorized agent to the vendor of the work of art:

AFFIDAVIT FOR EXEMPTION OF A WORK OF ART TO BE DONATED SOLD TO OR LOANED TO AN EDUCATIONAL INSTITUTION STATE OF FLORIDA COUNTY OF _____

Personally appears the below named affiant, who being duly sworn, deposes and says:

1. I claim exemption under s. 212.08(7)(dd), F.S., from Florida sales and use tax on the work(s) or works of art, described below, purchased in Florida or imported into Florida exclusively for the purpose of being (check one):

a. _____ donated to _____, an educational institution as defined in s. 212.08(7)(o)2.d., F.S.

b. _____ loaned to and made available for display for a period of at least 10 years to _____, an educational institution as defined in s. 212.08(7)(o)2.d., F.S.

2. If a donation, title to the work(s) of art is being or will be transferred to the educational institution, and at the time of transfer, I will submit to the Department an affidavit evidencing the transfer of title.

3. If a loan:

a. The work(s) of art will be loaned to the educational institution or placed in storage in preparation for loan within 90 days after it was purchased in or imported into Florida. If placed in storage, it will not be displayed until such time as it is delivered to the educational institution.

b.2. I have entered into a written agreement with the educational institution providing for a loan of the work(s) of art and making the work(s) of art available to the educational institution for display for a term of not less than 10 years, with the educational institution designated below; or will do so before the transfer of possession of the work(s) of art to the educational institution occurs. A copy of the loan agreement will be provided to the Florida Department of Revenue at the time that the agreement is executed.

c.3. I understand that the exemption provided in s. 212.08(7)(dd), F.S., is allowed during the period of time in which the work(s) or works of art, as designated below, is in the possession of the educational institution designated below, and:

d.4. I understand that tax based upon the sales price as stated below will shall become due and payable at the time the provisions of s. 212.08(7)(dd), F.S., are no longer met, and the statute of limitations as provided in s. 95.091, F.S., will shall begin to run at that time. However, if I donate the work(s) of art to an educational institution after the loan ceases, no tax will be due.

5. The work or works of art as designated below will be loaned to the educational institution designated below or placed in storage in preparation for loan within 90 days after it was purchased in or imported into Florida. If placed in storage, it will not be displayed until such time as it is delivered to the educational institution designated below.

4.6. A signed copy of this affidavit is being has been forwarded to the Florida Department of Revenue at the time the original is given to or forwarding to the seller of the work(s) or works of art designated below of another signed copy of this affidavit.

Name of Purchaser _____
Purchaser's Permanent Address _____ (Street)
_____ (City) _____ (State)
Name of Seller _____
Seller's Permanent Address _____ (Street)
_____ (City) _____ (State)
DESCRIPTION OF WORK(S) OF ART

Sales Price _____ Date of Sale _____
Name of Educational Institution _____
Institution's Address _____ (Street)
_____ (City) _____ (State)
Educational Institution's Florida Consumer's Certificate of
Exemption Number _____

() I have entered into an agreement with the educational
institution designated above.
() The work of art is in storage and I have not entered into a
loan agreement with an educational institution. However, I will
notify the Florida Department of Revenue at such time that I
enter into a loan agreement with an educational institution and
provide the Department a copy of the loan agreement, the date
on which the loan agreement was entered into, the name of the
educational institution, the institution's address, and the
educational institution's Florida Consumer's Certificate of
Exemption Number.

Under the penalties of perjury, I declare that I have read the
foregoing, and the facts alleged are true to the best of my
knowledge and belief.

(Signature of Purchaser or Authorized Agent)
Sworn to and
subscribed before me
this _____ day of
_____ (Month), 19 _____ (Year).

Notary Public, State of Florida
My commission expires: _____
NOTARY SEAL
Personally known ()
Produced Identification () Type: _____
Original to be retained by the seller and made part of the
seller's records
1st Copy to be submitted to the Florida Department of
Revenue, Compliance Enforcement, Enforcement Operations,
P. O. Box 6417, Tallahassee, Florida 32314-6417
2nd copy: Purchaser's copy

d. The following is a suggested format of an affidavit of
transfer of title to be provided by the purchaser or the
authorized agent to the educational institution, as defined in s.
212.08(7)(o)2.d., F.S., upon donation of a work of art to that
institution:

AFFIDAVIT TRANSFERRING TITLE TO A WORK
OF ART TO AN
EDUCATIONAL INSTITUTION

STATE OF FLORIDA
COUNTY OF _____

Personally appears the below named affiant, who being duly
sworn, deposes and says:

1. I claim exemption under s. 212.08(7)(dd), F.S., from
Florida sales and use tax on the work(s) of art described below
that was purchased in Florida or imported into Florida for the
exclusive purpose of being donated to _____, an
educational institution as defined in s. 212.08(7)(o)2.d., F.S. A
copy of the affidavit provided to the vendor of the work(s) of
art at the time of purchase is attached.

2. Title to the work(s) of art has been, or is being,
transferred to the educational institution, effective
_____ (date; no later than the date of this
affidavit). Copies of any other documents evidencing the
transfer of title to the educational institution are attached to this
affidavit and are being forwarded to the Florida Department of
Revenue with the affidavit.

3. A signed copy of this affidavit is being forwarded to the
Florida Department of Revenue at the time the original is given
to the educational institution.

Name of Transferor _____
Transferor's Permanent Address _____ (Street)
_____ (City) _____ (State)

DESCRIPTION OF WORK(S) OF ART

Date Purchased _____
Name and Address of Person from Whom Purchased
Name of Educational Institution
Institution's Address _____ (Street)
_____ (City) _____ (State)
Educational Institution's Florida Consumer's Certificate of
Exemption Number _____

Under the penalties of perjury, I declare that I have read the
foregoing, and the facts alleged are true to the best of my
knowledge and belief.

(Signature of Transferor)
Sworn to and
subscribed before me
this _____ day of

_____(Month), _____(Year).

Notary Public, State of Florida

My commission expires: _____

NOTARY SEAL

Personally known _____ ()

Produced identification () Type: _____

Original to be retained by the educational institution and made part of that institution's records

1st Copy to be submitted to the Florida Department of Revenue, Compliance Enforcement, Enforcement Operations, P. O. Box 6417, Tallahassee, Florida 32314-6417

2nd copy: Donor's copy

e. ~~The exemption of the purchaser or owner from sales and use tax for the loan of a work of art applies only for the period during which the work of art is in the possession of the educational institution or is in storage before transfer of possession to the educational institution.~~ The exemption provided to the purchaser of a work of art loaned to an educational institution is not terminated if the educational institution, which entered into a loan agreement with the purchaser of the work of art, loans the a work of art which is exempt under this subparagraph to another educational institution(s) and the physical custody of such work of art is returned to the lending educational institution at the termination of the loan agreement(s). Any educational institution which transfers possession of a work of art that is exempt under this subparagraph to other educational institutions is required to notify the Department within 60 days of such transfers. The notification must ~~shall~~ include a description of the work of art, the name and address of the purchaser who loaned it, the names and addresses of each of the educational institutions receiving the work of art for display, and the time periods that the work of art will be displayed at each identified educational institution. ~~Tax is due to the Department from the owner when the work of art loaned to an educational institution ceases to be so possessed or held, based on the cost price paid by the owner. The statute of limitations provided in s. 95.901, F.S., shall begin to run at the time the work of art is no longer so possessed or held.~~

f. Any educational institution in this state that has received from a purchaser a work of art which is exempt under this subparagraph is required to notify the Department within 60 days that it has received the work of art. The notification to the Department must ~~shall~~ include a description of the work of art, the name and address of the purchaser who loaned it, and the date on which the transfer of possession occurred.

g. Any educational institution which displays a work of art received on loan that is exempt under s. 212.08(7)(dd), F.S., ~~this subparagraph~~ is required to maintain any written agreements, notifications, affidavits, and any other documentation which substantiates the educational institution's right to display the work of art until tax imposed by Chapter

212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S., and such documentation shall be made available to the Department upon request.

h. Any educational institution that transfers from its possession a work of art received on loan that is exempt under s. 212.08(7)(dd), F.S., ~~this subparagraph~~ is required to notify the Department within 60 days after the transfer, except for transfers which do not terminate the exemption provided by s. 212.08(7)(dd), F.S., ~~in this subparagraph~~ for purposes such as storage, repairs, conservation and restoration, authentication, insurance examination, valuation, appraisal, research, photography and reproduction, or fumigation during which the work of art is not displayed and the educational institution maintains documentation to substantiate that such transfers do not constitute a transfer of possession for purposes of display of such work of art. The notification to the Department must ~~shall~~ include a description of the work of art, the name and address of the purchaser who loaned it, the name and address of to whom ~~which~~ the work of art is transferred, and the date on which the transfer of possession occurred.

~~i. For purposes of the exemption described in this subparagraph, the term "work of art" includes pictorial representations, sculpture, jewelry, antiques, stamp collections and coin collections, and other tangible personal property, the value of which is attributable predominantly to its artistic, historical, political, cultural, or social importance.~~

~~j. The exemption described by this subparagraph applies to any taxes that remain open to assessment or contest on July 1, 1992.~~

~~i.k. Documents and notifications, as required in this subparagraph to be provided to the Department, should shall be mailed to the following address:~~

Florida Department of Revenue
Compliance Enforcement
Enforcement Operations
P. O. Box 6417
Tallahassee, Florida 32314-6417

(g) through (t) No change.

(4) 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),(8), 212.085, 212.17, 212.18, 213.12(2), 213.37, 403.715 FS. S. 3, Ch. 99-238, L.O.F. 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

Miscellaneous Tax

RULE TITLES:	RULE NOS:
Imposition of the Gross Receipts Tax Administration	12B-6.001
Registration	12B-6.002
Rate of Tax	12B-6.0021
Sales for Resale; Resale Certificates	12B-6.003
Payment of Tax; Reports; Public Use Forms	12B-6.004
Collection and Distribution	12B-6.005
Assessment and Collection	12B-6.006
Interest	12B-6.007

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12B-6, FAC., is to remove from the administrative code obsolete language and language that restates the statutory provisions, as mandated by s. 120.74, F.S., and to change the title of the rule chapter to "Gross Receipts Tax."

The proposed repeal of Rules 12B-6.002 (Administration), 12B-6.003 (Rate of Tax), and 12B-6.007 (Assessment and Collection), FAC., will eliminate unnecessary rules that restate statutory provisions regarding the administration of the gross receipts tax, the statutory gross receipts tax rate, and the imposition of penalties due for failure to timely pay the gross receipts tax. The proposed repeal of Rule 12B-6.006 (Collection and Distribution), FAC., will eliminate an unnecessary recitation of the constitutional provision requiring that all gross receipts tax collections be deposited into the Public Education Capital Outlay and Debt Service Trust Fund.

The proposed amendments to Rule 12B-6.001, FAC., change the title to "Imposition of The Gross Receipts Tax," and provide current guidelines for when gross receipts from the sale of telecommunication services and the sale of electricity are excluded from the tax imposed on gross receipts from utility services. The proposed amendments eliminate the obsolete guidelines and the unnecessary recitation of the statute regarding when receipts from utility services are excluded from the tax imposed on gross receipts.

The proposed amendments to Rule 12B-6.0021, FAC., Registration, will provide the public with notice regarding the forms used by the Department to register taxpayers for purposes of the gross receipts tax.

The proposed amendments to Rule 12B-6.004, FAC., change the title to "Sales for Resale; Resale Certificates," provide guidelines for when utility services may be purchased tax exempt for the purposes of resale, and provided a suggested format of a Resale Certificate to be issued by the purchaser to the utility provide when purchasing utility services for resale.

The proposed amendments to Rule 12B-6.005, FAC., change the title to "Payment of Tax; Reports; Public Use Forms" provide guidelines regarding the payment of the gross receipts tax and the filing of reports with the Department; and incorporate by reference the public use forms used by the

Department in the administration of the gross receipts tax that are required to be certified under the provisions of s. 120.54, FAC.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is the proposed removal of unnecessary and obsolete provisions regarding the gross receipts tax from Rule Chapter 12B-6, FAC., Gross Receipts Tax.

SPECIFIC AUTHORITY: 203.01, 203.02, 213.06(1) FS.

LAW IMPLEMENTED: 203.01, 203.011, 203.012, 203.013, 203.03, 203.06, 203.07, 203.60, 203.61, 203.62, 203.63, 213.05 FS., Art. XII, Section 9, Subsection (2), Constitution of Florida (1968).

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

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

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

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: 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 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:

12B-6.001 Imposition of the Gross Receipts Tax.

(1)(a) ~~Gross Receipts, Generally.~~ A tax is imposed on every person receiving payment for any utility service at the rate of 2.5 percent on the total amount of gross receipts derived from business done within this state or between points within this state. Gross receipts means total payments received either in money, goods, services or other valuable consideration by every person ~~(including, but not limited to, municipal corporations, public service corporations and private electric utilities)~~ for electricity for light, heat, or power; for natural or manufactured gas for light, heat, or power; or for telecommunication services as defined or described in Chapter 203, F.S., ~~as amended, including, but not limited to, local telephone service, toll telephone service, telegram and~~

~~telegraph service, teletypewriter or computer exchange service, private communication service, cellular mobile radio, pagers, beepers, any mobile or portable one way or two way communication, two way television, and any person who operates his own telecommunication system for his own use.~~

~~(2)(b) Gross receipts for purposes of this rule shall not include:~~

~~(a)1. Receipts of any person derived from the sale of natural gas to a public or private utility, including municipal corporations and rural electric cooperative associations, either for resale or for use as fuel in the generation of electricity or for resale as provided in Rule 12B-6.004, F.A.C. The purchaser will be liable for tax due on natural gas that is not resold or used as fuel in the generation of electricity.;~~

~~2. Receipts from the The sale of electricity to a public or private utility, including a municipal corporation or rural electric cooperative association, for resale within the state as provided in Rule 12B-6.004, F.A.C., or as part of an electrical interchange agreement or contract between such utilities for the purpose of transferring more economically generated power or the sale of telecommunication services for resale of telecommunication services wholly or partially within this state; provided the person deriving gross receipts from such sale demonstrates that a resale in fact occurred and complies with the provisions of s. 203.01(3)(e), F.S. The purchaser will be liable for tax due on electricity that is not resold within this State.~~

~~3.a. Receipts from the sale of electricity to a public or private utility, including a municipal corporation or rural electric cooperative association, as part of an electrical interchange agreement or contract between such utilities for the purpose of transferring more economically generated power. The utility is required to maintain a copy of the agreement or contract in its books and records until the tax imposed under Chapter 203, F.S., may no longer be determined and assessed under s. 95.091, F.S., but the utility is not required to obtain a resale certificate.~~

~~b. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which no receipts or repayments are received by the seller are not subject to the tax.~~

~~4. Receipts from sales or leases of telecommunication services for use in the conduct of a telecommunication service for hire or for resale as provided in Rule 12B-6.004, F.A.C. The purchaser will be liable for tax due on telecommunication services that are not resold or that are not used in conducting a telecommunication service for hire.~~

~~(b)1.(e) Receipts from Gross receipts for telecommunication services as provided in s. 203.012, F.S. do not include:~~

~~1. Charges for customer premises equipment, including equipment leased or rented by the customer from any source;~~

~~2. Charges made to the public for commercial or cable television, unless it is used for two-way communication. When two-way communication services are separately billed, only the charges made for the two-way communication service will be subject to the gross receipts tax;~~

~~3.a. Charges made by hotels and motels which are required under the provisions of s. 212.03, F.S., to collect transient rentals tax from tenants and lessees, for local telephone service or toll telephone service when such charges occur incidental to the right of occupancy;~~

~~2.b. Charges to customers by hotels and motels and other similar business establishments that are required under the provisions of s. 212.03, F.S., to collect transient rentals tax from tenants and lessees for the use or access to telecommunication service are not considered incidental to the right of occupancy when such charges are separately stated, itemized, or described on the bill, invoice, or other tangible evidence of the sale of the service and are subject to tax.~~

~~4. Connection and disconnection charges, move or change charges, suspension of service charges, and service order, number change, and restoration charges;~~

~~5. Any tax collected from customers which has been separately stated as Florida gross receipts tax on the total amount of any bill, invoice, or other tangible evidence of the provision of taxable telecommunication services; or~~

~~6. Charges for the sale or lease of equipment by providers of cellular mobile telephone or telecommunication service, specialized mobile radio service, and pager and paging services provided that the amount for sale or lease of the equipment is separately stated, itemized or described on the bill, invoice, or other tangible evidence of the sale or lease of the equipment.~~

~~7. Charges for the maintenance or repair of customer premises equipment, whether owned or leased by the customer, provided that the amount of such charges are separately stated, itemized or described on the bill, invoice, or other tangible evidence of the maintenance or repair service.~~

~~(2) Liability for Tax. The tax is levied upon the person selling or providing the taxable item or service as enumerated in subsection (1) and may not be passed on to the consumer as a direct consumer's tax provided, however, in the case of telecommunications service the tax may be wholly or partially separately stated at the option of the vendor. When separately stated, every person, including but not limited to all governmental units, charitable, and religious organizations, is liable for payment of the tax to the vendor. The gross receipts tax is a tax on the privilege of doing business and is an item of cost to the seller or vendor. The vendor remains fully and completely liable for the tax even though the tax is separately stated.~~

Specific Authority 203.01(3)(c), 213.06(1) FS. Law Implemented 203.01, 203.012, 203.013, 203.60, 203.61, 203.62, 203.63 FS. History—New 11-13-78, Amended 6-5-85, Formerly 12B-6.01, Amended 10-4-89, 1-8-90, _____.

12B-6.002 Administration.

~~The administration of Chapter 203, Florida Statutes, is vested in the Florida Department of Revenue, herein referred to as the Department, which shall prescribe suitable rules and regulations for the enforcement of the provisions thereof.~~

~~The Department may enter the premises of any taxpayer during normal working hours and examine or cause to be examined by any agent or representative designated by it for that purpose, any records, books, papers, and accounts bearing upon the amount of taxes payable, and to secure other information directly or indirectly relevant to the enforcement of Chapter 203, Florida Statutes.~~

~~Specific Authority 203.02, 213.06(1) FS. Law Implemented 213.05 FS. History—New 11-13-78, Formerly 12B-6.02, Repealed _____.~~

12B-6.0021 Registration.

~~(4) Prior to engaging in the business of providing or selling utility the things or services as defined included in Chapter 203, F.S., as amended, every person is required to register shall become registered with the Department of Revenue this department by completing Form DR-1GR, Registration Application for Gross Receipts Tax for Utility Services, or Form DR-1, Application to Collect Tax in Florida. These forms are incorporated by reference in Rule 12B-6.005, F.A.C. Those businesses providing or selling those things or services prior to the effective date of this rule shall register with this department on or before May 31, 1985 by completing Form DR-1GR.~~

~~(2) Form DR-1GR, Application for Certificate of Registration Gross Receipts Tax, effective April 1, 1985, is hereby adopted by reference. This form is available without cost, upon written request directed to the Department of Revenue, Supply Room, Room 44, Carlton Building, Tallahassee, Florida 32301-8002.~~

~~Specific Authority 203.01, 213.06(1) FS. Law Implemented 203.01 FS. History—New 6-5-85, Formerly 12B-6.021, Amended _____.~~

12B-6.003 Rate of Tax.

~~Gross Receipts. The rate of tax shall be 1.5%.~~

~~Specific Authority 213.06(1) FS. Law Implemented 203.01 FS. History—New 11-13-78, Formerly 12B-6.03, Amended 10-4-89, Repealed _____.~~

12B-6.004 Sales for Resale; Resale Certificates Exemptions.

~~(1) Liquefied Petroleum Gas. Tax is not required on a product which was liquid when sold, but was transformed into gas and used for fuel for cooking when released from container. (Lee v. Wood, 126 Fla. 104; 170 So. 433 (1936).)~~

~~(2) Exempt Sales.~~

~~(1)(a) Every person who receives payment for utility services purchased for the purposes of resale is required to obtain a valid resale certificate, as provided in subsection (2) of this rule, from the purchaser. Any person who fails to obtain a valid resale certificate from the purchaser will be liable for the~~

~~tax. Resale certificates are required to be maintained by the utility provider in its books and records until tax imposed under Chapter 203, F.S., may no longer be determined and assessed under s. 95.091, F.S. All receipts derived from the sale of any of the things or services specified in Chapter 203, F.S. shall be taxable unless specifically exempt. The exempt status of the gross receipt must be established by the vendor and the tax shall be paid by such vendor unless a valid resale certificate has been received from the vendee. However, a vendee's failure to register or to provide a valid resale certificate shall not negate the vendee's liability for the tax, in which event either the vendor or vendee shall be liable for the tax.~~

~~(b) Any taxable thing or service specified in Chapter 203, F.S., that is purchased for resale where a valid resale certificate has been supplied to the vendor and not resold within this state shall be deemed taxable to the vendee based on the purchased price of the thing or service not resold except:~~

~~1. Natural gas sold to a public or private utility either for resale or for use as fuel in the generation of electricity shall be exempt. The vendee shall be liable for the tax on any portion not resold or used as a fuel in the generation of electricity.~~

~~2. Electricity sold as part of an electrical interchange agreement or contract either to a municipal corporation, public service corporation or private electric utility or between municipal corporations, public service corporations or private electric utilities shall be exempt and a resale certificate shall not be required, provided the vendor retains a copy of the agreement or contract on file. The vendee shall be liable for the tax on any portion of the electricity purchased which is not resold. All loss of electricity resulting from the generation, transmission, or distribution thereof, including line losses, generation losses, and any other losses for which no receipts or repayments are received by a vendee shall be exempt from the gross receipts tax.~~

~~3. Telecommunication services which are taxable to the vendee as prescribed in paragraph (c) hereof.~~

~~(c) Effective January 1, 1985, access charges between telecommunication carriers shall be deemed to be for resale when the vendee acquires from the vendor access or right of access to the vendor's network and the vendee resells the same as an ingredient in its final sale to the ultimate consumer. The vendee shall furnish the vendor a resale certificate thereby exempting the vendor from the tax on the amount received as access charges. Intrastate toll activity is taxable to the vendee on the total toll revenues and the vendee shall furnish a resale certificate to the vendor providing access services. Interstate tolls shall be taxable as provided in Section 203.013, F.S.~~

~~(d) The department shall accept a valid resale certificate when submitted during the protest period but shall not accept same when submitted in any proceedings instituted under the provisions of Chapter 120, F.S., or any circuit court action instituted under Chapter 72, F.S.~~

(2)(e) The ~~Department will~~ department shall accept as valid any certificate ~~that is dated and executed and signed~~ by an officer or authorized representative of the ~~purchaser~~ vendee that contains: ~~the name and address of the vendee, the gross receipts tax registration number and its effective date, and the vendee's statement that its purchases are for resale, and that the vendee shall pay any taxes due on the things or services not resold as provided.~~

- (a) the name and address of the purchaser;
- (b) the purchaser's gross receipts tax registration number and its effective date;
- (c) a statement that the utility service is purchased for the purposes of resale as provided in Chapter 203, F.S.;
- (d) a statement that the purchaser acknowledges his or her liability for any tax due on utility services that are not resold; and
- (e) the date issued.

(3) The Department will accept a valid resale certificate, as provided in subsection (2), when submitted during the protest period but will not accept such certificate when submitted in any proceedings instituted under the provisions of Chapter 120, F.S., or any circuit court action instituted under Chapter 72, F.S.

(4)(f) Suggested Resale and Exemption Certificate Format Form:

This is to certify that the utility services, as defined in Chapter 203, F.S., things or services purchased after _____ (date) from _____ (name of seller or provider) is or was purchased for resale pursuant to the exemption under Chapter 203, F.S. I understand that if the utility service is used for any purpose other than ~~It is further certified that the undersigned vendee shall pay the tax on the things or services that are not resold pursuant to the exemption under Chapter 203, F.S., tax is due directly to the Department of Revenue based upon the purchase price of the utility things or services, unless otherwise provided.~~

Name of Purchaser _____
 Address of Purchaser _____
 Purchaser's Certificate of Registration Number _____
 Effective Date of Certificate of Registration _____

Under penalties of perjury, I hereby declare that I have read the foregoing examined this certificate and that the facts stated in it are to the best of my knowledge and belief it is true, correct and complete.

By _____ (authorized signature)
 Date _____

(3) Credit for Utility on Excise Taxes. ~~Other utility, excise, or similar taxes levied by the federal government, any political subdivision of the State of Florida, or municipality, upon the sale of utility services, when such tax is collected by the seller from the purchaser, shall be excluded from the seller's gross receipts when computing the tax thereon.~~

~~(4) When a taxpayer elects to pay the tax on total billings for a taxable period, rather than actual cash receipts, any adjustments to customers' bills and net uncollectibles may be adjusted on a subsequent return.~~

Specific Authority 203.01, 213.06(1) FS. Law Implemented 203.01, 203.011, 203.012, 203.013 FS. History—New 11-13-78, Amended 6-5-85, Formerly 12B-6.04, Amended _____.

12B-6.005 Payment of Tax; Reports; Public Use Forms.

~~(1) Payment of Tax. All taxes imposed by Chapter 203, Florida Statutes, shall be paid at the same time the reports are filed.~~

~~(1)(2) Payment of Tax; Reports.~~

~~(a) Generally. All taxes imposed under Chapter 203, F.S., shall for each month be due the Department of Revenue on the last day of the month following date of sale or transaction and shall be delinquent thereafter. Except as provided in Rule 12-24, F.A.C., and paragraph (b) below, all taxes imposed under Chapter 203, F.S., are due to the Department of Revenue in any given month must either reach the office of the Department of Revenue or be postmarked on or before the last day of the month following date of sale or transaction to avoid penalty and interest for late filing. When If the last day of the month falls on Saturday, Sunday, or a federal or state legal holiday, payments accompanied by returns will shall be accepted as considered timely filed if postmarked or delivered to the Department of Revenue on the next succeeding day which is not a Saturday, Sunday, or a legal holiday. For this purpose, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and Section 7503 of the 1986 Internal Revenue Code, as amended. A tax return is required to shall be filed on or before the last day of each month whether or not any taxes are due. The report is required to shall be signed under oath by an officer or a representative duly authorized to act by the taxpayer. The fact that an officer has signed a return shall be prima facie evidence that the individual was authorized to sign such document on behalf of the taxpayer.~~

~~(b) A taxpayer may elect to pay the gross receipts tax on total billings for each month, rather than actual cash receipts for utility services received in that month. Any adjustments to customers' bills and net uncollectibles may be adjusted on a subsequent monthly return.~~

~~(c)(b) Telecommunications. Taxes and returns shall be filed in the same manner as in paragraph (a) above, except any person who has his own telephone or telecommunication system for his own use shall report and pay the tax annually with the Department on or before January 31 for the tax year which ended December 31 of the preceding year. The provisions of Rule 12-24, F.A.C., apply to such taxpayers.~~

~~(2)(3) The following public-use forms and instructions are employed by the Department department in its dealings with the public related to the administration of Chapter 203, F.S.~~

These forms are hereby incorporated by reference in this rule. Copies of these forms are available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (http://sun6.dms.state.fl.us/dor/). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331. Copies may be obtained by application to the Department of Revenue, Carlton Building, Tallahassee, Florida 32399-0100.

Form Number	Title	Effective Date
(a) DR-1	Application to Collect Tax in Florida (r. 11/97)	_____
DR-133	Gross Receipts Tax, Quarterly Report	_____
(b) DR-1GR	Registration Application For Gross Receipts Tax for Utility Services (r. 09/96) Registration	_____
(c) DR-133	Gross Receipts Tax Return (r. 10/95)	_____

Specific Authority 213.06(1) FS, Section 22, Chapter 89-356, Laws of Florida. Law Implemented 203.01 FS, Section 25, Chapter 89-356, Laws of Florida. History-New 11-13-78, Amended 7-1-80, 8-26-81, Formerly 12B-6.05, Amended 10-4-89, 12-19-89, _____.

12B-6.006 Collection and Distribution.

All taxes collected pursuant to s. 203.01, F.S., shall be deposited into the Public Education Capital Outlay and Debt Service Trust Fund.

Specific Authority 213.06(1) FS. Law Implemented 203.01 FS, Art. XII, Section 9, Subsection (2), Constitution of Florida (1968). History-New 11-13-78, Formerly 12B-6.06, Amended 10-4-89, Repealed _____.

12B-6.007 Assessment and Collection.

The Department shall proceed to collect any delinquent taxes under Chapter 203, Florida Statutes, together with all penalties and interest due, the same as other delinquent taxes are collected.

Specific Authority 213.06(1) FS. Law Implemented 203.01 FS. History-New 11-13-78, Formerly 12B-6.07, Repealed _____.

12B-6.008 Penalties; Interest.

(1)(a) Penalties. When any person fails to make a return or report as required and pay the tax due timely, a delinquent penalty shall be added to the unpaid tax in the amount of 5

percent of any unpaid tax if the failure to pay is for less than 31 days. There shall be added an additional 5 percent delinquent penalty for each additional 30 days, or fraction thereof, until the tax is paid, but the total penalty for each month shall not exceed 25 percent. However, the penalty shall not be less than \$5 for each return even though no tax is due.

(b) Any person who is required to file and pay any tax and who falsely or fraudulently reports or unlawfully attempts to evade any tax imposed under Chapter 203, F.S., shall be liable for a penalty equal to 50 percent of any tax due in addition to any other penalties provided and is guilty of a misdemeanor of the second degree punishable as provided under s. 775.082 or s. 775.083, F.S.

(2) Interest. Interest shall accrue at the rate of one percent per month from date of delinquency until paid.

(3) The Executive Director or the Executive Director's designee may compromise or settle the penalties or interest pursuant to s. 213.21, F.S.

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLES: Application 19B-4.001 Contract Prices 19B-4.002

PURPOSE AND EFFECT: To give effect to Section 240.551(5)(c), F.S., which authorizes the Board to make and execute contracts and other necessary instruments that are required in the administration of the Florida Prepaid College Program. To provide actuarial assumptions of the annual increases in state university local fees and in community college local fees for the pricing of state university local fee contracts and community college total fee contracts.

SUBJECT AREA TO BE DISCUSSED: The incorporation by reference of two updated forms, the Prepaid College Application Form and the 1999-2000 Master Covenant, and the actuarial assumptions for increases in state university local fees and community college local fees for the pricing of state university local fee contracts and community college local fee contracts.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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 29, 1999

PLACE: Suite 210, Hermitage Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

These rules apply to purchasers of advance payment contracts for the prepayment of postsecondary registration and/or dormitory residency fees. The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. After acceptance by the Board of the purchaser's application, a participation and payment schedule and master covenant shall be mailed to the purchaser. The advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule. The Florida Prepaid College Program Application, Form No. FPCP 99-1 ~~FPCP 98-1~~ is hereby incorporated by reference and may be obtained by calling 1-800-552-GRAD (4723) (prompt 1). The effective date of the form is October 18, 1999 ~~19, 1998~~. The Florida Prepaid College Program Master Covenant, Form No. FPCP 99-2 ~~FPCP 98-2~~, is hereby incorporated by reference with an effective date of October 18, 1999 ~~19, 1998~~.

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

19B-4.002 Contract Prices.

The Board will evaluate prices for revision annually. All contract prices will be published annually in the Florida Administrative Weekly. Contract prices are based on the actuarial assumption that university tuition will rise at an average of 6.8 ~~7.5~~ percent per annum, community college tuition will rise at an average of (6)(5) percent per annum and dormitory fees will rise at an average of 6 percent per annum. Local fee contract prices are based on the actuarial assumption that university local fees will rise at an average of 6 percent per annum and community college local fees will rise at an average of 11 percent per annum.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, 5-31-95, 2-18-99, Formerly 4G-4.002, Amended _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE:

RULE NO.:

Contract Types

19B-5.001

PURPOSE AND EFFECT: To provide that local fee plan contracts sold after July 1, 1999, provide coverage for the technology fee. The 1999 Legislature authorized community

colleges to impose a technology fee. To provide for the sale of dormitory contracts for community college plus university tuition contracts.

SUBJECT AREA TO BE ADDRESSED: The inclusion of the technology fee in the coverage of the local fee plan contracts and the provision for sale of dormitory contracts for community college plus university tuition contracts.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551(5), (7)(a) 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 29, 1999

PLACE: Suite 210, Hermitage Building, Tallahassee, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.001 Contract Types.

The program offers purchasers three different types of tuition and local fee plan contracts, respectively, with an addendum dormitory plan to the university plan or community college plus university plan contract. All types of tuition plans cover the matriculation fee, the building fee, the capital improvement fee and the financial aid fee. Local fee contracts cover the activity and service, health, and athletics fees imposed by the state universities and the student activity fee imposed by the community colleges. Local fee contracts purchased after July 1, 1999 also cover the technology fee imposed by the community colleges.

(1) Tuition plans consist of three separate plans:

(a) University Plan – The university plan specifies that 120 credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(b) Community College Plan – The community college plan specifies that 60 credit hours at a state community college are purchased for the benefit of the qualified beneficiary. For community college plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plan shall be the number specified in the advance payment contract.

(c) Community College Plus University Plan – The community college plus university plan specifies that 60 credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary. For community college plus

university plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plus university plan shall be the number specified in the advance payment contract. Tuition plans do not cover institutionally-imposed fees such as health, athletic, activity and service, technology or student activity fees.

(2) Local fee plans consist of three separate plans:

(a) University Local Fee Plan – The university local fee plan specifies that local fees for 120 credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(b) Community College Local Fee Plan – The community college plan specifies that local fees for 60 credit hours at a state community college are purchased for the benefit of the qualified beneficiary.

(c) Community College Plus University Local Fee Plan – The community college plus university plan specifies that local fees for 60 credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(3) Dormitory Plan –

(a) The dormitory plan may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time that the contract application is filed. Effective for enrollment periods beginning after July 1, 1997, the dormitory plan is not available unless the sale of dormitory contracts is specifically authorized by the Board prior to the enrollment period for that year and the sale of dormitory plan contracts will not adversely affect the status of the program as a “qualified state tuition program” under s. 529 of the Internal Revenue Code.

(b) A dormitory plan purchased in conjunction with or as an addendum to the community college plus university plan is intended for use after the beneficiary is admitted to a state university. A dormitory plan may only be transferred for use at a community college pursuant to Rule 19B-9.004, F.A.C.

(4) The contracts do not cover fees and costs related to books, meals, transportation, graduate school, and institutionally-imposed fees such laboratory fees.

Specific Authority 240.551(5) FS. Law Implemented 240.551(5),(7)(a) FS. History—New 3-29-89, Amended 5-17-92, 8-23-92, 5-31-95, 6-20-96, 10-20-96, 8-18-97, 2-18-99, Formerly 4G-5.001, Amended _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Fee Schedule
RULE NO.: 19B-6.001

PURPOSE AND EFFECT: To revise the Board's rules to rename the “Not Sufficient Fund Fee” as the “Insufficient Fund Fee” and delete the fee for change of beneficiary.

SUBJECT AREA TO BE DISCUSSED: Name revision and deletion of change of beneficiary fee.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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 29, 1999

PLACE: Suite 210, Hermitage Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-6.001 Fee Schedule.

The following fee schedule will apply for all advance payment contract applicants and purchasers:

(1) Application Fee – A forty two dollar (\$42.00) nonrefundable application fee will be collected at the time the application is submitted.

(2) Termination Fee – Fifty percent (50%) of the amount paid into the plan up to a cap of fifty dollars (\$50.00) will be assessed upon termination of any plan purchased, unless:

(a) The purchaser or beneficiary dies or is disabled; or

(b) The beneficiary receives a scholarship which renders the plan unusable; or

(c) The purchaser holds the advance payment contract for a period of at least two years immediately preceding the request for termination and refund. The purchaser shall request a waiver of the termination fee at the time of the refund request. Only one termination fee will be assessed for a single termination request for both the university and dormitory plan. Documentation of one of the above events permitting the fee waiver shall also be submitted with the request.

~~(3) Substitution of Beneficiary – A five dollar (\$5.00) fee will be assessed to substitute beneficiaries under the plan, except in the event of a death or disability of a qualified beneficiary.~~

~~(3)(4) Cancellation Fee – In verifying the residency of a beneficiary, if the Board discovers that a purchaser has committed fraud, a cancellation fee of one hundred percent (100%) of the amount paid into the plan up to a maximum of two hundred fifty dollars (\$250.00) will be assessed, and the remainder of the amount paid into the plan will be automatically refunded to the purchaser.~~

~~(4)(5) Late Fee – A late fee of ten dollars (\$10.00) will be assessed on each monthly payment received twenty (20) days past the due date. The Board may grant an additional four (4) days grace period when a federal holiday occurs within the twenty (20) days mentioned above. A maximum charge of~~

seventy dollars (\$70.00) in outstanding late fees will be charged against each account upon cancellation. This charge shall be separate from and in addition to any termination fee that might be imposed pursuant to subsection (2) of this rule. If both the tuition and local fee payments are received twenty (20) or more days past the due date, only the tuition account will be assessed a ten dollar (\$10.00) late fee.

~~(5)(6)~~ ~~Insufficient Not Sufficient~~ Funds – Purchasers will automatically be assessed a ten dollar (\$10.00) fee for all payments returned for insufficient funds.

~~(6)(7)~~ Addition of a dormitory contract – A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds a dormitory plan to the previously purchased tuition plan.

~~(7)(8)~~ Addition of a local fee contract – A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds the corresponding local fee plan to the previously purchased tuition plan.

~~(8)(9)~~ Out-of-State Transfer Fee – A fee of twenty-five dollars (\$25.00) will be assessed for the transfer of benefits to eligible postsecondary institutions outside Florida.

~~(9)(10)~~ Outstanding fees – All outstanding fees must be paid by March 1 of the anticipated enrollment year in order for the qualified beneficiary to receive the contract benefits. Fees assessed after March 1 of the anticipated enrollment year and remaining unpaid on February 1 of the succeeding year will result in a suspension of the contract benefits.

~~(10)(11)~~ Reinstatement Fee – A \$42.00 fee shall be assessed for the reinstatement of a voluntarily canceled or involuntarily canceled account. This fee shall be due on each tuition, local fee and dormitory account. The fee shall be due from the purchaser at the time the request for reinstatement is made and shall be in addition to all payments and fees required to bring an account current.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, 12-5-93, 6-20-96, 12-16-97, 2-18-99, Formerly 4G-6.001, Amended.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: RULE NO.:
Qualified Individual 19B-8.001
PURPOSE AND EFFECT: To revise the Board's rules to allow the transfer of a contract to an eligible substitute beneficiary, regardless of the age or postsecondary enrollment status of the original beneficiary, as long as no Program benefits have been used.
SUBJECT AREA TO BE ADDRESSED: Transfer of contracts to substitute beneficiaries.
SPECIFIC AUTHORITY: 240.551(5) FS.
LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., November 29, 1999
PLACE: Suite 210, 1801 Hermitage Boulevard, Tallahassee, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-8.001 Qualified Individuals.

A purchaser may request a transfer of a contract to an eligible substitute beneficiary who is either the brother, sister, half brother, half sister, step-brother, or step-sister of the qualified beneficiary. A purchaser who is the grandparent of the qualified beneficiary may request the transfer of a contract to an eligible substitute beneficiary who is a grandchild of the purchaser. The substitute beneficiary must meet the residency requirement of a qualified beneficiary at the time of substitution. Documentation must also be submitted with the transfer request evidencing the relationship of the transferee. The contract purchaser will be required to sign and notarize any request to substitute beneficiaries on an advance payment contract. The substitution must be made prior to the qualified beneficiary using benefits at a matriculating at a state postsecondary institution.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History–New 3-29-89, Amended 12-5-93, 6-20-96, 8-18-97, 12-16-97, 3-24-99, Formerly 4G-8.001, Amended.

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Standards for Processed Citrus Products 20-64
RULE TITLE: RULE NO.:
Sanitary Requirements 20-64.020
PURPOSE AND EFFECT: Would provide sanitation requirements for imported fresh squeezed citrus juices.
SUBJECT AREA TO BE ADDRESSED: Sanitation requirements for imported fresh squeezed citrus juices.
SPECIFIC AUTHORITY: 601.10(7), 601.11 FS.
LAW IMPLEMENTED: 601.10(7), 601.11, 601.44, 601.53, 601.54 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Ownership and Use of "Made With Florida Citrus" Mark	20-111
RULE TITLES:	RULE NOS.:
Ownership	20-111.001
Permission Required for Use	20-111.002
Exclusive Category Rights	20-111.0021
General Restrictions on the Use of the Mark	20-111.003
Use on Containers	20-111.004
Standards for Non-beverage Food Products Bearing the Mark	20-111.007
Standards for Citrus Wines Bearing the Mark	20-111.008
Withdrawal of License or Permission	20-111.009
Definitions	20-111.010

PURPOSE AND EFFECT: Would create a new section 20-111.008 which would extend use of the "Made With Florida Citrus" trademark to citrus wines when made with Florida citrus. Amendments would also clarify provisions relating to "processing partner" agreements and "exclusive category rights."

SUBJECT AREA TO BE ADDRESSED: Guidelines for use of "Made With Florida Citrus" trademark.

SPECIFIC AUTHORITY: 601.10(1), 601.11, 601.15(10)(a) FS.

LAW IMPLEMENTED: 601.101 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148.

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

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Rate Base Established at Time of Transfer
RULE NO.: 25-30.0371

PURPOSE AND EFFECT: To codify Commission policy on approval of acquisition adjustments.

SUBJECT AREA TO BE ADDRESSED: Adjustments to rate base of water and wastewater utilities on transfer of ownership.

SPECIFIC AUTHORITY: 367.121 FS.

LAW IMPLEMENTED: 367.071(5), 367.081(2) FS.

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

TIME AND DATE: 9:30 a.m., December 2, 1999

PLACE: Room 182, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Mann, Division of Policy Analysis, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6976

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-30.0371 Rate Base Established at Time of Transfer.

(1) For the purpose of this rule and Rule 25-30.037, rate base is defined as the net book value of the utility assets being acquired. Net book value is the sum of Utility Plant in Service net of Accumulated Depreciation, Construction Work in Progress, Contributions in Aid of Construction, Advances for Construction, and Accumulated Amortization of Contributions in Aid of Construction.

(2) The Commission will not approve an acquisition adjustment to rate base, whether positive or negative, unless the party seeking an adjustment demonstrates that extraordinary circumstances exist.

(3) In determining whether extraordinary circumstances have been demonstrated, the Commission will consider such factors as:

(a) The acquiring company's ability to adequately manage, serve customers, comply with regulations, and finance capital improvements;

(b) Whether the inclusion of an acquisition adjustment will adversely impact customers;

(c) Whether the customers of the acquired company will benefit from the stabilization of rates; improved compliance with regulatory mandates; provision of improved service; construction of necessary expansion or upgrade of facilities; realization of cost efficiencies; or the benefits achieved through economies of scale.

(d) Whether the service territories of the acquired and acquiring companies are adjacent.

(e) Whether the transaction is an arms length transaction.

(f) Whether the acquired assets will continue to be used in the provision of water or wastewater service.

Specific Authority 367.121 FS. Law Implemented 367.071(5), 367.081(2) FS. History--New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Florida Commission on Human Relations

RULE TITLE: General Description of Organization and Functions of Commission Staff

RULE NO.:

60Y-2.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to have the rule requirements comport with the statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Organization and functions of the staff of the Florida Commission on Human Relations.

SPECIFIC AUTHORITY: 760.06(12), 760.11(14), 760.31(5) FS.

LAW IMPLEMENTED: 760.03, 760.05, 760.06, 760.11, 760.30 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 30, 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: Stanley G. Gorsica, Assistant General Counsel, Florida Commission on Human Relations, 325 John Knox Road, Suite 240, Building F, Tallahassee, Florida 32303-4149, whose telephone number is (850)668-7283

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60Y-2.004 General Description of Organization and Functions of Commission Staff.

(1) No change.

(a) through (g) No change.

(2) No change.

(a) through (c) No change.

(d) issue subpoenas necessary for investigations pursuant to Subsection ~~760.06(6)~~ ~~760.06(5)~~, Florida Statutes;

(e) No change.

~~(f) reconsider determinations as provided by Rule 60Y-5.007;~~

~~(f)(g)~~ dismiss complaints, as provided by Section 60Y-5.006;

~~(g)(h)~~ promote favorable public and community relations;

~~(h)(f)~~ administer the day-to-day business of the Commission;

~~(i)(j)~~ perform such other functions as the Commission may assign by rule or order.

(3) No change.

(a) through (b) No change.

(c) make recommendations concerning determinations ~~and redeterminations~~, as provided by Rules 60Y-5.004 ~~and 60Y-5.007~~;

(d) through (e) No change.

(4) No change.

(a) through (c) No change.

(5) No change.

(6) No change.

(a) through (g) No change.

(7) No change.

(8) No change.

Specific Authority 760.06(13) FS. Law Implemented 760.03, 760.06, 760.30 FS. History--New 11-2-78, Amended 6-16-83, 8-12-85, Formerly 22T-6.04, Amended 4-20-87, Formerly 22T-6.004, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Seal, Signature and Date Shall Be Affixed

RULE NO.:

61G15-23.002

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the language for the requirements when submitting sealed plans and prints.

SUBJECT AREA TO BE ADDRESSED: Identification of name, address and numbers to be included on sealed plans and prints.

SPECIFIC AUTHORITY: 471.025 FS.

LAW IMPLEMENTED: 471.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1206 Hays Street, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-23.002 Seal, Signature and Date Shall Be Affixed.

(1) No change.

(2) Each sheet of plans and prints which must be sealed under the provisions of Chapter 471 shall be sealed, signed and dated by the professional engineer in responsible charge. Engineers shall legibly indicate their name, address, and number on each sheet. If practicing through a duly authorized engineering business, the name, address, and engineering business number shall be legibly indicated on each sheet. A title block on each sheet containing the printed name, address, and number of the engineer or engineering business will satisfy this requirement. A cover or index sheet for engineering specifications may be used and that sheet must be signed, sealed and dated by those professional engineers in responsible charge of the production and preparation of each section of the engineering specification or other engineering document with sufficient information on the cover sheet or index so that the user will be aware of each portion of the specifications for which each professional engineer is responsible. Engineering reports must be signed, sealed and dated on a signature page or cover letter by each professional engineer who is in responsible charge of any portion of the report. A professional engineer may only seal an engineering report, plan, print or specification if that professional engineer was in responsible charge of the preparation and production of the engineering document and the professional engineer has the expertise in the engineering discipline used in producing the engineering document in question.

(3) through (4) No change.

Specific Authority 471.025 FS. Law Implemented 471.025 FS. History--New 1-8-80, Amended 1-20-85, Formerly 21H-23.02, Amended 5-14-86, Formerly 21H-23.002, Amended 11-15-94, 8-18-98,_____.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Implementation of Florida's System of

School Improvement and Accountability 6A-1.09981

PURPOSE AND EFFECT: The purpose of this rule revision is to implement changes in the state's system of school improvement and accountability resulting from legislation enacted by the 1999 Legislature. The rule will have the effect of revising reporting requirements and criteria for designating school performance grades. The rule will also address timelines and procedures to be taken by the State Board when one or more schools in a school district fails to make adequate progress for two years in a four-year period.

SUMMARY: This rule provides for the implementation of Florida's system of school improvement and accountability by focusing on accountability on student learning. The rule specifies the procedures and criteria by which student achievement data from the Florida Comprehensive Assessment Test (FCAT) shall be used in designating and reporting school performance grades. It further delineates the criteria used in designating each school's performance grade and publicly reporting results. The process for invoking State Board action is described. Assistance and interventions for schools failing to make adequate progress or making less than satisfactory progress are specified.

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 the notice.

SPECIFIC AUTHORITY: 229.053, 229.0535, 229.592, 229.57 FS.

LAW IMPLEMENTED: 228.0565, 229.053, 229.57, 229.592, 230.23, 231.2905 FS.

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

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

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Coxe, Division of Public Schools and Community Services, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09981 Implementation of Florida's System of School Improvement and Accountability.

(1) Policy Guidance. Accountability for student learning is the key focus of Florida's system of school improvement. Results from the statewide assessment program required by Section 229.57, Florida Statutes, shall form the basis of Florida's system of school improvement and accountability. Student achievement data from the Florida Comprehensive Assessment Test (FCAT) shall be used to establish both proficiency levels and annual progress for individual students, schools, districts, and the state. Results shall further be used as the primary criteria in calculating school performance grades as specified in subsection (5) of this rule, school improvement ratings, school rewards and recognition, and performance-based funding and shall be annually reported. Ultimately, the statewide assessment program shall be used to measure the annual learning gains of each student toward achievement of the Sunshine State Standards appropriate for the student's grade level as specified by Section 229.57(1), Florida Statutes. As this requires an expansion of the assessment program to include grades three (3) through ten (10), a fundamental shift to assess annual student progress, and other comprehensive changes, full implementation of the statewide accountability program shall occur beginning with school year 2001-2002. The Commissioner of Education (Commissioner) shall publish the report entitled Florida's System of School Improvement and Accountability, developed by the Florida Commission on Education Reform and Accountability and as approved annually by the State Board of Education, which shall be used by school boards and schools as a policy document for guidance in implementing their school improvement and accountability programs. The Commissioner shall make the report available to school superintendents for dissemination to each public school in the state.

(a) Existing School Year. For the existing school year, the following accountability elements shall be implemented:

1. FCAT reading and writing assessments in grades 4, 8, and 10 and FCAT mathematics assessments in grades 5, 8, and 10 shall be used in designating school performance grades.

2. Data including attendance, discipline data, cohort graduation rate, and dropout rate as specified in subparagraph (5)(e)6., of this rule shall be used in designating school performance grades.

3. FCAT mathematics assessments shall be field-tested in grades 3, 4, 6, 7, and 9.

4. FCAT reading assessments shall be field-tested in grades 3, 5, 6, 7, and 9.

5. School improvement ratings shall be based on the FCAT reading assessment and indicate if a school's student performance in reading has improved, remained the same, or declined compared to the previous year. School improvement ratings shall not be used in the designation of school grades.

6. Schools shall be required to assess at least ninety (90) percent of all eligible students to ensure that the student performance data accurately represents the performance of the school.

7. Emphasis shall be placed on adequate progress of students scoring in the lowest quartile.

8. Statewide assessment results shall be publicly reported and shall include a comparison of the achievement of Florida students to the national average through the use of norm-referenced subtests in reading and mathematics.

9. Grade 10 FCAT reading and mathematics assessments shall be used in place of the High School Competency Test results as a graduation requirement for students entering grade 9.

10. Schools designated School Performance Grade A and schools improving at least one (1) performance grade designation shall be eligible for school recognition and awards.

11. Schools designated School Performance Grade A and schools improving at least two (2) performance grades shall be eligible for deregulated status and increased budget authority.

12. Intensive assistance and intervention including on-site assistance, preference for awarding grants, and priority for other discretionary funds as specified in subsections (9), (10), and (11) of this rule shall be provided to schools designated School Performance Grade F and School Performance Grade D. Renegotiation of bargained contracts as specified in subsection (9) of this rule may be provided to schools designated School Performance Grade E.

(b) School Year 2000-2001. For the school year 2000-2001, the following accountability elements shall be implemented:

1. FCAT reading and mathematics assessments in grades 3-10 and FCAT writing assessments in grades 4, 8, and 10 shall be used in designating school performance grades.

2. Data including attendance, discipline data, cohort graduation rate, and dropout rate as specified in subparagraph (5)(e)6., of this rule shall be used in designating school performance grades.

3. FCAT reading and mathematics assessments in grades 3-10 shall be used as baseline data for determining annual learning gains for the same students.

4. School improvement ratings shall be based on the FCAT reading assessments and indicate if a school's student performance in reading has improved, remained the same, or declined compared to the previous year. School improvement ratings shall not be used in the designation of school grades.

5. Grade 10 FCAT reading and mathematics assessments shall be used as a graduation requirement for students who will be graduating in school year 2002-2003.

6. Emphasis shall be placed on the adequate progress of students scoring in the lowest quartile.

7. A new reporting element shall be required for the FCAT scores of students in the lowest twenty-five (25) percent of the state.

8. Schools shall assess at least ninety (90) percent of their eligible students to ensure that their student data accurately represents the school's performance for grade designation.

9. Statewide assessment results shall be publicly reported and shall include a comparison of the achievement of Florida students to the national average through the use of norm-referenced subtests in reading and mathematics.

10. Schools designated School Performance Grade A and schools improving at least one (1) performance grade designation are eligible for school recognition and awards.

11. Schools designated School Performance Grade A and schools improving at least two (2) performance grades will be eligible for deregulated status and increased budget authority.

12. Intensive assistance and intervention including on-site assistance, preference for awarding grants, and priority for other discretionary funds as specified in subsections (9), (10), and (11) of this rule shall be provided to schools designated School Performance Grade F and School Performance Grade D. Renegotiation of bargained contracts as specified in subsection (9) of this rule may be provided to schools designated School Performance Grade F.

(c) Full Implementation of Accountability System in School Year 2001-2002 and Thereafter. Beginning in school year 2001-2002, the school accountability system will be considered to be fully implemented with the following accountability elements.

1. Designation of school performance grades shall be based on:

a. Annual student learning gains in reading and mathematics;

b. FCAT reading and mathematics assessments in grades 3-10 and FCAT writing assessments in grades 4, 8, and 10;

c. Improvement of the FCAT score of students scoring in the lowest twenty-five (25) percent of the state; and

d. Data including attendance, school discipline data, cohort graduation rate, and dropout rate.

2. FCAT science assessments shall be field-tested in grades 4, 8, and 10.

3. School improvement ratings shall be based on the FCAT reading assessments and indicate if a school's student performance in reading has improved, remained the same, or declined compared to the previous year. School improvement ratings shall not be used in the designation of school grades.

4. Grade 10 FCAT reading and mathematics assessments shall be used as a graduation requirement for students who will be graduating in school year 2002-2003 and thereafter.

5. The FCAT scores of students in the lowest twenty-five (25) percent of the state shall be publicly reported.

6. The degree of improvement of the FCAT scores of students in the lowest twenty-five (25) percent in the state shall be publicly reported.

7. Adequate progress of the overall school population, including students scoring in the lowest twenty-five (25) percent in the state, shall be required for a school to be designated School Performance Grade C or better.

8. Schools shall be required to assess at least ninety (90) percent of their eligible students to ensure that their student data accurately represents the school's performance.

9. Statewide assessment results shall be publicly reported and shall include a comparison of the achievement of Florida students to the national average through the use of norm-referenced subtests in reading and mathematics.

10. Schools designated School Performance Grade A and schools improving at least one (1) performance grade designation shall be eligible for school recognition and awards.

11. Schools designated School Performance Grade A and schools improving at least two (2) performance grades shall be eligible for deregulated status and increased budget authority.

12. Intensive assistance and intervention including on-site assistance, preference for awarding grants, and priority for other discretionary funds as specified in subsections (9), (10), and (11) of this rule shall be provided to schools designated School Performance Grade F and School Performance Grade D. Renegotiation of bargained contracts as specified in subsection (9) of this rule may be provided to schools designated School Performance Grade F.

(d) In an effort to promote the continuous improvement of each student and each school within the state every school year, accountability reports shall be reflective of the data available for each year.

(2) School Accountability for Student Performance. All schools shall be accountable for performance relative to the Student Performance Goal stated in Section 229.591, Florida Statutes. Each school is accountable for the performance of its entire student population. ~~Beginning in the 1998-99 school year and each year thereafter, S~~student achievement data from the ~~FCAT Florida Comprehensive Assessment Test (FCAT) and the Florida Writing Assessment Program (Florida Writes)~~ shall be used to ~~measure~~ determine a school's student performance for the subject areas of reading, mathematics, and writing. The FCAT levels in the performance criteria in subsection ~~(5)~~(6) of this rule are those specified in Rule 6A-1.09422, FAC., for the year in which achievement data are used for accountability. In addition, the FCAT assessment shall include a norm-referenced subtest that shall be used to report student achievement as compared to national norms. Schools

shall report student achievement scores on these subtests to parents. Student achievement data on norm-referenced subtests shall not represent progress toward the Sunshine State Standards and shall not be used in designating school performance grades.

(3) Reporting Student Achievement Data for School Accountability. Student achievement data shall be reported for all students in a school as specified by Section 229.57, Florida Statutes, in disaggregated form by student racial/ethnic groups and economic status, as directed by the Commissioner, and shall be used to determine a school's performance in serving its student population. Disaggregated Reports of student achievement data shall be prepared for each school, the district, and the state, and shall include the results of students in the lowest twenty-five (25) percent of the state in the previous school year to report a school's progress in serving its lowest performing students. The format of the School Accountability Report shall indicate each school's performance status based on the level of student performance in that school and shall indicate if the school's performance in reading has improved, remained the same, or declined. The report Schools shall also report school performance data other than student achievement scores to include, but not be limited to, attendance, stability rate, in-school suspensions, out-of-school suspensions, drop-out rate, graduation rate, and other data for the entire student population as specified in Rule 6A-1.09982, FAC. Student achievement data shall be calculated as follows: Schools performing at critically low levels on the Student Performance Goal shall be considered as not having made adequate progress.

(a) For the purpose of calculating state and district results, the scores of all students enrolled in standard curriculum courses shall be included. This includes the scores of students who are language impaired, speech impaired, gifted, hospital homebound, and Limited English Proficient (LEP) students who have been in an English for Speakers of Other Languages (ESOL) program for more than two (2) years.

(b) For the purpose of designating a school's performance grade, only the scores of those students used in calculating state and district results who are enrolled in the second period and the third period full-time equivalent student membership survey as specified in Rule 6A-1.0451, FAC., shall be included.

(4) School Performance Grades. Levels. The measure of school accountability shall be the School Performance grade. Level. The Commissioner of Education (Commissioner) is authorized to designate a School Performance grade Level for each school all schools that has at least thirty (30) eligible students in membership in each of the grade levels assessed for state accountability purposes as specified in subsection (3) of this rule. The Department shall identify schools that require accountability measures other than those specified in subsection (2) of this rule for designation of a school

performance grade. School performance grade designations shall be made in the summer fall of each school year, using student achievement data from the previous two (2) school years for which the designation is made. Performance designations shall be made using School Performance Grades A, B, C, D, and F, as specified in Section 229.57(7), Florida Statutes. Levels one through five. The lowest performing schools on state accountability criteria specified in subsections (5) and (6) of this rule shall be designated School Performance Level 1, and the highest performing schools based on these criteria shall be designated School Performance Level 5. In the fall of 1999, School Performance Levels shall be designated based on 1997-98 student achievement data using assessments and criteria specified in subsection (5) of this rule for first year data, and 1998-99 student achievement data using assessments and criteria specified in subsection (6) of this rule for second-year data. School Performance grades Levels in the fall of 2000 will shall be based on the 1998-99 and 1999-2000 assessments and criteria as specified in subsection (5)(6) of this rule, and, for each year thereafter, designations shall be based on the most recent previous two (2) school years of achievement data. The Commissioner is authorized to establish appropriate achievement level criteria in newly assessed grade levels for submission to the State Board for final approval.

(5) 1997-98 Student Achievement Data. For the purpose of designating School Performance Levels in the fall of 1999, first year data will be based on 1997-98 student achievement data using the following criteria:

(a) High Schools. Fewer than eighty five (85) percent of students passing the High School Competency Test in communications on the first attempt, fall administration; fewer than eighty (80) percent of students passing the High School Competency Test in mathematics on the first attempt, fall administration; and fewer than sixty seven (67) percent scoring "3" or above on Florida Writes!, tenth grade administration.

(b) Middle Schools/Junior High Schools. Fewer than forty (40) percent of the students scoring above the 50th percentile on reading comprehension, district administered norm-referenced assessment test; fewer than forty (40) percent of the students scoring above the 50th percentile on mathematics concepts/applications, district administered norm-referenced assessment test; and fewer than fifty (50) percent scoring "3" or above on Florida Writes!, eighth grade administration.

(c) Elementary Schools. Fewer than thirty three (33) percent of the students scoring above the 50th percentile on reading comprehension, district administered norm-referenced assessment test; fewer than thirty three (33) percent of the students scoring above the 50th percentile on mathematics concepts/applications, district administered norm-referenced assessment test; and fewer than thirty three (33) percent scoring "3" or above on Florida Writes!, fourth grade administration.

(5)(6) Criteria for Designating School Performance Grades. Levels in 2000 and thereafter. School performance grades Levels for the shall be designated in the summer of each year fall of 2000 and thereafter shall be based on the following:

(a) School Performance Grade F, Level 1. A school is critically low performing and designated School Performance Grade F, failing to make adequate progress, Level 1 if it meets the following criteria:

1. High Schools. Fewer For two (2) consecutive years, fewer than sixty (60) percent of students scoring at or above Achievement Level 2 two in reading on the FCAT, tenth grade administration; fewer than sixty (60) percent of students scoring at or above Achievement Level 2 two in mathematics on the FCAT, tenth grade administration; and fewer than seventy-five (75) percent of students scoring "3" or above in writing on the FCAT, Florida Writes!, tenth grade administration.

2. Middle Schools/Junior High Schools. Fewer For two (2) consecutive years, fewer than sixty (60) percent of students scoring at or above Achievement Level 2 two in reading on the FCAT, eighth grade administration; fewer than sixty (60) percent of students scoring at or above Achievement Level 2 two in mathematics on the FCAT, eighth grade administration; and fewer than sixty-seven (67) percent of students scoring "3" or above in writing on the FCAT, Florida Writes!, eighth grade administration.

3. Elementary Schools. Fewer For two (2) consecutive years, fewer than sixty (60) percent of students scoring at or above Achievement Level 2 two in reading on the FCAT, fourth grade administration; fewer than sixty (60) percent of students scoring at or above Achievement Level 2 two in mathematics on the FCAT, fifth grade administration; and fewer than fifty (50) percent of students scoring "3" or above in writing on the FCAT, Florida Writes!, fourth grade administration.

(b) School Performance Grade D, Level 2. A school is designated School Performance Grade D, making less than satisfactory progress, Level 2 if, for either of the two (2) most recent years, if the student achievement scores in at least one (1) of the subject areas specified for state accountability were below the criteria in paragraph (5)(6)(a) of this rule. At least ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's performance grade as specified in subsection (3) of this rule were assessed.

(c) School Performance Grade C, Level 3. A school is designated School Performance Grade C, making satisfactory progress, Level 3 if it meets the following criteria:

1. None of the school's For the most recent two (2) years, no student achievement scores were below the criteria in paragraph (5)(6)(a) of this rule in any of the subject areas identified for state accountability; and

2. At least ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's performance grade as specified in subsection (3) of this rule were assessed.

3.2. The school does not meet the performance criteria for designation of in School Performance Grade B, Level 4 or School Performance Grade A, Level 5.

(d) School Performance Grade B, Level 4. A school is designated School Performance Grade B, making above average progress, Level 4 if it meets the following criteria:

1. High Schools. Fifty (50) percent or more of the students scoring at or above Achievement Level 3 three in reading on the FCAT, tenth grade administration; fifty (50) percent or more of the students scoring at or above Achievement Level 3 three in mathematics on the FCAT, tenth grade administration; eighty (80) percent or more of the students scoring "3" or above in writing on the FCAT, Florida Writes!, tenth grade administration; and the criteria in subparagraphs (5)(6)(d)4., 5., and 6., of this rule.

2. Middle Schools/Junior High Schools. Fifty (50) percent or more of the students scoring at or above Achievement Level 3 three in reading on the FCAT, eighth grade administration; fifty (50) percent or more of the students scoring at or above Achievement Level 3 three in mathematics on the FCAT, eighth grade administration; seventy-five (75) percent or more of the students scoring "3" or above in writing on the FCAT, Florida Writes!, eighth grade administration; and the criteria in subparagraphs (5)(6)(d)4., 5., and 6., of this rule.

3. Elementary Schools. Fifty (50) percent of students scoring at or above Achievement Level 3 three in reading on the FCAT, fourth grade administration; fifty (50) percent or more of the students scoring at or above Achievement Level 3 three in mathematics on the FCAT, fifth grade administration; sixty-seven (67) percent or more of the students scoring "3" or above in writing on FCAT, Florida Writes!, fourth grade administration; and the criteria in subparagraphs (5)(6)(d)4., 5., and 6., of this rule.

4. The percent of students in the school who score in the lowest twenty-five (25) percent in the state in reading is maintained within two (2) percentage points or decreased from the previous year. This provision shall apply to schools that have at least thirty (30) students in the lowest twenty-five (25) percent in the state in reading. No student achievement scores were below the criteria levels specified in paragraph (6)(a) of this rule in any of the subject areas identified for state accountability.

5. At least ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's performance grade as specified in subsection (3) of this rule were assessed. No student achievement scores of the same student groups referenced in subsection (3) of this rule

were below the criteria levels specified in paragraph (6)(a) of this rule in any of the subject areas identified for state accountability.

6. The school does not meet the performance criteria for ~~designation in School Performance Grade A, Level 5.~~

(e) School Performance Grade A, Level 5. A school is designated School Performance Grade A, making excellent progress, Level 5 if it meets the following criteria:

1. The school's performance meets or exceeds the performance criteria as specified in subparagraphs (5)(d)1., 2., and 3., of this rule. ~~High Schools. Fifty (50) percent or more of the students scoring at or above achievement level three in reading on the FCAT, tenth grade administration; fifty (50) percent or more of the students scoring at or above achievement level three in mathematics on the FCAT, tenth grade administration; eighty (80) percent or more of the students scoring "3" or above on Florida Writes!, tenth grade administration; and the criteria in subparagraphs (6)(c)4., 5., and 6., of this rule.~~

2. The percent of students in the school who score in the lowest twenty-five (25) percent in the state in reading is maintained within two (2) percentage points or decreased from the previous year. This provision shall apply to schools that have at least thirty (30) students in the lowest twenty-five (25) percent in the state in reading. ~~Middle Schools/Junior High Schools. Fifty (50) percent or more of the students scoring at or above achievement level three in reading on the FCAT, eighth grade administration; fifty (50) percent or more of the students scoring at or above achievement level three in mathematics on the FCAT, eighth grade administration; seventy-five (75) percent or more of the students scoring "3" or above on Florida Writes!, eighth grade administration; and the criteria in subparagraphs (6)(c)4., 5., and 6., of this rule.~~

3. Student achievement scores demonstrate substantial improvement of more than two (2) percentage points gain in reading at or above FCAT Achievement Level 3. However, if the school has seventy-five (75) percent or more students scoring at or above FCAT Achievement Level 3 in reading and not more than a two (2) percentage point decrease from the previous year, then substantial improvement will be considered to have been met. ~~Elementary Schools. Fifty (50) percent of students scoring at or above achievement level three in reading on the FCAT, fourth grade administration; fifty (50) percent or more of the students scoring at or above achievement level three in mathematics on the FCAT, fifth grade administration; sixty-seven (67) percent or more of the students scoring "3" or above on Florida Writes!, fourth grade administration; and the criteria in subparagraphs (6)(c)4., 5., and 6., of this rule.~~

4. Student achievement scores do not decline five (5) or more percentage points in the percent of students scoring at or above FCAT Achievement Level 3 in mathematics and in the percent of students scoring "3" and above in writing on the

~~FCAT. No student achievement scores were below the criteria levels specified in paragraph (6)(a) of this rule in any of the subject areas identified for state accountability.~~

5. At least ninety-five (95) percent of the school's student population eligible for inclusion in the designation of the school's performance grade as specified in subsection (3) of this rule were assessed. No student achievement scores of the same student groups referenced in subsection (3) of this rule were below the criteria levels specified in paragraph (6)(a) of this rule in any of the subject areas identified for state accountability.

6. For elementary schools, (The percent of students absent more than twenty (20) days was below the state average; for middle/junior high schools, the percent of students absent more than twenty (20) days in school suspensions and the percent of out-of-school suspensions were below the state average; and for high schools, the percent of students absent more than twenty (20) days, the percent of out-of-school suspensions, and the drop-out rate were below the state average, and the cohort graduation rate was above the state average.

~~(6)(7) Criteria for Designating Schools to a Higher School Performance Grade, Level.~~ For the purpose of designating a school to a higher ~~School p~~Performance grade, Level, a school must meet the criteria listed in subsection (5) of this rule for a higher school performance grade, the following criteria:

(a) ~~Student achievement scores for all subject areas identified for state accountability must meet the criteria listed in subsection(6) of this rule for a higher School Performance Level; and~~

(b) ~~Student achievement scores of the same student groups referenced in subsection (3) of this rule are maintained or improved for all subject areas identified for state accountability.~~

(7)(8) Accuracy and Representativeness of Performance Data. The Commissioner is authorized to withhold the designation of a school's performance level or designate the school in a lower performance level, with the exception of School Performance Level 1, until performance data can be determined to accurately represent the progress of the school. Each school district superintendent shall certify is responsible for certifying the accuracy of performance data and shall be responsible for providing all related information to the Department within the time limits specified by the Commissioner of Education. Unless performance data can be determined to accurately represent the progress of the school, the Commissioner is authorized to withhold the designation of a school's performance grade or designate the school in a lower performance grade. If less than ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's performance grade were assessed, the school's performance grade shall be designated incomplete until the data are determined by the Commissioner to

accurately represent the performance of the school. The Commissioner's determination of a school's performance grade shall be final.

(8)(9) Rewards and Recognition. Schools must have a designated school performance grade to participate in the Florida School Recognition Program designated in any School Performance Level beyond Level 1 are eligible for financial rewards as authorized by Section 231.2905, Florida Statutes, if they meet the criteria established by the Commissioner for the Florida School Recognition Program. Schools designated in School Performance Levels 2, 3, 4, and 5 may be recognized as most improved, and in addition, Schools designated in School Performance Grade A and schools that have improved at least one (1) performance grade from the previous school year are eligible for school recognition and financial awards. Schools designated School Performance Grade A and schools that have improved at least two (2) performance grades may be given deregulated status as specified in Section 228.0565, Florida Statutes, and shall have greater authority over the allocation of the school's total budget. The school's total budget includes funds generated from the FEFP, state categoricals, lottery funds, grants, and local funds. Districts shall develop guidelines for the implementation of this provision. This increased authority remains in effect until the school's performance grade declines. Level 5 are eligible for recognition through the sustained high performance category as determined by the Florida School Recognition Program criteria.

(9)(10) Assistance and Intervention for Schools Designated School Performance Grade F Level 1 or School Performance Grade D, Level 2. Assistance and intervention plans shall be provided for each school designated School Performance Grade F Level 1 and School Performance Grade D, Level 2.

(a) Assistance for Schools Designated School Performance Grade F Level 1 or School Performance Grade D, Level 2. Each school designated School Performance Grade F Level 1 or School Performance Level 2 shall develop its school improvement plan in collaboration with the school advisory council, school board, and the Department of Education. The school improvement plan shall take into account the unique demographic characteristics of the school. The school board shall have final approval of the plan. Each school designated School Performance Grade F Level 1 or School Performance Grade D Level 2 shall receive specific assistance and interventions, including additional resources if needed, from the district school board as provided in Section 230.23(16)(c), Florida Statutes. The district's two-year plan of increasing individualized assistance and intervention for each school designated School Performance Grade F or School Performance Grade D shall be approved by the school board, and Assistance shall be provided to each a designated school in the district at increasingly intensive levels as long as the school

continues to be so designated. For the purpose of documenting compliance with Section 230.23(16)(c), Florida Statutes, annually school boards shall provide to the Department of Education annually a copy of the approved assistance and intervention plan for each school designated School Performance Grade F Level 1 in the district.

(b) The Commissioner is authorized to give preference to schools designated School Performance Grade F Level 1 and School Performance Grade D Level 2 in awarding federal and state grants designed to improve student achievement. The Department of Education shall give priority to School Performance Grade F Level 1 and School Performance Grade D Level 2 schools in providing school improvement assistance and resources. The Department of Education will identify demographically similar, but higher performing, schools in the state for possible assistance.

(c) The local school board is authorized to declare an emergency in order to negotiate special provisions of its contract with appropriate bargaining units to implement programs and strategies needed to improve student performance as specified in Section 230.23(19), Florida Statutes.

(10)(11) State Board of Education Action for Schools Designated Performance Grade F. A process for invoking State Board of Education action shall be implemented if, during any two (2) years out of a four (4) year period, after three (3) years from its designation, a school is designated School Performance Grade F, Level 1 fails to exceed any of the criteria specified in paragraph (6)(a) of this rule. A process for invoking State Board of Education action may be implemented if, after three (3) years from its designation, a school designated School Performance Level 2 fails to exceed any of the criteria specified in paragraph (6)(b) of this rule. Any school formerly designated School Performance Level 1 for at least two (2) consecutive years shall be subject to State Board action if the school falls below the critically low performing levels as specified in paragraph (6)(a) of this rule any time within five (5) years of being removed from the list. The Commissioner shall coordinate the process and ensure that members of the State Board of Education and Florida Commission on Education Reform and Accountability are informed of each step leading to recommendations for action regarding schools failing to make adequate progress, critically low performing schools. This process shall include the following steps:

STEP 1: Within thirty (30) days after the school has been notified by the Department of Education that it has been designated School Performance Grade F, failed to make adequate progress, for the second year in a four-year period, performed at a critically low level for the third consecutive year, the district school board chair, the superintendent, the school advisory council chair, and the school principal shall submit a written report to the Commissioner, State Board of

~~Education and the Florida Commission on Education Reform and Accountability. The report shall outline outlining the steps taken to remedy the inadequate performance and identifying causes for continued failure to make adequate progress. The Commissioner shall provide the report to the State Board of Education and may include recommendations.~~

STEP 2: The State Board of Education shall review the school's performance data, including data reported as required in subsection (3) of this rule and Rule 6A-1.09982, FAC. The State Board of Education shall, if necessary, collect additional information on which to make a decision and may require the school district superintendent to provide additional written or verbal information.

STEP 3: Based on an analysis of all reports and data including a thorough consideration of the unique characteristics of the school, and after the district and school are given an opportunity to respond to any new information, the State Board of Education shall formally determine the degree of progress made by the school. Pursuant to this determination and recommendations of the Commissioner, the State Board of Education shall take action as authorized in Section 229.0535, Florida Statutes.

STEP 4: If the school board fails to comply with the actions recommended by the State Board of Education, within the time specified in said action, the school district's lottery funds shall be withheld unless the school board can justify its noncompliance, to the State Board's satisfaction. If the State Board accepts a district's justification for noncompliance, the State Board may amend its recommended actions, or extend the time allowed for compliance.

~~(11)(12) State Board of Education Review of Schools Designated Performance Grade D, with Critically Low Subjects. A process for invoking State Board of Education review may be initiated by the Commissioner if, during any two (2) years out of a four (4) year period, a school is designated School Performance Grade D. If a school has a critically low subject area for more than three (3) years, the Commissioner is authorized to require the school and district to report to the State Board of Education for an instructional review and action as authorized in Section 229.0535, Florida Statutes.~~

~~(12)(13) Responsibilities of Schools Performing at School Performance Grade C Level 3 and Above. Schools determined to be performing at School Performance Grade C Level 3 and above or determined to no longer be performing at critically low levels shall continue identifying needs, developing school improvement plans, and defining goals for improved performance adequate progress without required State Board of Education intervention and assistance. These schools shall continue to assess and report progress on the goals as required by Sections 229.592(8)(5) and 230.23(16)(18)(e), Florida Statutes, and Rule 6A-1.09982, FAC.~~

~~(13)(14) Measures of Student Performance. The Department of Education shall develop statewide assessments designed to measure student performance based on the following four standards to achieve the goal set forth in Section 229.591(3)(c), Florida Statutes, with special emphasis on reading, writing, and mathematics as defined in Rule 6A-1.09401, FAC., in the "Sunshine State Standards 1996" as incorporated by reference. Beginning in school year 2002-2003, science will be added as a subject area for special emphasis.~~

(a) Florida students locate, comprehend, interpret, evaluate, maintain, and apply information, concepts, and ideas found in literature, the arts, symbols, recordings, video and other graphic displays, and computer files in order to perform tasks and/or for enjoyment.

(b) Florida students communicate in English and other languages using information, concepts, prose, symbols, audio and video recordings, speeches, graphic displays, and computer-based programs.

(c) Florida students use numeric operations and concepts to describe, analyze, disaggregate, communicate, and synthesize numeric data, and to identify and solve problems.

(d) Florida students use creative thinking skills to generate new ideas, make the best decisions, recognize and solve problems through reasoning, interpret symbolic data, and develop efficient techniques for lifelong learning.

(14) If any provision of this rule or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared severable.

Specific Authority 229.053, 229.0535, 229.592, 229.57 FS. Law Implemented 228.0565, 229.053, 229.0535, ~~229.0535~~, 229.57, 229.591, 229.592, 230.23, 231.2905 FS. History—New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Director, Division of Public Schools, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Vocational and Workforce Development Standards and Industry-Driven Benchmarks

6A-6.0571

PURPOSE AND EFFECT: Course standards for vocational and adult education are constantly evolving to meet the needs of business, industry, and community. The purpose of this rule amendment is to incorporate the performance standards for vocational and adult education programs. The performance standards will be used by school districts and community colleges. Adult education standards are also being incorporated into this rule. The effect will be consistency and continuity among vocational and workforce development education programs across the state.

SUMMARY: Section 239.229, F.S., requires the Department of Education to develop program standards and industry-driven benchmarks for vocational, adult, and community education programs. The program standards for vocational education are contained in the document "Vocational Education Program Courses Standards, 1999-2000." The program standards for Adult Education are contained in the document "Adult Education Program Courses Standards, July, 1999."

SUMMARY OF STATEMENT OF REGULATORY COST: None.

Anyone 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 the notice.

SPECIFIC AUTHORITY: 236.081(1)(c), 239.205, 239.229 FS.

LAW IMPLEMENTED: 229.565(1), 229.592, 232.2454, 236.081(1)(c), 239.205, 239.115, 239.229 FS.

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

TIME AND DATE: 9:30 a.m., December 14, 1999

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joseph E. Stephens, Director, Division of Workforce Development, Room 744 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0571 Vocational and Workforce Development Standards and Industry-Driven Benchmarks Criteria for Qualification of Special Vocational Technical Education Program Courses.

Section 239.229, Florida Statutes, requires the Department of Education to develop program standards and industry-driven benchmarks for vocational, adult and community education programs. The criteria for qualification of individual courses

for inclusion in the classification of secondary career education Special Vocational Technical programs prescribed in Section 236.081(1)(c), Florida Statutes, or Workforce Development Education programs as prescribed in Section 239.115, Florida Statutes, are annually adopted by the State Board and shall be published by the Commissioner in a document titled, "Vocational Education Program Courses Standards, July 1999 1996," or in the document "Adult Education Program Courses Standards, July 1999." These criteria are hereby incorporated by this rule and made a part of the rules of the State Board. Copies of these ~~this~~ publications may be obtained from the Division of Workforce Development, Department of Education, The Turlington Building, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399 at a cost to be established by the Commissioner but which shall not exceed actual cost.

(1) District school boards and community colleges boards of trustees variance authority. District school boards of education and community college boards of trustees are authorized, ~~through local rules,~~ to vary approve a variance of up to ten (10) percent of the intended outcomes of each framework included in the document "Vocational Education Program Courses Standards, July 1999 1996," and the "Adult Education Program Courses Standards, July 1999." The variance does ~~would~~ not apply to frameworks identifying occupations requiring state or federal licensure, certification or registration.

(2) Commissioner of Education waiver authority. The Commissioner of Education may approve a school's waiver request submitted by a district school board to allow the school to substitute locally approved intended outcomes for State Board approved outcomes included in the document "Vocational Education Program Courses Standards, July 1999 1996" provided that:

(a) The framework does not identify occupations requiring state or federal licensure, certification or registration;

(b) Locally approved outcomes specified for the state approved program adequately address the major concepts/content contained in the curriculum framework;

(c) The waiver requests fulfills the provisions of Section 229.592 ~~(9)(6)(e),~~ Florida Statutes, and

~~(d) The request for waiver is submitted in accordance with procedures specified in Section 229.592(6), Florida Statutes.~~

Specific Authority ~~229.053(1); 236.081(1)(c), 239.205, 239.201, 239.229 FS. Law Implemented 120.53(2)(a), 229.565 (1)(3)(b), 229.592(6)(e), 232.2454, 233.041, 236.081(1)(c), 239.115 239.201, 239.205,239.229 FS. History--New 10-30-78, Amended 10-23-79, 5-29-80, 7-9-81, 7-6-82, 5-29-83, 6-14-84, 7-10-85, Formerly 6A-6.571, Amended 7-9-86, 7-22-87, 8-30-88, 7-31-89, 7-31-90, 7-31-91, 7-31-92, 7-31-93, 7-31-94, 4-30-96, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Joseph E. Stephens, Director, Division of Workforce Development,

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. John Stewart, Deputy Commissioner for Educational Programs
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 1998

**DEPARTMENT OF EDUCATION
 State Board of Education**

RULE TITLE: Withdrawal and Forgiveness
 RULE NO.: 6A-14.0301

PURPOSE AND EFFECT: Rule 6A-14.0301, FAC., limits the number of attempts per course a student can have. Paragraph (3) states that: "...All grades from the third and subsequent attempts will be calculated in the grade point average." The purpose is to amend Rule 6A-14.0301, FAC., to conform with Rule 6A-10.024(5)(b), FAC., Articulation Between Universities, Community Colleges, and School Districts, which states:

- (5) The associate in arts degree shall be awarded upon:
- (b) Achievement of a grade point average of at least 2.0 in all courses attempted, and in all courses taken at the institution awarding the degree, provided that only the final grade received in courses repeated by the student shall be used in computing the average.

The effect is to conform Rule 6A-14.0301, F.A.C., with Rule 6A-10.024(5)(b), FAC.

SUMMARY: The rule amendment deletes a provision that was in conflict with another rule; thereby conforming the two.

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: 229.053(1), 240.325 FS.

LAW IMPLEMENTED: 240.325 FS.

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

TIME AND DATE: 9:30 a.m., December 14, 1999

PLACE: LL03, The Capitol, Tallahassee, Florida

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 FULL TEXT OF THE PROPOSED RULE IS:

6A-14.0301 Withdrawal and Forgiveness.

Community colleges shall adhere to the following procedures relating to student withdrawal from courses and to conditions under which forgiveness for grades earned will be granted to the student.

(1) Withdrawal.

(a) The student may withdraw without academic penalty from any course by the mid-point in the semester. Withdrawals after that date would be granted only through established institutional procedures.

(b) The student will be permitted a maximum of two (2) withdrawals per course. Upon the third attempt, the student will not be permitted to withdraw and will receive a grade for that course.

(2) Forgiveness. Each college shall publish, in the catalog or student handbook, a statement which:

(a) Limits repeats to courses where D and F grades were earned.

(b) Limits to two (2) the number of repeat attempts per course.

(c) Advises students regarding the potential impact of forgiven courses in the computation of a student's grade point average in transferring to other institutions, either public or private, and the need to consider the impact of retaking a course on their specific financial aid package.

(3) Total attempts. A student may have only three (3) attempts per course including the original grade, repeat grades, and withdrawals at any point in the semester. A fourth attempt may be allowed only through an academic appeals process based on major extenuating circumstances. ~~All grades from the third and subsequent attempts will be calculated in the grade point average.~~

(4) Effective date. These procedures shall be implemented by the community college no later than the Fall 1997 academic term. Students enrolled prior to the implementation of these procedures may follow the procedures in their college catalogue at the time of their admission.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.325 FS. History--New 8-13-96, Amended 8-17-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. David Armstrong Jr., Executive Director, Community College System

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

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Telephone Use
RULE NO.: 33-602.205

PURPOSE AND EFFECT: The proposed rule is necessary in order to reflect changes in form numbers and position titles, to eliminate reference to a telephone number which is no longer used, and to prohibit possession and use of telephone calling cards by inmates.

SUMMARY: The proposed rule provides correct form numbers and position titles related to inmate telephone use, eliminates obsolete references, and prohibits possession and use of telephone calling cards by inmates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

TIME AND DATE: 9:00 a.m., December 8, 1999

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.205 Inmate Telephone Use.

(1) No change.

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

(a) To initiate telephone privileges, inmates shall complete Form DC6-223 ~~DC3-302~~, Inmate Telephone Agreement and Number List. Each inmate is limited to no more than 10 names and numbers of persons he or she wishes to access. Inmates shall not be allowed to telephone any person not on this list except as outlined in (3)(a) and (4) of this rule. Inmates shall not make three-way telephone calls nor make calls to numbers on the list which are then transferred to other telephone numbers not on the list.

(b) The reception center classification staff shall compile the inmate calling list through use of, Form DC6-223 ~~DC3-302~~, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 ~~DC3-302~~ shall become part of the inmate's permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 ~~DC3-302~~ is hereby

incorporated by reference. Copies of this form are available from the Forms Control Administrator Office of the General Counsel ~~Security and Institutional Management~~, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is _____ ~~December 21, 1998~~.

(c) through (f) No change.

(g) All calls from the monitored phones shall be collect and shall contain a prompt which clearly identifies the call as coming from a Florida Department of Corrections institution.

1. The prompt will advise the inmate and the party who is called that the call is subject to being monitored and recorded by the Department of Corrections.

2. The prompt shall clearly identify the caller on a pre-recorded cue which is input at the time of the inmate's first call.

~~3. The prompt shall provide the called party with a toll free number for problem resolution or for placing a block on future calls from the inmate or institution.~~

~~3.4.~~ The system requires the inmate caller to key in his or her PIN on the key pad before gaining access to an outside line.

~~4.5.~~ The system will detect conference calls or three way calling activity and terminate the call when such activity is detected.

(h) through (j) No change.

(k) Tape recordings of monitored calls shall be kept in an area where staff access is controlled. Records and tapes of monitored calls shall be retained for a minimum of one year. Access to records shall be limited to the following persons:

1. Secretary or Deputy Secretary;

2. Assistant Secretary for the Office of Security and Institutional Operations Management;

3. Regional Directors;

~~4. Regional Security and Institutional Management Directors;~~

~~4.5.~~ Inspector General or designee;

~~5.6.~~ The warden of each institution or his or her designee;

~~6.7.~~ Correctional officer ~~Senior prison~~ inspectors;

~~8. The institutional inspector of each institution.~~

(l) No change.

(3) through (12) No change.

(13) Inmates will not be allowed to possess or use telephone calling cards.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Czerniak

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 1999

DEPARTMENT OF MANAGEMENT SERVICES

Selected Exempt Service

RULE CHAPTER TITLE: Selected Exempt Service
RULE TITLE: Insurance Benefits
RULE CHAPTER NO.: 60M-1
RULE NO.: 60M-1.009

PURPOSE AND EFFECT: Implements the changes to s. 110.205(2)(k), Florida Statutes, made by the 1999 Legislature.
SUMMARY: Provides dental insurance benefits to employees in the Selected Exempt Service if funds are available and provides for the retirement class of these employees.
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: 110.605(1) FS.
LAW IMPLEMENTED: 110.603, 110.205(2)(k) FS.
IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
TIME AND DATE: 10:00 a.m., December 6, 1999
PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anna B. Gray, Human Resource Consultant, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60M-1.009 Insurance Benefits.

(1) Employees in the Selected Exempt Service shall be enrolled in the Regular Class of the Florida Retirement System, unless approved for membership in the Special Risk Class, as provided in Chapter 121, Florida Statutes.

(2) Subject to appropriation of funds, the State shall pay for the following insurance coverage for each full-time Selected Exempt Service employee member:

(a)(1) 100% of the premium for the state individual life insurance policy;

(b)(2) 100% of the premium for the individual or family state group health insurance plan; or up to an equal dollar amount for a health maintenance organization premium; and-

(c)(3) 100% of the premium for the state individual disability insurance policy.

(3) In addition, the State may pay 100% of the premium for an individual or family dental insurance plan, provided that premiums are funded by the Legislature through the appropriations act or otherwise absorbed within the existing budget authority of the employing agency.

Specific Authority 110.605(1) FS. Law Implemented 110.603, 110.205(2)(k), FS. History--New 2-1-87, Formerly 22SE-1.009, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon D. Larson, Director, Human Resource Management, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael T. Cochran, Deputy Secretary, Department of Management Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 1999

DEPARTMENT OF MANAGEMENT SERVICES

Senior Management Service

RULE CHAPTER TITLE: Senior Management Service
RULE TITLE: Benefits
RULE CHAPTER NO.: 60N-1
RULE NO.: 60N-1.008

PURPOSE AND EFFECT: Implements the changes to s. 110.205(2)(k), Florida Statutes, made by the 1999 Legislature.
SUMMARY: Provides dental insurance benefits to employees in the Senior Management Service if funds are available.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 110.403 FS.
LAW IMPLEMENTED: 110.402, 110.403, 110.205(2)(k) FS.
IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10 a.m., December 6, 1999
PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anna B. Gray, Human Resource Consultant, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

(c) The member must return to active employment performing service with a Florida Retirement System employer in a regularly established position immediately upon termination of the leave of absence and remain on the employer's payroll for one calendar month ~~30 calendar days~~. The exceptions to this requirement are:

1. A member placed on a leave of absence for medical reasons who retires on disability while on the leave of absence shall not be required to return to employment in order to be eligible to receive credit for the leave of absence; and

2. A member whose work year is less than 12 months and whose leave of absence terminates between school years shall be eligible to receive credit for the leave of absence as long as he or she returns to covered ~~the~~ employment of his employer ~~at~~ the beginning of the next school year and remains on the employer's payroll for one calendar month ~~30 calendar days~~.

(d) The leave of absence must occur after the employee becomes a member of the Florida Retirement System.

(e) The required contributions must be made in accordance with Section 60S-3.007.

(f) Such leave of absence shall include an unpaid leave as provided under the federal Family and Medical Leave Act of 1993 granted for up to 12 weeks to care for children at birth or adoption, or to care for a seriously ill child, spouse, or parent, or for the member's own serious illness.

(2) through (6) No change.

Specific Authority 121.031 FS. Law Implemented 121.071, 121.121 FS. History—New 1-1-72, Amended 10-20-72, 12-31-74, 1-16-77, 7-1-79, 8-26-81, 1-18-83, Formerly 22B-2.06, Amended 3-11-87, 2-7-89, 11-14-91, Formerly 22B-2.006, Amended 8-4-94, 2-24-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: A. J. McMullian III, Director, Division of Retirement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Cochran, Deputy Secretary, Department of Management Services

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

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER TITLE: Contributions
RULE CHAPTER NO.: 60S-3

RULE TITLE: Payment of Contributions
RULE NO.: 60S-3.011

PURPOSE AND EFFECT: To change the required receipt date of employer retirement contributions to accommodate the implementation of new technology.

SUMMARY: Effective January 1, 2000, retirement contributions will be required to be received at the Division on or before the due date instead of postmarked on or before the due date.

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 cost, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.071(5) FS.

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

TIME AND DATE: 10:00 a.m., December 6, 1999

PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Beth Brewer, Senior Benefits Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-3.011 Payment of Contributions.

(1) All retirement contributions for current services rendered by covered employees shall be paid to the Division of Retirement. The required contribution rate shall be the rate in effect at the time the member is paid, as determined by his or her class of membership. Retirement contributions for each payroll period are due and payable each month no later than the 20th day of the month following the month in which covered wages are paid. Provided, however, if the due date falls on a weekend or holiday, the due date shall be the next succeeding workday.

(2) Effective January 1, 2000, retirement contributions not received at the Division ~~remitted and postmarked~~ on or before the due date shall be considered delinquent, unless a waiver is granted pursuant to subsection (4).

(a) If the contributions required pursuant to subsection (1)(a) are delinquent, a fee of 1.0 percent shall be assessed for each calendar month or part thereof that said contributions are delinquent. Such delinquent assessment shall be billed to the employer by invoice upon determination of the contributions due.

(b) Effective January 1, 2000, if the delinquent assessment billed to the employer in subsection (a) above is not received at the Division ~~remitted and postmarked~~ within 30 days following the Division's invoice date, an additional delinquent assessment of 1.0 percent on the invoiced amount shall be assessed for each calendar month or part thereof that said invoice is delinquent.

(c) If an additional amount is due as a result of a calculation or plan reporting error in the amount previously contributed, the employer shall be billed by invoice. Effective January 1, 2000, if the additional contributions are not received at the Division ~~remitted and postmarked~~ within 30 days following the Division's invoice date, an additional delinquent assessment of 1.0 percent on the invoiced amount shall be assessed for each calendar month or part thereof that said invoice is delinquent.

(3) Social Security contributions on wages paid on and after January 1, 1987 shall be paid in accordance with 60S-3.010(3); Social Security contributions on wages paid prior to such date shall be paid to the Division. If additional contributions are due on wages paid prior to January 1, 1987, the Division shall bill the employer by invoice. Effective January 1, 2000, if payment ~~each calendar month or part thereof that said contributions~~ is not received at the Division ~~remitted and postmarked~~ within 30 days following the Division's invoice date, a delinquent assessment of 1.0 percent on the invoiced amount shall be assessed for each calendar month or part thereof that said invoice is delinquent.

(4) Retirement contributions not remitted timely as prescribed in subsection (1) shall be delinquent, unless in the opinion of the Division exceptional circumstances beyond the employer's control prevented payment remittance by the prescribed due date and a waiver of the delinquent fee is granted by the Division. A waiver may be granted only once for an employer during any one fiscal year. The employer shall fully explain and certify such waiver request in writing to the Division. Should the Division deny a waiver request, the employer shall pay the assessed delinquent fee, plus any additional delinquent charges which have accumulated during the time required to review the request for a waiver of the delinquency charge.

(5) If the agency fails to pay the total amount due within 120 calendar days from the date of the Division's invoice, the following action shall be taken:

(a) In the case of a state agency, the Administrator shall notify ~~the Director of the Division of Retirement and~~ the Governor and certify the amounts due to the Director of Planning and Budgeting, Office of the Governor. If arrangements cannot be made to pay the amount due, then the amount shall be appropriated from the General Revenue Fund of the state as prescribed in section 121.061, F.S.

(b) In the case of a county, city or special district, the Administrator shall request the Department of Banking and Finance or the Department of Revenue to withhold the amount owed to the Florida Retirement System Trust Fund or the Social Security Contribution Trust Fund from any State funds allocated to the county, city or special district. If existing funds do not equal the amount owed to the trust funds, the Administrator shall certify to the local tax collector the amount

owed, and the tax collector shall deduct the amount so certified from any taxes collected for the employer and pay the amount to the proper trust fund.

(6) Contributions may not be made prior to the service being performed.

(7) Payment of the required employee retirement contributions for other than current service shall be made in accordance with 60S-3.002(4).

(8) Retirement contributions shall be made on the salary paid to any retired member who is reemployed under the provisions of 60S-4.012(2) and (3), in accordance with 60S-3.003(6).

Specific Authority 121.031 FS. Law Implemented 121.061, 121.071(3), (5), 121.091(9) FS. History--New 1-1-72, Amended 10-20-72, Repromulgated 12-31-74, Amended 7-1-79, 1-19-82, 10-12-82, 11-6-84, 9-24-85, Formerly 22B-3.11, Amended 5-15-91, Formerly 22B-3.011, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: A. J. McMullian III, Director, Division of Retirement
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Cochran, Deputy Secretary, Department of Management Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLES:	RULE NOS.:
License Fees and Examination Fees	61J2-1.011
Registration Categories	61J2-1.013
Review of Fees	61J2-1.016

PURPOSE AND EFFECT: The Commission is amending these rules to expand its categories of registrants to include liability partnerships and companies, delete and decrease fees, delete discontinued publications, extend the renewal period for education courses and extend the annual deadline for the Commission to review fees.

SUMMARY: The Commission determined that it needs to add specific registration categories for limited liability partnerships and companies, has sufficient cash reserves to delete and decrease certain fees, has discontinued offering certain publications and needs to delay the review of fees until the close of each fiscal year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217, 455.219, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.183, 475.24, 475.451, 68.065(2) FS.

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

TIME AND DATE: 8:30 a.m., December 15, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

61J2-1.011 License Fees and Examination Fees.

(1) Every person, partnership, limited liability partnership, ~~or~~ corporation or limited liability company deemed and held to be a licensee under Chapter 475, Florida Statutes, must register with the Florida Real Estate Commission (Commission) and must secure a license for each license period.

(2) The application fee for licensure shall be as follows:

(a) through (b) No change.

~~(c) Reinstatement~~ \$55.00

(3) The biennial license fee for an active licensee shall be:

Broker	\$80.00	\$90.00
Salesperson	\$70.00	\$80.00
Branch office for Broker	\$70.00	\$80.00

(4) through (5) No change.

(6) The Commission may conduct seminars and publish and sell the following documents at cost, which may or may not vary with each class or printing:

- ~~Handbook on Real Estate License Law~~
- ~~Real Estate Broker Text~~
- Wall Certificate of License
- Course Syllabus

(7) The license fee for school related categories shall be as follows:

(a) through (b) No change.

(c) The biennial Permit Fee shall be:

School Permitholder <u>Permit Holder</u>	\$130.00
Additional Location for Permitholder <u>Permit Holder</u>	\$ 45.00
Chief Administrative Person	\$ 80.00
School Instructor	\$ 80.00

(8) Entity, sponsor, organization and individual equivalent education course offering:

For each application for approval of education offering	\$ 80.00
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For each biennial annual education course offering renewal \$ 80.00
(9) through (11) No change.

Specific Authority 475.05 FS. Law Implemented 455.217, 455.2281, 475.04, 475.125, 475.182, 475.24, 475.451, 68.065(2) FS. History—New 10-10-79, Amended 1-1-80, 4-14-81, 9-13-82, 10-19-83, 8-12-84, 10-13-85, Formerly 21V-1.11, Amended 2-1-87, 1-1-88, 5-5-88, 10-13-88, 9-10-89, 1-4-90, 2-13-90, 3-27-90, 8-21-90, 10-9-90, 1-13-91, 8-19-91, 7-1-93, Formerly 21V-1.011, Amended 7-18-94, 12-17-95, 12-30-97, 1-19-99, 4-18-99.

61J2-1.013 Registration Categories.

(1) Registration in the following categories shall show the name, the business address, effective and expiration date:

- (a) Active broker partnership
- (b) Active broker corporation
- (c) Active Limited Liability Company
- (d) Active Limited Liability Partnership
- ~~(e)~~ Branch office
- (2) No change.

Specific Authority 475.05 FS. Law Implemented 475.15, 475.183, 475.24 FS. History—New 1-1-80, Amended 7-19-83, Formerly 21V-1.13, Amended 6-28-93, Formerly 21V-1.013, Amended _____.

61J2-1.016 Review of Fees.

(1) No later than the end of September ~~May~~ of each year the Commission shall review the fees in Rule 61J2-1.011, Florida Administrative Code, to ensure the fees are adequate to cover all anticipated costs and to maintain a reasonable cash balance as required in s. 455.219(1), Florida Statutes, and defined in Rule 61-5.002, Florida Administrative Code.

(2) through (3) No change.

Specific Authority 475.05 FS. Law Implemented 455.219, 475.125 FS. History—New 2-15-96, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 1999 and September 24, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLES:	RULE NOS.:
Applications by Individuals	61J2-2.027
Examination Areas of Competency	61J2-2.029

PURPOSE AND EFFECT: The Commission is amending the rules to change the reporting requirements on licensure applications and the procedures for notifying applicants of examination results and for applicants taking re-examinations.

SUMMARY: The Commission determined it is necessary to clarify disclosures required of applicants regarding civil and criminal proceedings, eliminate fingerprint requirements for certain applicants and remove the responsibility from the Commission for reporting examination results.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217(1)(b), 475.17, 475.175, 475.451 FS.; Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987).

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

TIME AND DATE: 8:30 a.m., December 15, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

61J2-2.027 Applications by Individuals.

The application of a natural person for active licensure, whether the applicant expects to operate alone, or as a partner, or with a corporation, or as a salesperson is governed by substantially the same rules and forms.

(1) No change.

(2) The applicant must make it possible to immediately begin the inquiry as to whether the applicant is honest, truthful, trustworthy, of good character, and bears a good reputation for fair dealings, and will likely make transactions and conduct negotiations with safety to investors and to those with whom the applicant may undertake a relation of trust and confidence. The applicant is required to disclose:

(a) if ever ~~arrested or convicted of a crime, or if any criminal or civil proceeding is pending against the applicant,~~ or if any judgment or decree has been rendered against the applicant in a case wherein the pleadings charged the applicant with ~~for fraudulent~~ or dishonest dealings, or

(b) through (4) No change.

~~(5) An applicant for re-examination must submit proper re-application forms and fee. If re-application is made within one year from the date the original application was approved, no fingerprint card is required.~~

~~(5)(6) All applicants for permits to instruct or be a permitholder permit holder for a real estate school must comply with ss. 475.451(2)(a) and (c), Florida Statutes, F.S.~~

Specific Authority 475.05 FS. Law Implemented 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987). History--New 1-1-80, Formerly 21V-2.27, Amended 4-10-88, 5-20-90, 1-13-91, 7-15-92, 7-20-93, Formerly 21V-2.027, Amended 11-10-97, _____

61J2-2.029 Examination Areas of Competency.

(1) No change.

~~(2) The Commission shall provide written notification to applicants who have successfully completed the state examination.~~ A successful applicant may lawfully practice the services of real estate provided employment information is on file with the BPR.

Specific Authority 475.05 FS. Law Implemented 455.217(1)(b) FS. History--New 1-1-80, Amended 4-13-81, Formerly 21V-2.29, Amended 6-28-93, Formerly 21V-2.029, Amended _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLES:	RULE NOS.:
Pre-licensing Education for Broker and Salesperson Applicants	61J2-3.008
Continuing Education for Active and Inactive Broker and Salesperson Licensees	61J2-3.009
License Reactivation Education for Brokers and Salespersons	61J2-3.010
Continuing Education for School Instructors	61J2-3.011
Application for Commission Prescribed or Conducted Courses	61J2-3.014
Notices of Satisfactory Course Completion	61J2-3.015
Post-licensing Education for Active and Inactive Broker and Salesperson Licensees	61J2-3.020

PURPOSE AND EFFECT: The Commission has determined that all or part of specific rules in Chapter 61J2-3 may be obsolete, duplicative or insufficient regarding education for licensees and instructors and requirements for course

providers. Therefore, changes are needed to amend or repeal specific language to reflect statutory authority and current practices of the Commission.

SUMMARY: The Commission determined it is necessary to amend Rule 61J2-3.008 to delete an educational requirement prior to obtaining a broker's license, to remove a deadline when pre-license course applications may be accepted, to add requirements for pre-license course answer keys and to change procedures for re-taking pre-license examinations.

Rule 61J2-3.009 is being amended to expand continuing education course content, to clarify approval or denial of continuing education courses, to extend a course renewal cycle and to add requirements for correspondent course answer keys.

Rule 61J2-3.010 is being amended to change procedures for re-taking examinations to reactivate licenses.

Rule 61J2-3.011 is being amended to place complete responsibility on the course provider to notify students of course requirements and standards, to move the notice of satisfactory course completion for instructor continuing education courses to Rule 61J2-3.015 and to delete a continuing education exemption provided to Florida Bar attorneys.

61J2-3.014 is being repealed because it is redundant. This rule outlines procedures to apply for courses, including forms, fees and administrative material to be provided to the course provider.

Rule 61J2-3.015 is being amended to include the notice of satisfactory course completion for instructor continuing education courses, which was moved from Rule 61J2-3.011.

Rule 61J2-3.020 is being amended to clarify approval or denial of post-licensing courses and to add requirements for post-licensing course answer keys.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.01(1)(d),(e),(2), 475.05, 475.17, 475.42(1)(c) FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451, 475.451(2)(c) FS.

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

TIME AND DATE: 8:30 a.m., December 15, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

61J2-3.008 Pre-licensing Education for Broker and Salesperson Applicants.

(1) through (2) No change.

~~(3) Unless exempted by law, each Florida licensed salesperson must, as a prerequisite to becoming licensed as a broker, complete the post-licensing educational requirement, pursuant to s.475.17(3), Florida Statutes.~~

~~(3)~~(4) No change.

~~(4)~~(5)(a) The Commission prescribed Course I for salesperson, or a Commission approved course equivalent to Course I, may be taught through the use of a video tape of instruction by a currently licensed instructor. Quality standards for the video tape and standards for classroom use of video tape instruction are detailed in Rules 61J2-3.016 and 61J2-3.017, Florida Administrative Code. The course approval criteria and procedure are found in paragraph ~~(5)~~(6) of this rule.

(b) Course content and level of instruction of a video tape course shall be the same as that contained in the Commission prescribed Course I syllabus ~~and Instructor's Guide~~. This Commission prescribed course is structured for sequential presentation in twenty 3-hour sessions. The first session must be conducted by "live instruction" using a permitted school instructor. In addition, whenever the video tape is not current with the latest law or real estate practice, the tape must be corrected prior to its use in the classroom or a permitted instructor must be in attendance during the affected portion of that session. The course approval criteria and procedure are found in paragraph ~~(5)~~(6) of this rule.

(c) No change.

~~(5)~~(6)(a) Satisfactory course completion is demonstrated by achieving a grade of 70 percent or higher on the Commission prescribed course examination. The examination is administered by the applicable college, university, community college, area technical center or real estate school upon completion of the classroom instruction. However, notice of satisfactory course completion shall not be issued to any student having absences in excess of 8 classroom hours. If an applicant does not pass the licensing examination within 2 years after the successful course completion date, the course is invalid for licensure. ~~Applications for licensure may not be accepted by the BPR if received less than 60 days prior to the end of the 2 year period of course eligibility.~~

(b) A copy of the course and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within ~~at least~~ 30 days after submission of

the course and examinations. Approval or denial of the Commission-required pre-licensing course (Course I or Course II) will be based on the extent to which the course content covers the material set forth in the appropriate course syllabus, incorporated herein by reference, effective June 30, 1993 (course I) and effective September 1, 1999 (course II), as developed by the Commission. Examinations must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Approval must be granted before the course and examinations may be offered. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(c) No change.

(d) The institution or school shall develop at least 2 forms of the end of course examination which must be submitted for approval as provided in paragraph (5)(6)(b) above. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 20% of the questions on each form of the test shall be application oriented.

(6)(7) The institution or school offering these Commission prescribed courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall be made ~~as on a form~~ prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(7)(8) Students failing the Commission prescribed end of course examination must wait at least 30 days from the date of the original examination to again take the end of course examination. Within one year of the original end of course examination, a student may retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Commission prescribed end of course examination must repeat the Commission prescribed course prior to being eligible to again take the end of course examination. ~~repeat the Commission prescribed course prior to being eligible to again take the end of course examination.~~ Students retaking the end of course examination must be administered a different form of the end of course examination.

(8)(9) No change.

(9)(10) No change.

(10)(11) Any active member in good standing with The Florida Bar who is otherwise qualified under the real estate license law is exempt from the Commission prescribed prerequisite education course for licensure as a real estate salesperson. This must be noted on the application to take the salesperson's examination by affixing a copy of the applicant's current Bar card.

(11)(12) No change.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.08, Amended 7-16-86, 10-13-88, 5-20-90, 1-13-91, 7-20-93, Formerly 21V-3.008, Amended 12-13-94, 6-14-95, 8-2-95, 12-30-97, 9-1-99,

61J2-3.009 Continuing Education for Active and Inactive Broker and Salesperson Licensees.

(1) All persons holding active or inactive licenses as brokers or salespersons must satisfactorily complete a minimum of 14 classroom hours of instruction of 50 minutes each as prescribed or approved by the Commission during each license renewal period excluding the first renewal period of their current license. A copy of the course shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within at least 30 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(2)(a) The Commission prescribed Core Law course or courses totaling 3 classroom hours of instruction of 50 minutes each will review and update licensees on the Florida real estate license law, Commission rules, and agency law, and provide an introduction to other state laws, federal laws, and taxes affecting real estate. Approval or denial of the Commission-required Core Law course will be based on the extent to which the course content covers the above-referenced subject areas material set forth in the Commission-approved course syllabus, incorporated herein by reference, effective September 7, 1993. Examinations, if required, must test the course material. Approval must be granted before the course and examinations may be offered. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(b) No change.

(c) A licensee who takes the 3 hour Core Law "core law" course in each year of the renewal period shall be allowed a total of 6 hours toward the 14 hour requirement. In such event, the "specialty" course hours need total only 8 hours. The purpose of this paragraph is to encourage licensees to keep abreast of changes in the law by taking the Core Law "core law" course in each year of the renewal period.

(3) The Commission may approve any course, seminar or conference in the real estate practice area provided by a public or private school, firm, association, organization, person, corporation or society. The course will be approved for 24 12 months plus the remaining period of the renewal cycle following the end of the 24 12 month period at which point the course will expire. A course may not be offered after the

expiration date except for a course that is begun before the expiration date may be competed even if the completion date is after the expiration date.

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

(c) A copy of the correspondence course and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation and approval at least 60 days prior to use. The Commission will issue a status report to the course provider within at least 30 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution or school offering the correspondence course in accordance with the Commission approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, school or sponsor offering the Commission approved correspondence courses to keep the course material current and accurate.

(d) The objective of the correspondence course of study end of course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. This examination shall consist of a minimum of 30 questions. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 20% of the questions on each form of the test shall be application oriented. The answer key must be unique for each form of the examination exam. Any Florida institution or licensed real estate school offering the Commission prescribed continuing education course of study by correspondence must maintain a sufficient bank of questions to assure examination validity when administered to licensees from a common source such as a specific business, firm or family.

(e) through (g) No change.

(6) The Florida institution, licensed real estate school or Commission approved entity offering these Commission prescribed or approved courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall be made as on a form prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(7) The Commission prescribed or approved specialty courses may be offered by accredited universities, colleges and community colleges in this state, area technical centers, approved sponsors or real estate schools licensed pursuant to s. 475.451, Florida Statutes. The Commission prescribed Core Law core-law course or courses may be offered by accredited universities, colleges and community colleges in this state, area

technical centers or real estate schools licensed pursuant to s. 475.451, Florida Statutes. Satisfactory completion of these courses will not entitle any person to renew a license as a real estate broker or salesperson until such person has met all requirements of law.

(8) through (10) No change.

Specific Authority 475.01(1)(d),(e),(2), 475.05, 475.42(1)(c) FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History--New 1-1-80, Amended 8-24-80, 10-19-83, 9-16-84, Formerly 21V-3.09, Amended 10-13-88, 6-17-91, 12-29-91, 12-8-92, 6-28-93, Formerly 21V-3.009, Amended 2-2-94, 11-13-94, 5-13-96, 12-30-97, 10-25-98, 3-7-99, _____.

61J2-3.010 License Reactivation Education for Brokers and Salespersons.

(1) through (3) No change.

(4) When classroom reactivation courses are required, satisfactory completion is demonstrated by achieving a grade of 70% or higher on the Commission prescribed course examination quiz. This examination quiz is administered by the applicable university, college, community college, area technical center or real estate school; however, notice of satisfactory completion shall not be issued to any student who has not attended at least 90% of the required classroom hours of instruction.

(5) The institution or school offering these Commission prescribed courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall be made as on a form prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(6) Students failing the Commission prescribed course examination quiz must wait at least 30 days from the date of the original examination to again take the end of course examination. Within one year of the original end of course examination, a student may retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Commission prescribed end of course examination must repeat the Commission prescribed course prior to being eligible to again take the end of course examination repeat the Commission prescribed course prior to being eligible to again take the course quiz. The course quiz may not be administered more than 30 days beyond the last class without approval from the Commission.

(7) through (8) No change.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History--New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.10, Amended 10-13-88, 6-28-93, Formerly 21V-3.010, Amended 12-30-97, 10-25-98, _____.

61J2-3.011 Continuing Education for School Instructors.

(1) No change.

(2) The Commission prescribed 15 classroom hours of instruction shall consist of one 7-classroom hour seminar conducted by the Commission and a minimum of 8-classroom hours of Commission approved instruction in real estate subjects and/or instructional techniques. The 8-classroom hour

course of instruction may be offered by accredited universities, colleges, and community colleges in this state, by real estate schools registered pursuant to s. 475.451, Florida Statutes, and entities approved by the Commission. Requests for approval to offer the 8-classroom hour instructor course shall be made to the Commission. This request shall include a detailed course description and the criteria for satisfactory course completion. A copy of the course shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within at least 30 days after submission of the course. Approval or denial of the 8-classroom hour course will be based on the extent to which the course content focuses on issues relevant to real estate and/or instructional techniques. Approval must be granted before the course and examination, if required, may be offered. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(3) No change.

(4) The institution, school or approved entity offering the Commission approved 8-classroom hour course shall inform each student of the standards and requirements at the commencement of each course. ~~The enforcement thereof shall be the responsibility of the Commission and the BPR and their decision on any such matters shall be final.~~ Satisfactory completion of these courses will not entitle any person to renew a permit as a school instructor until such person has met all other requirements of law.

~~The notice of satisfactory course completion shall contain the following information:~~

- ~~Instructor Continuing Education~~
- ~~Name of School~~
- ~~Address of School~~
- ~~Course Title~~
- ~~Course Hours~~
- ~~Start Date~~
- ~~Finish Date~~
- ~~Permit Number~~
- ~~Student's Name~~
- ~~Student's Address~~
- ~~Authorized Signature for the School~~

~~Each grade report shall contain the following information:~~

~~The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Commission. The original grade report is to be given to the student and a copy retained by the school.~~

~~(5) Active members in good standing with The Florida Bar holding a current school instructor permit are exempt from the continuing education requirement of this rule.~~

Specific Authority 475.05 FS. Law Implemented 475.451(2)(c) FS. History--New 7-28-80, Amended 8-24-80, 1-3-84, Formerly 21V-3.11, Amended 7-25-90, 7-20-93, Formerly 21V-3.011, Amended 12-30-97, _____.

61J2-3.014 Application for Commission Prescribed or Conducted Courses.

Specific Authority 475.05 FS. Law Implemented 475.17, 475.451 FS. History--New 1-1-80, Amended 8-24-80, Formerly 21V-3.14, Amended 7-20-93, Formerly 21V-3.014, Repealed _____.

61J2-3.015 Notices of Satisfactory Course Completion.

(1) Applicants for initial licensure as a broker or salesperson must provide the course completion grade report with the application or at the individuals scheduled examination as proof that they have satisfactorily completed the applicable Commission prescribed course.

(2) An application for renewal or reactivation of an existing status as a broker, broker-salesperson, salesperson or instructor shall contain an affirmation by the individual of having satisfactorily completed the applicable Commission prescribed, conducted or approved course(s). The ~~BPR DPR~~ shall perform random audits of up to 25% of the licensees and instructor ~~permitholders permit holders~~ to verify compliance with continuing education or post-license education requirements. Each licensee and instructor ~~permitholder permit holder~~ shall retain the course completion grade report as proof of successful completion of continuing education or post-license education requirements for at least 2 years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with continuing education or post-license education requirements or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the licensee or instructor.

(3) Commission approved equivalent courses offered by accredited Florida universities, colleges, community colleges and area technical centers shall provide students with the applicable course completion grade report (~~notice~~) described below. The course completion grade report for these equivalent courses must contain the college equivalent course identifying number.

(4) No change.

(5) Salesperson prelicensing courses completed through video tape instruction and continuing education courses completed by correspondence study must be noted on the course completion grade report.

(6) The course completion grade report must be typed or printed in ink and must be completely filled out by the institution, school or sponsor certifying successful course completion.

(7) The course completion grade reports shall contain the following information for the type of course being completed.

(a) Pre-licensing Course for Salesperson

Name of School

Address of School

Course Title: ~~Course I Real Estate P&PH~~

Start Date

Finish Date

Exam Date

Social Security Number

Student's Name

Student's Address

Authorized Signature for the School

(b) Pre-licensing Course for Broker

Name of School

Address of School

Course Title: ~~Course II Real Estate P&PH~~

Start Date

Finish Date

Exam Date

Salesperson License Number

Social Security Number

Student's Name

Student's Address

Authorized Signature for the School

(c) through (d) No change.

(e) Instructor Continuing Education

Name of School

Address of School

Course Title

Course Hours

Start Date

Finish Date

Permit Number

Student Name

Student Address

Authorized Signature for the School

~~(f)(e)~~ Each course completion grade report shall contain the following information:

The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Commission. The original course completion grade report is to be given to the student and a copy retained by the school.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History--New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.15, Amended 10-13-88, 12-29-91, 6-7-92, 6-28-93, Formerly 21V-3.015, Amended 9-11-94, 12-30-97, _____.

61J2-3.020 Post-licensing Education for Active and Inactive Broker and Salesperson Licensees.

(1) All applicants for licensure who pass a broker or salesperson licensure examination must satisfactorily complete a Commission prescribed or approved post-licensing

educational course requirement prior to the first renewal following initial licensure. The post-licensing course or courses must be taken at an accredited college, university, community college, and area technical center in this state, or at a ~~registered~~ real estate school registered, pursuant to s. 475.451, Florida Statutes, or given by a Commission approved sponsor.

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

(4) A copy of the course shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within at least 30 days after submission of the course. Approval or denial of the course will be based on the extent to which the course content covers the material set forth in paragraph (1)(a) above for salespersons and paragraph (1)(b) above for brokers ~~the appropriate Commission approved course syllabus, incorporated herein by reference, effective November 15, 1988 (salesperson courses) and effective November 15, 1988 (broker courses).~~ Examinations must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Institutions, schools and sponsors offering Commission approved post-licensing education courses are responsible for keeping the course subject matter current and accurate.

(b) The course syllabus and examinations will be approved for a 2 year period from the date of approval. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration examination date.

(5) Satisfactory course completion is demonstrated by achieving a grade of 75% or higher on the course examination. At least 2 unique forms of the examinations shall be submitted for approval with the detailed course syllabus and shall test the learning objectives contained therein. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. The Commission approved examination shall be administered by the applicable university, college, community college, area technical center, registered real estate school, or Commission-approved sponsor.

(6) No change.

(7) The institutions, schools or sponsors offering these Commission prescribed or approved courses shall inform each student of the standards and requirements at the commencement of each course. Notice of ~~the~~ course completion shall be made as on a form prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(8) through (10) No change.

Specific Authority 475.05, 475.17 FS. Law Implemented 475.04, 475.17, 475.182 FS. History--New 1-1-89, Amended 1-4-90, 6-28-93, Formerly 21V-3.020, Amended 8-2-95, 12-30-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Definition
RULE NO.: 61J2-4.0061

PURPOSE AND EFFECT: The Commission is repealing the rule because definitions of partnerships are defined elsewhere in the law.

SUMMARY: The Commission determined it is necessary to repeal the rule because the definitions of general partnership, limited partnership and ostensible (quasi) partnership are defined by statute and case law.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.05, 475.01, 475.15 FS.

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

TIME AND DATE: 8:30 a.m., December 15, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-4.0061 Definition.

Specific Authority 475.05 FS. Law Implemented 475.05, 475.01, 475.15 FS. History--New 1-1-80, Amended 4-18-84, Formerly 21V-4.061, Amended 7-20-93, Formerly 21V-4.0061, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: License Status of Officers and Directors Required
RULE NO.: 61J2-5.015

PURPOSE AND EFFECT: The Commission is amending this rule to eliminate superfluous language regarding the requirement of officers and directors to register.

SUMMARY: The Commission determined the rule needed to be simplified because certain language in the rule identifying those officers and directors in a corporation who were required to register was confusing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.01(3), 475.15 FS.

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

TIME AND DATE: 8:30 a.m., December 15, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-5.015 License Status of Officers and Directors Required.

All officers and directors of a corporation, domestic or foreign, required to register, and maintain registration, shall be registered. All officers and directors who perform, or personally direct, sales or sales forces, advertising, soliciting or who come in contact with the owners of property listed or to be listed or with the investing public, in connection with brokerage transactions, shall be licensed and renew as active. Officers who perform no duties, or only clerical duties, are not required to be licensed or renew as active. Members of the Board of Directors, who have no other connection with the

corporation than the attendance at periodic meetings of the Board of Directors and the performance of the usual and customary duties of a director, are not required to be licensed as active. No registration shall be issued to the corporation or licenses to any officer or director, unless the corporation shall cause to register, and biennially renew the license of at least one active officer. A foreign corporation shall biennially present proof that at least one active officer, holding a valid and current active license, or for whom such a license is requested, is authorized to transact brokerage business in the State of Florida, and to bind the corporation with respect to such business.

Specific Authority 475.05 FS. Law Implemented 475.01(3), 475.15 FS. History—New 1-1-80, Formerly 21V-5.15, Amended 7-20-93, Formerly 21V-5.015, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLES:	RULE NOS.:
Title	61J2-10.016
Mortgage Releases	61J2-10.017
Promises to Resell	61J2-10.018
Lotteries	61J2-10.019
Free Lot Schemes	61J2-10.020
Advance Fee Accounting and Reporting Procedures	61J2-10.029

PURPOSE AND EFFECT: The Commission is repealing certain rules because the language is redundant and prohibitions of these acts are addressed elsewhere in the law. The Commission is amending a rule to expand reporting requirements for advance fee accounts.

SUMMARY: The Commission determined rules preventing licensees and registrants from participating in the transfer of non-merchantable title, in the release of mortgages for less than the amount due, in the purchase of property with a promise to resell or repurchase the property at a future time and in the use of lotteries or games of chance to transfer property at no or a nominal cost are redundant and prohibitions of these acts are addressed elsewhere in the law. The Commission determined that brokers should prepare reports for advanced fee escrow accounts regardless of the account balance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.
LAW IMPLEMENTED: 475.25, 475.452(1),(2),(3) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., December 15, 1999
PLACE: Office of the Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

61J2-10.016 Title.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History—New 1-1-80, Formerly 21V-10.16, Amended 7-20-93, 21V-10.016, Repealed _____.

61J2-10.017 Mortgage Releases.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History—New 1-1-80, Formerly 21V-10.17, Amended 7-20-93, Formerly 21V-10.017, Repealed _____.

61J2-10.018 Promises to Resell.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History—New 1-1-80, Formerly 21V-10.18, Amended 7-20-93, Formerly 21V-10.018, Repealed _____.

61J2-10.019 Lotteries.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History—New 1-1-80, Formerly 21V-10.19, Amended 6-28-93, Formerly 21V-10.019, Repealed _____.

61J2-10.020 Free Lot Schemes.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History—New 1-1-80, Formerly 21V-10.20, Amended 6-28-93, Formerly 21V-10.020, Repealed _____.

61J2-10.029 Advance Fee Accounting and Reporting Procedures.

- (1) through (5) No change.
- (6) When the escrow account has a zero balance or small balance required to keep the account active and the account has had no activity during the reporting period, a ~~negative report shall be prepared and will be submitted. A negative report for any monthly period~~ will contain a copy of the account bank statement.
- (7) No change.

Specific Authority 475.05 FS. Law Implemented 475.452(1), (2), (3) FS. History—New 1-1-80, Formerly 21V-10.29, Amended 10-28-90, 7-20-93, Formerly 21V-10.029, Amended 11-10-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

Single Agent Notice at the requisite period of time under the provisions of ss.475.276 or 475.278, FS; failed to properly secure the Consent to Transition to Transaction Broker or Designated Salesperson forms as required in ss.475.2755 or 475.278, FS; failed to act in a manner as prescribed in ss.475.2755, 475.276 or 475.278 (s) through (4) No change.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLES: RULE NOS.:
Disciplinary Guidelines 61J2-24.001
Citation Authority 61J2-24.002

PURPOSE AND EFFECT: The Commission is removing violations regarding the Notice of Nonrepresentation because it is no longer required by statute to be provided by licensees.

SUMMARY: The Commission determined it is necessary to delete references to the Notice of Nonrepresentation and its statutory authority because licensees are no longer required by law to present the form to non-represented parties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 455.2273, 475.05 FS.
LAW IMPLEMENTED: 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482, 455.227, 455.2273, 455.224 FS.

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

TIME AND DATE: 8:30 a.m., December 15, 1999
PLACE: Office of the Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

61J2-24.001 Disciplinary Guidelines.
(1) through (3)(q) No change.

VIOLATIONS (r) 475.25(1)(q) Licensee has failed to give the Notice of Nonrepresentation, Transaction Broker Notice or

RECOMMENDED RANGE OF PENALTY (r) The usual action of the Commission shall be to impose a penalty of an administrative fine of \$1,000 to a 5 year suspension

Specific Authority 455.2273, 475.05 FS. Law Implemented 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482, 455.227, 455.2273 FS. History--New 11-24-86, Amended 10-13-88, 4-20-89, 5-20-90, 12-29-91, 11-8-92, 6-28-93, Formerly 21V-24.001, Amended 11-16-93, 2-9-96, 12-30-97, 11-29-98, _____.

61J2-24.002 Citation Authority.
(1) through (2)(k) No change.
(1) 475.25(1)(q) - failed to give the appropriate disclosure or notice at the appropriate time under the provisions of ss.475.2755, 475.276 or 475.278, F.S. (A citation may only be given for a first time violation) \$ 300.00
(m) through (6) No change.

Specific Authority 475.05 FS. Law Implemented 455.224 FS. History--New 12-29-91, Amended 4-16-92, 1-20-93, 6-28-93, 8-23-93, 4-7-94, 4-12-95, 7-5-95, 2-13-96, 6-5-96, 7-23-96, 1-22-97, 3-30-97, 11-10-97, 3-24-98, 7-1-98, 10-25-98, 1-19-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Beaches and Shores

Docket No.: 99-12R
RULE CHAPTER TITLE: RULE NOS.: Administrative Fines and Damage Liability 62B-54.001-.004
PURPOSE AND EFFECT: The assessment of fines and damages for violations pursuant to 161.054, F.S.
SUMMARY: Provides a method for determining the amount of fines or damages to be assessed for violations pursuant to 161.054 F.S., and the procedure for imposing and collecting such fines or damages.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: This rule places no new procedural requirements, sets no protection measures, and adds nothing to the cost of complying with 161.041, .052, .053, Florida Statutes. It applies to anyone violating these Statutes. Fines are currently, and would continue to be levied for violation of the statutes, therefore cost to the agency would not substantially increase current work loads. It has the potential for a greater

cost for non-compliance because of the inclusion of damage assessments imposed. Damage amounts may reflect an actual valuation of the lost benefits brought about by damaged resources.

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: 161.052, 161.053, 161.054 FS.

LAW IMPLEMENTED: 161.041, 161.052, 161.053 FS.

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

TIME AND DATE: 9:00 a.m., December 16, 1999

PLACE: Department of Environmental Protection, Conference Room A, First Floor, 3900 Commonwealth Boulevard, Tallahassee

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Rosaline Beckham, Environmental Specialist, The Florida Department of Environmental Protection, Office of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)487-1262, extension 191

THE FULL TEXT OF THE PROPOSED RULES IS:

ADMINISTRATIVE FINES AND DAMAGE LIABILITY

62B-54.001 Definitions.

(1) “Department” is the Florida Department of Environmental Protection. The head of the Department is the Secretary.

(2) “Grossly negligent” violations are acts or omissions characterized by the failure to perform a manifest duty in reckless disregard of the consequences.

(3) “Harm to Resource” is an actual or potential impact, whether direct or indirect, short or long term, which is expected to occur as a result of construction and is defined as follows:

(a) “Minor Harm to Resource” is an impact associated with construction which is not an adverse impact due to its magnitude or temporary nature. Minor impacts include all administrative infractions.

(b) “Moderate Harm to Resource” is characterized by adverse impacts and other impacts as defined in Chapters 62B-33 and 62B-41, Florida Administrative Code, as appropriate.

(c) “Major Harm to Resource” is characterized by significant adverse impacts and other impacts as defined in Chapters 62B-33 and 62B-41, Florida Administrative Code, as appropriate.

(4) “Knowing” violation is an act or omission done with awareness of the nature of the conduct.

(5) “Willful violation” is an act or omission which is voluntary, intentional and with the specific intent to do something the law forbids, or fail to do something the law requires to be done.

Specific Authority 161.052, 161.053 FS. Law Implemented 161.052, 161.053, 161.054 FS. History—New _____.

62B-54.002 Determination of Fines.

(1) The Department shall assess fines for willful violations of sections 161.041, 161.052, and 161.053, Florida Statutes, or any rule or order prescribed by the Department thereunder. The fine amount shall be sufficient to ensure immediate and continued compliance with the provisions of section 161.041, 161.052, and 161.053, Florida Statutes, and be consistent with the following table:

HARM TO RESOURCE and/or POTENTIAL FOR HARM	FINE RANGE
Major	\$5,000 – \$10,000
Moderate	\$1,000 – \$5,000
Minor	0 – \$1,000

(2) Each day during any portion of which a violation occurs or continues to occur hereunder constitutes a separate offense. Multi-day fines will compound beginning on the date of receipt of the Department's warning notice. Multi-day fines will not be assessed for minor impacts.

(3) In determining the actual fine within the range, the Department shall consider the offender's past violations, if any, and other aggravating and/or mitigating circumstances.

Specific Authority 161.052, 161.053 FS. Law Implemented 161.052, 161.053, 161.054 FS. History—New _____.

62B-54.003 Determination of Damages.

(1) The Department shall assess damages for grossly negligent or knowing violations of sections 161.041, 161.052, or 161.053, Florida Statutes, or any rule or order prescribed by the Department thereunder, which result in harm to sovereignty lands seaward of mean high water or to beaches, shores, or coastal and/or beach-dune system(s), including animal, plant, or aquatic life thereon, consistent with the following table:

HARM TO RESOURCE	CULPABILITY	
	Gross Negligence	Knowing
Major	\$1,000 minimum	\$5,000 minimum
Moderate	\$500 minimum	\$1,000 minimum
Minor	0 minimum	0 minimum

(2) Damages in amounts greater than the minimum amounts provided above may be assessed. When determining the amount of damages sufficient to ensure the immediate and continued compliance with the provisions of section 161.041, 161.052, and 161.053, Florida Statutes, the Department shall consider:

(a) the lost or diminished ability to protect upland structures and property from wind and water damage resulting from storms.

(b) the lost or diminished opportunities for recreational use.

(c) the need for restoration, and

(d) the damaged ecological resource.

(3) The Department does not hereby waive any right to assess fines pursuant to Administrative Fines for Damaging State Lands or Products Thereof, Chapter 18-14, Florida Administrative Code.

Specific Authority 161.052, 161.053 FS. Law Implemented 161.052, 161.053, 161.054 FS. History—New _____.

62B-54.004 Imposition and Collection of Fines and Damages.

(1) The provisions of sections 62B-54.002 and 62B-54.003, Florida Administrative Code, are not mutually exclusive and may be utilized concurrently.

(2) Fines and damages shall be imposed and collected by the Department pursuant to sections 161.052, 161.053, 161.054, Florida Statutes, and the Florida Administrative Procedures Act, Chapter 120, Florida Statutes. Nothing in this rule chapter shall be construed to preclude the Department from bringing suits or taking action as is otherwise lawfully authorized including directing appropriate restoration activities against any person or the agent of any person who has been found to have violated the provisions of Chapter 161, Florida Statutes.

(3) Upon discovery of a violation, the Secretary of the Department or his/her designee shall issue a notice to suspected and known violators giving notice of the violation. Such notice shall be served on the violator by certified mail, return receipt requested; actual delivery; or by personal service; and shall identify the provision of law or rule alleged to have been violated. The notice shall include a brief statement of the facts constituting the alleged violation.

(4) Upon determination that the violation is considered a minor violation pursuant to section 120.695(2)(b), Florida Statutes, the Department shall issue a notice of noncompliance as a first response to that minor violation.

(5) Upon determination that a fine or assessment of damage is warranted, the Secretary of the Department or his/her designee shall issue a final order to the violator demanding payment to the Ecosystem Management and Restoration Trust Fund within 21 days of receipt. If payment is not received by the Department within such 21 day period the fine shall become a lien upon the real and personal property of the violator, enforceable by the Department as a statutory lien pursuant to section 161.054, Florida Statutes.

Specific Authority 161.052, 161.053 FS. Law Implemented 161.052, 161.053, 161.054 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Alfred B. Devereaux, Director, Office of Beaches and Coastal Systems

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 3, 1999

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

DEPARTMENT OF HEALTH

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

RULE TITLE: Examination for Licensure

RULE NO.: 64B4-3.003

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text to clarify the requirements for examination for licensure.

SUMMARY: The Board has determined that it is necessary to amend this rule to explain to applicants that they must demonstrate knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy and mental health counseling by either passing the laws and rules examination as set forth in Rule 64B4-3.003 or by completing the laws and rules course pursuant to Rule 64B4-3.0035, FAC.

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

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

SPECIFIC AUTHORITY: 455.574, 491.004(5) FS.

LAW IMPLEMENTED: 455.574, 491.005 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.003 Examination for Licensure.

(1) through (3) No change.

(4) PART I – LAWS AND RULES – Applicants shall demonstrate knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy

and mental health counseling by either passing the laws and rules examination stated below or completing the laws and rules course pursuant to Rule 64B4-3.0035, Florida Administrative Code.

- (a) through (b) No change.
- (5) through (6) No change.

Specific Authority 455.574, 491.004(5) FS. Law Implemented 455.574, 491.005 FS. History--New 3-21-90, Amended 7-31-91, 3-10-92, 6-1-92, 1-27-93, Formerly 21CC-3.003, Amended 3-14-94, 7-20-94, Formerly 61F4-3.003, Amended 12-22-94, 9-18-95, 11-13-96, 6-1-97, Formerly 59P-3.003, Amended 8-8-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE:

RULE NO.:

Licensure by Examination; Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination

64B19-11.0035

PURPOSE AND EFFECT: The Board changed the agency from the American Psychological Association and replaced it with the United States Department of Education in Subsections (2), (3),(4),(5).

SUMMARY: The Board deleted Subsection (3), and broadened the scope of accrediting agencies in Subsections (2),(3),(4),(5) to show proof satisfactory to the Board for the purpose of determining eligibility for examination, and in Subsection (3) added proof satisfactory criteria in the letter stating the applicant's degree requirements have been met.

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

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

SPECIFIC AUTHORITY: 455.564(2), 490.004(4), 490.005(1)(b) FS.

LAW IMPLEMENTED: 490.003(3), 490.005(1)(b) FS.

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

TIME AND DATE: 10:00 a.m., December 6, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kay Howerton, Executive Director, Board of Psychology /MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.0035 Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination.

(1) No change.

(2) The following proof is satisfactory to the Board for the purpose of showing that the applicant's degree obtained in the United States or Canada was obtained from a psychology program accredited by a programmatic accrediting agency recognized and approved by the U.S. Department of Education: a true copy of the applicant's transcript confirming same from a doctoral psychology program accredited by an accrediting agency recognized and approved by the United States Department of Education ~~the American Psychological Association.~~

~~(3) The following proof is satisfactory to the Board for the purpose of showing that the applicant's degree obtained in the United States or Canada was augmented in a program accredited by a programmatic accrediting agency recognized and approved by the U.S. Department of Education: an original, signed letter on official letterhead confirming same and sent directly to the Board from the director of a doctoral psychology program accredited by the American Psychological Association. The letter shall enumerate the exact documents that were reviewed in determining augmentation.~~

~~(3)(4)~~ The following proof is satisfactory to the Board for the purpose of showing that the applicant's degree obtained in the United States or Canada was obtained from a program comparable to a program accredited by a programmatic accrediting agency recognized and approved by the U.S. Department of Education: an original, signed letter on official letterhead confirming same and sent directly to the Board from the director of a doctoral psychology program accredited by the accrediting agency recognized and approved by the United States Department of Education ~~American Psychological Association~~, provided that the director has not had a relationship with the previously unaccredited institution from which the applicant received a degree that might appear to create a conflict of interest. The letter shall enumerate the exact documents that were reviewed in determining comparability. This letter also shall verify and describe how the applicant's program met all of the criteria set forth in subsection (5).

~~(4)(5)~~ The following proof is satisfactory to the Board for the purpose of showing that the applicant's degree obtained outside of the United States or Canada was equivalent to a Ph.D. in psychology, a Psy.D., or an Ed.D. in psychology and

was obtained from a program equivalent to a program accredited by a programmatic accrediting agency recognized and approved by the U.S. Department of Education: an original, signed letter on official letterhead confirming same and sent directly to the Board from the director of a doctoral psychology program accredited by the accrediting agency recognized and approved by the United States Department of Education American Psychological Association. The letter shall enumerate the exact documents that were reviewed in determining comparability or augmentation. The Board shall also require the validation of degree and internship equivalence performed by a credentials' evaluation service acceptable to the Board.

(5)(6) For a section 490.005(1)(b)4. applicant only, the Board will apply the following criteria to determine whether an applicant's doctoral program was a program which maintained a standard of training comparable or substantially equivalent to the standard of training of programs accredited by the accrediting agency recognized and approved by the United States Department of Education American Psychological Association:

(a) through (j) No change.

Specific Authority 455.564(2), 490.004(4), 490.005(1)(b) FS. Law Implemented 490.003(3), 490.005(1)(b) FS. History--New 1-7-96, Formerly 59AA-11.0035, Amended 12-4-97, 9-20-98, 11-24-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 1999

**DEPARTMENT OF HEALTH
Board of Psychology**

RULE TITLE: Wall Certificate and Initial Fee for Licensure
RULE NO.: 64B19-12.0041
PURPOSE AND EFFECT: The Board has determined the specific requirements and initial fees for wall certificates.
SUMMARY: The Board has clarified the requirements and costs for initial wall certificates, duplicate wall certificates, and/or replacement of a lost or destroyed license.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.564(2), 4553587(1)(4), 490.004(4) FS.

LAW IMPLEMENTED: 455.564(2), 455.587(1),(4), 490.005, 490.006(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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., December 6, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of /MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.0041 Wall Certificate and Initial Fee for Licensure.

(1) Licensees licensed prior to July 1, 1998 may obtain wall certificates by submitting a written request to the Board along with a \$25.00 fee.

(2) Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.

(3) Licensees may obtain duplicate licenses for replacement of a lost or destroyed license by submitting a written request to the Board along with a \$25.00 fee.

(4) The initial fee for licensure is \$250.00.

Specific Authority 490.004(4) FS Law Implemented 455.564(2), 490.005(1)(a), 490.006(1) FS. History--New 1-1-86, Formerly 21U-12.01, Amended 7-7-86, 8-12-90, Formerly 21U-12.001, 61F13-12.0041, 59AA-12.0041, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 1999

**DEPARTMENT OF HEALTH
Board of Psychology**

RULE TITLE: Exemption of Spouses of Members of Armed Forces from License
RULE NO.: 64B19-13.0015
PURPOSE AND EFFECT: A new rule is being promulgated by the Board of Psychology to address a spouse's exemption from license if married to a member of the Armed Forces.

SUMMARY: The Board has determined that it is necessary to create a new rule to address a spouse's exemption from license if married to a member of the Armed Forces.

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

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

SPECIFIC AUTHORITY: 455.507, 490.004(4) FS.

LAW IMPLEMENTED: 455.507 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of /MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-13.0015 Exemption of Spouses of Members of Armed Forces from License Renewal Requirements.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces and who at the time the absence became necessary was in good standing with the Board of Psychology and entitled to practice Psychology in Florida shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show satisfactory proof to the Board of the absence and the spouse's military status.

Specific Authority 455.507, 490.004(4) FS. Law Implemented 455.507 FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 1999

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLE: Educational Requirements

RULE NO.: 64B20-2.002

PURPOSE AND EFFECT: The purpose is to amend Rule 64B20-2.002 to update the rule text to further clarify educational requirements.

SUMMARY: The Board has determined that it is necessary to amend Rule 64B20-2.002 due to the increase in the number of doctoral level applicants seeking initial licensure, and to notify applicants that the Educational Standards Board (ESB) has changed its name to Council on Academic Accreditation (CAA). Subsections (3)(a) and (b) are being amended to change the evaluation hours required for a speech-language pathologist and for an audiologist. In addition, the address for Speech-Language Pathology and Audiology has changed and the rule will now reflect this change.

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

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

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1155, 468.1185 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-2.002 Educational Requirements.

(1) Candidates for licensure or provisional licensure as a speech-language pathologist or audiologist shall submit to the Board an official transcript or transcripts to evidence the receipt of a master's degree or doctoral degree with a major emphasis in speech-language pathology or audiology from an institution of higher learning which, at the time the applicant was enrolled and graduated, was accredited by an accrediting agency recognized by the Council on Post-Secondary Accreditation or its successors or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada. If the transcript submitted pursuant to this section does not, at the time it is submitted, reflect that the applicant has the required master's degree or doctoral degree, the Board will not accept the transcript as evidence of such degree unless it is accompanied by Form SPA-2D, Certification of Conferral of Master's Degree or Doctoral Degree, which is incorporated herein by reference, effective March 16, 1994, and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 2020 Capital Circle, S. E., Bin #C08, Northwood Centre, 1940 North

~~Monroe Street~~, Tallahassee, Florida 32399-3258 ~~0778~~. An applicant who graduated from a program at a university or college outside of the United States or Canada shall present documentation of the determination of equivalency to programs accredited by the council on post-secondary accreditation in order to qualify.

(2) No change.

(3) The applicant shall also have completed a minimum of 300 clock hours of supervised clinical practice, with at least 200 of said hours in the area of licensure. The supervised clinical practice shall be completed within the training institution or in one of its cooperating programs. The supervised clinical practices shall include:

(a) For the speech-language pathologist, twenty (20) hours in the evaluation and twenty (20) hours in the treatment of speech disorders in children, twenty (20) hours in the evaluation and twenty (20) hours in the treatment of speech disorders in adults, twenty (20) hours in the evaluation and twenty (20) hours in the treatment of language disorders in children, twenty (20) hours in the evaluation and twenty (20) hours in the treatment of language disorders in adults, and twenty (20) hours in hearing disorders ~~seventy five (75) hours in language, twenty five (25) hours in fluency, twenty five (25) hours in articulation, twenty five (25) hours in voice, and thirty five (35) hours in hearing disorders~~. Experience in both evaluation and management shall be gained within each area.

(b) For the audiologist, fifty (50) hours in auditory assessment, fifty (50) hours in habilitation and rehabilitation, and twenty (20) ~~thirty five (35)~~ hours in speech pathology.

(4) An applicant who graduates from a program approved by the Council on Academic Accreditation (CAA) Educational Standards Board (ESB) ~~Board (ESB)~~ of the American Speech-Language-Hearing Association (ASHA) will be deemed to have met the educational requirements pursuant to this section.

Specific Authority 468.1135(4) FS. Law Implemented 468.1155, 468.1185 FS. History—New 3-14-91, Formerly 21LL-2.002, Amended 11-15-93, 3-16-94, Formerly 61F14-2.002, 59BB-2.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language Pathology and Audiology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 1999

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLE: Credit Underwriting Procedures
RULE NO.: 67-21.014

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

SUMMARY: The proposed amendment to the Rule will provide consistency throughout the rule with respect to ranking of Applicants.

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: 420.507(12), 420.508(3)(c) FS.

LAW IMPLEMENTED: 420.507, 420.508, 420.509 FS.

A HEARING (if desired or requested) WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., December 13, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joyce Martinez, Multifamily Bond Manager, or Don Stuart, Administrator, Multifamily Bond Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197 or facsimile at (850)414-5479.

THE FULL TEXT OF THE PROPOSED RULE IS:

67-21.014 Credit Underwriting Procedures.

(g) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall notify Florida Housing and request the information from the Applicant. Such requested information shall be submitted within five business days of receipt of the request therefor. Failure for any reason to submit required information by the specified deadline shall result in ~~a loss of ranking for~~ the Application being moved to the bottom of the ranked list.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507, 420.508, 420.509 FS. History—New 1-7-98, Formerly 9I-21.014, Amended 1-26-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Joyce Martinez, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197 or facsimile at (850)414-5479

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Stuart, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 1999, Corporation Board Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 25, No. 44, November 5, 1999

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON
 NOVEMBER 23, 1999

The Governor and Cabinet, on November 23, 1999, sitting as head of the Department of Revenue, will consider approval of amendments to Rules 12D-7.0143, FAC., Additional Homestead Exemption Up To \$25,000 for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year; 12D-7.015, FAC., Educational Exemption.; 12D-7.0155, FAC., Enterprise Zone Exemption For Child Care Centers.; 12D-7.017, FAC., Exemption of Homes for the Aged.; 12D-7.018, FAC., Fraternal and Benevolent Organizations.; 12D-8.005, FAC., Assessing Property Not Returned as Required by Law and Penalties Thereon.; 12D-13.002, FAC., When Taxes Are Due; Notice of Publication; Discounts if Taxes Are Paid Before Certain Times.; 12D-13.009, FAC., Refunds.; 12D-13.064, FAC., Lands Available for Taxes.; 12D-16.002, FAC., Index to Forms. Proposed Rule 12D-7.0143, FAC., is needed to implement the provisions of Chapter 99-341, L.O.F., which provide for an additional homestead exemption for persons 65 and older. The proposed amendment to Rule 12D-7.015, FAC., is needed to implement section 4 of Chapter 99-304, Laws of Florida, which exempts from ad valorem property tax child care facilities that achieve Gold Seal Quality status. Proposed Rule 12D-7.0155, FAC., is needed to implement section 2 of Chapter 99-304, Laws of Florida, which created an ad valorem property tax exemption for child care facilities located in an enterprise zone. The proposed amendment to Rule 12D-7.017, FAC., is needed to implement section 2 of Chapter 99-208,

Laws of Florida, which created an ad valorem property tax exemption for certain non-profit homes for the aged. The proposed amendment to Rule 12D-7.018, FAC., is needed to clarify the application of the ad valorem property tax exemption to property of fraternal and benevolent organizations. The proposed amendment to Rule 12D-8.005, FAC., is needed to conform the rule to section 2, Chapter 99-239, Laws of Florida, which provides for a mandatory 30 day and additional optional 15 day extension of time to file tangible personal property tax returns upon request by a taxpayer. The proposed amendment to Rule 12D-13.002, FAC., is needed to conform the rule to section 2, Chapter 98-139, Laws of Florida, which provides for discounts on corrected tax notices. The proposed amendment to Rule 12D-13.009, FAC., is needed to clarify that the date of a refund claim relates back to the date a certificate of correction is delivered to and received by the tax collector where the date of the certificate of correction predates the date of the taxpayer's refund application. The proposed amendment to Rule 12D-13.064, FAC., is needed to implement the provisions of sections 3 and 4, Chapter 99-190, Laws of Florida, which provide for cancellation of omitted ad valorem property taxes on purchases by a county or other governmental unit from the list of lands available for taxes; and that land on the list escheats to the county three years after the property was offered for tax deed sale. The proposed amendments to Rule 12D-16.002, FAC., are needed to implement forms revisions created in Chapters 99-208, 99-251, 99-341, and 99-378, Laws of Florida; delete obsolete forms; and incorporate other technical changes made to forms. The proposed amendments were originally noticed in the Florida Administrative Weekly of October 8, 1999, Vol. 25, No. 40, pp. 4635-4644. A public hearing on the proposed rules was held on November 1, 1999. No comments were received at the public hearing that were directly addressed to the subject of the proposed rules as published in the October 8, 1999, Florida Administrative Weekly.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-48 RULE NOS.: 20-48.004 20-48.005 20-48.006 20-48.008	RULE CHAPTER TITLE: Targeted Value-Added Promotions Program for Fresh Grapefruit RULE TITLES: Allocation; Disbursement of Funds Program Requirements Qualification of Advertising/Merchandising Proof of Performance; Claim for Payment
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NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 35, September 3, 1999 issue of the Florida Administrative Weekly.

20-48.004(8) and (9) are changed as follows:

(8) Participant will not be responsible for matching funds on media promotions. Payment will be made by the Department directly to the retailer involved for demonstration promotions scheduled at participant's request. Media demo programs will be fully reimbursed (up to \$5,000). All other demo programs are eligible to be reimbursed at the rate of non-media promotions must be scheduled in conjunction with Department media program in selected markets.

(9) All claims must be submitted and filed with the Department no later than July 31 of each shipping season and must include ~~pre and post promotion~~ FOB pricing, and movement and an explanation of the volumetric variance when movement during promotion period was significantly less than anticipated on Participant's commitment form. A Targeted Value-Added Promotion Program Evaluation form CIT/MKTG/154/EFF 10/20/99 must accompany each claim, or payment to retailer cannot be processed. Claims that are incomplete or otherwise late will be rejected by the Department with written notification to the participant.

20-48.005(3)(b) is changed as follows:

(3)(b) Targeted VAP Agreement Form CIT/MKTG/153/EFF. ~~10/20/99 8/4/99~~ for a media/demo promotion,

20-48.006(1) and (3) are changed as follows:

(1)(b) Feature ad + expanded display (end cap or secondary table).

Feature ad must include the Florida Sunshine Tree or Florida Citrus Growers' symbol and either the American Heart Association Heart Check logo or at least one of the following Department of Citrus approved value-added messages:

- 1. High in vitamin C
- 2. Rich in dietary fiber
- 3. Heart Healthy Source of potassium
- 4. Significant source of folate
- 4.5. Cholesterol free and fat free

(c) For club stores (that do no feature advertising) other comparable advertising or promotion will be deemed to meet the minimum activity requirement if approved at least 21 days in advance by the Florida Department of Citrus staff.

(3) Promotions may be established to tie-in with Department media scheduled in selected markets. Only the following types of promotions are eligible for Targeted VAP funds in these media markets:

- (a) Demonstration/sampling program
- (b) Graphic grapefruit bin use
- (c) Bagged grapefruit promotion
- (d) Multi-unit pricing (beyond the \$1 mark) on bulk loose citrus.

20-48.008(3) is changed as follows:

~~(3) Copy of load invoice from shipper, or A a properly executed Targeted Value-Added Promotion Program Evaluation Form CIT/MKTG/154/EFF. 10/20/99 volume confirmation form.~~

DEPARTMENT OF CITRUS

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-114	Ownership and Use of "Wintersweet" Certification Mark
RULE NOS.:	RULE TITLES:
20-114.001	Ownership
20-114.002	Permission Required for Use
20-114.003	General Restrictions and Standards
20-114.004	Use on Fruit, Containers and Merchandise
20-114.005	Definitions
20-114.006	Withdrawal of License or Permission

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 25 No. 30, July 30, 1999 has been withdrawn.

DEPARTMENT OF HEALTH

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

RULE NO.:	RULE TITLE:
64B4-3.0035	Demonstrating Knowledge of Laws and Rules for Licensure

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 25, No. 32, August 13, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee. The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling held an additional public hearing on October 21, 1999, in Naples, Florida and voted to change the rule to read as:

64B4-3.0035 Demonstrating Knowledge of Laws and Rules for Licensure.

An applicant for licensure in Clinical Social Work, Marriage and Family Therapy or Mental Health Counseling may demonstrate knowledge of the laws and rules for licensure in the following manner:

(1) An applicant may complete an approved course consisting of a minimum of eight (8) hours which shall include the following subject areas:

- (a) Chapter 455, Part II, F.S., (Regulation of Professions and Occupations, General Provisions)
- (b) Chapter 90.503, (Psychotherapist-Patient Privilege)

(c) Chapter 394, F.S., (Part I Florida Mental Health Act)

(d) Chapter 397, F.S.

(e) Chapters 415 and 39, F.S., (Protection from Abuse, Neglect and Exploitation)

(f) Chapter 491, F.S., (Clinical, Counseling and Psychotherapy Services)

(g) Chapter 64B4, F.A.C., (Rules of the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling)

(2) The laws and rules course must provide integration of the above subject areas into the competencies required for clinical practice and interactive discussion of clinical case examples applying the laws and rules that govern the appropriate clinical practice.

(3) Upon completion of the course, the applicant shall receive a certificate of completion and submit the original certificate of completion to the Board.

(4) A laws and rules course offered by a Board approved laws and rules course provider shall qualify for continuing education credit even if the provider is not an approved continuing education provider pursuant to Rule 64B4-6.004, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #08, Tallahassee, Florida 32399-3258

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-32.002	Definitions
67-32.004	General Program Restrictions
67-32.010	Right to Inspect and Monitor Funded Developments
67-32.011	Fees

NOTICE OF CHANGE

Notice is hereby given that in response to written recommendations made by the Joint Administrative Procedures Committee, the following changes in addition to nonpublished technical corrections/clarifications have been made to Rule 67-32, Florida Administrative Code, a published in Vol. 25, No. 35, of the Florida Administrative Weekly on September 3, 1999.

67-32.002 Definitions.

(5) "Elderly" describes a person 62 years of age or older. Persons meeting the Fair Housing Act requirements for Elderly, pursuant to Section 760.29(4), Florida Statutes, shall be considered Elderly.

67-32.004 General Program Restrictions.

(1) Loans shall be subject to the following restrictions:

(a) A loan for life-safety, building preservation, health, sanitation, or security related repairs or improvements may not exceed \$200,000 per housing community for the Elderly.

(b) Loans under this Program shall be made:

1. For life-safety related installations, modifications, or improvements, building preservation, health, sanitation, or security-related installations, modifications, or improvements as set forth in the National Fire Protection Association Life Safety Code Handbook NFPA 101 (1997) (1985) and all publications referenced in Chapter 32 and Appendix B thereof. Examples shall include smoke detectors, smoke detection systems, automatic door closures and alarm systems; and

67-32.010 Right to Inspect and Monitor Funded Developments.

The Corporation or its agents shall have the right to inspect and monitor the records and facilities of all of the funded Developments. Such inspections shall occur during the implementation phase of the repairs or improvements and may occur after completion of such repairs or improvements as a result of suspected default or noncompliance issues ~~may occur without notice at any reasonable time.~~

67-32.011 Fees.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c), 420.507(32.011)(19) FS. History--New 10-2-89, Amended 2-25-96, Formerly 91-32.011, Amended 11-9-98.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.	RULE TITLES:
67-37.002	Definitions
67-37.007	Uses and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans
67-37.015	Compliance Monitoring for Housing Developed with SHIP Local Housing Distribution Funds
67-37.016	Reporting Requirements

NOTICE OF CHANGE

Notice is hereby given that in response to oral and written comments and recommendations made by the Joint Administrative Procedures Committee, the following changes in addition to non-published technical corrections/clarifications have been made to Rule 67-37, Florida Administrative Code as published in Vol. 25, No. 37 of the Florida Administrative Weekly on September 17, 1999.

67-37.002 Definitions.

~~(3)(7)~~ "Annual Report" or "Form SHIP-AR/99-1" ~~or "Form SHIP-AR/97-1"~~ is a multi-page report that is required to be completed and submitted to the Corporation by September 15 of each year pursuant to Section 420.9075(9), F.S., and is adopted and incorporated herein by reference- with an effective date of _____.

67-37.007 Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans.

(f) Financing, or "buy-down" costs, if directly attributable to assisting eligible persons to own a home or obtain rental occupancy (e.g., security and utility deposit assistance) in a home or unit which has obtained a certificate of occupancy in the 12-month period immediately preceding the contract for sale and purchase or has never been occupied or lease of the premises. When used to purchase an existing housing unit, closing costs and down payment assistance will be considered toward fulfilling the 75 percent construction requirement only if the housing unit receives rehabilitation. Any other costs may be submitted to the Review Committee for review and approval.

~~(10)(12)~~ Rental units constructed, rehabilitated or otherwise assisted from the local housing assistance trust fund must be monitored at least annually for 15 years or the term of assistance, whichever is longer, for compliance with tenant income and affordability requirements. In determining the maximum allowable rents, 30 percent of the applicable income category divided by 12 months shall be used based on the number of bedrooms. A one-person household shall be used for an efficiency unit, and for units with separate bedrooms, one and one-half persons per bedroom shall be used. A rental limit chart based on the above calculation adjusted for bedroom size will be provided to the local governments by the Corporation annually. ~~The Corporation will monitor the activities of the local governments to determine compliance with program requirements.~~

67-37.015 Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds.

(3) The staff or entity with administrative authority for a local housing assistance plan assisting rental developments shall monitor and determine tenant eligibility and the amount of subsidy using the same guidelines as specified at (2) above, at least annually for 15 years or the term of assistance, whichever is longer. The Corporation will monitor the activities of the local governments to determine compliance with program requirements.

67-37.016 Reporting Requirements.

~~(1) Each county, eligible municipality, or interlocal entity shall submit to the Corporation by September 15 of each year a report of its affordable housing plan and accomplishments through June 30 immediately preceding submittal of the report. The Annual Report must be filed with the Corporation utilizing the Annual Report Form SHIP-AR/99-1. Annual Report Form SHIP-AR/99-1 may be obtained from the Corporation by contacting the SHIP Program at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301. Forms provided by the Corporation. Form, SHIP AR/97 1, must be submitted to fulfill this requirement. The report shall be certified as accurate and~~

~~complete by the county's or eligible municipality's chief elected official or his or her designee. Transmittal of the annual report by the county's or eligible municipality's chief elected official, or his or her designee, schedule for implementation.~~

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-45.001	Definitions
67-45.002	Notice of Funding Availability
67-45.003	General Program Restrictions
67-45.006	Loan Processing

NOTICE OF CHANGE

Notice hereby given that in response to recommendations made by the Joint Administrative Procedures Committee, the following changes have been made to Rule Chapter 67-45, Florida Administrative Code, as published in Vol. 25, No. 33 of the Florida Administrative Weekly on August 20, 1999.

67-45.001 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, F.S.

(2) "Construction Loan" means a loan to a non-profit sponsor or developer under the Florida Home Ownership Assistance Program's Construction Loan Program as more fully described in Rule Chapter 67-44, F.A.C.

(3) "Corporation" means the Florida Housing Finance Corporation.

(4) "Demonstration Development" means a development which provides a unique, demonstrated benefit to a population or area not adequately served by existing Florida Housing programs, may serve as a replicable model for future Florida Housing programs, and otherwise complies with any rule of Florida Housing regarding Demonstration Developments.

~~(5)(4)~~ "Down Payment Assistance Loan" or "Loan" means a Florida Home Ownership Assistance Program loan in the amount of \$2,500.00 for which no interest is charged and for which repayment of principal is deferred until the expiration of the term of the First Mortgage, or in the event of sale, transfer, refinancing or rental of the Home, in which case the Loan is due and payable in full at that time. The Down Payment Assistance Loan may be used for down payment ~~and/or~~ or closing costs associated with the purchase of the Home.

~~(6)(5)~~ "Eligible Borrower" means a person or persons or family or families:

- (a) Who receives a Down Payment Loan;
- (b) Who intend to permanently reside as a household in the Home as their principal single-family residence;
- (c) Whose total annual family income at time of closing does not exceed 72 percent for a family of one or two persons or 80 percent for a family of three or more persons of the State or local median income, whichever is greater.
- (d) Who are participating in the Corporation's Single-Family Bond Program.

(7)(6) "FannieMae" means the Federal National Mortgage Association.

(8)(7) "FHA" means the Federal Housing Administration of the U.S. Department of Housing and Urban Development or other Agency or instrumentality created or chartered by the United States government to which the powers of the Federal Housing Administration have been transferred.

(9)(8) "First Mortgage" means the recorded mortgage to which the Down Payment Assistance Loan is subordinated and which is superior to any other lien or encumbrance on the property.

(10)(9) "Florida Home Ownership Assistance Program" means the Florida Home Ownership Assistance Program created under Section 420.5088, F.S., which includes the Construction Loan Program, the Permanent Loan Program and the Down Payment Assistance Loan Program.

(11)(10) "Home" means a residential unit used as a single-family residence, which is taxed as real property under the laws of the State of Florida and is located within the State, including a condominium unit and a manufactured home meeting FannieMae or FHA standards, which is acceptable to any insurer providing private mortgage insurance, FHA, VA or RHS, as applicable, but not a two-, three- or four-family residence, unless each unit in such residence is owner occupied, and land appurtenant to the residential unit which:

(a) Is designed and intended primarily for residential housing;

(b) Is determined by a qualified appraisal to have an expected useful life of not less than 30 years or the term of the First Mortgage, whichever is less;

(c) Will be occupied by the owner as his or her principal residence within a reasonable time after financing is provided. For purposes of this subparagraph, 60 days shall be deemed as a reasonable time;

(d) Has a sales price which does not exceed the Maximum Acquisition Cost as set forth in Rule 67-45.001(12), F.A.C.

(e) Maintains the basic livability of the residence and does not provide, other than incidentally, a source of income to the Eligible Borrower (including child care services, on a regular basis for compensation).

(12)(11) "Lender" means any bank or trust company, mortgage banker, savings bank, credit union, national banking association, savings and loan association, building and loan association, insurance company, or other financial institution or governmental agency authorized to transact business within the State of Florida which institution customarily provides services in the financing of mortgages for real property in Florida. Lenders must be qualified FHA, VA, RHS, Government National Mortgage Association (GNMA), FannieMae, or Federal Home Loan Mortgage Corporation Association (FHLMC) originators and servicers or sellers and servicers as required by the program documents and approved as a participant for the particular Single-Family Bond Program,

or any other public or private loan program approved by the Corporation's Board of Directors, under which the Down Payment Assistance Loan is subordinated.

(13)(12) "Maximum Acquisition Cost" means the Maximum Acquisition Cost under the Corporation's Single-Family Bond Program.

(14)(13) "Permanent Loan" or "Loan" means a loan to a borrower under the Florida Home Ownership Assistance Program's Permanent Loan Program as more fully described in Rule Chapter 67-46, F.A.C.

(15)(14) "RHS" means United States Department of Agriculture Rural Housing Services which was formerly known as the Farmer's Home Administration.

(16)(15) "Second Mortgage" means the recorded mortgage securing the Construction Loan, Down Payment Assistance Loan or Permanent Loan which is subordinate only to the lien of the First Mortgage.

(17)(16) "Single-Family Bond Program" means the Single-Family Mortgage Revenue Bond Program implemented pursuant to Rule Chapter 67-25, F.A.C., or any other public or private loan program approved by the Corporation's Board of Directors as a substitute for the Single-Family Mortgage Revenue Bond Program.

(18)(17) "VA" means the U.S. Department of Veterans Affairs.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 8-7-95, Formerly 91-45.001, Amended _____.

67-45.002 Notice of Funding Availability.

The Corporation shall publish a notice in the Florida Administrative Weekly announcing its intention to provide funding for qualified mortgage loans under the Single-Family Bond Program and the Down Payment Assistance Loan Program and inviting qualified Lenders to submit offers to originate to the Corporation at least seven (7) days prior to selection. Such notice shall be published at least sixty (60) days prior to the anticipated availability of Loan funds. The Corporation shall set forth in said notice any election to reserve up to 10 percent of the available funding for use solely for Demonstration Developments pursuant to rule promulgated by Florida Housing. The Corporation's Board of Directors, in its sole discretion, may reserve up to 10 percent of the available funding for Demolition Developments.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 8-7-95, Formerly 91-45.002, Amended _____.

67-45.003 General Program Restrictions.

Loans will be subject to the following restrictions:

(1) In no case may an Eligible Borrower receive both a Down Payment Assistance Loan and a Permanent Loan.

(2) Loans shall be made available only to Eligible Borrowers to finance Homes which do not exceed the Maximum Acquisition Cost.

(3) Loans will be serviced by the Corporation or its designated servicer.

(4) Loans shall be evidenced by a properly executed note as evidence of the indebtedness and shall be secured by a properly executed and recorded mortgage, subject only to the lien of the First Mortgage.

(5) Prepayment of the Loans shall be permitted without penalty.

(6) Loans are not assumable.

(7) No more than one-fifth of the funds available in the Trust Fund may be made available by the Board of Directors to provide loan loss insurance reserve funds to facilitate homeownership for any persons or families whose incomes do not exceed 120 percent of the State median income or local median income, whichever amount is higher. In the event of default, the reserve funds are authorized to be used ~~may be used, at the sole discretion of the Corporation's Board of Directors,~~ to offset losses incurred by both the first mortgagee and the second mortgagee.

~~(8) During the first 9 months of each fiscal year the program's allocation will be utilized as follows:~~

~~(a) Sixty percent of the program funds shall be reserved for Downpayment Assistance Loans.~~

~~(b) Twenty percent of the program funds shall be reserved for Permanent Loans.~~

~~(c) Twenty percent of the program funds shall be reserved for Construction Loans. If, at the end of 9 months, the Corporation determines that there is insufficient demand for loans under any of the above categories, the Corporation may, at its sole discretion, transfer all or a portion of the remaining allocation to fund another HAP loan program.~~

~~(9) If the application of the above percentages would cause the reservation of program funds under paragraph 8(a) to be less than \$1 million, the reservation for paragraph 8(a) shall be increased to \$1 million or all available funds, whichever amount is less, with the increase to be accomplished by reducing the reservation for paragraph 8(b) and, if necessary, paragraph 8(c).~~

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 8-7-95, Formerly 91-45.003, Amended _____

67-45.006 Loan Processing.

(1) All applications and Loans shall be processed by the Lenders in accordance with ~~the~~ each Lender's standard underwriting criteria and any criteria in regard to Second Mortgages which may be imposed by FHA, VA, FannieMae, RHS or other parties insuring or guaranteeing the First Mortgage loan.

(2) Loan applications shall be reviewed by the lender originating the First Mortgage on the basis of first-come, first-served.

(3) Upon approval of an application by a Lender, the Corporation shall be contacted by telephone or telecopy, as provided in the applicable program documents, to ascertain the availability of sufficient funds for making the Loans. The Executive Director, or his or her designee, shall either confirm the availability of sufficient funds to make the Loan or shall inform the Lender that the amount requested for the Loan exceeds the funds available to fund the Loan.

(4) If sufficient funds are not available to fund the full amount of the Loan as requested, the application shall be deferred to a waiting list maintained by the Corporation on a first-come, first-served basis. Such application shall be considered as soon as sufficient funds become available to finance the Loan in full, as requested.

(5) Confirmation of sufficient available funds for a requested Loan shall be provided first by a telephonic confirmation by the Corporation or its designee, and then confirmation of fund availability shall be made in writing by the Corporation or its designee to the Lender.

Specific Authority 420.507(12),(23) FS. Law Implemented 429.5088 FS. History--New 8-7-95, Formerly 91-45.006, Amended _____

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-46.001	Definitions
67-46.002	Notice of Funding Availability
67-46.003	General Program Restrictions

NOTICE OF CHANGE

Notice hereby given that in response to recommendations made by the Joint Administrative Procedures Committee, the following changes have been made to Rule Chapter 67-46, Florida Administrative Code, as published in Vol. 25, No. 33 of the Florida Administrative Weekly on August 20, 1999.

67-46.001 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, F.S.

(2) "Construction Loan" means a loan to a non-profit sponsor or developer under the Florida Home Ownership Assistance Program's Construction Loan Program as more fully described in Rule Chapter 67-44, F.A.C.

(3) "Corporation" means Florida Housing Finance Corporation.

(4) "Demonstration Development" means a development which provides a unique, demonstrated benefit to a population or area not adequately served by existing Florida Housing programs, may serve as a replicable model for future Florida Housing programs, and otherwise complies with any rule of Florida Housing regarding Demonstration Developments.

~~(5)~~(4) "Down Payment Assistance Loan" means a loan to a borrower under the Florida Home Ownership Assistance Program's Down Payment Assistance Loan Program as more fully described in Rule Chapter 67-45, F.A.C.

~~(6)(5)~~ "Eligible Borrower" means a person or persons or family or families:

(a) Who receives a Permanent Loan;

(b) Who intends to permanently reside as a household in the Home as their principal single-family residence;

(c) Whose total annual family income at time of closing does not exceed 80 percent of the State or local median income adjusted by household size.

(d) Who are participating in the Corporation's Single-Family Bond Program.

If the Corporation determines that there is insufficient demand for Permanent Loans by persons or families who are participating in the Corporation's Single-Family Bond Program, based upon the number of applications for loans compared to remaining available funds, the Corporation ~~may~~ shall make such Loans to persons or families who are receiving a first mortgage loan through another Corporation single-family program. ~~or any other public or private loan approved by the Corporation's Board of Directors.~~

~~(7)(6)~~ "FannieMae" means the Federal National Mortgage Association.

~~(8)(7)~~ "FHA" means the Federal Housing Administration of the U.S. Department of Housing and Urban Development or other Agency or instrumentality created or chartered by the United States government to which the powers of the Federal Housing Administration have been transferred.

~~(9)(8)~~ "First Mortgage" means the recorded mortgage to which the Permanent Loan is subordinated and which is superior to any other lien on the property.

~~(10)(9)~~ "Florida Home Ownership Assistance Program" means the Florida Home Ownership Assistance Program created under Section 420.5088, F.S., which includes the Construction Loan Program, the Permanent Loan Program and the Down Payment Assistance Loan Program.

~~(11)(10)~~ "Home" means a residential unit used as a single-family residence, which is taxed as real property under the laws of the State of Florida and is located within the State, including a condominium unit and a manufactured home meeting FannieMae or FHA standards, each of which is acceptable to any insurer providing private mortgage insurance, FHA, VA or RHS, as applicable, but not a two-, three- or four-family residence, unless each unit in such residence is owner occupied, and has land appurtenant to each residential unit which:

(a) Is designed and intended primarily for residential housing;

(b) Is determined by a Qualified Appraisal to have an expected useful life of not less than 30 years or the term of the First Mortgage, whichever is less;

(c) Will be occupied by the owner as his or her principal residence within a reasonable time after financing is provided. For purposes of this subparagraph, 60 days shall be deemed as a reasonable time;

(d) Has a sales price which does not exceed the Maximum Acquisition Cost as set forth in Rule 67-46.001(12), F.A.C.

(e) Reasonably maintains the basic liveability of the residence and does not provide, other than incidentally, a source of income to the Eligible Borrower (including child care services on a regular basis for compensation).

~~(12)(11)~~ "Lender" means any bank or trust company, mortgage banker, savings bank, credit union, national banking association, savings and loan association, building and loan association, insurance company, , or other financial institution or governmental agency authorized to transact business within the State of Florida which institution customarily provides services in the financing of mortgages for real property in Florida. Lenders must be qualified FHA, VA, RHS, Government National Mortgage Association (GNMA), FannieMae, or Federal Home Loan Mortgage Corporation Association (FHLMC) originators and servicers, or sellers and servicers as required by the program documents and approved as a participant for the particular Single-Family Bond Program, or any other public or private loan program approved by the Corporation's Board of Directors, under which the Permanent Loan is subordinated.

~~(13)(12)~~ "Maximum Acquisition Cost" means the Maximum Acquisition cost under the Corporation's Single-Family Bond Program.

~~(14)(13)~~ "Permanent Loan" or "Loan" means a Florida Home Ownership Assistance Program Loan for which no interest is charged and which shall be limited to:

(a) the lesser of \$15,000 or 25 percent of the purchase price of the Home or the amount necessary to enable the purchaser to meet credit underwriting criteria, for those individuals and families whose income is 65 percent or less of the county's median income and shall have a term not to exceed 30 years or the term of the First Mortgage.

(b) the lesser of \$10,000 or 10 percent of the purchase price of the Home or the amount necessary to enable the purchaser to meet credit underwriting criteria, for those individuals and families whose income is 80 percent or less of the county's median income and shall have a term not to exceed 30 years or the term of the First Mortgage. Proceeds of the loan may be used only to assist with down payment and closing cost expenses, ~~or and/or~~ to reduce the principal amount of the First Mortgage. Repayment shall be deferred for the term of the First Mortgage, except in the event of sale, transfer, refinancing or rental of the Home in which case the Loan shall become due and payable in full at that time.

~~(15)(14)~~ "RHS" means United State Department of Agriculture Rural Housing Service which was formerly known as the Farmer's Home Administration.

~~(16)(15)~~ "Second Mortgage" means the recorded mortgage securing the Construction Loan, Down Payment Assistance Loan or Permanent Loan which may be a consolidated note and mortgage and is subordinate only to the First Mortgage.

~~(17)(16)~~ "Single-Family Bond Program" means the Single-Family Mortgage Revenue Bond Program implemented pursuant to Rule Chapter 67-25, F.A.C., or any other public or private loan program approved by the Corporation's Board of Directors as a substitute for the Single-Family Mortgage Revenue Bond Program.

~~(18)(17)~~ "VA" means the U.S. Department of Veterans Affairs.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 8-7-95, Formerly 91-46.002, Amended _____.

67-46.002 Notice of Funding Availability.

The Corporation shall publish a notice in the Florida Administrative Weekly announcing its intention to provide funding for qualified mortgage loans under the Single-Family Bond Program and the Permanent Loan Program and invite qualified Lenders to submit offers to originate to the Corporation at least seven (7) days prior to selection. Such notice shall be published at least sixty (60) days prior to the anticipated availability of Loan funds. The Corporation shall set forth in said notice any election to reserve up to 10 percent of the available funding for use solely for Demonstration Developments pursuant to rule promulgated by Florida Housing. The Corporation's Board of Directors, in its sole discretion, may reserve up to 10 percent of the available funding for Demolition Developments.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 8-7-95, Formerly 91-46.002, Amended _____.

67-46.003 General Program Restrictions.

Loans will be subject to the following restrictions:

- (1) In no case may an Eligible Borrower receive both a Down Payment Assistance Loan and a Permanent Loan.
- (2) Loans shall be made available only to Eligible Borrowers to finance Homes which do not exceed the Maximum Acquisition Cost.
- (3) Loans will be underwritten and serviced by the Corporation or its designated servicer.
- (4) Loans shall be evidenced by a properly executed note or other evidence of indebtedness and shall be secured by a properly executed and recorded mortgage.
- (5) Prepayment of the Loans shall be permitted without penalty.
- (6) Loans are not assumable.
- ~~(7) During the first 9 months of each fiscal year the program's allocation will be utilized as follows:~~
 - ~~(a) Sixty percent of the program funds shall be reserved for Downpayment Assistance Loans.~~
 - ~~(b) Twenty percent of the program funds shall be reserved for Permanent Loans.~~
 - ~~(c) Twenty percent of the program funds shall be reserved for Construction Loans. If, at the end of 9 months, the Corporation determines that there is insufficient demand for~~

~~loans under any of the above categories, the Corporation may, at its sole discretion, transfer all or a portion of the remaining allocation to fund another HAP loan program.~~

~~(8) If the application of the above percentages would cause the reservation of program funds under paragraph 7(a) to be less than \$1 million, the reservation for paragraph 7(a) shall be increased to \$1 million or all available funds, whichever amount is less, with the increase to be accomplished by reducing the reservation for paragraph 7(b) and, if necessary, paragraph 7(c).~~

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 8-7-95, Formerly 91-46.003, Amended _____.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS:	RULE TITLES:
67-47.010	Definitions
67-47.020	Notice of Funds Availability ("NOFA")
67-47.060	Eligible Activities
67-47.110	Administrative Procedures

NOTICE OF CHANGE

Notice is hereby given that in response to oral and written comments received at the August 23, 1999 Rule Hearing and recommendations made by the Joint Administrative Procedures Committee, the following changes have been made to Rule Chapter 67-47, Florida Administrative Code, as published in Vol. 25, No. 30 of the Florida Administrative Weekly on July 30, 1999.

67-47.010 Definitions.

(4) "Applicant" means

(a) For the HOME Competitive Application Cycle, any entity possessing the requisite skill, experience, and credit worthiness to successfully construct or rehabilitate affordable Home Ownership units for eligible Low-Income Families pursuant to the provisions of the HOME Program and Rule Chapter 67-47, F.A.C. as further described below:

i. For acquisition and new construction or acquisition and rehabilitation Developments, an eligible Applicant is a Local Government, Regional Planning Council, Public Housing Authority, for-profit or Non-profit sponsor or developer, or qualified CHDO with a firm loan commitment from a Lender as defined in Form 3 of the Application.

(29) "Lender" for purposes of permanent and construction financing means a qualified Lender, group of qualified Lenders, or consortium of Lenders, or other financial institution or governmental corporation, authorized to transact business in the State, who is committed to underwrite the Home Ownership Development, and has unrestricted assets or capital resources in excess of the amount committed to a demonstrated capacity as determined by the Corporation at its sole discretion, to provide construction financing, end loan or construction and permanent financing for eligible Low Income Households who are purchasers of Home Ownership Units in

the Development pursuant to the provisions of 24 CFR Part 92 (1996) and Rule Chapter 67-47, F.A.C. provide construction financing, end loan or construction and permanent financing. Lenders must be qualified FHA, VA, RD, GNMA, Fannie Mae, or FHLMC originators and servicers. ~~In addition to the foregoing, for purposes of construction financing a Lender means an individual or individuals or any entity which demonstrates sufficient liquidity capacity as determined by the Corporation at its sole discretion, to simultaneously fund not less than the maximum number of speculative units allowable under Rule Chapter 67-47, F.A.C. If a Lender is referenced as a Lender in other Applications in the funding cycle, the unrestricted assets or capital resources should be in excess of the aggregate amount committed to all Development Applications submitted.~~

67-47.020 Notice of Funds Availability (“NOFA”).

(1) HOME Home Ownership funds availability for the Competitive Application Cycle and for use with the SF MRB Program shall be noticed in the Florida Administrative Weekly. The NOFA shall be published at least 60 days prior to the Application Deadline date or the beginning of the origination period for a SF MRB Program, as applicable. The NOFA shall also be mailed to each person and organization on the Corporation’s HOME Home Ownership Program mailing list. The Corporation shall set forth in said notice any election to reserve up to 10 percent of the available funding for use solely for Demonstration Developments pursuant to rule promulgated by Florida Housing.

67-47.060 Eligible Activities.

(4) Developers producing new units with a HOME Construction Loan may offer up to 25% of the units to Low-Income persons under a lease-purchase program subject to the following conditions:

(a) The Developer has a credit and home ownership counseling program in place which ~~is acceptable to the Corporation and its designated Servicer~~ meets or surpasses the quality of services standards set forth in the HUD Handbook 7610.1 as revised.

(d) The Developer has a process for managing properties during the lease period ~~including, but not limited to include:~~ collecting monthly rents, inspecting units, paying monthly debt service including taxes and insurance, maintaining an escrow account for security, damage and maintenance deposits.

67-47.110 Administrative Procedures.

(1) Notice of intended funding or denial of funding will be provided to each Applicant with a statement that Applicants who wish to contest the decision, pursuant to Chapter 120, F.S., must petition for review of the decision in writing within ~~ten (10)~~ twenty one (21) calendar days of receipt of the notice. The petition for review is deemed filed when it is received by the Executive Director, at the Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, prior to 5:00 p.m. E.S.T. on the ~~tenth~~ twenty-first day. ~~Failure to timely file a petition shall constitute a waiver of the right to an administrative proceeding under Chapter 120, F.S.~~

(2) ~~Any petition described in subsection (1) shall meet the requirements of Rule 28-5.201, F.A.C.~~ If the petition concerns the scoring of an Application, the petition shall identify the forms on which scoring is contested and shall specify the errors claimed.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-48.002	Definitions
67-48.003	Notice of Funding or Credit Availability
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.006	Compliance and Reporting Requirements
67-48.007	Fees
67-48.009	Additional SAIL Application Ranking and Selection Procedures
67-48.0095	SAIL General Program Procedures and Restrictions
67-48.010	Terms and Conditions of SAIL Loans
67-48.012	SAIL Credit Underwriting and Loan Procedures
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.021	HOME Credit Underwriting and Loan Procedures
67-48.022	HOME Disbursements Procedures and Loan Servicing
67-48.023	HC General Program Procedures and Requirements
67-48.026	Housing Credit Underwriting Procedures

- 67-48.027 Tax-Exempt Bond-Financed Developments
 - 67-48.028 Carryover Allocation Provisions
 - 67-48.029 Extended Use Agreement
 - 67-48.031 Termination of Extended Use Agreement and Disposition of Housing Credit Developments
- NOTICE OF CHANGE

Notice is hereby given that in response to oral and written comments and recommendations made by the Joint Administrative Procedures Committee, the following changes in addition to non-published technical corrections/clarifications have been made to Rule 67-48, Florida Administrative Code, a published in Vol. 25, No. 35, of the Florida Administrative Weekly on September 3, 1999.

67-48.002 Definitions.

(5) "Annual Owner Compliance Certification Form" or "Form AOC-1" means, with respect to a Housing Credit Development, a report format which is required to be completed and submitted to the Corporation, pursuant to Fla. Admin. Code Ann. r. 67-48.006(6), and is adopted and incorporated herein by reference, effective November 9, 1998. Such form is included as an attachment to the Application Package.

(6) "Applicable Fraction" means the fraction, the numerator of which is the number of Housing Credit Rent-Restricted Units and the denominator of which is the total number of residential rental units less any unit exempted by Internal Revenue Ruling 92-61, or the fraction, the numerator of which is the floor space of the Housing Credit Rent-Restricted Units and the denominator of which is the total floor space of the residential rental units less any unit exempted by Internal Revenue Ruling 92-61, whichever is less. The Applicable Fraction is applied to the eligible basis of a building to determine the qualified basis of a building for Housing Credit purposes.

(17) "Code" or "IRC" means the Internal Revenue Code of 1986, as in effect on the date of this Rule Chapter, together with corresponding and applicable final, temporary or proposed regulations and revenue rulings issued with respect thereto by the Treasury or the Internal Revenue Service of the United States.

(33) "Draw" means the disbursement of funds to a Development under the SAIL and/or HOME Program(s).

~~(44)~~(45) "Final Cost Certification" or "Form FCCA" means, with respect to a Housing Credit Development, that Form FCCA which is adopted and incorporated herein by reference, revised August 1999 June 1998, and which shall be used by an Applicant to itemize all expenses incurred in association with construction or rehabilitation of a Housing Credit Development. Such form will be made available from the Corporation and shall be completed, executed and submitted to the Corporation, as specified in Fla. Admin. Code

Ann. r. 67-48.023(7)-(8), along with the recorded Extended Use Agreement, a copy of the syndication agreement disclosing the rate and all terms, the required certified public accountant opinion letter, photographs of the completed Development, the monitoring fee, and documentation of the placed-in-service date as specified in FCCA instructions. The Final Housing Credit Allocation will not be issued until such time as all items in the preceding sentence are received and processed by the Corporation. Such form is included as an attachment to the Application Package.

~~(45)~~(46) "Final Housing Credit Allocation" means, with respect to a Housing Credit Development, the issuance of Housing Credits by the Executive Director to an Applicant upon completion of construction or rehabilitation of a Development and submission to the Corporation by the Applicant of a completed and executed Form FCCA pursuant to Fla. Admin. Code Ann. r. 67-48.023(7)-(8).

~~(67)~~(68) "Income Certification", "Tenant Income Certification" or "Form TIC-1" means that Form TIC-1 which is adopted and incorporated herein by reference, revised February 1999 January 1998, and which shall be used to certify the income of all tenants residing in a set-aside unit in a Development. Such form is included as an attachment to the Application Package.

~~(71)~~(72) "Non-Profit" means a qualified non-profit entity as defined in the HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, if Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a not-for-profit basis, which owns at least 51% of the ownership interest in the Development held by the general partner entity and which entity is acceptable to federal and state agencies and financial institutions as a Sponsor for affordable housing. Qualification as a Non-Profit entity must be evidenced to the Corporation by the receipt from the Applicant, upon Application, of a written opinion from legal counsel. The total cost of securing this written legal opinion will be borne entirely by the Applicant. A Non-Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for-profit corporation; and shall materially participate in the development and operation of the Development throughout the total affordability period as stated in the Land Use Restriction Agreement and the Extended Use Agreement. If an Applicant submits Application to the Corporation as a Non-Profit entity but does not qualify as such, the Applicant will be disqualified from participation for the current cycle.

~~(74)~~(75) "Preliminary Allocation" means a non-binding reservation of Housing Credits issued by the Executive Director to a Housing Credit Development which has successfully completed the credit underwriting process and demonstrated a need for Housing Credits.

~~(78)~~(79) "Program Report" or "Form PR-1" means the report format which is required to be completed and submitted to the Corporation pursuant to Fla. Admin. Code Ann. r. 67-48.006 and is adopted and incorporated herein by reference, effective ~~November 9, 1998~~. Such form is included as an attachment to the Application Package.

~~(79)~~(80) "Progress Report" or "Form Q/M Report" means, with respect to a Housing Credit Development, a report format that is required to be completed and submitted to the Corporation pursuant to Fla. Admin. Code Ann. r. 67-48.028~~(4)~~(3), and is adopted and incorporated herein by reference, effective ~~July 22, 1996~~. Such form is included as an attachment to the Application Package.

~~(81)~~(82) "Qualified Allocation Plan" or "QAP" means, with respect to the HC Program, the Qualified Allocation Plan which is adopted and incorporated herein by reference, effective ~~November 9, 1998~~, and which was approved by the Governor of the State of Florida on ~~September 25, 1998~~, pursuant to Section 42(m)(1)(B) of the Code and sets forth the selection criteria and the preferences of the Corporation for Developments which will receive Housing Credits. The QAP is included as an attachment to the Application Package.

~~(83)~~(84) "Recap of Tenant Income Certification Information" or "Form AR-1" means, with respect to the HOME and/or HC Program(s), a report format which is required to be completed and submitted to the Corporation pursuant to this Rule Chapter and is adopted and incorporated herein by reference, effective ~~November 9, 1998~~. Such form is included as an attachment to the Application Package.

~~(84)~~(85) "Rehabilitation" means, with respect to the HOME Program, the alteration, improvement or modification of an existing structure. It also includes moving an existing structure to a foundation constructed with HOME funds. Rehabilitation may include adding rooms outside the existing walls of a structure, but adding a housing unit is considered new construction. "Rehabilitation" means, with respect to the Housing Credit Program, what is stated in Sec. 42 (e) of the Code, with the exception of Sec. 42(e) (3) (A) (II) which is changed to read: "II. The requirement of this subclause is met if the qualified basis attributable to such amount, when divided by the number of low-income units, in the building, is \$20,000 or more.

67-48.003 Notice of Funding or Credit Availability.

(2) With respect to the SAIL, HOME and HC Programs, funds will initially be allocated as necessary to satisfy any final judgment of a court of law or recommended order of a hearing officer or administrative law judge or settlement agreement which has been adopted by final order approved by the Corporation's Board of Directors in connection with litigation with respect to a previous cycle.

~~(9)~~(8) In the event of a federally declared disaster, any Allocation Authority not preliminarily allocated, as well as any Authority remaining after Preliminary Allocation, ~~can~~ may be

diverted by the Board of Directors, based upon an Executive Order signed by the Governor, to one or more federally declared disaster areas.

67-48.004 Application and Selection Procedures for Developments.

(4) An original and ~~three~~ two photocopies of the original Application shall be securely bound in separate three ring binders with numbered index tabs for each form and exhibit with the materials provided in the Application Package when submitted. The submitted Application which is considered the original ~~shall~~ must contain authentic, penned in ink signatures on those forms which specifically request original signatures. Signatures which are faxed, scanned, photocopied, or otherwise duplicated will not be considered acceptable signatures within the original Application and will cause rejection of the Application, unless the form containing the original signature is located in one of the copies of the Application, in which case the applicable penalty shall be applied in accordance with Application Instructions and forms.

(9) If an Applicant or any Principal or Affiliate of an Applicant or a Developer has failed to place-in-service a Development which received a HC allocation or has any existing Developments participating in any Corporation programs that remain in non-compliance with the Code or this Rule Chapter and the cure period granted for correcting such non-compliance has ended, at the time of submission of the Application or at the time of issuance of a final credit underwriting report and the cure period granted for correcting such non-compliance has ended, the requested allocation will be denied and the Applicant and the Affiliates of the Applicant or Developer will be ~~are~~ prohibited from new participation in any of the Programs for a period of one year and until such time as all of their existing Developments participating in any Corporation programs are in compliance.

(13) The Review Committee ~~shall~~ may use other Corporation staff, ~~Department staff or professional consultants~~ to assist in reviewing certain portions of the Application.

(14) With respect to the HOME and HC Program Applications, when two or more Applications receive the same numerical score, the Application which has the higher total score on Forms 3, 4, and 7 shall be ranked higher. With respect to the SAIL Program, when two or more Applications receive the same numerical score, the Corporation shall give priority to the Application which conforms to the geographic distribution detailed in section 420.5087(1), Florida Statutes. With respect to the SAIL, ~~and HOME and HC Program Applications,~~ if two or more Applications remain tied, the Corporation shall give priority to the Application with the lowest percentage based on the following Form 10 calculation: SAIL or HOME loan amount divided by the lower of Actual Total Development Cost or Threshold Total Development Cost. With respect to the HC Program Applications, if two or more Applications remain tied, the Corporation shall give priority to the Application with

the lowest amount of HC requested per set-aside unit, as calculated on Form 10. Finally with respect to the SAIL, HOME and HC Applications, if two or more Applications continue to remain tied, priority will be given to the Application with the lowest number of total residential units the following calculation will be performed and the Application which receives the lower number ranks higher: Square footage of constructed/rehabilitated buildings as shown on Form 1 times the percentage of residential units the Applicant is committing to set aside. The total sum of Corporation funds requested, including equity received from syndication of housing Credits, is then divided by the number resulting from the calculation in the previous sentence.

67-48.005 Applicant Administrative Appeal Procedures.

(1) Following the Review Committee's determination of preliminary scores and ranking, notice of intended funding or denial of funding will be provided to each Applicant with a statement that:

(a) Applicants who wish to contest the decision relative to their own Application must petition for review of the decision in writing within 21 ~~40~~ calendar days of the date of receipt of the notice. The request must specify in detail the forms and the scores sought to be appealed. In its petition for review, the Applicant shall have the opportunity to cure transpositional or scrivener's errors that do not otherwise materially affect the Application and correct exhibits to the Application, provided that the original of such exhibit was properly recorded in the public records of its county of origin or was on file with the Secretary of State's Office for the State of Florida at the time the Application was submitted. Notwithstanding the ability to cure, a penalty will be applied in accordance with the Application Instructions and forms. Unless the appeal involves disputed issues of material fact, the appeal will be conducted on an informal basis. The Review Committee will review the appeal and will provide to the Applicant a written position paper which recommends either no change in score or an increase or decrease in a score which it deems to be in error. If the Applicant disagrees with the Review Committee's recommendation, the Applicant will be given an opportunity to participate in the informal administrative appeal hearings scheduled by the Review Committee. If the appeal raises issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), Florida Statutes. Failure to timely file a petition shall constitute a waiver of the right of the Applicant to such an appeal.

(2) Notice will be provided to all Applicants whose score is reduced or whose Application is deemed ineligible pursuant to 67-48.005(1)(b) that they may contest the decision relative to their own Application by petitioning for review of the decision in writing within 21 ~~40~~ calendar days of the date of receipt of the notice. The request must specify in detail the forms and the scores sought to be appealed. In its petition for review, the Applicant shall have the opportunity to cure

transpositional or scrivener's errors that do not otherwise materially affect the Application and correct exhibits to the Application, provided that the original of such exhibit is properly recorded in the public records of its county of origin or is on file with the Secretary of State's Office for the State of Florida. Notwithstanding the ability to cure, a penalty will be applied in accordance with the Application Instructions and forms. Unless the appeal involves disputed issues of material fact, the appeal will be conducted on an informal basis. The Review Committee will review the appeal and will provide to the Applicant a written position paper which recommends either no change in score or an increase or decrease in a score which it deems to be in error. If the Applicant disagrees with the Review Committee's recommendation, the Applicant will be given an opportunity to participate in the informal administrative appeal hearings scheduled by the Review Committee. No Applicant or other person or entity will be allowed to intervene in the appeal of another Applicant. If the appeal raises issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), Florida Statutes. Failure to timely file a petition shall constitute a waiver of the right of the Applicant to such an appeal.

67-48.006 Compliance and Reporting Requirements.

(1) Any duly authorized representative of the Corporation or the Treasury shall be permitted at any ~~reasonable~~ time during normal business hours to inspect and monitor Development and tenant records and facilities. All tenant records shall be maintained by the owner of the Development within 50 miles of the Development site.

(5)(e) Income Certification Form TIC-1 for each tenant. A sample Form TIC-1 can be obtained from the Corporation. ~~For Developments participating in Section 8 and RD Programs, the HUD Forms 50058 or 50059 or RD (or FmHA) Form 1944 8 may be used in lieu of Form TIC-1 as long as proper documentation is maintained in the tenant files.~~

(7) HC Developments will submit copies of each building's completed IRS Form 8609 and Schedule A (Form 8609) for the first year housing credits are claimed to the Compliance Section of Florida Housing Finance Corporation. These forms are incorporated by reference and are due at the same time they are filed with the Internal Revenue Service. Form 8609 and Schedule A (Form 8609) can be obtained from the Internal Revenue Service by calling 1-800-829-4477. Additionally, correspondence shall indicate what the first month of the first taxable year is.

67-48.007 Fees.

(3) Application Fee: SAIL and HC Applicants shall submit to the Corporation at the time of submission of the Application a non-refundable Application fee of: (a) \$250 per Application per Program ~~to the Corporation~~ if Applicant or Applicant's General Partner qualifies as a Non-Profit entity pursuant to HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617,

Florida Statutes, if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, and (b) \$500 per Application per Program for all others ~~at the time of submission of each Application.~~ HOME Applicants shall submit to the Corporation at the time of submission of the Application a non-refundable fee of: (a) \$50 ~~to the Corporation~~ if Applicant qualifies or Applicant's General Partner qualifies as a Non-Profit entity pursuant to HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, if a Florida Corporation, or organized under similar state law if organized in jurisdiction other than Florida, and (b) \$100 for all others ~~shall be charged per Application at the time of submission of each HOME Application.~~

(5) Administrative Fees: With respect to the HC Program, each Applicant to whom a Preliminary Allocation, a Binding Commitment or Preliminary Determination is granted shall submit to the Corporation a non-refundable administrative fee in the amount of 8% of the first annual Housing Credit Allocation amount to be received. ~~However, except that~~ such fee shall be 5% for Applicants that qualify or whose General Partner qualifies as a Non-Profit entity pursuant to Rule 67-48.002(71)(73), F.A.C., HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida. Notwithstanding the foregoing, the fee for a Development of 4 units or less shall not exceed \$250 per unit. The administrative fee must be received by the Corporation within 7 calendar days of the date of the Preliminary Housing Credit Allocation, the Binding Commitment or the Preliminary Determination, whichever is applicable.

(12) Development Cost Pro Forma: All of the fees set forth above with respect to the SAIL Program are part of Development cost and ~~can may~~ be included in the Development cost pro forma and paid with SAIL loan proceeds, ~~if approved by the Credit Underwriter.~~ Failure to pay any fee shall cause the firm loan commitment under any Program to be terminated or shall constitute a default on the respective loan documents.

67-48.009 SAIL General Program Procedures and Restrictions.

~~(5) The Corporation may set aside a portion of the SAIL funds in order to capitalize a loan loss reserve fund to be used in the event of a default, deed in lieu of foreclosure or foreclosure on a funded Development, to safeguard the Corporation's security interest in the Development.~~

(5)(6) Applicants cannot request additional funding for the same Development within the SAIL Program with the exception of those Developments which comply with the requirements in Fla. Admin. Code Ann. r. 67-48.002(90)(91)(a)-(c).

~~(6)(7)~~ Applicants cannot request additional funding for the same Development within the SAIL Program in order to obtain their Developer fee.

~~(7)(8)~~ Developer fee shall be limited to 16% of Development cost excluding land and building acquisition costs. A Developer fee on the building acquisition cost shall be limited to ~~4~~ 5% of the cost of the building exclusive of land. ~~A total developer fee of 20% of Development cost, excluding land and building acquisition costs, shall be allowed if the proposed Development meets all of the following conditions:~~

~~(a) Development is located in a Difficult Development Area or in a Qualified Census Tract as defined by the Department of Housing & Urban Development;~~

~~(b) Applicant commits to set aside at least 40% of the units for households at or below 50% area median income or, if the Development receives a Housing Credit Allocation, the Applicant of the SAIL and HC Development commits to set aside at least 40% of the units at 50% or less of area median income or 15% of the units at 35% or less of area median income;~~

~~(c) Applicant commits to a 50 year Land Use Restriction Agreement;~~

~~(d) Development must have at least 20% of the total units set aside for special needs population (Elderly, Large Family, Farmworker or Commercial Fishing Worker) throughout the 50 year Land Use Restriction Agreement;~~

~~(e) Neither the Applicant nor any Financial Beneficiary of the Development has received Corporation funding for more than one Application in the current cycle.~~

~~(8)(9)~~ In no event can the amount of the Developer's fee increase over what Developer fee is shown in the Application.

~~(9)(10)~~ The General Contractor's fee shall be limited to a maximum of 14% of the total construction cost.

~~(10)(11)~~ SAIL loans proceeds shall not be used to fund any contingency reserves.

67-48.0095 Additional SAIL Application Ranking and Selection Procedures.

(5) After the six-month period has expired, the Corporation shall ~~may~~ allocate SAIL funds to Applicants meeting threshold requirements, without regard to demographic category.

67-48.010 Terms and Conditions of SAIL Loans.

(6)(a) By April 15 of each year of the SAIL loan term, the Developer shall provide the Corporation and its servicer with a certification detailing the information needed to determine the annual payment to be made. However, this certification requirement will be waived until April 15 following the calendar year within which the first unit is occupied. The certification shall require submission of audited financial statements; and the SAIL annual reporting form, Cash Flow Reporting Form SR-1, Rev. 1/98. Form SR-1 can be obtained from the assigned servicer and other documents that may be

~~required by the Corporation or its servicer.~~ The financial statements are to be prepared in accordance with generally accepted accounting principles for the 12 months ended December 31 and shall include:

67-48.012 SAIL Credit Underwriting and Loan Procedures.

(3) Any changes in a firm commitment from any other source of the funding shall be consistent with the underwriting assumptions made in connection with the SAIL loan. All items on the Credit Underwriting Checklist Form (CU-1), Rev. 11/99, with the exception of the appraisal, survey and final plans must be provided to the Credit Underwriter within 35 calendar days of the date of the preliminary SAIL commitment. The appraisal, survey and final plans shall be due to the Credit Underwriter within 60 calendar days from the date of the preliminary SAIL commitment. The Credit Underwriter shall advise the Corporation in writing of all items not received within 35 calendar days of the date of the preliminary SAIL commitment. Such form is included as an attachment to the Application Package.

67-48.013 SAIL Construction Disbursements and Permanent Loan Servicing.

(4) The Corporation shall elect to withhold any advance or portion of any advance, notwithstanding any documentation submitted by the Developer in connection with a request for an advance, if

(a) The Corporation or the Corporation's servicer determines at any time that the actual cost budget or progress of construction differs ~~materially~~ from that as shown on the loan documents; or

(b) The percentage of progress of construction of the improvements differs ~~materially~~ from that as shown on the request for an advance.

67-48.020 Terms and Conditions of Loans for HOME Rental Developments.

(11) If a default on a HOME loan occurs ~~and the Corporation determines it necessary,~~ the Corporation will ~~foreclose on any mortgage or security interest or~~ commence ~~any~~ legal action to protect the interest of the Corporation. The Corporation shall acquire real and personal property or any interest in the Development if that acquisition is necessary to protect any HOME loan; sell, transfer, and convey any such property to a buyer without regard to the provisions of Chapters 253 and 270, Florida Statutes; and, if that sale, transfer, or conveyance cannot be consummated within a reasonable time, lease the Development for occupancy by Eligible Persons.

67-48.021 HOME Credit Underwriting and Loan Procedures.

(2)(e)5.c. Problems encountered previously with Developer ~~and/or Contractor.~~

d. Problems encountered previously with Contractor.

~~ed.~~ Exposure of Corporation funds compared to total Development costs. At a minimum, the Credit Underwriter shall require a Personal Guarantee for completion of construction from the principal individual or the Corporate General Partner of the borrowing entity.

In addition, a letter of credit ~~and/or~~ Payment and Performance Bond will be required if the Credit Underwriter determines after evaluation of a. ~~ed.~~ above that additional surety is needed.

67-48.022 HOME Disbursements Procedures and Loan Servicing.

(3) A copy of the request for a Draw shall be delivered to the Corporation, ~~(Attention: HOME Rental Program Administrator,)~~ simultaneously with the delivery of the request to the Corporation's servicer and its inspector.

(7) The Corporation or its servicer shall elect to withhold any Draw or portion of any Draw, in addition to the retainage, notwithstanding any documentation submitted by the borrower in connection with a request for a Draw, if:

(a) The Corporation or the servicer determines at any time that the actual cost budget or progress of construction differs ~~materially~~ from that shown on the loan documents.

(b) The percentage of progress of construction of improvements differs ~~materially~~ from that shown on the request for a Draw.

67-48.023 HC General Program Procedures and Requirements.

(7) Each Housing Credit Development shall complete the Final Cost Certification Form FCCA-~~200099~~, which is incorporated by reference, by the earlier of the following two dates: Such form is included as an attachment to the Application Package.

(8) The completed Final Cost Certification Form FCCA-~~200099~~ shall include an audit report prepared by an independent certified public accountant. ~~In addition, the Corporation may require further review and verification of final costs, at the Applicant's expense.~~ The Corporation will issue only one complete set of Forms 8609 per Development which will be no earlier than total Development completion and the Corporation's acceptance and approval of the Development's Final Cost Certification.

(9) After the final evaluation and determination of the Housing Credit Allocation amount has been made by the Executive Director, and the recorded Extended Use Agreement has been received in accordance with 67-48.029, the Forms IRS 8609's are issued to the Applicant of the Housing Credit Development.

67-48.026 Housing Credit Underwriting Procedures.

(8) The Credit Underwriter shall use the following procedures during the underwriting evaluation:

(a) The Credit Underwriter, in determining the amount of housing credits a Development is eligible for when using the Qualified Basis Calculation, shall use a housing credit

~~percentage of: Maximum debt service coverage of 1.50 on all mortgages except in extenuating circumstances, such as when the Development has deep or short term subsidy, the debt service coverage may exceed 1.50 if the Credit Underwriter's favorable recommendation is supported by the projected cash flow analysis.~~

1. Thirty (30) basis points over the percentage as of the date of Invitation to Credit Underwriting up to nine percent (9%) for nine percent (9%) credits for new construction and rehabilitation Developments;

2. Fifteen (15) basis points over the percentage as of the date of Invitation to Credit Underwriting up to four percent (4%) for four percent (4%) credits for acquisition and federally subsidized Developments. A percentage of fifteen (15) basis points over the percentage as of the date of Invitation to Final Credit Underwriting will be used for Developments receiving FHFC tax-exempt bonds in calendar year 2000 or later.

(b) Review and determine if the number of loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of the proposed Corporation Development.

(c) Developer fee shall be limited to 16% of Development cost excluding land and building acquisition cost. A Developer fee on the building acquisition cost shall be limited to 45% of the cost of the building exclusive of land. A total Developer fee of 1820% of Development cost, excluding land and building acquisition costs, shall be allowed if the proposed Development is qualified for Housing Credits pursuant to Rule 67-48.027 pertaining to Tax-Exempt Bond Financed Developments, meets all of the following conditions:

1. Development is located in a Difficult Development Area or in a Qualified Census Tract as defined by the Department of Housing & Urban Development;

2. Applicant commits to set aside at least 40% of the units for households at or below 50% or less of area median income or commits to set aside at least 15% of the units for households at or below 35% of area median income;

3. Applicant commits to a 50 year Extended Use Period with no option to convert after year 14;

4. Development must have at least 20% of the units targeted for special needs population (Elderly, Large Family, Farmworker or Commercial Fishing Worker) throughout the Extended Use Period; and

5. Neither the Applicant nor any Financial Beneficiary of the Development has received Corporation funding for more than one Application in the current cycle.

(d) In no event can the amount of the Developer fee increase over what Developer fee is shown in the Application.

~~(e)(4)~~ The General Contractor's fee shall be limited to a maximum of 14% of the total construction cost.

~~(f)(e)~~ Costs such as syndication fees and brokerage fees cannot be included in Eligible Basis. All consulting fees must be paid out of the Developer fee. Consulting fees cannot cause the Developer fee to exceed the maximum allowable fee as set forth in ~~(d)(e)~~ above.

~~(g)(f)~~ No "lump-sum" or "turn-key" contracts are acceptable for hard or soft Development costs. All contracts for hard or soft Development costs must be itemized for each ~~all~~ costs components.

~~(h)(g)~~ An appraisal shall be required during the credit underwriting process. The Applicant may choose an appraiser from the Credit Underwriter's approved list of appraisers; however, the Credit Underwriter shall order the appraisal for the subject property. The Credit Underwriter shall use the same appraiser as the first mortgage lender provided the appraisal has not been ordered.

~~(i)(h)~~ The Credit Underwriter shall review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

~~(j)(i)~~ A separate market study shall be required if the appraisal does not adequately address the market for the proposed Development.

~~(k)(j)~~ If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same.

(10) If the Credit Underwriter recommends that Housing Credits be allocated to the Development, the Executive Director shall determine the Credit amount, if any, necessary to make the Development financially feasible and viable throughout the Housing Credit Extended Use Period and shall issue a Preliminary Allocation Certificate or a Preliminary Determination of Housing Credits in the case of Tax-Exempt Bond-Financed Developments. If the Credit Underwriter recommends that no Credits be allocated to the Development and the Executive Director accepts the recommendation, the Applicant shall be notified that no Housing Credits will be allocated to the Development for the current cycle. No Preliminary Allocation Certificate shall be issued on a RD (formerly FmHA) Development which has not received an Obligation of Funding (RD or FmHA Form 1944-51), which Obligation of Funding is incorporated by reference. A copy of the obligation for funding can be obtained from the U.S. Department of Agriculture, P. O. Box 147010, Gainesville, FL 32614-7010. All contingencies required in the Preliminary Allocation shall be met or satisfied by the Applicant within 45 days from the date of issuance or as otherwise indicated on the Certificate unless an extension of this deadline is requested in writing by the Applicant and is granted by the Corporation in writing for good cause.

67-48.027 Tax-Exempt Bond-Financed Developments.

(1)(b) Make Application for Housing Credits using Florida Housing's Form MFMRB-2000, which form is incorporated by reference. The Form MFMRB-2000 can be obtained from Florida Housing's Multifamily Mortgage Revenue Bond Program;

67-48.028 Carryover Allocation Provisions.

(3) All Carryover documentation and the signed certification evidencing the required basis, must be submitted to the Corporation no later than the close of business on November 14 the first business day in November of the applicable calendar year.

(4) The Applicant for each Development qualifying for Carryover shall submit quarterly progress reports to the Corporation using Progress Report (Form Q/M Report Rev. 8/97), which is incorporated by reference and which will be provided by the Corporation. If the Form Q/M Report does not demonstrate continuous and adequate development and construction progress, the Corporation will require monthly submission of Form Q/M Report until satisfactory progress is achieved, until the Development is placed in service, or until a determination is made by the Corporation that the Development cannot be placed in service by the Carryover deadline and the Housing Credits are returned to the Corporation in accordance with the terms of the Carryover Allocation Agreement. Form Q/M Report shall include a written statement describing the current status of the Development; the financing, construction and syndication activity since the last report; the reasons for any changes to the anticipated placed-in-service date; and any other information relating to the status of the Development which the Corporation may request. The first report shall be due to the Corporation by the first Monday in April of the calendar year following Carryover qualification. Such form is included as an attachment to the Application package.

67-48.029 Extended Use Agreement.

(2) The following provisions shall be included, ~~without limitation,~~ in the Extended Use Agreement:

67-48.031 Termination of Extended Use Agreement and Disposition of Housing Credit Developments.

The Housing Credit extended use period for any building shall terminate upon the date a building is acquired through foreclosure (or instrument in lieu of foreclosure) or if no buyer can be found who is willing to maintain the Housing Credit Set-Aside of the Development. In the event the Applicant is unable to locate a buyer willing to maintain the Set-Aside provisions of the Extended Use Agreement, the following steps shall be taken, as set forth in Section 42(h)(6) of the Code, before a building is converted to market-rate use:

Section IV
Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 83 Specifics
RULE NO.: 53ER99-52

SUMMARY OF THE RULE: This emergency rule describes Instant Game 83, "HOLIDAY CASH," for which the Department of the Lottery will start selling tickets on a date determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEST OF THE EMERGENCY RULE IS:

53ER99-52 Instant Game 83 Specifics.

(1) Name of Game. Instant Game Number 83 "HOLIDAY CASH."

(2) Price. HOLIDAY CASH tickets sell for \$2.00 per ticket.

(3) HOLIDAY CASH 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 HOLIDAY CASH 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 HOLIDAY CASH Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and captions in HOLIDAY CASH are as follows:

INSERT CHART

(5) The "WINNING NUMBERS" play symbols and play symbol captions in HOLIDAY CASH are as follows:

INSERT CHART

(6) The prize symbols and captions in HOLIDAY CASH are as follows:

INSERT CHART

(7) Determination of Prize Winners.

(a) The holder of a ticket having a number exposed in the "YOUR NUMBERS" play area that matches any of the numbers exposed in the "WINNING NUMBERS" play area shall be entitled to a prize of the amount shown for that number, or if "TICKET" is shown as the prize shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00.

(b) The holder of a ticket having a "Candy Cane" symbol exposed with a number in the "YOUR NUMBERS" play area shall be entitled to a prize of double the amount shown for that number.

(8) Prize amounts which may appear in the play area are: \$2.00, \$3.00, \$5.00, \$8.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100.00, \$1,000, and \$10,000.

(9) Number and Size of Prizes. The following prizes will be available in the Instant Game Number 83, HOLIDAY CASH:

(a) Approximately 1,214,416 prizes falling in the cash categories of 63 pools of 120,000 tickets per pool.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 83 are as follows:

IF ANY WINNING NUMBER MATCHES ANY OF YOUR NUMBERS WITH PRIZES OF:	WIN TICKET	NUMBER IN 63 POOLS OF 120,000 TICKETS	ODDS
\$2 (D)	\$4	907,200	1 in 8.33
\$2 + \$3	\$5	453,600	1 in 16.67
\$5	\$5	302,400	1 in 25.00
\$2 + \$3 (D)	\$8	151,200	1 in 50.00
\$2 + \$2 + \$2 (D)	\$8	50,400	1 in 150.00
\$8	\$8	50,400	1 in 150.00
\$2 x 5	\$10	100,800	1 in 75.00
\$2 x 10	\$20	25,200	1 in 300.00
\$20	\$20	25,200	1 in 300.00
\$5 x 10	\$50	1,764	1 in 4,285.71
\$25 (D)	\$50	1,764	1 in 4,285.71
\$10 x 10	\$100	630	1 in 12,000.00
\$50 (D)	\$100	630	1 in 12,000.00
\$100 x 10	\$1,000	20	1 in 378,000.00
\$1,000 x 10	\$10,000	4	1 in 1,890,000.00
\$10,000	\$10,000	4	1 in 1,890,000.00

(10) The over-all odds of winning any prize in Instant Game Number 83 are 1 in 3.56.

(11) For reorders of Instant Game Number 83, the expected value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

Specific Authority 24.109(1), 24.105(10)(a),(b),(c) FS. Law Implemented Section 24.109(1), 24.105(10)(a),(b),(c) FS. History--New 10-29-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 29, 1999

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 84 Specifics

RULE NO.: 53ER99-53

SUMMARY OF THE RULE: HAPPY HOLIDAYS instant lottery tickets will be sold by Florida Lottery retailers on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-53 Instant Game 84 Specifics.

(1) Name of Game. Instant Game Number 84 "HAPPY HOLIDAYS."

(2) Price. HAPPY HOLIDAYS tickets sell for \$1.00 per ticket.

(3) HAPPY HOLIDAYS 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 HAPPY HOLIDAYS 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 HAPPY HOLIDAYS Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play captions in HAPPY HOLIDAYS are as follows:

INSERT CHART

(5) Determination of Prize Winners. The holder of a ticket having three like amounts exposed in the play area shall be entitled to a prize of the amount shown, or if three "TICKET" symbols are exposed in the play area, shall be entitled to a prize of a free \$1.00 ticket.

(6) Prize amounts which may appear in the play area are: \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100 and \$500.

(7) Number and Size of Prizes. The following prizes will be available in the Instant Game Number 84, HAPPY HOLIDAYS:

(a) Approximately 1,282,072 prizes falling in the cash categories of 34 pools of 240,000 tickets.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 84 are as follows:

GET:	WIN:	NUMBER IN 34 POOLS OF 240,000 TICKETS	ODDS
3-TICKETS	TICKET	1,033,600	1 in 7.89

3-\$1's	\$1	462,400	1 in 17.65
3-\$2's	2	272,000	1 in 30.00
3-\$3's	\$3	217,600	1 in 37.50
3-\$4's	\$4	163,200	1 in 50.00
3-\$5's	\$5	81,600	1 in 100.00
3-\$10's	\$10	54,400	1 in 150.00
3-\$20's	\$20	27,200	1 in 300.00
3-\$25's	\$25	1,700	1 in 4,800.00
3-\$50's	\$50	1,700	1 in 4,800.00
3-\$100's	\$100	204	1 in 40,000.00
3-\$500's	\$500	68	1 in 120,000.00

(8) The over-all odds of winning any prize in Instant Game Number 84 are 1 in 3.52.

(9) For reorders of Instant Game Number 84, 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), 24.109(1) FS. History--New 10-29-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 29, 1999

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 85 Specifics RULE NO.: 53ER99-54

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game 85, "12 WAYS TO CELEBRATE THE HOLIDAYS" for which the Department of the Lottery will start selling tickets on a date determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of 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:

53ER99-54 Instant Game 85 Specifics.

(1) Name of Game. Instant Game Number 85, "12 WAYS TO CELEBRATE THE HOLIDAYS."

(2) Price. 12 WAYS TO CELEBRATE THE HOLIDAYS tickets sell for \$5.00 per ticket.

(3) 12 WAYS TO CELEBRATE THE HOLIDAYS 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 12 WAYS TO CELEBRATE THE HOLIDAYS 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 12 WAYS TO CELEBRATE THE HOLIDAYS Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) Design of Ticket. Each ticket contains four panels: Panel 1 is the cover of the ticket; Panel 2 contains games 1, 2, 3, 7, 8, 9; Panel 3 contains games 4, 5, 6, 10, 11, 12; and Panel 4 is the back of the ticket.

(5) The game identifiers in 12 WAYS TO CELEBRATE THE HOLIDAYS are: GAME 1, GAME 2, GAME 3, GAME 4, GAME 5, GAME 6, GAME 7, GAME 8, GAME 9, GAME 10, GAME 11 AND GAME 12.

(6) The play symbols and play symbol captions in 12 WAYS TO CELEBRATE THE HOLIDAYS are as follows:

INSERT CHART

(7) The prize symbols in 12 WAYS TO CELEBRATE THE HOLIDAYS are as follows:

INSERT CHART

(8) Determination of Prize Winners. There are 12 games on each ticket. Players may win in one or more games per ticket. In order for a ticket to be a winning ticket, two like play symbols must be exposed in the "GAME" play area in one of the 12 games.

(a) The holder of a ticket having two like play symbols exposed in a "GAME" play area shall be entitled to the prize amount shown in the corresponding "PRIZE" play area, or if "TICKET" is exposed in the corresponding "PRIZE" play area, shall be entitled to a \$5.00 ticket or any combination of instant or on-line tickets that totals \$5.00.

(b) The holder of a ticket having multiple winning games shall be entitled to a prize of the sum of all winning prize amounts.

(9) Prize amounts which may appear in the play area are: \$2.00, \$3.00, \$5.00, \$8.00, \$10.00, \$12.00, \$20.00, 25.00, \$50.00, \$100, \$200, \$1,000, \$10,000 and \$120,000.

(10) Number and Size of Prizes. The following prizes will be available in Instant Game Number 85. 12 WAYS TO CELEBRATE THE HOLIDAYS:

(a) Approximately 1,305,586 prizes falling in the cash categories of 42 pools of 120,000 tickets.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 85 are as follows:

IN EACH GAME, GET TWO LIKE SYMBOLS WIN, WITH PRIZE(S)	WIN TICKET	NUMBER IN 42 POOLS	ODDS
OF:			
\$2 + \$3	\$5	672,000	1 in 7.50
\$3 x 2	\$6	504,000	1 in 10.00
\$2 x 4	\$8	168,000	1 in 30.00
		84,000	1 in 60.00

\$2 + \$3 x 2	\$8	84,000	1 in 60.00
\$8	\$8	84,000	1 in 60.00
\$10	\$10	84,000	1 in 60.00
\$3 x 4	\$12	84,000	1 in 60.00
\$2 x 6	\$12	42,000	1 in 120.00
\$12	\$12	42,000	1 in 120.00
\$5 x 4	\$20	21,000	1 in 240.00
\$2 x 10	\$20	42,000	1 in 240.00
\$20	\$20	21,000	1 in 240.00
\$5 x 10	\$50	10,500	1 in 480.00
\$10 x 5	\$50	10,500	1 in 480.00
\$25 x 2	\$50	6,090	1 in 827.59
\$50	\$50	4,200	1 in 1,200.00
\$5 x 12	\$60	3,150	1 in 1,600.00
\$10 x 6	\$60	3,150	1 in 1,600.00
\$25 x 3	\$75	2,100	1 in 2,400.00
\$10 x 10	\$100	1,680	1 in 3,000.00
\$20 x 5	\$100	1,680	1 in 3,000.00
\$50 x 2	\$100	1,470	1 in 3,428.57
\$12 x 12	\$144	1,050	1 in 4,800.00
\$200 x 5	1,000	4	1 in 1,260,000.00
\$100 x 10	\$1,000	4	1 in 1,260,000.00
\$1,000	\$1,000	2	1 in 2,520,000.00
\$10,000	\$10,000	4	1 in 1,260,000.00
\$120,000	\$120,000	2	1 in 2,520,000.00

(11) The over-all odds of winning any prize in Instant Game Number 85 are 1 in 2.55.

(12) For reorders of Instant Game Number 85, 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), 24.109(1) FS. History—New 10-29-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 29, 1999

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 86 Specifics RULE NO.: 53ER99-55

SUMMARY OF THE RULE: HOLIDAY TREASURES instant lottery tickets will be sold by Florida Lottery retailers on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Diane D. Schmidt, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-55 Instant Game 86 Specifics.

(1) Name of Game. Instant Game Number 86 "HOLIDAY TREASURES."

(2) Price. HOLIDAY TREASURES tickets sell for \$1.00 per ticket.

(3) HOLIDAY TREASURES 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 HOLIDAY TREASURES

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 HOLIDAY TREASURES Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play captions in HOLIDAY TREASURES are as follows:

INSERT CHART

(5) Determination of Prize Winners. The holder of a ticket having three like amounts exposed in the play area shall be entitled to a prize of the amount shown, or if three "TICKET" symbols are exposed in the play area, shall be entitled to a prize of a free \$1.00 ticket.

(6) Prize amounts which may appear in the play area are: \$1.00, \$2.00, \$4.00, \$10.00, \$20.00, \$50.00, \$100, \$200 and \$2,000.

(7) Number and Size of Prizes. The following prizes will be available in the Instant Game Number 86, HOLIDAY TREASURES:

(a) Approximately 1,311,735 prizes falling in the cash categories of 34 pools of 240,000 tickets.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 86 are as follows:

GET:	WIN:	NUMBER IN 34 POOLS OF 240,000 TICKETS	ODDS
3-TICKETS	TICKET	924,800	1 in 8.82
3-\$1's	\$1	516,800	1 in 15.79
3-\$2's	\$2	435,200	1 in 18.75
3-\$4's	\$4	272,000	1 in 30.00
3-\$10's	\$10	54,400	1 in 150.00
3-\$20's	\$20	27,200	1 in 300.00
3-\$50's	\$50	5,270	1 in 1,548.39
3-\$100's	\$100	510	1 in 16,000.00
3-\$200's	\$200	340	1 in 24,000.00
3-\$2,000's	\$2,000	15	1 in 544,000.00

(8) The over-all odds of winning any prize in Instant Game Number 86 are 1 in 3.65.

(9) For reorders of Instant Game Number 86, 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), 24.109(1) FS. History—New 10-29-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 29, 1999

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Florida Power Corporation (FPC), filed October 15, 1999, in Docket No. 991462-EU, seeking waiver from the time requirements in Rule 25-22.080(2), Florida Administrative Code, for determination of need proceedings for proposed electrical power plants. By motion filed October 21, 1999, Florida Power & Light Company moved to join in FPC's rule waiver petition. 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 Wm. Cochran Keating IV, Division of Legal Services, at the above address or telephone (850)413-6193.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on October 8, 1999, the Florida Department of Transportation, pursuant to Rule 28-104.002(3), Fla. Admin. Code, voluntarily withdrew its Petition for Variance (Variance Application No. 981012-10) filed with the South Florida Water Management District on December 14, 1998. Notice of the filing of the Petition for Variance was published in the Florida Administrative Weekly on February 5, 1999. The voluntary withdrawal occurred prior to final agency action. Specifically, the Petition sought relief from the application of Section 7.4(A),(B),(C), and (D), Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-4.091(1)(a), Fla. Admin. Code, to a project known as the Palm Beach International Airport and I-95 Interconnect (Environmental Resource Permit Application No. 980805-4) located in Palm Beach County.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN that the Division of Retirement issued an Order Denying a Petitioner for Variance or Waiver of Section 112.65(2), Florida Statutes received from Stanley Danek, Esquire, representing Walter Vernon Creech. The Notice of Filing of the Petition was published in the Florida Administrative Weekly on October 12, 1999. The statute, which is not subject to variance or waiver, provides that a

member of a public pension plan may not receive dual retirement credit for the same period of service under two or more public pension plans.

The agency in this case is unable to waive or grant a variance because Petitioner is seeking a waiver of a Section 112.65(2), Florida Statutes. Furthermore, Section 120.54, Florida Statutes, precludes a public employee from petitioning for a variance or waiver that affects the employee in his or her capacity as a public employee.

Copies of the order can be obtained by written request to the Division of Retirement, Legal Office, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on October 22, 1999, a petition from Beth L. Parker, John A. Cherry, and GeoInsite, Inc., seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under rule 62-522.300(2)(a), Florida Administrative Code, for the use of a remediation process to clean up sites with contaminated ground water. The petition has been assigned OGC File No.: 99-1800. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Cynthia Christen. Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on 7 October 1999, a petition from Janey Morrison, seeking a variance from the \$500 deductible required under rule 62-769.800(4)(c), Florida Administrative Code. The petition has been assigned OGC case number 99-1808. Copies may be received from, and written comments submitted to Rebecca Grace, Assistant General Counsel, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

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: November 23, 1999, 9:00 a.m.
PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida
PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215, F.S. and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative

procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (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 INSURANCE

The **Department of Insurance and Treasurer**, Deferred Compensation Advisory Council announces the following meeting to which all persons are invited.

DATE AND TIME: Friday, November 19, 1999, 9:00 a.m.

PLACE: The Hermitage Centre, 1801 Hermitage Blvd., Suite 400, Room 415, Tallahassee, Florida 32308

PURPOSE: Regular meeting for the Advisory Council.

A copy of the agenda may be obtained by contacting: Kandi Hicks Winters, Financial Administrator, Division of Treasury, Deferred Compensation Section, 200 E. Gaines Street, Tallahassee, Florida 32399-0346, Telephone (850)922-3162, Ext. 3401.

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: December 6, 1999, 9:00 a.m.

PLACE: State Fire Marshal's Office, Conference Room, 325 John Knox Road, Tallahassee, FL 32303

PURPOSE: Regular meeting of the Fire Fighters Standards and Training Advisory Council.

A copy of the agenda may be obtained by writing: Department of Insurance, Division of State Fire Marshal, 11655 N. W. Gainesville Road, Ocala, FL 34482-1486.

DEPARTMENT OF EDUCATION

The **Board of Regents** of the State University System of Florida announces a meeting to which the public is invited.

DATE AND TIME: November 15, 1999, 9:30 a.m. – 4:00 p.m.

PLACE: Florida Education Center, Room 1724, 325 West Gaines Street, Tallahassee, Florida

PURPOSE: To negotiate the 2000-2001 Re-Opener Agreement between the Board of Regents and the United Faculty of Florida. The board welcomes participation from any interested members of the public.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity Programs, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The **Duval County Research and Development Authority** announces an emergency business meeting was held on:

DATE AND TIME: November 10, 1999, 12:00 p.m.

PLACE: University of North Florida, University Center, Room 1095E, 12000 Alumni Drive, Jacksonville, Florida 32224

PURPOSE: Emergency business meeting.

A copy of the meeting agenda may be obtained by contacting: Robert F. Fagin, Executive Director, Duval County Research and Development Authority, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224-2645.

The **Florida Community College System** announces the following Community College Trustee Training Workshop to which all persons are invited.

DATES AND TIMES: November 18, 1999, 9:00 a.m. – 5:30 p.m.; November 19, 1999, 8:00 a.m. – 1:00 p.m.

PLACE: Wyndham Westshore Hotel, 4860 Kennedy Boulevard, Tampa, Florida 33609

PURPOSE: Provide a two-day comprehensive training session for new and experienced Florida community college trustees.

If you need special services to attend the meeting or need additional information write: Division of Community Colleges, 1314 Turlington Building, Tallahassee, Florida 32399-0400.

The **Department of Education**, Blue Ribbon Committee on Education Governance announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday and Tuesday, November 29-30, 1999, 10:00 a.m.

PLACE: Florida Atlantic University, Boca Raton Campus, Live Oak Pavilion, Room D, University Center, Building 31, Boca Raton, 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 10:00 a.m., November 30, 1999.

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 proceedings 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.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a hearing to which all interested parties are invited.

DATE AND TIME: November 30, 1999, 1:00 p.m. – 3:00 p.m.
PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Conference Room 260N, Tallahassee, Florida

PURPOSE: To obtain public comment on the draft amendment #2 to the 1998 Action Plan for Disaster Recovery.

AMENDMENT SUMMARY: The State's 1998 Action Plan for Disaster Recovery will be amended to reflect the following changes: The State of Florida will receive an additional \$3,429,000 from the U.S. Department of Housing and Urban Development's (HUD) 1998 Disaster Recovery Initiative (DRI) funds. The allocation includes \$1,500,000 for mitigation and recovery from damages resulting from Hurricane Earl (FEMA-1241-DR-FL). These funds will be allocated, in equal amounts, to the six (6) eligible counties identified under the declaration.

In addition, \$1,929,000 will be allocated for mitigation and recovery from damages resulting from the El Nino fires (FEMA-1241-DR-FL). A county-wide pro-rate share allocation will be made by multiplying the total amount of available CDBG funds by the percentage of total damages from this disaster for public assistance and for individual assistance. Fifty percent (50%) of the available CDBG funds will be prorated on the basis of public assistance data and the remaining fifty percent (50%) will be prorated on the basis on the individual and family assistance data.

ACTION TO BE TAKEN: At this public hearing, the Department will take comment on the proposed amendment #2 to the 1998 Action Plan for Disaster Recovery.

A copy of the agenda and the 1998 Action Plan for Disaster Recovery, as amended, may be obtained by appearing in person at the agency headquarters or by writing or calling: Department of Community Affairs, Community Development Block Grant Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Attn.: Pat Harvey, (850)487-3644. Written comments are also encouraged and may be submitted at the hearing or mailed to the address listed above not later than November 30, 1999.

Any person requiring a special accommodation at this hearing because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs, (850)487-3644, at least five (5) calendar days prior to the hearing. If you are hearing impaired, please

contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a meeting of the State Energy Program (SEP) Clean Fuel Florida Advisory Board (CFF) to which all interested parties are invited.

SEP CFF MEETING

DATE AND TIME: December 6, 1999, 1:00 p.m. – 5:00 p.m.
PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Kelley Training Center, Room 305, Tallahassee, Florida 32399-2100

ACTIONS TO BE TAKEN: The CFF will consider the following items:

- 1) Review of State of Georgia Position Paper
- 2) Short Term Goals
- 3) Long Term Goals
- 4) Existing Contracts
- 5) Proposed Pilot Projects
- 6) Selection of Vice Chairperson

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 may need a record or transcript of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record may include testimony and evidence relevant to the appeal.

Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Emily Cook, Administrative Assistant, Department of Community Affairs, 2255 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2475.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The **Department of Law Enforcement, Medical Examiners Commission** announces a Medical Examiners Commission Meeting.

DATE AND TIME: Wednesday, December 1, 1999, 1:00 p.m.
PLACE: Florida Department of Law Enforcement, Tampa Regional Operations Center, Ed Blackburn Building, 4211 North Lois Avenue, Tampa, Florida 33614

PURPOSE: Medical Examiners Commission Meeting.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Medical Examiners Commission Office, (850)410-8300, at least five (5) working days prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person is responsible for ensuring 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 or a copy of the agenda may be obtained by contacting: Mr. Dale H. Heidman, Forensic Coordinator, Criminal Investigation and Forensic Science Program, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8300.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District 6 announces a public hearing to which all interested persons are invited.

DATE AND TIME: November 17, 1999, 6:00 p.m. – 8:00 p.m. Copies of the District Six Work Program documents will be available for review between those hours.

PLACE: Roz and Cal Kovens Conference Center, Bayview Room South, N. E. 151 Street and Biscayne Boulevard, North Miami, Florida

DATE AND TIME: November 18, 1999, 6:00 p.m. – 8:00 p.m. Copies of the District Six Work Program documents will be available for review between those hours.

PLACE: South Dade Regional Library, Auditorium, 10750 S. W. 211 Street, Miami, Florida

DATE AND TIME: November 30, 1999, 6:00 p.m. – 8:00 p.m. Copies of the District Six Work Program documents will be available for review between those hours.

PLACE: Harvey Government Center, Second Floor, Meeting Room, 1200 Truman Avenue, Key West, Florida

PURPOSE: These hearings are being held in accordance with Section 339.135, Florida Statutes and offer the public the opportunity to comment on projects for the State Highway System, Public Transportation or any other project in the Sixth District’s Tentative Five Year Transportation Plan. These hearings will also include consideration of proposed projects for Florida’s Turnpike System. The Sixth District comprises Miami-Dade and Monroe Counties. The Plan covers the period from July 1, 2000 to June 30, 2005.

All interested persons are invited to attend and be heard.

The proposed improvements have been developed in accordance with the Civil Rights Act of 1964 and the Civil Rights Act of 1968. Under Title VI and Title VIII of the United States Civil Rights Act any person(s) or beneficiary who believes they have been subjected to discrimination because of race, color, religion, sex, age, national origin, disability or familial status may file a written complaint to the Florida

Department of Transportation’s Minority Programs Office in Tallahassee or contact Jeffrey Dodge, District Six’s Title VI and Title VIII Coordinator.

Central Office: Florida Department of Transportation, Minority Programs Office, 605 Suwannee Street, M.S. 65, Tallahassee, Florida 32399-0450.

District Six: Jeffrey Dodge, Title VI and Title VIII Coordinator, Florida Department of Transportation, 1000 N. W. 111 Avenue, Room 6207A, Miami, Florida 33172.

Assistance for persons who require transcriptions in braille may be arranged by contacting the Public Information Office, (305)470-5349, seven days before the public hearings to allow time for the documents to be transcribed. Assistance for other disabled person may be arranged by contacting the Public Information Office prior to the hearings.

The **Department of Transportation**, District One announces a public hearing to which all interested persons are invited. Specific notice is provided to the Polk, Lee, Sarasota/Manatee, Charlotte and Collier Metropolitan Planning Organizations (MPO’s) and the County Commission Chairpersons for Polk, Manatee, Sarasota, Charlotte, Lee, Collier, Hendry, Glades, Okeechobee, Highlands, Hardee and DeSoto Counties.

DATE AND TIME: November 30, 1999, 6:00 p.m.

PLACE: Charlotte County School Board Building, 1445 Education Way, Port Charlotte, Florida

PURPOSE: This hearing will consist of presentations by the Department on the Tentative Five Year Work Program for fiscal years 2000/2001-2004/2005, followed by a public testimony period. This public hearing is being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. At the hearing, the public is invited to review the District One Tentative Five Year Work Program. Department staff will be available prior to and immediately following for informal discussion and assistance. A Court reporter will be available to accept public comments, if desired, for entry into the public records.

The proposed projects have been developed in accordance with the Civil Rights Act of 1964 and the Civil Rights Act of 1968. Under title VI and Title VII of the United States Civil Rights Act any person(s) or beneficiary who believes he or she has been subjected to discrimination because of race, color, religion, sex, age, national origin, disability of familial status may file a written complaint to the Florida Department of Transportation Minority Programs Office in Tallahassee or contact the District’s Title VI and Title VII Coordinator as shown below:

CENTRAL OFFICE: Florida Department of Transportation, Minority Programs Office, 605 Suwannee Street, MS 65, Tallahassee, Florida 32399-0450

DISTRICT 1: Florida Department of Transportation, District 1, 801 North Broadway, Bartow, Florida 33830, Attn.: Lori Spruce

If requested and in compliance with the Americans with Disabilities Act, the Department will provide special assistance at the public hearing for those persons who are disabled. Those persons requiring special assistance must send written notification to the Department at least 10 days prior to the public hearing to: John Limbaugh, Florida Department of Transportation, 2295 Victoria Ave., Suite 292, Fort Myers, Florida 33902.

A copy of the agenda may be obtained from John Limbaugh at the same address, or by calling (941)338-2341.

Written comments from all interested parties will be accepted by the Department at the public hearing and within thirty days after the public hearing. Comments should be mailed to: David A. Twiddy, P. E., District Secretary, Florida Department of Transportation, Post Office Box 1249, Bartow, Florida 33831.

The **Department of Transportation**, District 2 announces a Public Hearing to which all persons are invited.

DATE AND TIME: December 2, 1999, 7:00 p.m.

PLACE: Florida Community College, South Campus, Wilson Center for the Arts, 11901 Beach Boulevard, 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 209513-1, State Project No.: 72190-1539, Federal Aid Project Number XA-2546(18), otherwise known as SR-212 (Beach Boulevard) in Duval County. The proposed transportation improvements will provide a six lane urban roadway, 12 ft. travel lanes with a 4 ft. outside shoulder, median closures/modifications, curb and gutters and sidewalks. At the Intracoastal Waterway, six lane high rise fixed span bridges are proposed with 12 ft. travel lanes, 10 ft. inside and outside shoulders and sidewalks. The project is approximately 7.4 miles in length. The proposed improvements will be provided within the existing right of way, however, minimal right of way will be required for retention/detention ponds. This project is being developed in compliance with Titles VI and VIII of the Civil Rights Act. In addition to roadway and bridge improvement discussions, the Department will discuss the Access Management Reclassification proposals for this segment of Beach Boulevard, pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code and Section 335.18, Florida Statutes.

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.

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

The **Board of Trustees of the Internal Improvement Trust Fund** announces a technical advisory committee meeting to which all person are invited:

DATE AND TIME: Thursday, December 2, 1999, 10:00 a.m. – 3:30 p.m.

PLACE: Department of Environmental Protection, Carr Building, Meeting Room 170-M, 3900 Commonwealth Blvd., Tallahassee, Florida

PURPOSE: This is the fourth meeting of the Sovereign Submerged Lands Technical Advisory Committee to continue the discussion of issues and prioritize rulemaking regarding sovereign submerged lands, specifically revisions to chapters 18-14, 18-18, 18-20 and 18-21, FAC.

A copy of the agenda may be obtained by contacting: Alice Heathcock, Florida Department of Environmental Protection, Division of Water Resource Management, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, Telephone (850)921-9899, e-mail: alice.heathcock@dep.state.fl.us.

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 the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

STATE BOARD OF ADMINISTRATION

The Investment Committee of The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Thursday, December 2, 1999, 10:00 a.m., or soon thereafter

PLACE: 1801 Hermitage Blvd., The Hermitage Room, First Floor, Tallahassee, Florida 32308

PURPOSE: To conduct the regular business of the Investment Committee of the Florida Prepaid College Program Board to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he 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 based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Thursday, December 2, 1999, 11:00 a.m., or soon thereafter

PLACE: 1801 Hermitage Blvd., The Hermitage Room, First Floor, Tallahassee, Florida 32308

PURPOSE: To conduct the regular business of the Florida Prepaid College Program Board to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he 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 based.

Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: Monday, November 29, 1999, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Room 140, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting the Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior

to the conference. Any person who is hearing or speech impaired should contact the Commission through the Florida Relay Service by using the following numbers: 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

In the event of a scheduling conflict, this meeting may be moved to Tuesday, November 30, 1999, immediately following the Commission Conference, in Room 140.

This meeting is subject to cancellation without notification.

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 980918-TC – Application for certificate to provide pay telephone service by Florida BellSouth Telephone Company.

DATE AND TIME: November 29, 1999, 1:30 p.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To permit parties to present testimony and exhibits relative to the application for certificate to provide pay telephone service by Florida BellSouth Telephone Company and for such other purposes as the Commission may deem appropriate. At the hearing, all parties shall be given the opportunity to present testimony and other evidence on the issues identified by the parties. All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S. and Chapter 25-28, FAC.

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

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: November 30, 1999, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, FAC.), by contacting the Division of Records and Reporting, (850)413-6770, or writing: Director,

Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage: <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor** announces a public meeting, teleconference, of the Geographic Information Board to which all persons are invited.

DATE AND TIME: November 15, 1999, 1:30 p.m. – 3:30 p.m.
 PLACE: Department of Management Services, 4050 Esplanade Way, Bldg. 4030, Suite 180N, Tallahassee, FL
 PURPOSE: Discussion of the GIB's Data Stewardship Program.

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.

For further information call (850)414-0279.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Local Emergency Preparedness Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: November 17, 1999, 10:00 a.m.
 PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL
 PURPOSE: Board Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Ginny Montgomery, (904)363-6375, Ext. 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

NOTICE OF CANCELATION – The Southwest Florida Regional Planning Council announces that the following meeting has been canceled:

DATE AND TIME: November 18, 1999, 9:30 a.m.
 PLACE: Southwest Florida Regional Planning Council, Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33917

The next regular meeting is scheduled for December 16, 1999, 9:30 a.m.

The **Region IX, Local Emergency Planning Committee**, (LEPC) announces a public meeting to which all persons are invited:

DATE AND TIME: December 3, 1999, 9:30 a.m.
 PLACE: Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917
 PURPOSE: To discuss and implement provisions of the Emergency Planning and Community Right to Know Act.

A copy of the agenda may be obtained by contacting: Executive Director, Wayne E. Daltry, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

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: December 2, 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).

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The **State Apprenticeship Council** announces meetings of the Council Planning/Rules Committee, the Council Marketing Committee, the Council Expansion Committee and a regular State Apprenticeship Council meeting to which all interested parties are invited.

DATES AND TIMES: December 1, 1999, 1:00 p.m. – Rules/Planning Committee meeting; 2:00 p.m. – Marketing Committee meeting; 3:00 p.m. – Expansion Committee meeting; December 2, 1999, 8:30 a.m. – State Apprenticeship Council Meeting

PLACE: Radisson Airport Hotel, 5555 Hazeltine National Drive, Orlando, FL (located north of Orlando International Airport off Highway 436), Telephone (407)856-0100

GENERAL SUBJECT MATTER TO BE DISCUSSED: Issues and concerns that affect all registered apprenticeship program sponsors and Florida’s apprenticeship community. Council committees meet and report back to the full Council. The Council, which represents both employees and management, considers apprenticeship related issues and makes recommendations to the Division of Workforce and Employment Opportunities regarding apprenticeship matters. All issues to be considered as agenda items must be submitted to a member of the State Apprenticeship Council or to Mr. Joe Stephens, Administrator, Apprenticeship Section, by November 19, 1999. A list of Council members can be obtained from the Division’s Apprenticeship Section. Issues and requests for information should be faxed to the Division of Workforce and Employment Opportunities, Apprenticeship Section (850)488-0249, or mailed to 1320 Executive Center

Drive, Atkins Building, Room 200, Tallahassee, Florida 32399-0667. An agenda will be available on November 22, 1999.

The **Department of Labor and Employment Security, Division of Vocational Rehabilitation** and the Florida Rehabilitation Council in partnership with the Occupational Access and Opportunity Commission announce the following public forum. 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 Opportunity 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: November 18, 1999, 5:00 p.m. – 7:00 p.m.
PLACE: Center for Independent Living, 720 Denning Drive, Winter Park, Florida

CONTACT: Glen Beth, Phone (407)893-3170
Interpreters for the deaf will be available. Individuals requiring other accommodations or assistance should contact the individual listed above no later than November 15, 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.

The Florida **Division of Blind Services and The Rehabilitation Council for the Blind** announces the following meeting:

DATES AND TIMES: December 3, 1999, 8:30 a.m. – 5:00 p.m.; December 4, 1999, 8:30 a.m. – 12:00 p.m.

PLACE: Doubletree Hotel Tampa Airport Westshore, 4500 West Cypress Street, Tampa, FL 33607, (813)879-4800

PURPOSE: Quarterly meeting of the council.

A copy of the agenda may be obtained by contacting: Phyllis Dill, The Division of Blind Services, 2551 Executive Center Circle, West, Suite 200, Lafayette Bldg., Koger, Tallahassee, FL 32399, (850)488-1330 or through the Florida Telephone Relay system at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** announces public workshops to which all persons are invited.

DATE AND TIME: November 20, 1999, 9:00 a.m.
PLACE: Manatee County Fairgrounds, Ayres Building, 1303 17th Street, West, Palmetto, Florida

PURPOSE: Water Well Contractor Training and Point Reduction Workshop.

DATE AND TIME: December 4, 1999, 9:00 a.m.

PLACE: Southwest Florida Water Management District, Brooksville Headquarters, 2379 Broad Street, Brooksville, Florida

PURPOSE: Water Well Contractor Training and Point Reduction Workshop.

A copy of the agenda may be obtained by writing: Southwest Florida Water Management District, Brooksville Headquarters, 2379 Broad Street, Brooksville, FL 34609-6899 or by calling Deanna Naugler, (352)796-7211, Extension 4312.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Deanna Naugler, (352)796-7211. If you are hearing or speech impaired, please contact the agency by calling TDD number of 1(800)231-6103.

The **Southwest Florida Water Management District** announces the following public meetings to which all interested persons are invited:

PINELLAS-ANCLOTE BASIN BOARD MEETING

DATE AND TIME: Wednesday, December 1, 1999, 9:00 a.m.

PLACE: St. Petersburg City Hall, 175 5th Street, North, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Basin business.

HILLSBOROUGH RIVER BASIN BOARD MEETING

DATE AND TIME: Thursday, December 2, 1999, 1:00 p.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Basin business.

WITHLACOOCHEE RIVER BASIN BOARD MEETING

DATE AND TIME: Tuesday, December 7, 1999, 8:30 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Basin business.

COASTAL RIVERS BASIN BOARD MEETING

DATE AND TIME: Tuesday, December 7, 1999, 1:00 p.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Basin business.

MANASOTA BASIN BOARD MEETING

DATE AND TIME: Wednesday, December 8, 1999, 10:00 a.m.

PLACE: City of Palmetto, 516 8th Avenue, West, Palmetto, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Basin business.

NORTHWEST HILLSBOROUGH BASIN BOARD MEETING

DATE AND TIME: Thursday, December 9, 1999, 9:00 a.m.

PLACE: Austin Davis Memorial Library, 17808 Wayne Road, Odessa, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Basin business.

PEACE RIVER BASIN BOARD MEETING

DATE AND TIME: Friday, December 10, 1999, 9:30 a.m.

PLACE: DeSoto County Administration Building, 201 East Oak Street, Arcadia, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Basin business.

ALAFIA RIVER BASIN BOARD MEETING

DATE AND TIME: Monday, December 13, 1999, 9:00 a.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Basin business.

GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS

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

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Meeting, Public Hearing and Committee Meetings. Governing Board Meeting And Public Hearing (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

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

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Meeting and Public Hearing.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

DATES AND TIMES: December 14, 1999, 9:00 a.m. and may be continued December 15, 1999, 9:00 a.m.

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.: 10-200-1225, consisting of approximately 5± acres, lying in Section 17, Township 24 South, Range 25 East in Lake County, Florida; and

Part of the Green Swamp project comprised of one parcel referred to as SWF Parcel No.: 10-200-1224C, consisting of approximately 80± acres to be acquired by conservation easement, lying in Section 30, Township 25, South, Range 24, 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 Tampa Bay Estuarine Ecosystem project comprised of one parcel referred to as SWF Parcel No.: 21-728-112, consisting of approximately 39± acres, lying in Section 24, Township 33, South, Range 17, East in Manatee County, Florida; and

Part of the Lake Hancock project comprised of a parcel referred to as SWF Parcel No.: 20-503-101, consisting of approximately 1,275± acres with the western portion lying east of U.S. Highway 98, adjacent to the southside of County Road 540 and adjacent to the northwest side of Lake Hancock, consisting of portions of Sections 1 & 2, Township 29, South, Range 24, East; a portion of Section 31, Township 28, South, Range 25, East and a portion of Section 6, Township 29, South, Range 25, East, Polk County, Florida; and

Part of the Upper Peace River Corridor project comprised of a parcel referred to as SWF Parcel No.: 20-502-103, consisting of approximately 19± acres, fronting on the Peace River and adjacent to and east of Mt. Pisgah Road within the Southwest 1/4 of Section 2, Township 32, South, Range 25, East Polk County, Florida; and

Part of the Weekiwachee Preserve project comprised of seven parcels referred to as SWF Parcel Nos.: 15-773-109, 125, 137, 139, 142, 144 and 148 which range in size from approximately 11.6± acres to 688± acres. The parcels are generally located north and south of County Road 550, west of Shoal Line Boulevard (County Road 597) and north and south of Osowaw Boulevard (County Road 595) and east and west of Aripeka Road (County Road 595) in Sections 7, 17, 19, 29, Township 22 South, Range 17, East; Sections 35 and 36, Township 23, South, Range 16, East; Sections 31, Township 23 South, Range 17, East, in Hernando County, Florida and Section 1, Township 24, South, Range 16, East in Pasco 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: November 19, 1999, 9:00 a.m. – 12:00 Noon

PLACE: Fort Myers Service Center, 2301 McGregor Blvd., 1st Floor, Conference Room, Fort Myers, Florida

PURPOSE: A meeting of the Water Utility Advisory Committee to continue the discussion of topics of interest to the Committee. Agenda items will include a status report on the progress of the topics of interest to the Committee.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

For more information, contact: Gardenia Banks Long, (561)682-6001.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: November 19, 1999, 10:00 a.m.

PLACE: Florida Department of Transportation, Auditorium, 1000 N. W. 111th Avenue, Miami, Florida

PURPOSE: Meeting 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 and considered for adoption.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

For more information, contact Jim Jackson, Project Manager, (561)682-6334.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, December 7, 1999, 9:00 a.m. – 6:00 p.m.

PLACE: Broward Governmental Center, Room 437, 115 South Andrews Avenue, Fort Lauderdale, Florida

PURPOSE: A joint meeting of the South Florida Water Management District Governing Board and the Broward County Board of County Commissioners to discuss matters of interest to both parties.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

Those who desire more information may contact: Humberto Alonso, South Florida Water Management District, Broward Service Center, (954)713-3200, Ext. 4981.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

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

PLACE: South Florida Water Management District, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: A meeting to adopt a resolution advising the Department of Environmental Protection of the Land Management adopted budget needs for Fiscal Year 2000, utilizing funds from the Water Management Lands Trust Fund.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

Those who desire more information may contact: Fred Davis, (561)682-6636.

The **South Florida Water Management District** announces a closed door attorney-client meeting as follows:

DATE AND TIME: December 9, 1999, immediately following Governing Board meeting, but not to begin before 2:00 p.m.

PLACE: Governing Board Chambers, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Attorney-Client session pursuant to Fla. Stat. Section 286.011(8) (1993) to discuss settlement negotiations or strategy related to litigation in Natural Resources Defense Council, Inc. v. U.S. Army Corps of Engineers and South Florida Water Management District, etc., et al, U.S. District Court, Southern District of Florida.

ATTENDEES: Governing Board Members: M. Collins, M. Minton, M. Berger, V. Carter, G. Fernandez, P. Gleason, N. Gutierrez, Jr., H. Thornton, T. Williams; District Executive Director: F. Finch; District Attorneys: J. Fumero, R. Clements and K. Rizzardi.

The subject matter shall be confined to pending litigation. At the conclusion of the session, the Governing Board shall be re-opened. Pursuant to Florida law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. Transcript of the attorney-client session shall be made part of the public record upon conclusion of the litigation.

DEPARTMENT OF LOTTERY

NOTICE OF CHANGE – Notice is hereby given by the **Department of the Lottery** that the November 18, 1999, meeting of the Florida Lottery Commission, which was published in Vol. 25, No. 44, November 5, 1999, Florida Administrative Weekly has been rescheduled as follows:

DATE AND TIME: Thursday, December 2, 1999, 10:00 a.m. – 12:00 Noon

PLACE: Lottery Central Building, 250 Marriott Drive, Tallahassee, Florida

PURPOSE: Quarterly meeting to discuss issues relating to the Lottery.

Any person requiring a special accommodation at the meeting because of a disability should call Doug Roberts, (850)487-7777, Ext. 2469 (Voice) or use the Florida Relay Service at 1(800)955-8771 (TDD), at least seven (7) working days prior to the meeting date.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Probable Cause Panel of the **Board of Osteopathic Medicine** announces a meeting.

DATE AND TIME: November 18, 1999, 1:00 p.m., or soon thereafter

PLACE: Sheraton Ft. Lauderdale Airport, 1825 Griffin Road, Dania, FL 33004, (954)920-3500

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 at 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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Auctioneers** announces the following meeting to which all persons are invited.

DATE AND TIME: Friday December 3, 1999, 2:00 p.m., (EST) or soon thereafter

PLACE: Radisson Ponce de Leon Golf and Conference Resort, 4000 U.S. Hwy. 1, North, St. Augustine Beach, Florida 32095

PURPOSE: General meeting of the Board to conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762 or by calling Daryl Dempsey, (850)488-5189.

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 forty-eight (48) hours before to the meeting by contacting Daryl Dempsey, (850)488-5189. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The **Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers** announces a General Business Meeting by media technology, specifically a telephone conference call. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: December 16 1999, 9:00 a.m.

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

PURPOSE: Board Business.

A copy of the agenda may be obtained by writing: D. A. O'Connor, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact D. A. O'Connor by Thursday, November 18, 1999.

The **Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers** announces a Continuing Education Committee meeting, Application Review Committee meeting, Probation Committee meeting, Rules Workshop and General Business meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATES AND TIMES: January 12, 2000, 11:00 a.m. – Continuing Education Committee meeting, 11:30 a.m. – Application Review Committee meeting, 1:00 p.m. – Rules Workshop; January 13, 2000, 8:00 a.m. – Probation Committee meeting, 9:00 a.m. – Rules Workshop if necessary and General Business Meeting will begin at conclusion of Rules Workshop; January 14, 2000, 8:00 a.m. – General Business meeting, if necessary

PLACE: Board Conference Room, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399

PURPOSE: Board Business.

A copy of the agenda may be obtained by writing: D. A. O'Connor, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact D. A. O'Connor by Thursday, December 23, 1999.

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: December 8, 1999, 8:00 a.m.

PLACE: Wyndham Beach House, 1435 Simonton Street, Key West, FL 33040, (305)296-3535

PURPOSE: General Board and Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-2404, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy** announces the following public meeting of the Board to which all persons are invited:

DATE AND TIME: Monday, December 13, 1999, 8:30 a.m.

PLACE: Marriott Airport Hotel, Tampa International Airport, Tampa Florida

PURPOSE: Enforcement proceedings including consideration of investigating officers reports and other general business. This is a public meeting.

A copy of the agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, 2610 N. W. 43 Street, Suite 1-A, Gainesville, Florida 32606.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, 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.

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 agency at least 48 hours before the workshop/hearing/meeting by contacting: Martha Willis, (352)955-2165. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a series of public meetings of the 303(d) List Methodology Technical Advisory Committee to which all interested persons are invited.

DATE AND TIME: Friday, November 19, 1999, 9:00 a.m.

PLACE: Department of Environmental Protection, Southeast District Office, 400 North Congress Avenue, Second Floor, Public Meeting Room, West Palm Beach, Florida 33401

DATE AND TIME: Wednesday, December 15, 1999, 9:30 a.m.

PLACE: Orlando Public Library, 101 East Central Boulevard, The Oak Room, Orlando, Florida 32801

DATE AND TIME: Thursday, January 20, 2000, 9:00 a.m.

PLACE: Department of Environmental Protection, Northeast District Office, 7825 Baymeadows Way, Suite 200B, Conference Rooms A & B, Jacksonville, Florida 32256-7590

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: Personnel Services Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss development of a methodology and rule to identify impaired waters for inclusion on the state's 303(d) list.

A copy of the agenda for each meeting may be obtained by writing: Mr. Jan Mandrup-Poulsen, Department of Environmental Protection, 2600 Blair Stone Road, Water Quality Assessment Section, MS 3555, Tallahassee, Florida 32399-2400, (850)921-9488.

The **Department of Environmental Protection** announces a one-day public meeting of the Methodology Focus Group (MFG). The MFG is a focus group within the Contaminated Soils Forum (CSF). All persons are invited to participate.

DATE AND TIME: December 16, 1999, 10:00 a.m. – not later than 5:30 p.m.

PLACE: Central District Office, Conference Rooms A and B, Department of Environmental Protection, 33319 Maguire Blvd., Ste. 232, Orlando, Florida 32803-3767, (407)894-7555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The one-day meeting of the MFG will provide opportunities for interested parties to continue discussions on the following tasks/issues:

1. Acute Toxicity-based SCTL Toxicology Inputs;
2. Exposure Assumptions Review and Revise if appropriate;
3. Assumptions for Handling Uncertainty;
4. Characterize Site-Specific Natural Background;
5. Statistical Definition of a "Hotspot"; and
6. Update to the Chemical Transport Factors for Inorganics.

The MFG will present a summary of this meeting and any recommendations to the CSF at the February 2000 meeting.

A copy of the agenda and directions to the meeting room may be obtained by calling or writing: Roger B. Register, Department of Environmental Protection, Bureau of Waste Cleanup, M.S. 4505, Room 309B, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)413-0062 or obtained at the Internet: <http://www.dep.state.fl.us/dwm/programs/csf>.

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

The Bureau of Mine Reclamation of the **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: November 29, 1999, 6:30 p.m.

PLACE: Hamilton County Court House, Court Room, 207 Northeast First Street, Jasper, Florida 32052

PURPOSE: This meeting is to obtain public input on the identification and verification of citizen concerns addressing the environmental, public safety and public health issues relevant to the processing of an environmental resource permit application (File No.: 0158176-001) submitted by Angelo's Aggregate Materials, Ltd. The proposed project is located from Jasper, Florida, approximately four and one-half miles west on State Road 6 and approximately one and one-half miles north of State Road 6.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist, Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least forty-eight (48) hours before the meeting.

For further information or to obtain a copy of the agenda, contact: Harry Neel, Department of Environmental Protection, Bureau of Mine Reclamation, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, (850)488-8217.

The **Florida Forever Advisory Council** (FFAC), as defined in Section 259.0345, Florida Statutes announces the following public meeting to which all interested parties are invited.

DATE AND TIME: December 6, 1999, 8:30 a.m. – 5:00 p.m.

PLACE: Conference Room A, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399

DATE AND TIME: December 7, 1999, 8:30 a.m. – 12:00 p.m.

PLACE: Conference Room A, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399

For more information please contact: Office of Environmental Services, (850)487-1750.

If an accommodation is needed for a disability in order to participate in these meetings, please notify Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven days prior to the event.

DEPARTMENT OF JUVENILE JUSTICE

The **Juvenile Justice Accountability Board** announces a meeting which is open to the public.

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

PLACE: Renaissance Orlando Hotel, Airport, 5445 Forbes Place, Les Continents Room, Orlando, FL 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: Includes final approval of a report on the CINS Secure Shelter Pilot Project; status reports on the Annual Report and Fact Book, Juvenile Transfers to Adult Court, Outcome Evaluation and Prevention Outcomes projects; and status reports on the Department of Juvenile Justice LBR and substantive legislative initiatives, internal reorganization and classification of youth for residential placements.

For more information, contact: Juvenile Justice, Accountability Board Office, (850)922-4377.

DEPARTMENT OF HEALTH

NOTICE OF CHANGE – The **Board of Chiropractic Medicine**, Probable Cause Panel has rescheduled their duly noticed meeting Friday, November 5, 1999, 12:00 p.m., to which all persons are invited to attend to the following.

DATE AND TIME: Monday, November 22, 1999, 12:00 p.m.

PLACE: Department of Health, 1940 North Monroe Street, Tallahassee, Florida 32399

PURPOSE: For cases previously heard by the panel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Chiropractic Medicine, (850)487-3052, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the 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 any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra Causey, Professional Regulatory Specialist II, Board of Chiropractic Medicine, Department of Health, Division of Medical Quality Assurance, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257.

The **Board of Clinical Laboratory Personnel** has scheduled the following conference call meeting, to which all persons are invited to attend:

DATE AND TIME: Monday, November 29, 1999, 11:00 a.m.

PLACE: Department of Health, 1940 North Monroe Street, Tallahassee, FL 32399, Meet Me Number (850)487-8620

PURPOSE: General Board Business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Clinical Laboratory Personnel, (850)487-3052, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra Causey, Professional Regulation Specialist II, Board of Clinical Laboratory Personnel, 2020 Capital Circle, Southeast, Bin #C07, Tallahassee, Florida 32399-3257.

The Florida **Board of Osteopathic Medicine** will hold the following Board meeting to which all persons are invited:

DATES AND TIMES: Friday, December 3, 1999, 6:00 p.m.; Saturday, December 4, 1999, 9:00 a.m.; Sunday, December 5, 1999, 8:00 a.m., if necessary

PLACE: The Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

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 includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Mr. William H. Buckhalt, Executive Director, Board of Osteopathic Medicine, Northwood Centre, 2020 Capital Circle,

S. E., Bin #C06, Tallahassee, Florida 32399-3256 or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Tammy Hollingsworth, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Tammy Hollingsworth using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Medicine** hereby gives notice that a public workshop will be held at the time, date and place listed below:

DATE AND TIME: December 4, 1999, 8:00 a.m., or as soon thereafter as can be heard

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida

PURPOSE: for the purposes of rule development on Rules 64B8-9.001, 9.0091 and 9.0092,

A notice of rule development was published in Vol. 25, No. 42, of the October 22, 1999, Florida Administrative Weekly.

The person to be contacted regarding the rule development workshop is: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Tele-Health Task force Committee** announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, December 11, 1999, 9:00 a.m.

PLACE: Nova Southeastern University, Health Professions Division, 3200 South University Drive, Terry Building Room 1144 S, Ft. Lauderdale, Florida 33328

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)488-3622, 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** announces will hold the following meeting to which all persons are invited.

DATE AND TIME: November 19, 1999, 9:00 a.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308, Telephone conference

PURPOSE: To reconsider cases which are a matter of public record.

A list of cases to be reconsidered may be obtained through written request: Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox, Building 3, Tallahassee, Florida 32308, Attn.: Reginald D. Dixon, Staff Attorney.

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 proceeding is made, which record includes the testimony and evidence upon which the appeal to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

The **Department of Health, Board of Opticianry** announces a General Business Meeting and Committee Meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATES AND TIMES: December 2, 1999, Committee Meetings, 1:00 p.m.; General Business Meeting at conclusion of Committee Meetings; December 3, 1999, General Business, 9:00 a.m., if necessary

PLACE: Clarion Hotel, Airport Conference Center, 2101 Dixie Clipper Road, Jacksonville, FL 32218, (904)741-1997

PURPOSE: Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Opticianry, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster by Thursday, November 26, 1999.

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIME: December 6-7, 1999, 9:00 a.m., EST

PLACE: Embassy Suites Hotel, 3974 N. W. South River Drive, Miami, FL

PURPOSE: The Board will conduct disciplinary proceedings, general board business and rules review.

The probable cause panel will meet after the December 6th session. This meeting is closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered.

A copy of the board agenda and any probable cause materials which are open to the public may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Sharon Knowles, (850)488-7220, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health** and the Respiratory Care Board announces a conference call to which all persons are invited.

DATE AND TIME: November 30, 1999, 10:00 a.m., or soon thereafter

PLACE: Number – Nonsuncom (850)921-5470, Suncom 291-5470

PURPOSE: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Advisory Council on Respiratory Care, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255, or by calling the council office, (850)487-2098.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health**, Bureau of Emergency Medical Services invites the public to attend the following two Grant Writing Workshops.

First Workshop

DATE AND TIME: December 8, 1999, 1:00 p.m. – 3:00 p.m., Eastern Standard Time

PLACE: Miami International Commerce Center Building, Third Floor, Conference Room, 8175 N. W. 12 St., Miami, Florida. For instructions on getting to the Miami training site please call (305)716-7600

Second Workshop

DATE AND TIME: January 19, 2000, 1:00 p.m. – 3:30 p.m., Eastern Standard Time

PLACE: Melbourne Airport Hilton, 200 Rialto Place, Melbourne, Florida. For instructions on getting to the Melbourne Hilton please call (407)768-0200

PURPOSE: To conduct grant writing workshops for Emergency Medical Service (EMS) providers and other eligible organizations. The grant workshops will be conducted to provide training and information to potential grant applicants about the Florida EMS grant programs.

There is no cost for attending and there is no pre-registration. You may just walk in at the time, date and place of the training. Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Ms. Holly Pelt, Bureau of Emergency Medical Services, (850)487-1911, at least five (5) calendar days prior to the meeting.

If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The person to be contacted regarding the workshop is: Ed Wilson, Bureau of Emergency Medical Services, 2020 Capital Circle, S. E., Bin #C18, Tallahassee, Florida 32399-1738, Telephone (850)487-1911.

P.O. X00699

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Health and Human Services Board of the **Department of Children and Family Services**, District 15 announces the following emergency meeting was held:

DATE AND TIME: Tuesday, October 26, 1999, 8:30 a.m. – 4:30 p.m.

PLACE: Clem C. Benton Regional Service Center, 337 North 4th Street, Room 327D, Fort Pierce, Florida

PURPOSE: Agenda: Purpose of review and selection of District Administrator position applicants and Community Based Care.

For more information regarding this emergency meeting, please call: Betty Robinson, HHSB Liaison, (561)467-4174, 337 North 4th Street, Fort Pierce, Florida 34950.

The **Department of Children and Family Services** announces the G. Pierce Wood Memorial Hospital Governing Body will meet on the following date:

DATE AND TIME: November 16, 1999, 2:00 p.m.

PLACE: G. Pierce Wood Memorial Hospital, Dogwood Conference Room, 5847 S. E. Highway 31, Arcadia, FL

NOTICE OF CHANGE – The meeting for the **Health and Human Services Board**, Community-Based Care Pinellas Task Force Committee, District 5 on November 24, 1999, 9:00 a.m. published in the October 22, 1999, issue of the Florida Administration Weekly has been changed to:

DATE AND TIME: November 17, 1999, 9:00 a.m.

PLACE: Same location

The **Department of Children and Family Services**, District 12, Health and Human Services Board's Funding/Volunteer Opportunities Action Group announces a public meeting to which all persons are invited.

DATE AND TIME: November 23, 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: November 24, 1999, 10:30 a.m.

PLACE: Daytona Beach Service Center, 210 N. Palmetto Ave., Room 148, 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)254-3711, 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.

CHIEF INFORMATION OFFICERS COUNCIL

The **Chief Information Officers Council** announces a public meeting to which all council members and interested parties are invited to attend.

DATE AND TIME: Thursday, November 18, 1999, 10:00 a.m. – 11:30 a.m.

PLACE: The Collins Building, Room B-61, Tallahassee, FL

PURPOSE: To enhance statewide information technology development and integrated services and to promote best practices in information technology.

AGENDA: The agenda has been finalized and will be available upon request prior to the meeting.

For a copy of this agenda please contact: Melissa James or Mary Christopher, (850)488-4494.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise the State Technology Office by contacting: Mary Christopher, (850)488-4494.

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 18, 1999, 10:00 a.m.

PLACE: Pennington Law Firm, 215 S. Monroe Street, 2nd Floor, Tallahassee, Florida 32301

PURPOSE: Board of Directors' Meeting.

A copy of the proposed agenda may be obtained by writing: Mr. Ryland B. Musick, Executive Director, Florida Comprehensive Health Association, 1210 E. Park Avenue, Tallahassee, Florida 32301, (850)309-1200, or by facsimile (850)309-1222.

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, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

WAGES COALITION

The **Pinellas WAGES Coalition** announces the following meeting on:

DATE AND TIME: Tuesday, November 30, 1999, 8:30 a.m. – 2:30 p.m.

PLACE: TBA

PURPOSE: Discussion of the possibilities of the Pinellas WAGES Coalition becoming their own administrative entity.

SUBJECT MATTER: All issues related to the Coalition becoming their own administrative entity.

Members of the public are invited to attend. Agendas can be obtained seven days in advance of the meeting: Suite 304, Pinellas WAGES Coalition, (727)507-6197.

Persons needing special accommodations to participate in the meeting should call at least 3 days in advance, (727)507-6197.

If any person wishes to appeal any decision made by the Pinellas WAGES Coalition with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

ENTERPRISE FLORIDA

The **Florida Workforce Development Board** announces a public meeting by Telephone Conference Call to which all persons are invited to participate.

DATE AND TIME: Tuesday, November 30, 1999, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Room, Workforce Development Board Offices, 325 John Knox Road, Building 200, Tallahassee, Florida 32303 or Meet-Me No. (850)921-5230, Suncom 291-5230

PURPOSE: Board of Directors' Quarterly Meeting.

A copy of the agenda may be obtained by contacting: Pat Chalmers after November 16, 1999, (850)921-1119, State Workforce Development Board, 325 John Knox Road, Building 200, Tallahassee, Florida 32303.

Those individuals wishing to participate in this conference call from the Workforce Board Offices, 1:00 p.m., November 30, 1999, are advised that this location is accessible to those individuals with a disability or physical impairment. Persons

who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Board Directors should forward charges for this call to: Linda Bond, Workforce Development Board, 325 John Knox Rd., Bldg. 200, Tallahassee, FL 32303.

CRIMINAL JUSTICE TRAINING CENTER

Region I, **Criminal Justice Training Council** announces a Public Meeting to which all interested persons are invited:

DATE AND TIME: Friday, December 3, 1999, 10:00 a.m.
 PLACE: George Stone Center, Room 229, Conference Room, 2400 Longleaf Drive, Pensacola, FL 32526

GENERAL SUBJECT MATTER TO BE CONSIDERED: Fiscal year 2000-2001 Trust Fund Operating Budget Criminal Justice Standards and Training Update.

A copy of the agenda may be obtained by contacting: W. R. Pentecost, Chairman, Region I, Criminal Justice Training Council, 2400 Longleaf Drive, Pensacola, FL 32526-8922.

FLORIDA RESIDENTIAL PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION

The **Florida Residential Property and Casualty Joint Underwriting Association** announces a meeting of its Audit Committee to be held on:

DATE AND TIME: Wednesday, December 8, 1999, 5:00 p.m. (EST)
 PLACE: Hyatt Regency Westshore, 6200 Courtney Campbell Causeway, Tampa, Florida, 1(800)233-1234.
 PURPOSE: Items of discussion will include, but are not limited to, service company audits. For additional information, please call 1(800)807-7647, Extension 3761.

The **Florida Residential Property and Casualty Joint Underwriting Association** announces a meeting of its Investment Committee to be held on:

DATE AND TIME: Wednesday, December 8, 1999, 6:00 p.m. (EST)
 PLACE: Hyatt Regency Westshore, 6200 Courtney Campbell Causeway, Tampa, Florida, 1(800)233-1234
 PURPOSE: Items of discussion will include, but are not limited to, investment results.
 For additional information, please call 1(800)807-7647, Extension 3761.

FLORIDA MUNICIPAL INSURANCE TRUST

The **Florida Municipal Insurance Trust**, an interlocal entity created pursuant to Fla. Stat. 768.28 and 163.01 announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, December 17, 1999, 9:30 a.m. – 4:00 p.m.; Saturday, December 18, 1999, 9:00 a.m. – 12:00 Noon

PLACE: La Playa Resort Naples, 9891 Gulf Shore Drive, Naples, Florida, (941)597-3123

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, FL (850)222-9684.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is based.

NABORS, GIBLIN & NICKERSON, P. A.

YOU ARE HEREBY NOTIFIED that **Nabors, Giblin & Nickerson, P. A.** will have a public hearing to which all interested persons are invited:

DATE AND TIME: November, 29, 1999, 10:00 a.m. (or as soon thereafter as the same may be heard

PLACE: Offices of Nabors, Giblin & Nickerson, P. A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

PURPOSE: A Public Hearing (the “Hearing”) with respect to the issuance by the Florida Local Government Finance Commission (the “Issuer”) of its Florida Local Government Finance Commission Pooled Commercial Paper Notes, Series B (AMT Issue) (the “Notes”) in the aggregate principal amount of not exceeding \$4,500,000 and the loan of the proceeds thereof (the “Loan”) to Okaloosa County, Florida (the “County”). The Hearing will be conducted by Counsel to the Issuer. The proceeds of the Notes will be loaned to the County and applied to finance costs relating to construction and expansion of the apron, taxiway, airside, terminal and landside facilities located at the hereinafter defined Okaloosa Regional Airport (the “Improvements”).

The County now owns, operates and maintains an airport facility known as the “Okaloosa Regional Airport.” All of the Improvements shall be located at the Okaloosa Regional Airport, State Road 85, Eglin AFB, Florida 32542-1413.

The Notes do not constitute a general indebtedness or obligation of the Issuer within the meaning of any constitutional or statutory provision or limitation, but shall be generally payable from and secured by the loan repayments made by the County to the Issuer pursuant to the Loan. The Loan is payable from and secured by the net revenues of the Okaloosa Regional Airport. The Loan will be further secured by a covenant of the County to budget and appropriate legally available non-ad valorem revenues to the extent that the net revenues of the Okaloosa Regional Airport are insufficient or unavailable to pay debt service on the Loan. The Loan will not

be or constitute an indebtedness or obligation of the County, the State of Florida or any political subdivision thereof within the meaning of any constitutional, statutory or other limitation of indebtedness.

The aforementioned meeting shall be a public meeting and all persons who may be interested will be given an opportunity to be heard concerning the same. Written comments may also be submitted to: John Yonkosky, Chairman, Florida Local Government Finance Commission, c/o Collier County Department of Revenue, 2802 North Horseshoe Drive, Naples, Florida 34112 and Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, prior to the hearing.

All persons for or against said proposal can be heard at said time and place.

If a person decides to appeal any decision made by the issuer with respect to such hearing or meeting, (s)he will need to ensure that a verbatim record of such hearing or meeting is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, (813)281-2222, no later than seven days prior to the proceeding.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF BANKING AND FINANCE

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Securities and Investor Protection, issued a Final Order on November 1, 1999, disposing of the Petition for Declaratory Statement filed by counsel for the City of Chicago, Illinois (File No.: 2848-S-8/99). The Final Order held that, under the facts presented in the petition, the provisions of Sections 517.051(1), Florida Statutes, and Rule 3E-400.003, Florida Administrative Code, were preempted by Section 18(a) of the Securities Act of 1933 concerning the city's proposed issuance of general airport refunding bonds.

A copy of the Final Order can be obtained by writing: Agency Clerk, Department of Banking and Finance, Suite 526, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for a Declaratory Statement on October 21, 1999 from William L. Lyle, 220 E. Bay Street,

Jacksonville, Florida. This request presents the following issue: whether an owner may certify that the design of his or her building complies with the wind load criteria of chapter 1606 of the Standard Building Code, unless the owner is also licensed under chapter 471, 481 or 489, Florida Statutes.

The petition has been assigned the number DCA99-DEC-270.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

In re: SATURN RETAIL ENTERPRISES, INC. AND WILLIAMSON SATURN, INC.

NOTICE IS HEREBY GIVEN that the Department of Highway Safety and Motor Vehicles has received the above styled petition for declaratory statement under section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code. The petition requests a statement as to the applicability of section 320, Florida Statutes, as it relates to the Petitioner.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a declaratory statement in Re: Petition for Declaratory Statement, Bahama Bay Club Townhomes Condominium Association of Gulf Breeze, Inc., Petitioner; Docket Number CD 1999130.

The declaratory statement provided, in summary, that section 718.4015, Florida Statutes, does not apply to the Bahama Bay agreement with Harbourtown.

A copy of the declaratory statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Florida Real Estate Commission has received a Petition for Declaratory Statement from the Florida Association of REALTORS. Petitioner asks the Commission to interpret s. 475.278, Florida Statutes, as it applies to petitioner's members.

The petition is scheduled to be heard by the Florida Real Estate Commission on December 15, 1999.

A copy of the Petition for Declaratory Statement, No. FREC DS-99-01 may be obtained by writing: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801.

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:

Associated Marine Institutes, Inc. vs. Department of Revenue; Rule No.: 12A-1.001(3)(b),(q); Case No.: 99-1679RX

Sheila M. Anderson and David Zachem; vs. Department of Revenue; Rule No.: 12D-51.003; Case No.: 99-3924RP

Florida Power & Light Company vs. Public Service Commission; Rule No.: 25-22.036(3); Case No.: 99-4264RX

Hillsborough County and Environmental Protection Commission of Hillsborough County vs. Southwest Florida Water Management District; Rule No.: 40D-2, 40D-4, 40D-8, 40D-80.073(5),(6),(7); Case No.: 99-4490RP

Save the Manatee Club, Inc. vs. Southwest Florida Water Management District; Rule No.: 40D-4.051(3),(5),(6); Case No.: 99-3885RX

Punta Gorda HMA, Inc., licensee for Charlotte Regional Medical Center vs. Agency for Health Care Administration; Rule No.: 59C-1.033(7)(c); Case No.: 98-3420RX

Anderson Columbia Company, Inc., Anderson materials Company, Inc., and Suwannee American Cement Company, Inc. vs. Department of Environmental Protection; Rule No.: 62-4.070(5), 62-620.320(7); Case No.: 99-4168RX

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

REQUEST FOR INFORMATION

The Florida Department of Education, Bureau of Educational Facilities, will be conducting a Request for Information workshop for the purpose of gathering information and ideas to assist in the development and/or selection of software to support the Bureau.

Listed below is the date and time for the Request for Information workshop. You must attend this workshop to participate in subsequent phases of the process, which may result in the award of a contract.

RFI Number: 2000-14

RFI Title: Educational Facilities Information Technology

RFI Release Date: Friday, November 12, 1999

RFI Workshop Time and Date: Monday, November 29, 1999, 10:00 a.m. – 4:00 p.m.

The Department reserves the right to extend the meeting that afternoon or to the next day if needed.

RFI Workshop Location: Room 1724, Turlington Bldg., 325 W. Gaines Street, Tallahassee, FL 32399-0400

Documents may be obtained from: Department of Education, Purchasing Office, Room 901, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400. A copy may also be obtained by faxing your request to (850)488-3118.

Accessibility for Disabled Persons: If special accommodation is needed, please advise no later than five (5) days prior to this event.

Legal Announcement

Request for Applications for Available Funding

The Florida Department of Education, Division of Workforce Development, announces the availability of instructions and forms for preparing applications for funding for fiscal year 1999-2000, effective dates December 15, 1999, September 30, 2000 for:

- Adult Education and Family Literacy Programs – Correctional Education and other Institutionalized

Individuals and Special Populations: Native Americans and Senior Adult Learners

Public Law 201-220 as amended

Eligible recipients will be provided direct and equitable access to these funds on the basis of competitive applications. All federally funded projects must comply with the Steven's Amendment of the Department of Defense Appropriation Act (Section 8136).

Application due date – December 15, 1999, 5:00 p.m., EST

Mail applications to: Division of Workforce Development, Grants Management and Development, 325 West Gaines Street, Room 730, Tallahassee, FL 32399-0400

For application instructions and forms:

- Internet - <http://www.firn.edu/doe/workforce>
- Hardcopy or formats for the disabled - telephone 1(800)342-9271

Legal Announcement

Request for Applications for Available Funding

The Florida Department of Education, Division of Workforce Development, announces the availability of instructions and forms for preparing applications for funding for fiscal year 1999-2000, effective dates December 15, 1999 to September 30, 2000 for:

- Comprehensive Family Literacy Services, Florida's Families as Educators Program

Public Law 201-220 as amended

Eligible recipients will be provided direct and equitable access to these funds on the basis of competitive applications. All federally funded projects must comply with the Steven's Amendment of the Department of Defense Appropriation Act (Section 8136).

Application due date – December 15, 1999, 5:00 p.m., EST.

Mail applications to: Division of Workforce Development, Grants Management and Development, 325 West Gaines Street, Room 730, Tallahassee, FL 32399-0400

For application instructions and forms:

- Internet - <http://www.firn.edu/doe/workforce>
- Hardcopy or formats for the disabled - telephone 1(800)342-9271

Legal Announcement

Request for Applications for Available Funding

The Florida Department of Education, Division of Workforce Development, announces the availability of instructions and forms for preparing applications for funding for fiscal year 1999-2000, effective dates December 31, 1999 to September 30, 2000 for:

- Adult Education and Family Literacy Programs – Regional Adult Literacy Centers

Public Law 201-220 as amended

Eligible recipients will be provided direct and equitable access to these funds on the basis of competitive applications. All federally funded projects must comply with the Steven's Amendment of the Department of Defense Appropriation Act (Section 8136).

Application due date – December 31, 1999, 5:00 p.m., EST.

Mail applications to: Division of Workforce Development, Grants Management and Development, 325 West Gaines Street, Room 730, Tallahassee, FL 32399-0400

For application instructions and forms:

- Internet – <http://www.firn.edu/doe/workforce>
- Hardcopy or formats for the disabled - telephone 1(800)342-9271

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 00L-54, W/O 32632, P. K. Young Classroom Addition, estimated budget: \$415,000-\$445,000, to be opened December 2, 1999, 1:30 p.m., Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Local Time.

Scope of Work: Construction of a new two classroom kindergarten building, P. K. Young Developmental School, University of Florida. Construction consists of CMU bearing walls on spread footings with brick veneer; slab-on-grade floor, prefab, pre-engineered metal trusses, metal deck and rigid insulation with standing seam metal roofing and siding; aluminum windows, hollow metal frames and exterior door. Electrical work includes intercom, data, fluorescent lighting, and fire alarm system tied into existing systems. Note: the extensive conduit runs and new transformer required as a part of the electrical systems. HVAC, stormwater piping, and plumbing is also included. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, Telephone (352)392-1331. A Non-mandatory Pre-Bid Meeting will be held November 18, 1999, 10:00 a.m., in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing, (352)392-1331.

AMERICANS WITH DISABILITY ACT OF 1991 - If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, within three days of the event.

NOTICE TO DESIGN/BUILDERS

Florida Atlantic University announces that Design/Build services will be required for the project listed below:

Project No. P-3265. Project and Location: Softball Concession Facility, Florida Atlantic University, Boca Raton, Florida. The project consists of the design and construction services for 700 GSF of restroom, concession, ticket sales and storage spaces. The estimated construction cost is \$115,000.00.

The agreement for design/build services will consist of two phases in accordance with the AIA 191-1996 edition of the Standard Form of Agreements between Owner and the Design/Builder (with appropriate amendments as required to reflect BOR and University interests).

Phase One, the design services, includes architectural and engineering design, value engineering, constructability analyses, estimating, and the development of a Guaranteed Maximum Price (GMP) at Design Development phase. If the GMP is accepted, Phase Two, the Construction Phase, will be implemented. In Phase Two of the contract, the Design/Builder becomes the single point of responsibility for the completion of the design and construction documents and construction of the project. The Design/Builder shall publicly bid trade contracts and ensure the inclusion of Minority Business Enterprises (MBEs), in accordance with the University's requirements. Failure to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the Design/Builder's contract. Selection of finalists for interviews will be made on the basis of the Design/Builder's (Design Construction Services Team) qualifications, team experience, ability to provide service and MBE participation. Finalists will be provided with a copy of the building program and a description of the final interview requirements. The Design/Builder shall become familiar with the standard State University System's Cost Containment Guidelines and the Professional Services Guide prior to the interview. The Selection Committee may reject all proposals and stop the selection process at any time. Firms desiring to provide Design/Build services for the project shall submit a proposal consisting of a letter of interest and a completed Design and Construction Services Qualifications Supplement (DCSQS) Form. Proposals must not exceed 40 pages, including the DCSQS Form and letter of interest. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data may be disqualified. No submittal material will be returned. All applicants must be licensed to practice in the State of Florida at the time of application in their appropriate disciplines, i.e. architect, engineer or contractor. 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 design/build team may not submit a proposal for this project if it or any of the team members are on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Design/Build 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 Design and Construction Services Qualifications Supplement Form and the Project Fact Sheet may be obtained by contacting the Facilities Planning office at (561)297-3141.

Five (5) bound copies of the required proposal data shall be submitted to: Florida Atlantic University, Facilities Planning Department, Building T-10, 777 Glades Road, Boca Raton, Florida 33431, Telephone (561)297-3141, Fax (561)297-2260. Submittals must be received in the Facilities Planning office by 3:00 p.m., local time, Friday December 3, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of North Florida, on behalf of the State of Florida, Board of Regents, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-958

Project and Location: Science and Engineering Building, University of North Florida, Jacksonville, Florida 32224.

The project consists of the design and construction of a new 100,000 GSF Science and Engineering Building. The project will house the programs of Electrical, Civil and Mechanical Engineering, along with related programs in physics and chemistry. The estimated total construction cost of the project is \$14,000,000.

The selected firm will provide design, construction documents (prepared on AutoCAD, version compatible with University Facilities Planning) and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000.00, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated 9/15/97. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 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. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor,

or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Spyros Drivas, AIA, Director, University Facilities Planning, University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, (904)620-2016.

Submittals must be received in the University of North Florida Facilities Planning Office (JJ Daniel Hall/Room 20230), by 5:00 p.m. local time, on Monday, December 6, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

PUBLIC ANNOUNCEMENT OF CM SELECTION RESULTS

The Florida School for the Deaf and the Blind announces that on the date listed below ranking was determined and an intent was issued to negotiate and enter into a contract for Construction Management Services in accordance with the Consultants Competitive Negotiation Act for the following:

DATE: October 22, 1999

NAME OF AGENCY: The Florida School for the Deaf and the Blind

PROJECT NUMBERS: FSDB-990001 and FSDB-99040010

PROJECT NAMES: New Physical Education and Activities Building, MacWilliams Hall #31, Phase III, and Various Projects to be determined.

1. W. G. Mills, Jacksonville
2. Perry McCall Construction, Inc., Jacksonville
3. Auld & White Constructors, Jacksonville

NOTICE TO PROFESSIONAL CONSULTANTS OFFICE OF FACILITIES PLANNING AND CONSTRUCTION FOR CONSTRUCTION SERVICES FOR

Drainage Improvements at Various Schools (Venetia Elementary School No. 68 and Arlington Middle School No. 213) DCSB Project No. M-81770 And

Expansion of Breezeways at Arlington Middle School No. 213 DCSB Project No. M-81950

Facilities Planning and Construction announces that construction services are required for Drainage Improvements at Various School (Venetia Elementary School No. 68 and Arlington Middle School No. 213) and for Expansion of Breezeways at Arlington Middle School No. 213 for Duval County Public Schools. The firm selected under this construction contract will be responsible for assigned projects having a combined total of \$300,000.00, provided for in

section 287.055 Florida Statutes. Sealed bids will be received by: Duval County Public Schools, 1701 Prudential Drive, 5th Floor, Jacksonville, Florida 32207-8182.

Bids will be publicly opened immediately thereafter and recorded in the conference room, 6th Floor, School Board Building.

PROJECT MANAGER: Joe Rogers

Phone No.: (904)390-2266

BID DATE: December 7, 1999, 2:00 p.m., local time

MANDATORY PRE-BID: November 30, 1999, 10:00 p.m., local time, Duval County Public Schools, Facilities, 5th Floor, Room 513D, 1701 Prudential Drive, Jacksonville, Florida 32207.

NOTICE TO PROFESSIONAL CONSULTANTS OFFICE OF FACILITIES PLANNING AND CONSTRUCTION

DUVAL COUNTY PUBLIC SCHOOLS

Professional Services For

Remodeling, Renovations and Site Improvements to Landon Middle School #31

Facilities Planning and Construction announces that Architectural/Engineering services are required for a project entitled "Remodeling, Renovations and Site Improvements to Landon Middle School #31" for Duval County Public Schools. The firm selected will be responsible for this project having an estimated construction cost of approximately \$7,000,000. The work is expected to consist of exterior enhancements including ADA sidewalks and ramps, interior renovation and remodeling including relocation of the cafeteria, HVAC upgrades, addition of an elevator and structural repair as necessary. Detailed requirements will be contained in the project's Educational Specifications, which will be available at a later date.

Applications are to be sent to: Facilities Planning and Construction, 1701 Prudential Drive, 5th Floor, Jacksonville, FL 32207-8182

PROJECT MANAGER: James L. Womack

PHONE NO.: (904)390-2279

RESPONSE DUE DATE: December 14, 1999, 4:30 p.m., local time

MBE GOALS: 5% AA, 7% HANA and 6% WBE

INSTRUCTIONS:

Submit an original, and (4) copies of the following:

1. Letter of interest, which indicates the firm's qualifications, related, experience, the firm's abilities to do the work and other pertinent data.
2. Current edition of the Professional Qualifications Supplement (PQS) OFPC FORM 105-E.
3. Firm's current Florida Professional Registration License Renewal.

4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida corporate Charter.

5. Completed SF-254.

6. Completed SF-255.

7. Completed MBE FORM 1, MBE FORM 4, and joint Venture Form as appropriate.

Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Selections will be made in accordance with Chapter 6A-2, Florida Administrative Code. Applicants are advised that plans and specifications for A/E projects may be reused.

DEPARTMENT OF TRANSPORTATION

NOTICE OF BID OPPORTUNITY

The Florida Department of Transportation, District 6 announces the following project:

BID NUMBER: E-6908

FINANCIAL PROJECT NUMBER: 250584-1-52-01

MBE/DBE RESERVATION OR PREFERENCE: Twenty one percent of the total expenditure for this project is reserved for participation among "Certified Minority Business Enterprises". If you require additional information concerning certification, you may contact the Minority Business Advocacy and Assistance Office in Tallahassee, (850)487-0915.

DEADLINE FOR SUBMITTAL OF PRE-QUALIFICATION REQUIREMENTS: November 24, 1999, 2:00 p.m.

BID DUE DATE AND TIME: December 9, 1999, 2:00 p.m.

SCOPE OF SERVICES: Sealed bids are requested from licensed General Building Contractors, for the addition to the Florida Department of Transportation, District VI, 1000 Building, District Office Complex, 1000 Northwest 111th Avenue, Miami, Florida

MANDATORY PRE-BID MEETING: NONE

MINIMUM QUALIFICATIONS: Bidders must submit their qualifications prior to the deadline of November 24, 1999, 2:00 p.m. Letters of Pre-qualification will only be issued to qualified Bidders. Each Bidder whose field is governed by Chapters 399, 455, 489, and 633, Florida Statutes, for Licensure or Certification must submit Pre-qualification data of their eligibility to submit Bids prior to the Bid Opening Date. After the Bid Opening, the low Bidder must qualify in accordance with Rule 60D-5.004, Florida Administrative Code. A copy of the rule requirements is included in the Bid Package. Each Bidder must be pre-qualified by the District Six Procurement Office prior to the issuance of bid forms. To

pre-qualify each Bidder must submit a copy of the appropriate Contractor's License(s) as required by the state for the type(s) of work to be proposed and a copy of the State Corporate Charter issued by The Department of State, Division of Corporations. If its' firm is a corporation, letters of pre-qualification must be submitted with the Bid package.

BID BOND: If the Bid exceeds \$100,000.00 the Bidder must provide with the Bid a good faith deposit in the amount of five percent of the Bid by way of a Bid Bond Form provided by the owner from a surety insurer authorized to do business in this state as surety, a certified check made payable to Florida Department of Transportation, a cashier's check, treasurer's check, or bank draft of any national or state bank. A Bid Bond, check, or draft in an amount less than five percent of the actual Bid will invalidate the Bid.

PERFORMANCE AND LABOR AND MATERIAL 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.

REQUESTING BID DOCUMENTS: Requests for Plans, Specifications and/or Bid Documents should be directed to: Nancy Kay Lyons, Contracts Administrator, Department of Transportation, District 6, 1000 Northwest 111th Avenue, Room 6107-A, Miami, Florida 33172. Projects may also be requested via Internet e-mail: nancy.lyons@dot.state.fl.us.

POSTING INFORMATION: Unless otherwise notified in writing the Notice of Intent to Award will be posted at the Department of Transportation District Six Contracts Office, 1000 Northwest 111th Avenue, December 23, 1999, 4:00 p.m. If the Department is unable to post as defined above, the Department will notify all Bidders by mail, Fax and/or Telephone. The Department will provide written notification of any future posting in a timely manner.

PROTEST RIGHTS: With respect to a Protest of the Specifications Contained in an Invitation to Bid or in a Request for Proposals, the Notice of Protest shall be filed in writing within 72 hours after the receipt of Notice of the Project Plans and Specifications or Intended Project Plans and Specifications in an Invitation to Bid or Request for Proposals. A Formal Written Protest stating with particularity the facts and law upon which the protest is based and in substantially the same form as a petition in accordance with Section 120.57(3), Florida Statutes, and Rule 60D-4.012, F.A.C., shall be filed within 10 days after filing of the Notice of Protest. The 10 day period includes Saturdays, Sundays, and legal holidays; provided, however, if the last day is a Saturday, Sunday, or legal holiday, the period shall run until the end of the next day which is neither a Saturday, Sunday, or Legal Holiday. Any person who files an action protesting an award shall post with the Department, at the time of filing the Formal Written Protest, a bond payable to the Department in the amount equal to one percent of the Department's estimate of the contract amount for the purchase requested or \$5,000.00, whichever is less. The

bond shall be conditioned upon the payment of all costs which may be adjudged against the Protestor in the administrative hearing in which the action is brought and in any subsequent Appellate Court Proceedings. In lieu of a bond, the Department may accept a cashier's check or money order in the amount of the bond. The Protest must be filed with the Department of Transportation, Clerk of Agency Proceedings, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0450.

THE DEPARTMENT RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS RECEIVED.

REGIONAL PLANNING COUNCILS

**REQUEST FOR PROPOSAL NO. 1-00-1
FOR COMMUNITY TRANSPORTATION COORDINATOR
FOR
HARDEE, HIGHLANDS, AND OKEECHOBEE COUNTIES
COMBINED**

The Central Florida Regional Planning Council will accept proposals from qualified agencies or firms to coordinate transportation services for the transportation disadvantaged in Hardee, Highlands, and Okeechobee Counties, as a combined service area, until the deadline of 4:00 p.m., January 27, 2000. The selected contractor will be recommended as the designated Community Transportation Coordinator to the Florida Commission for the Transportation Disadvantaged. If approved by the Commission, the selected agency/firm will contract with the Commission for the Transportation Disadvantaged as authorized by Chapter 427, Florida Statutes, and more fully described in Rule 41-2 of the Florida Administrative Code.

The Proposal Instructions may be obtained on or after November 15, 1999 by appearing in person or contacting: Marcia Staszko, Senior Program Manager, Central Florida Regional Planning Council, P. O. Box 2089, 555 E. Church Street, Bartow, FL 33830, (863)534-7130, ext. 103. A proposal workshop is scheduled for Wednesday, December 8, 1999, at the Highlands County Agri-Civic Center Conference Room II, 5909 W. George Boulevard, Sebring, FL.

One (1) original and nine (9) copies of the proposal shall be delivered at the offices of the Central Florida Regional Planning Council by the deadline specified above. Accompanying the proposal shall be a separate, sealed envelope containing the proposed annual budget and cost proposal, which shall be clearly marked on the outside, "Annual Budget and Cost Proposal". The Central Florida Regional Planning Council will not accept responsibility for proposals that are not marked in the manner specified.

Proposals shall remain in effect for ninety (90) calendar days from date of submission. The Central Florida Regional Planning Council reserves the right to reject any or all proposals, to waive any formality concerning proposals, or negotiate changes to the proposals, whenever such rejection or

waiver or negotiation is in the best interest of the Central Florida Regional Planning Council, the service area, the State of Florida, and the transportation disadvantaged.

REGIONAL TRANSPORTATION AUTHORITIES

REQUEST FOR PROPOSALS

The Hillsborough Area Regional Transit Authority will be accepting proposals until 2:30 p.m., December 6, 1999, for the furnishing of the following:

**FORTUNE STREET NORTH TERMINAL
CONSTRUCTION ENGINEERING CONSULTANT
HART RFP #99-10-04**

An engineering consultant is required to assist HART with various engineering tasks including, but not limited to, site planning, urban design, landscaping, and construction inspection. Proposers shall have experience in the following areas:

- Engineering and Design,
- Report Preparation,
- Field Analysis,
- Project Management,
- Construction Inspection and Testing,
- Compliance with Federal, State, and Local Regulations and Codes

All proposers are encouraged to attend our Pre-Proposal meeting at 9:00 a.m., November 11, 1999, in our Conference Room, 4305 21st Avenue, East, Tampa, FL 33605. Proposals will be received until 2:30 p.m., December 6, 1999.

Required bid documents may be obtained after 1:00 p.m., November 5, 1999, at the office of the Hillsborough Area Regional Transit Authority, 4305 East 21st Avenue, East, Tampa, Florida.

Arrangements for pickup of these documents may be made by calling HART's Purchasing Department, (813)623-5835, Extension 1188, Monday through Friday, between the hours of 8:00 a.m. - 5:00 p.m. All inquiries pertaining to proposal specifications, or any questions in reference to the proposal documents should be directed to: Richard C. Casamo, Purchasing Agent II, (813)623-5835, Extension 1148.

WATER MANAGEMENT DISTRICTS

**INVITATION TO BID
RETAINING WALL EXTENSION AND CONSTRUCTION
OF CONCRETE STEPS
PITTS SPRING, BAY COUNTY
(BID NUMBER 00B-003)**

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids up to the 1:00 p.m. EST opening time, November 29,

1999, for the extension of a stone stabilizing retaining wall and construction of five concrete steps for the Pitts Spring Recreational area in north-central Bay County.

All bids must conform to the instructions in the Invitation to Bid. Interested prospective bidders may obtain a copy of the complete Invitation to Bid package at the above address or by calling (850)539-5999.

The bid opening is open to the public. Provisions will be made to accommodate the handicapped (if requested) provided the District is given at least 72 hours advance notice.

All bids must comply with applicable Florida Statutes.

**INVITATION TO BID
FOR PURCHASE OF A FARM TYPE TRACTOR WITH
FRONT LOADER AND PROTECTION SHIELDS
(BID NUMBER 00B-004)**

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids up to the 2:00 p.m. EST opening time on November 29, 1999, for the purchase of a farm tractor equipped with a front loader and protection shields for use in land management activities.

All bids must conform to the instructions in the Invitation to Bid. Interested prospective bidders may obtain a copy of the complete Invitation to Bid package at the above address or by calling (850)539-5999.

The bid opening is open to the public. Provisions will be made to accommodate the handicapped (if requested) provided the District is given at least 72 hours advance notice.

All bids must comply with applicable Florida Statutes.

**REQUEST FOR BIDS NO. 99/00-06 WR
WELL DRILLING OF 20 MONITOR WELLS,
DOWLING PARK,
SUWANNEE COUNTY**

The Suwannee River Water Management District (SRWMD) invites interested contractors to submit sealed bids to drill twenty (20) monitor wells near Dowling Park, in Suwannee County.

Responses to this request are due at the SRWMD office by 3:00 p.m., December 10, 1999. Requests for the RFB document (RFB # 99/00-06 WR) should be directed to: Mrs. Suzanne Richardson, Administrative Assistant, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (904)362-1001 or 1(800)226-1066 (Florida).

If you have questions regarding the project, please direct them to Warren Zwanka, SRWMD, (904)362-1001 or toll free (Florida only) 1(800)226-1066; Fax (904)362-1056.

**REQUEST FOR BIDS NO. 99/00-07 WR
GEOLOGICAL SERVICES AND WELL DRILLING OF 20
MONITOR WELLS, NEAR MAYO, FLORIDA,
LAFAYETTE COUNTY**

The Suwannee River Water Management District, (SRWMD) invites interested contractors to submit sealed bids to provide geological services and to drill twenty (20) monitor wells near Mayo, Florida, in Lafayette County.

Responses to this request are due at the SRWMD office by 3:00 p.m., December 10, 1999. Requests for the RFB document (RFB # 99/00-07 WR) should be directed to: Mrs. Suzanne Richardson, Administrative Assistant, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (904)362-1001 or 1(800)226-1066 (Florida).

If you have questions regarding the project, please direct them to: Warren Zwanka, SRWMD, (904)362-1001 or toll free (Florida only) 1(800)226-1066; Fax (904)362-1056.

DEPARTMENT OF MANAGEMENT SERVICES

**NOTICE TO PROFESSIONAL CONSULTANTS
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
SERVICES FOR
ARCHITECTURE – ENGINEERING**

The Division of Building Construction announces that professional services are required for the project listed below.

PROJECT NUMBER: COMB-99042000

PROJECT NAME: Renovation and Restoration, Colony Theater

PROJECT LOCATION: City of Miami Beach

SERVICES TO BE PROVIDED: Two-story addition to include dressing rooms, offices, HVAC equipment and stage area. Interior renovation of second floor. Address ADA compliance. Upgrade sound system and stage rigging. Upgrade HVAC system.

CLIENT AGENCY: City of Miami Beach

CLIENT AGENCY REPRESENTATIVE: Kent O. Bonde

DMS PROJECT DIRECTOR: Richard N. Arcuri

PHONE NO: (813)744-6288

RESPONSE DUE DATE: December 7, 1999, 4:00 p.m., local time

Applications are to be sent to: Richard N. Arcuri, 4508 Oak Fair Blvd., Suite 200, Tampa, Florida 33610

Date and Location of Shortlist: December 17, 1999, City of Miami Beach, City Hall.

Date and Location for Interviews: January 4, 2000, City of Miami Beach, City Hall.

Any changes to the above dates will be published on our web site: <http://fc.state.fl.us/dms/dbc/oppor1.html>

INSTRUCTIONS

Firms interested in being considered for this project must submit ten (10) copies of their application with a table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of the firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Please include one stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Selections will be made in accordance with Chapter 287.055, Florida Statutes.

Applicants are advised that plans and specifications for A/E projects may be reused. An appropriate contractual agreement will be made with the selected firm should this be necessary. Any protests of the selection must be made within 72 hours of posting the selection results. If no protest is received within 72 hours, negotiation and contract award will proceed with the selected firm. The selected firm will be notified and announcement of selected firms will be published in the Florida Administrative Weekly.

PUBLIC ANNOUNCEMENT OF CONSTRUCTION MANAGEMENT SELECTION RESULTS

The Department of Management Services, Building Construction, announces that on the date listed below, authority was issued to negotiate and enter into a contract for Construction Management Services in accordance with the Consultants Competitive Negotiation Act for the following:

DATE: October 20, 1999

NAME OF CLIENT AGENCY: Department of Management Services

PROJECT NUMBER: MSFM-89094000

PROJECT NAME: West Palm Beach Regional Service Center – New Building

1. The Weitz Company, Inc., West Palm Beach
2. Metric Constructors, Orlando
3. The Morganti Group, Inc., West Palm Beach

NOTICE OF INVITATION TO BID

BID NO. BDRS 27-99/00

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Bathhouse construction

SCOPE OF WORK: Demolition of the existing bathhouse and septic system. Construction of a new bathhouse, septic system and associated site improvements at Fred Gannon Rocky Bayou State Recreation Area.

PARK LOCATION: Fred Gannon Rocky Bayou State Recreation Area, On S.R. 20, 3 miles East of Niceville, (Okaloosa Co.), Florida.

PROJECT MANAGER: Efrain Prado, Bureau of Design and Recreation Services, Telephone Number: (850)488-3543

MINORITY BUSINESS REQUIREMENT: This project is reserved for competitive sealed bidding only among qualified bidders who agree to use Department of Labor certified minority business enterprises (MBE) as subcontractors or subvendors. A minimum of twenty one (21) percent of the total bid must be expended with certified minority business enterprise subcontractors and subvendors. Verification of the certified minority business enterprise utilization shall be determined by the agency before such bid awards may be made. In order to bid on a project so reserved, the qualified bidder shall identify those certified minority business enterprises which will be used as subcontractors or subvendors by sworn statement. At the time of performance of project completion, the contractor shall report by sworn statement the payment and completion of work for all certified minority business enterprises used in the contract.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000, each bidder whose field is governed by Chapter 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below:

Plans and specifications will be available on Friday, November 12, 1999 at: Fred Gannon Rocky Bayou State Recreation Area, 4281 Hwy. 20, Niceville, Florida 32578, Attention: Carl Keen, Park Manager, Telephone Number (850)833-9144

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services at (850)488-3539 at least five (5) workdays prior to opening.

BID SUBMITTAL DUE DATE: No later than 3:30 p.m., Tuesday, December 7,1999 to the below address: Florida Department of Environmental Protection, Bureau of Design and Recreation Services, 3540 Thomasville Road, Tallahassee, Florida 32308.

The Department reserves the right to reject any or all bids. Michael Renard, Contracts Manager, Bureau of Design and Recreation Services

NOTICE OF INVITATION TO BID
BID NO. BDRS 28-99/00

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Florida Marine Patrol Substation
SCOPE OF WORK: Construction of a new office building for the Florida Marine Patrol. Reroofing the adjacent restroom and construction of a covered breezeway, boardwalk and boatdock plus related site improvements.

PARK LOCATION: Sebastian Inlet State Recreation Area, 9700 S. A1A, Melbourne Beach, (Brevard Co.), Florida

PROJECT MANAGER: Efrain Prado, Bureau of Design and Recreation Services, Telephone Number (850)488-3543

MINORITY BUSINESS REQUIREMENT: This project is reserved for competitive sealed bidding only among qualified bidders who agree to use Department of Labor certified minority business enterprises (MBE) as subcontractors or subvendors. A minimum of twenty one (21) percent of the total bid must be expended with certified minority business enterprise subcontractors and subvendors. Verification of the certified minority business enterprise utilization shall be determined by the agency before such bid awards may be made. In order to bid on a project so reserved, the qualified bidder shall identify those certified minority business enterprises which will be used as subcontractors or subvendors by sworn statement. At the time of performance of project completion, the contractor shall report by sworn statement the payment and completion of work for all certified minority business enterprises used in the contract.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000, each bidder whose field is governed by Chapter 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below:

Plans and specifications will be available on Friday, November 12,1999 at: Sebastian Inlet State Recreation Area, 9700 S. A1A, Melbourne Beach, Florida 32951, Attention: Ron Johns, Park Manager, Telephone Number (407)984-4852.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services, (850)488-3539 at least five (5) workdays prior to opening.

BID SUBMITTAL DUE DATE: No later than 4:00 p.m., Tuesday, December 7,1999 to the below address: Florida Department of Environmental Protection, Bureau of Design and Recreation Services, 3540 Thomasville Road, Tallahassee, Florida 32308.

The Department reserves the right to reject any or all bids. Michael Renard, Contracts Manager, Bureau of Design and Recreation Services

Florida Commission on Community Service
Request for Proposals for FY 2000-2001
AmeriCorps Programs

Overview

The Florida Commission on Community Service (the Commission) is soliciting new proposals for Fiscal Year 2000-2001 AmeriCorps community service programs. Funding is provided for innovative community service programs that will strengthen Florida's community responses to the interrelated issues of education, public safety, human needs, and the environment.

Project Period

It is anticipated that projects will be funded for three years, consisting of one-year contracts to be renewed annually on a non-competitive basis contingent upon satisfactory performance and availability of funds. The initial contract period is anticipated to be September 1, 2000 through August 31, 2001.

Funding Availability and Source

Florida AmeriCorps programs are funded by the Florida Commission on Community Service through grants from the Corporation for National Service, Washington, DC. The Commission anticipates the availability of approximately \$4.9 million for state formula programs and approximately \$105 million for national competitive programs.

Eligibility

Only Florida-based organizations are eligible to apply for AmeriCorps funds under the terms of this RFP, including: Florida incorporated private not-for-profit corporations

(including schools and churches/religious establishments); Florida chapters of national not-for-profit organizations (e.g., American Red Cross); Florida city, county, and other municipal government entities; Florida public educational institutions, including elementary, secondary, post-secondary/higher education institutions, and local school boards/districts; Florida Native American/Indian Tribes; and state agencies of Florida.

A consortium of organizations may be formed for the purposes of applying for these funds. However, a proposal must be submitted by only one eligible entity as the "lead agency." Such consortia efforts must be documented in writing with letters of agreement or other documentation of cooperation and coordination between all consortium members, and the documentation must be included in the application.

Preference for Funding

The Commission will give preference to applications from organizations located in cities or counties in which no AmeriCorps program is currently in operation.

The Commission will give preference to applications addressing issues related to mentoring and/or programs in rural areas.

Submission Deadline

Proposals for national competitive and state funding consideration are due no later than 5:00 p.m. EST, January 7, 2000. Proposals for state formula consideration only are due no later than 4:00 p.m. EST, March 6, 2000.

NOTICE: All currently national competitive funded programs must submit proposals by January 7. Proposals received by January 7 and not selected for national competitive funding will automatically be considered for state formula funding.

Contact Person

All correspondence, questions, and other communications regarding these application instructions or the review of applications should be directed to: Arie Sailor, Director of National Service Programs, The Florida Commission on Community Service, 444 Appleyard Drive, Tallahassee, Florida 32304-2895, Telephone (850)414-0096 (direct) or (850)921-5172 (main office), Facsimile (850)921-5146, Internet E-Mail: asailor@fccs.org

DEPARTMENT OF HEALTH

**INVITATION TO NEGOTIATE
CASE MANAGEMENT SERVICES TO INCARCERATED
AND NEWLY RELEASED PERSONS WITH HIV/AIDS IN
DUVAL COUNTY, FLORIDA**

The purpose: The Department of Health, Duval County Health Department intends to purchase case management services from local agencies in order to implement a demonstration project that will develop a model to link incarcerated and newly released persons with HIV/AIDS to medical and social support services in the community.

The contract manager's name and address from which copies of the RFP/ITB/ITN will be available: David Andress, Area 4 HIV/AIDS Program Coordinator, Duval County Health Department, 1833 Boulevard, Suite 502, Jacksonville, Florida 32206, (904)798-2787 (Fax).

The date and time by which Notices of Intent to Submit a Proposal/Bid must be submitted: 5:00 p.m., Eastern Time, November 15, 1999

The date and time by which all responses must be received and will be opened: 2:00 p.m., Eastern Time, December 15, 1999

The address to which responses must be submitted: David Andress, Area 4, HIV/AIDS Program Coordinator, Duval County Health Department, 1833 Boulevard, Suite 502, Jacksonville, Florida 32206, (904)798-2787 (Fax).

Certified Minority Business Enterprises are encouraged to participate in any offerors' conferences, pre-solicitation or pre-bid meetings which are scheduled.

The department reserves the right to reject any and all bids or ignore or correct minor irregularities when it is 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: 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., December 3, 1999):

APPLICATION WITHDRAWN

Application for a New Financial Institution Applicant and Proposed Location: Coastal Community Bank, Miami, Florida
Withdrawn: October 27, 1999

APPLICATION TO MERGE

Constituent Institutions: Columbia Bank, Tampa, Florida, and Southern Exchange Bank, Tampa, Florida
Resulting Institution: Columbia Bank
With The Title: Southern Exchange Bank
Received: November 1, 1999

APPLICATION FOR AUTHORITY TO EXERCISE TRUST POWERS

Applicant and Location: The Bank of Tampa, Tampa, Florida
 Received: October 28, 1999

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Railroad and Industrial Credit Union, Post Office Box 5125, Tampa, Florida 33675-5125

Expansion Includes: The employees of Power Electric Services, Inc., of Hillsborough County, Florida, employees of Pasco Terminals of Hillsborough County, Florida, employees of Florida Orthodontic Institute of Hillsborough and Polk Counties, Florida.

Received: November 1, 1999

Correspondent and Telephone Number: Arthur J. Wood, President, (813)621-6661

Name and Address of Applicant: FSH Employees Credit Union, Post Office Box 835, Chattahoochee, Florida 32324-0835

Expansion Includes: All employees of United Datatronics, Inc., and all members of the Chattahoochee Women's Club.

Received: November 1, 1999

Correspondent and Telephone Number: William C. Enfinger, President/CEO, (850)663-2404

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Navistar International Transportation, Corp. (Navistar), intends to allow the establishment of Maudlin International Trucks, Inc. (Maudlin), as a dealership for the sale of International truck parts and trucks, at 6647 North Orange Blossom Trail, Orlando (Orange County), Florida 32810, on or after October 1, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Maudlin International Trucks, Inc. are: dealer operator: John Maudlin, 102 Red Sky Court, Lake Mary, Florida 32746; principal investor(s): John Maudlin, 102 Red Sky Court, Lake Mary, Florida 32746. Navistar International Transportation Corp., 455 N. Cityfront Plaza Drive, Chicago, Illinois 60611.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ms. Catherine Gleason, Dealer Administration Manager, Navistar International Transportation Corp., 455 North Cityfront Plaza Drive, Chicago, Illinois 60611.

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 More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Motorrad of North America, intends to allow the establishment of Keenan & Keenan, Inc. d/b/a Palm Beach Ducati, as a dealership for the sale of motorcycles & scooters, at 12550 S. Military Trail, Suite 9, Boynton Beach (Palm Beach County), Florida 33436, on or after November 1, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Keenan & Keenan, Inc. are Margaret B. Keenan and Robert M. Keenan, 1180 N. W. 7th Street, Plantation, Florida 33325.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ray Campanile, Vice President/GM, Motorrad of North America, 4 Signal Avenue, Suite C, Ormond Beach, Florida 32174.

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.

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
LETTERS OF INTENT**

The Agency For Health Care Administration received and accepted the following letters of intent for the December 1, 1999 application filing date for nursing home batching cycle:

- County: Santa Rosa District: 1
Date Filed: October 29, 1999 LOI#: N991101
Facility/Project: Beverly Savana Cay Manor, Inc.
Applicant: Beverly Savana Cay Manor, Inc.
Project Description: Add two community nursing home beds to CON #8270
- County: Gadsden District: 2
Date Filed: November 01, 1999 LOI#: N991102
Facility/Project: HealthPrime, Inc.
Applicant: HealthPrime, Inc.
Project Description: Construct up to a 60 bed freestanding community nursing home
- County: Gadsden District: 2
Date Filed: October 27, 1999 LOI#: N991103
Facility/Project: Tandem Health Care, Inc.
Applicant: Tandem Health Care, Inc.
Project Description: Construct up to a 60 bed community nursing home
- County: Holmes District: 2
Date Filed: October 27, 1999 LOI#: N991104
Facility/Project: Tandem Health Care, Inc.
Applicant: Tandem Health Care, Inc.
Project Description: Construct up to a 60 bed community nursing home
- County: Jackson District: 2
Date Filed: October 27, 1999 LOI#: N991105
Facility/Project: Tandem Health Care, Inc.
Applicant: Tandem Health Care, Inc.
Project Description: Construct up to a 60 bed community nursing home
- County: Washington District: 2
Date Filed: October 27, 1999 LOI#: N991106
Facility/Project: Tandem Health Care, Inc.
Applicant: Tandem Health Care, Inc.
Project Description: Construct up to a 60 bed community nursing home
- County: Hillsborough District: 6
Date Filed: October 29, 1999 LOI#: N991107
Facility/Project: Beverly Health and Rehabilitation Center-Brandon

- Applicant: Beverly Enter.-FL, Inc. d/b/a Bev. Gulf Coast-FL, Inc.
Project Description: To add four community nursing home beds to Beverly Health and Rehabilitation Center-Brandon
County: Hillsborough District: 6
Date Filed: October 29, 1999 LOI#: N991108
Facility/Project: Forest Park Healthcare and Rehabilitation Center
- Applicant: Vantage Healthcare Corporation
Project Description: To add up to nine community nursing home beds to Forest Park Healthcare and Rehabilitation Center
County: Hillsborough District: 6
Date Filed: October 27, 1999 LOI#: N991109
Facility/Project: University Village Nursing Center
Applicant: Westport Nursing Tampa, LLC
Project Description: Convert up to 60 sheltered nursing home beds to up to 60 community nursing home beds
County: Highlands District: 6
Date Filed: October 27, 1999 LOI#: N991110
Facility/Project: Tandem Health Care, Inc.
Applicant: Tandem Health Care, Inc.
Project Description: Construct up to a 52 bed community nursing home
- County: Brevard District: 7
Date Filed: November 1, 1999 LOI#: N991111
Facility/Project: NHC HealthCare, Melbourne
Applicant: National HealthCare Corporation
Project Description: To add up to 64 community nursing home beds to NHC HealthCare, Melbourne
- County: Brevard District: 7
Date Filed: October 27, 1999 LOI#: N991112
Facility/Project: Tandem Health Care, Inc.
Applicant: Tandem Health Care, Inc.
Project Description: Construct up to a 64 bed community nursing home
- County: Brevard District: 7
Date Filed: November 1, 1999 LOI#: N991113
Facility/Project: Wuesthoff Memorial Hospital
Applicant: Wuesthoff Memorial Hospital, Inc.
Project Description: Construct a six bed hospital-based skilled nursing unit at Wuesthoff Memorial Hospital
- County: Lee District: 8
Date Filed: November 1, 1999 LOI#: N991114
Facility/Project: HealthPrime, Inc.
Applicant: HealthPrime, Inc.
Project Description: Construct up to an 83 bed community nursing home
- County: Lee District: 8
Date Filed: October 27, 1999 LOI#: N991115
Facility/Project: Tandem Health Care, Inc.

Applicant: Tandem Health Care, Inc.
 Project Description: Construct up to an 83 bed community nursing home
 County: Martin District: 9
 Date Filed: November 1, 1999 LOI#: N991116
 Facility/Project: NHC HealthCare, Stuart
 Applicant: National HealthCare Corporation
 Project Description: To add up to 24 community nursing home beds to NHC HealthCare, Stuart
 County: Okeechobee District: 9
 Date Filed: November 1, 1999 LOI#: N991117
 Facility/Project: Okeechobee Health Care Facility
 Applicant: Lifestyles & Healthcare, Ltd.
 Project Description: To add up to 12 community nursing home beds to Okeechobee Health Care Facility
 County: Palm Beach District: 9
 Date Filed: November 1, 1999 LOI#: N991118
 Facility/Project: Lourdes-Noreen McKeen Residence
 Applicant: Lourdes-Noreen McKeen Res. for Geriatric Care, Inc.
 Project Description: To add up to 20 community nursing home beds to Lourdes-Noreen McKeen Residence
 County: Broward District: 10
 Date Filed: November 1, 1999 LOI#: N991119
 Facility/Project: Holy Cross Long Term Care, Inc.
 Applicant: Holy Cross Long-Term Care, Inc.
 Project Description: Add up to 24 community nursing home beds to approved CON #9056
 If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after December 8, 1999 the date the application is scheduled to be deemed complete. Tentative dates for hearings will be published on October 30, 1999.
 AHCA Purchase Order Number S5900H00396

CERTIFICATE OF NEED EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Marion District: 3
 ID #: 9900431 Issue Date: 10/22/99
 Facility/Project: Munroe Regional Medical Center
 Applicant: Munroe Regional Health System, Inc.
 Project Description: To construct an additional floor
 Proposed Project Cost: \$3,386,000 Equipment Cost:
 County: Pinellas District: 5
 ID #: 9900435 Issue Date: 10/22/99
 Facility/Project: Freedom Square Nursing Center
 Applicant: Seminole Properties
 Project Description: Renovate, through delicensure of 4 sheltered beds for increased space
 Proposed Project Cost: \$45,000 Equipment Cost:
 County: Sarasota District: 8
 ID #: 9900436 Issue Date: 10/22/99
 Facility/Project: Sarasota Memorial Hospital
 Applicant: Sarasota County Public Hospital Board
 Project Description: To add nine existing outpatient sites to the hospital's license
 Proposed Project Cost: \$0 Equipment Cost:
 County: Bay District: 2
 ID #: 9900437 Issue Date: 10/22/99
 Facility/Project: Gulf Coast Medical Center
 Applicant: Bay Hospital, Inc.
 Project Description: Termination of the HBSNU, consisting of 11 beds
 Proposed Project Cost: \$0 Equipment Cost:
 County: Broward District: 10
 ID #: 9900440 Issue Date: 10/26/99
 Facility/Project: Broward General Medical Center
 Applicant: North Broward Hospital District
 Project Description: To set up a 15-bed decocots unit by converting 15 acute care beds

Proposed Project Cost: \$0 Equipment Cost:
 County: Broward District: 10
 ID #: 9900441 Issue Date: 10/26/99
 Facility/Project: Westside Regional Medical Center
 Applicant: Columbia Hospital Corporation of South Broward
 Project Description: Replace equipment in Special Procedures/Card. Cath Lab & renovations
 Proposed Project Cost: \$1,500,000 Equipment Cost:
 County: Broward District: 10
 ID #: 9900442 Issue Date: 10/26/99
 Facility/Project: Westside Regional Medical Center
 Applicant: Columbia Hospital Corporation of South Broward
 Project Description: Relocate Special Procedures/Card. Cath Lab & necessary renovations
 Proposed Project Cost: \$500,000 Equipment Cost:
 County: Volusia District: 4
 ID #: 9900444 Issue Date: 10/26/99
 Facility/Project: Florida Hospital-Fish Memorial
 Applicant: Southwest Volusia Healthcare Corporation
 Project Description: Establish a temporary mobile CT unit adjacent to the hospital
 Proposed Project Cost: \$1,020,000 Equipment Cost:
 County: Broward District: 10
 ID #: 9900445 Issue Date: 10/27/99
 Facility/Project: Broward General Medical Center
 Applicant: North Broward Hospital District
 Project Description: Replace existing X-ray equipment
 Proposed Project Cost: \$570,000 Equipment Cost:
 County: Pinellas District: 5
 ID #: 9900447 Issue Date: 10/27/99
 Facility/Project: Morton Plant hospital
 Applicant: Morton Plant Hospital Association, Inc.
 Project Description: Renovate a Nuclear Medicine area
 Proposed Project Cost: \$1,838,904 Equipment Cost:
 County: Santa Rosa District: 1
 ID #: 9900449 Issue Date: 10/27/99
 Facility/Project: Gulf Breeze Hospital

Applicant: Baptist Hospital, Inc.
 Project Description: Renovate to provide space for cardio-pulmonary & surgical waiting areas
 Proposed Project Cost: \$150,000 Equipment Cost:
 County: Escambia District: 1
 ID #: 9900450 Issue Date: 10/27/99
 Facility/Project: Baptist Hospital
 Applicant: Baptist Hospital, Inc.
 Project Description: Establish an outpatient pulmonary rehabilitation program
 Proposed Project Cost: \$50,000 Equipment Cost:
 AHCA Purchase Order Number S5900H00396.

On November 2, 1999, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Christopher Martin, M.D., license number ME 0030745. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INTENT TO ISSUE PROPOSED
 MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify Power Plant Certification Conditions issued pursuant to the Florida Electrical Power Plant Siting Act, § 403.501, et. seq., Florida Statutes. A Proposed Final Order has been prepared in accordance with Rule 62-17.211(4) concerning: Tampa Electric Company, Big Bend Station Unit 4, Power Plant Siting Application: PA79-12J, OGC Case No. 99-1780, Hillsborough County, Florida

The Department intends to modify the conditions of certification to conform with a July 19, 1999 amendment to NPDES Permit No. FL0000817 REV A. The NPDES permit was modified to allow discharge of treated effluent from the new Units 1 & 2 Flue Gas Desulfurization chloride bleed wastewater plant to the circulating cooling water outlet tunnel system. The Department also intends to update the rule citations and correct agency namings within the conditions of certification.

A copy of the proposed modification order is available from Hamilton S. Oven, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)487-0472.

POINT OF ENTRY

Pursuant to § 403.516, F.S., and Rule 62-17.211(5), FAC., all parties to the certification proceeding have 45 days from the issuance of notice by mail to such party's last address of record

in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification.

Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to § 403.516(1)(c), F.S., the applicant may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed.

Mediation is not available in this proceeding.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN October 26, 1999
and November 1, 1999

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

5B-58.001	10/27/99	11/16/99	25/34	
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Division of Food Safety

5K-4.002	10/26/99	11/15/99	25/35	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

61G8-21.0015	10/28/99	11/17/99	25/37	
61G8-21.004	10/28/99	11/17/99	25/37	
61G8-22.003	10/28/99	11/17/99	25/37	
61G8-23.001	10/28/99	11/17/99	25/37	
61G8-23.003	10/28/99	11/17/99	25/37	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Florida Real Estate Appraisal Board

61J1-2.001	10/26/99	11/15/99	25/33	
61J1-4.004	10/26/99	11/15/99	25/33	
61J1-4.008	10/26/99	11/15/99	25/33	

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

64B3-2.003	10/26/99	11/15/99	25/36	
64B3-3.001	10/26/99	11/15/99	25/36	
64B3-3.002	10/26/99	11/15/99	25/36	

Board of Dentistry

64B5-2.013	10/26/99	11/15/99	25/38	
64B5-17.002	10/26/99	11/15/99	25/36	

Board of Nursing Home Administrators

64B10-15.0021	10/26/99	11/15/99	25/11	25/35
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FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

68A-15.063	10/28/99	11/17/99	25/35	
68A-15.064	10/28/99	11/17/99	25/35	
68A-25.006	10/28/99	11/17/99	25/35	