

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Criteria for Filing a Letter of Credit in Lieu of Trusting

RULE NO.: 3F-7.011

PURPOSE AND EFFECT: This rule is being amended to renumber the form entitled "Application to Use a Letter of Credit or Surety Bond" and to change the effective date of the form.

SUBJECT AREA TO BE ADDRESSED: Criteria for Filing a Letter of Credit in Lieu of Trusting.

SPECIFIC AUTHORITY: 497.103, 497.425 FS.

LAW IMPLEMENTED: 497.425, 497.427 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: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-7.011 Criteria for Filing a Letter of Credit in Lieu of Trusting.

(1) No change.

(2) For approval, the certificate of authority holder shall submit to the Board of Funeral and Cemetery Services, Form ~~DBF-LCSB-1, DBF-C-1~~, Application to Use a Letter of Credit or Surety Bond, which is hereby incorporated by reference (effective ~~6/97~~ ~~3-20-91~~) and available from the Department of Banking and Finance, Division of Finance, The Fletcher Building, 101 East Gaines Street, Suite 550, Tallahassee, Florida 32399-0350 and meet the following criteria:

(a) through (4) No change.

(5) The Board shall deny an application to use a letter of credit in lieu of the merchandise trust fund if the application is incomplete or if the report as set forth in Rule ~~3F-7.009, Florida Administrative Code, 3D-30.037~~ shows the existing merchandise trust is not in compliance with the law.

Specific Authority 497.103, 497.425 FS. Law Implemented 497.425, 497.427 FS. History—New 3-20-91, Formerly 3D-30.036, Amended 10-25-95, 7-22-97,

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Criteria for Filing a Surety Bond in Lieu of Trusting

RULE NO.: 3F-7.012

PURPOSE AND EFFECT: This rule is being amended to update the form number and effective date.

SUBJECT AREA TO BE ADDRESSED: Criteria for Filing a Surety Bond in Lieu of Trusting.

SPECIFIC AUTHORITY: 497.103, 497.425 FS.

LAW IMPLEMENTED: 497.425 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: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-7.012 Criteria for Filing a Surety Bond in Lieu of Trusting.

(1) No change.

(2) For approval the certificate of authority holder shall submit to the Board of Funeral and Cemetery Services, Form ~~DBF-LCSB-1, DBF-C-1~~, Application to Use a Letter of Credit or Surety Bond, hereby incorporated by reference (effective ~~6/97~~ ~~3-20-91~~) and available from the Department of Banking and Finance, Division of Finance, The Fletcher Building, 101 East Gaines Street, ~~Suite 550~~, Tallahassee, Florida 32399-0350 and meet the following criteria:

(a) No change.

(b) The amount of the bond shall be based on a report documenting the outstanding liabilities of the certificate of authority holder as prescribed by Section 497.425(1)(b), Florida Statutes, and set forth in Rule 3F-7.010, Florida Administrative Code; however, should no liabilities exist, a minimum of \$250,000 will be the initial amount. If the certificate of authority has existing liabilities that are secured by a trust fund account which will remain in place, and desires to secure new preneed sales with a surety bond, the face amount of the bond shall be at least \$1,000,000.

(3) through (8) No change.

Specific Authority 497.103, 497.425 FS. Law Implemented 497.425 FS. History—New 3-20-91, Formerly 3D-30.039, Amended 10-25-95, 7-22-97,

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: RULE NO.:

Alternative Form of Security for Permanent Outer Burial Receptacle Manufacturers 3F-7.0125

PURPOSE AND EFFECT: This rule is being amended to be consistent with the statute. "Outer Burial container" is now defined in subsection (29) and to correct the statute referencing financial statements from 497.23(10)-(13) to 497.423(10)-(13).

SUBJECT AREA TO BE ADDRESSED: Alternative Form of Security to Permanent Outer Burial Receptacle.

SPECIFIC AUTHORITY: 497.103, 497.337(2)(c) FS.

LAW IMPLEMENTED: 497.337(2)(c) 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: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-7.0125 Alternative Form of Security for Permanent Outer Burial Receptacle Manufacturers.

(1) Pursuant to Sections 497.423(9) and 497.337(2)(c), Florida Statutes, manufacturers of permanent outer burial receptacles shall be permitted to utilize the alternative form of security as provided in Section 497.337(2), F.S., and this rule, in connection with the sale of permanent outer burial receptacles sold to pre-need sellers in Florida. For purposes of this rule, a "permanent outer burial receptacle" as referred to in Section 497.337(2)(c), F.S., has the same meaning as an "outer burial container," as defined in Section 497.005(29)(46), F.S.

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

b. submit its financial statements to the Board on an annual basis pursuant to sections 497.423(10)-(13) ~~497.23(10)-(13)~~, F.S.;

c. through 3. No change.

Specific Authority 497.103, 497.337(2)(c) FS. Law Implemented 497.337(2)(c) FS. History—New 6-15-95, Amended.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: RULE NO.:

Procedures for Filing Claim with the Board 3F-7.013

PURPOSE AND EFFECT: This rule is being amended to correct the language to conform with statute numbers and form names.

SUBJECT AREA TO BE ADDRESSED: Procedures for Filing Claim with the Board.

SPECIFIC AUTHORITY: 497.103, 497.425 FS.

LAW IMPLEMENTED: 497.425(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Diana M. Evans, Executive Director, Board of Funerals and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-7.013 Procedures for Filing Claim with the Board.

A buyer of preneed merchandise or services who does not receive such services or merchandise due to the economic failure, closing, or bankruptcy of the cemetery company which has submitted a surety bond or letter of credit to the Board in lieu of utilizing a merchandise trust fund may file a claim with the Board as provided by Section 497.425(3) ~~497.0484(3)(a)~~, Florida Statutes. The purchaser of preneed merchandise or services must file the claim in the following manner:

(1) Submit to the Board Form DBF-C-3, Letter of Credit/Surety Bond Claim Form, ~~Surety Bond or Letter of Credit Claim Form~~, which is hereby incorporated by reference (effective 3-20-91) and available at the Department of Banking and Finance, Division of Finance, The Fletcher Building, 101 East Gaines Street, ~~Suite 553~~, Tallahassee, Florida 32399-0350;

(2) through (3) No change.

Specific Authority 497.103, 497.425 FS. Law Implemented 497.425(3)(a) FS. History—New 3-20-91, Formerly 3D-30.040, Amended.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: RULE NO.:

Trust Fund Deposits; Funeral and Burial Services and Merchandise Preneed Contracts Payments 3F-7.017

PURPOSE AND EFFECT: This rule is being amended to substitute the word liability in place of sale prices to conform to the statute.

SUBJECT AREA TO BE ADDRESSED: Trust Fund Deposits; Funeral and Burial Services and Merchandise Preneed Contract Payments.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.337, 497.417, 497.423, 497.425, 497.429 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: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-7.017 Trust Fund Deposits; Funeral and Burial Services and Merchandise Preneed Contract Payments.

(1) through (2) No change.

(3) If the contract does not provide for the allocation of payments as anticipated in paragraph (2) above, such payments shall be allocated as follows:

(a) Funds collected for preneed services or merchandise contracts which comply with Section 497.417, F.S., shall be deposited in trust as follows: 70 percent of funds collected for services; 100 percent of funds collected for cash advance items; and 30 percent of funds collected or 110 percent of wholesale cost, whichever is greater, for merchandise. For deferred payment contracts the liability sales price for each portion of the contract (services, cash advances and merchandise) shall be divided by the deferred payment price to arrive at the percentages for each portion of the contract. These percentages shall be applied to payments received to determine the amount to be deposited in trust. Once the total liability to the trust is fulfilled, no further deposits need be made to the trust.

(b) through (6) No change.

Specific Authority 497.103 FS. Law Implemented 497.333(8)(d), 497.337, 497.417, 497.423, 497.425, 497.429 FS. History-New 2-1-95, Amended 5-27-98,_____.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Cancellation of Preneed Contracts; Reasonable Time Defined

RULE NO.: 3F-8.003

PURPOSE AND EFFECT: This rule is being amended to correspond to changes made in the Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Cancellation of Preneed Contracts; Reasonable Time Defined.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.419(3)(a) 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: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-8.003 Cancellation of Preneed ~~Pre-Need~~ Contracts; Reasonable Time Defined.

For purposes of Section 497.419(3)(a), F.S., a reasonable time for delivering merchandise consisting of "caskets" as defined by Section 497.005(9) ~~492.005(14)~~, F.S., and "outer burial containers" as defined by Section 497.005(29) ~~490.005(16)~~, F.S., shall be 24 hours from the time the purchaser or agent requests that the certificateholder deliver the merchandise. The certificateholder shall record the date and time that the request for delivery is received from the purchaser or agent in a log kept for that purpose. In the event a certificateholder fails to maintain such log and record a request for delivery, then the date and time of such request shall be the date and time designated by the purchaser or agent.

Specific Authority 497.103 FS. Law Implemented 497.419(3)(a) FS. History-New 4-25-94, Amended_____.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Disbursement from the Preneed Funeral Contract Consumer Protection Trust Fund

RULE NO.: 3F-10.002

PURPOSE AND EFFECT: The rule is being amended to adopt the revised updated form numbered DBF-TFD-1, Proof of Claim and Disbursement Request.

SUBJECT AREA TO BE ADDRESSED: Disbursement from the Preneed Funeral Contract Consumer Protection Trust Fund.

SPECIFIC AUTHORITY: 497.103, 497.413(7) FS.

LAW IMPLEMENTED: 497.413(7) 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: Diana

M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-10.002 Disbursement from the Preneed Funeral Contract Consumer Protection Trust Fund.

The purpose of the Preneed Contract Consumer Protection Trust Fund is to provide restitution to preneed contract purchasers and their estates due to a Certificateholder's or otherwise covered provider's failure to provide the benefits of a preneed contract or failure to refund the appropriate principal amount by reason of cancellation thereof. All restitution to be paid from the Preneed Funeral Contract Consumer Protection Trust Fund shall be subject to review and approval of the Board. Amounts disbursed from the Preneed Funeral Contract Consumer Protection Trust Fund shall be determined in accordance with the following criteria:

- (1) No change.
- (2) Requests for restitution shall be submitted on the Preneed Funeral Contract Consumer Protection Trust Fund Proof of Claim and Request for Disbursement Request form, DBF-TFD-1, effective August, 1995, May 23, 1994, which is incorporated herein by reference and available from the Department of Banking and Finance. Restitution will only be made if the Certificateholder or otherwise covered provider was licensed as a COA or was regulated under Chapter 470, F.S., when the contract was written. All requests for restitution from the Preneed Funeral Contract Consumer Protection Trust Fund shall be accompanied by a copy of the preneed contract and documentation which verifies the total funds paid on preneed contract, and that the applicant has not defaulted in the terms of the contract. In addition, documentation that the Certificateholder or otherwise covered provider has failed to provide the benefits of the preneed contract or has failed to refund the appropriate principal amount by reason of cancellation.
- (3) through (8) No change.

Specific Authority 497.103, 497.413 FS. Law Implemented 497.413 FS. History—New 5-23-94, Amended 12-4-95, 10-18-99,_____.

DEPARTMENT OF INSURANCE

RULE TITLE: Effective Date of Termination of Appointment **RULE NO.:** 4-211.007
PURPOSE AND EFFECT: This rule will set guidelines for all authorized insurers or other eligible appointing entities and licensed insurance representatives when they desire to terminate and appointment or an appointee pursuant to Section 626.471, F.S. The rule was promulgated in response to a Final Order Denying Petition for Declaratory Statement. In The Matter of: Larry Franklin, Case No. 29105-99-SP, which required rulemaking.

SUBJECT AREA TO BE ADDRESSED: The rule will specify termination dates of appointments for purpose of licensure compliance.

SPECIFIC AUTHORITY: 624.308, 626.161 FS.

LAW IMPLEMENTED: 624.307, 626.161, 626.471 FS.

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

TIME AND DATE: 9:00 a.m., June 20, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Shirley Kerns, Bureau Chief, Agent and Agency Services, Department of Insurance

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Shirley Kerns at (850)922-3110, ext. 5405.

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

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Entering Freshmen **RULE NO.:** 6C-6.002

PURPOSE AND EFFECT: To further clarify acceptable high school coursework for admissions purposes; to revise the SAT/ACT Concordance; and to stipulate that all admissions applicants must take the SAT or ACT.

SUBJECT AREA TO BE ADDRESSED: SAT/ACT; SAT/ACT scores; acceptable high school coursework.

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

LAW IMPLEMENTED: 240.209(1), 240.227(8), 240.115(4), 240.152, 240.233, 232.246 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, Tallahassee, Florida 32399-1950

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

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Tuition, Fee Schedule and Percentage of Cost RULE NO.: 6C-7.001

PURPOSE AND EFFECT: Establish authority for universities to charge other than the standard out-of-state tuition for students whose residence is in a state which borders the university's service area.

SUBJECT AREA TO BE ADDRESSED: Tuition and Fees.

SPECIFIC AUTHORITY: 240.209(1) FS., CS/CS/HB 1567, 2000 Legislature

LAW IMPLEMENTED: CS/CS/HB 1567, 2000 Legislature

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) through (3) No change.

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

(a) through (d) No change.

(e) Pursuant to CS/CS/HB 1567, 2000 Legislature, a university may use a plan, approved by the Board, for a differential out-of-state tuition fee for students who are residents of another state that borders the university's service area.

Specific Authority 240.209(1),(3)(e),(r) FS. Law Implemented 240.117, 240.124, 240.209(3)(e),(h), 240.235(1) FS., Conference Committee Report on Senate Bill 2500, 1999. History-Adopted 4-8-79, Renumbered 12-16-74, Amended 6-28-76, 7-4-78, 8-6-79, 9-28-81, 12-14-83, 10-2-84, 10-7-85, Formerly 6C-7.01, Amended 12-25-86, 11-16-87, 10-19-88, 10-17-89, 10-15-90, 9-15-91, 1-8-92, 11-9-92, 7-22-93, 8-1-94, 11-29-94, 4-16-96, 8-12-96, 9-30-97, 12-15-97, 8-11-98, 9-30-98, 8-12-99,_____.

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Special Fees, Fines, and Penalties RULE NO.: 6C-7.003

PURPOSE AND EFFECT: Implement a transportation access fee.

SUBJECT AREA TO BE ADDRESSED: Rule will be amended to add a new transportation access fee as authorized by recently passed legislation.

SPECIFIC AUTHORITY: 240.209(1) FS.

LAW IMPLEMENTED: CS/CS/HB 1567, 2000 Legislative Session

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, Tallahassee, Florida 32399-1950

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

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Continuing Education RULE NO.: 6C-8.002

PURPOSE AND EFFECT: The Board proposes revisions for purposes of clarification, codification of its policy on courses offered outside of service areas, and codification of a service area for Florida Gulf Coast University.

SUBJECT AREA TO BE ADDRESSED: Coordination of instructional delivery, courses offered outside of service area, service areas.

SPECIFIC AUTHORITY: 240.209(1),(3)(j),(q) FS.

LAW IMPLEMENTED: 240.209(1),(3)(j) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, Tallahassee, Florida 32399-1950

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Development

RULE CHAPTER TITLE: Manufactured Buildings RULE CHAPTER NO.: 9B-1

RULE TITLES: Department Activities RULE NOS.: 9B-1.003

Manufacturer Requirements 9B-1.007

Quality Control Procedures 9B-1.010

Multiple Site Manufacturing 9B-1.015

Insignia Denial 9B-1.018

PURPOSE AND EFFECT: The purpose of the amendment of the above-listed rules is to repeal 9B-1.003(1) and the last phrase of 9B-1.018 as an unnecessary recitation of statute,

repeal 9B-1.015, which implements no specific law, repeal 9B-1.007(1)(c), which refers to a previously repealed rule, and amend 9B-1.010, making grammatical changes to improve readability of the rule.

SUBJECT AREA TO BE ADDRESSED: Multiple editorial changes made to rules pertaining to Manufactured Buildings, and repealing the rule pertaining to the manufacture of manufactured buildings at multiple sites.

SPECIFIC AUTHORITY: 553.37(1), 553.38(1), 553.381 FS.

LAW IMPLEMENTED: 553.37(1),(2),(8), 553.38, 553.381 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., June 19, 2000

PLACE: Randall Kelley Training Center, 3rd Floor, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-1.003 Department Activities.

~~(1) The Department shall interpret and clarify the various aspects of the Manufactured Building Act of 1979 and will promulgate such regulations and rules as will from time to time be deemed necessary to carry out its purpose.~~

~~(1)(2)~~ The inspection agency shall approve the manufacturer's quality control manuals, model design plans and changes as they occur prior to filing them with the Department.

~~(2)(3)~~ Plans and manuals shall be submitted to the Department by an approved inspection agency, on behalf of their client, for final approval based upon compliance with the standards set forth in Rule 9B-1.004.

~~(3)(4)~~ Manufacturer certification – The manufacturer shall submit evidence to the Department that it has product liability insurance in an amount of not less than \$250,000 to continue manufacturing and/or modifying buildings for installation in Florida.

~~(4)(5)~~ Testing and Evaluations of Products – A recognized testing organization must comply with the ISO/IEC Guide 25:990 General Requirements for the Competency of Calibration and Testing Agencies; ISO/IEC Guide 38:1983 Acceptance of Testing Agencies; 40:1983 ISO/IEC Guide for the Acceptance of Certification Bodies.

~~(5)(6)~~ Program Forms – The following forms are hereby adopted by reference into this chapter.

TITLE	NUMBER
a. Three Dimensional or Component Application	Mfg Bldg 001
Annual Renewal Application	Mfg Bldg 002
Commercial/Residential Insignia Request	Mfg Bldg 003
Component System Insignia Request	Mfg Bldg 004
Room Addition Component Insignia Request	Mfg Bldg 005
Acknowledgment of Receipt Disposition Report	Mfg Bldg 006
Monitoring Checklist	Mfg Bldg 007
Invoice for Plans	Mfg Bldg 008

Specific Authority 553.37(1) FS. Law Implemented 553.37(1),(2), 553.81 FS. History–New 1-17-72, Amended 2-23-75, 3-1-80, 11-1-84, Formerly 9B-1.03, Amended 1-1-87, 1-1-89, 3-1-92, 3-1-95,_____.

9B-1.007 Manufacturer Requirements.

(1) In order to be approved to construct or modify manufactured buildings for sale or installation in Florida a manufacturer shall:

(a) Adopt and maintain quality control procedures in accordance with Rule 9B-1.010; and,

(b) Submit to the Department evidence of product liability insurance coverage in an amount of not less than \$250,000; and

~~(c) Ensure that inspections are carried out in accordance with Rule 9B-1.008.~~

(2) through (3) No change.

Specific Authority 553.37(1), 553.38(1), 553.381 FS. Law Implemented 553.37(8), 553.38(1) FS. History–New 1-17-72, Amended 2-23-75, 11-14-76, 3-1-80, 11-4-84, Formerly 9B-1.07, Amended 1-1-87, 1-1-89, 3-1-95,_____.

9B-1.010 Quality Control Procedures.

(1) Quality Control Manual (QCM). Since manufactured buildings cannot ~~are not~~ normally be inspected inspectable in the field, it will be necessary that they be manufactured in accordance with the Quality Control procedures established by the manufacturer and approved by the agency and the department.

(2) through (3) No change.

Specific Authority 553.37(1) FS. Law Implemented 553.37(1),(8) FS. History–New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, Formerly 9B-1.10, Amended 1-1-89, 3-1-92, 3-1-95,_____.

9B-1.015 Multiple Site Manufacturing.

Specific Authority 553.37(1) FS. Law Implemented 553.37 FS. History—New 1-17-72, Amended 2-23-75, 3-1-80, Formerly 9B-1.15, Amended 3-1-92, 3-1-95, Repealed.

9B-1.018 Insignia Denial.

Should inspection reveal that a manufacturer is not manufacturing components or systems according to plans as approved by the Department and such manufacturer, after having been served with a notice setting forth the provisions of the plan approval which have been violated, continues to manufacture units in violation of the plan approval, applications for new insignia shall be denied and the insignia previously issued for units in violation of the plan approval shall be confiscated. Upon satisfactory proof of compliance such manufacturer may resubmit a request for an insignia. ~~This action shall be reviewable by hearing in accordance with Section 120.57, Florida Statutes.~~

Specific Authority 553.37(1) FS. Law Implemented 553.37(1), 553.38 FS. History—New 1-17-72, Amended 2-23-75, Formerly 9B-1.18, Amended 3-1-92, 3-1-95, _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission –

RULE CHAPTER NO.: 9B-3

Operational Procedures

9B-3

RULE TITLE:

RULE NO.: 9B-3.047

Criteria for Review of Amendments and Modifications

9B-3.047

PURPOSE AND EFFECT: Implement legislative directive regarding criteria for review of amendments and modifications to the Florida Building Code.

SUBJECT AREA TO BE ADDRESSED: Review of amendments and modifications to the Florida Building Code.

SPECIFIC AUTHORITY: 553.73(7) FS., as amended by s. 40 of ch. 98-287, L.O.F.

LAW IMPLEMENTED: 553.73(7) FS., as amended by s. 40 of ch. 98-287, L.O.F.

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

TIME AND DATE: 8:30 a.m., Tuesday, June 13, 2000

PLACE: Clarion Plaza Hotel, 9700 International Drive, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mo Madani, Planning Manager, Codes and Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824

Any person requiring special accommodation at the workshop because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before

the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE CHAPTER TITLE: Land Acquisition Procedures With

RULE CHAPTER NO.: 9K-6

Preservation 2000 Funds

9K-6

RULE TITLES:

RULE NOS.:

Trust Governing Body Action

9K-6.013

Closing

9K-6.014

PURPOSE AND EFFECT: The proposed rule amendment is needed to streamline the procedure for project plan approval and shorten the time for related real estate acquisitions.

SUBJECT AREA TO BE ADDRESSED: Acquisition procedures of the Florida Communities Trust Act.

SPECIFIC AUTHORITY: 380.507(11) FS.

LAW IMPLEMENTED: 259.101, 375.045, 380.501-.515 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 (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. – 12:00 noon, June 14, 2000

PLACE: Randall Kelley Training Center, 3rd Floor, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ann Wild, Trust Counsel, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, Suncom 292-2207, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ann Wild, Trust Counsel, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, Suncom 292-2207

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9K-6.013 Trust Governing Body Action.

(1) No change.

(2) ~~The Trust shall consider Consideration and approve approval~~ of the terms of the acquisition, together with all other requirements associated with the grant award to the recipient and the release of funds for the grants, ~~shall occur at a regularly scheduled meeting of the governing body of the Trust.~~

(3) through (4) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.101, 375.045, 380.501-.515 FS. History--New 7-7-94, Amended _____.

9K-6.014 Closing.

(1) No change.

(2) The Trust Executive Director shall have the authority to modify the purchase agreement previously approved by the ~~Trust governing body~~ to extend the time for option exercise, closing date, submittal deadlines or any other time limit relating to such agreement, provided the total extension of time for closing does not exceed 180 calendar days after the date contemplated in the purchase instrument approved by the ~~Trust governing body~~. The Executive Director shall also have the authority to execute or modify all documents necessary for the implementation of ~~Trust governing body~~ action, including but not limited to the purchase agreement, letter of notification of exercise of option, leases, easements, legal descriptions, deeds, assignments, and other miscellaneous agreements and affidavits, provided the modification does not change the substance nor the scope of ~~Trust governing body~~ approval, and provided the document executed or modified was either approved by the ~~Trust governing body~~ or contemplated by ~~Trust governing body~~ approval. Any changes in the purchase price to be paid to the owner not contemplated by the terms of the purchase agreement must be approved by the ~~Trust governing body~~. An extension or modification may only be made under the terms of the purchase agreement, or with the owner's agreement.

(3) through (8) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.101, 375.045, 380.501-.515 FS. History--New 7-7-94, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Maximum Management
PURPOSE AND EFFECT: The purpose of the proposed rule is to establish placement criteria, guidelines for conditions of, and procedures relating to maximum management. The effect is to clarify: the purpose of maximum management; applicable definitions; placement criteria and procedures; physical conditions and privileges of inmates; procedures relating to hearings on placement; review of placement; appeals; security procedures; and, other conditions of placement.
SUBJECT AREA TO BE ADDRESSED: Maximum Management.
SPECIFIC AUTHORITY: 944.09 FS.
LAW IMPLEMENTED: 944.09 FS.

RULE NO.: 33-601.820

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

TIME AND DATE: 9:00 a.m., June 13, 2000

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.820 Maximum Management.

(1) General. Maximum Management is a temporary status for an inmate who, through a current incident or a series of current incidents, has been identified as being an extreme security risk to the Department and requires an immediate level of control beyond that available in close management or death row.

(2) Definitions.

(a) Close Management I (CM I) – the most restrictive single cell housing level of all the close management status designations.

(b) Institutional Classification Team (ICT) – refers to the team responsible for making local classification decisions. The Institutional Classification Team shall be comprised of the Warden or Assistant Warden who shall serve as Chairperson, Classification Supervisor, Chief of Security, and other members as necessary when appointed by the warden or designated by rule.

(c) Maximum Management (MM) – refers to a temporary status for an inmate who, through a current incident or series of current incidents, has been identified as being an extreme security risk to the Department and requires an immediate level of control beyond that available in close management or death row.

(d) Maximum Management Cell – a single-cell housing type that has a grille front and door, a solid door external to the grille and a securable opening for feeding and cuffing.

(e) Maximum Management Review Team (MMRT) – refers to the committee in Central Office that has approval authority for recommendations for placement in maximum management. The MMRT shall consist of the following staff or those acting in that capacity: Chief, Bureau of Classification and Central Records (Chairperson); Chief, Bureau of Security Operations; Deputy Director of Health Services (Clinical), and Regional Director.

(f) Shift Supervisor – the highest-ranking Correctional Officer of the on-duty shift.

(g) Staff Assistant – refers to an employee assigned to the inmate to explain the recommendation for placement or procedures to the inmate when the inmate is illiterate or does not understand English. A staff assistant shall not take the position of an advocate or defense attorney.

(h) State Classification Office (SCO) – refers to a staff member at the central office level who is responsible for the review of the inmate classification decisions. Duties include approving or rejecting Institutional Classification Team (ICT) recommendations.

(3) Maximum Management Placement Criteria.

(a) An inmate shall have, at a minimum, met the criteria for placement in Close Management I or death row and participated in a current incident or series of current incidents which demonstrate:

1. The inmate's ability to effect an escape from a secure environment;

2. The inmate's demonstrated willingness to use deadly force in a correctional setting;

3. The inmate's involvement in dangerous acts which could lead to a person's injury or death, or insurrection; or

4. Other management problems that require an immediate level of control which exceeds that available in close management or death row.

(b) Whenever an inmate has met at least one of the conditions above, and the Shift Supervisor believes that the inmate cannot be controlled in a status less than maximum management, the Shift Supervisor shall recommend immediate placement in maximum management by completing Section 1 of Form DC6-101, Referral for Maximum Management. Form DC6-101 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Approval from the Duty Warden shall be received prior to placement of the inmate in maximum management.

(c) The Duty Warden shall approve or disapprove the immediate placement of an inmate in maximum management by signing Form DC6-101, Referral for Maximum Management.

(d) Whenever an inmate has met at least one of the conditions in 33-601.820(3)(a) and the Shift Supervisor believes that the inmate should be reviewed for but not immediately placed in maximum management at the present time, then the Shift Supervisor shall recommend placement by completing Section 1 of Form DC6-101, Referral for Maximum Management. The Shift Supervisor shall notify the Classification Supervisor in writing of the recommendation no later than the following administrative workday.

(e) The Classification Supervisor shall docket the inmate's hearing before the Institutional Classification Team for considering placement in maximum management status in accordance with 33-601.820(6).

(4) Conditions of Placement in Maximum Management.

(a) Any inmate initially placed into maximum management will be provided the following:

1. Clothing – (one set of blue pants and shirt, boxer shorts, tee shirt, coat during the winter, and one pair of shower slides);

2. Bedding – (one mattress, one pillow and one blanket);

3. Reading materials – (a bible or religious testament only);

4. Out-of-doors recreation – (limited to once every 30 days);

5. Meals shall be served on paper or styrofoam products only;

6. Legal materials;

7. Inmate Grievance forms;

8. Visits with attorney or emergency visits as approved by the warden;

9. Phone calls for legal or emergency purposes as approved by the warden;

10. Mail correspondence for the purpose of conducting legal business only.

(b) Inmates in maximum management status shall not be allowed to make routine bank transactions or canteen purchases, with the exception of stamp purchases for legal mail.

(c) The conditions set forth in (a) above shall be reviewed at least weekly by the ICT, and when the ICT determines the inmate has sufficiently demonstrated positive adjustment, consideration shall be given to adjusting the inmate's conditions. The Institutional Classification Team shall document their justification for adjustment on Form DC6-101, Referral for Maximum Management. The State Classification Office, upon their review, may also consider adjusting the inmate's conditions. Any adjustment made by the State Classification Office shall be documented on Form DC6-101.

(d) If, based on the inmate's overall adjustment, a relaxed condition needs additional review, the Institutional Classification Team or State Classification Office shall follow the procedure set forth in Rule 33-601.820(9).

(5) Inmate Notice of Maximum Management Hearing. The Shift Supervisor who recommends placing an inmate in maximum management shall ensure delivery of the Notice of Referral for Maximum Management, Form DC6-101, to the inmate prior to being relieved of duty. Form DC6-101 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____. The written notice will provide the inmate with an explanation of the reason for the recommendation or placement and inform the inmate that a hearing will be held no sooner than 24 hours of the recommended placement in maximum management. The inmate may waive the 24-hour period or appearance at the

hearing by signing the Inmate Waiver, Form DC6-104. Form DC6-104 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(6) Conducting the Hearing.

(a) The Institutional Classification Team (ICT) shall conduct a hearing with the inmate to determine whether placement in maximum management is appropriate.

(b) The inmate shall be present for the hearing, unless:

1. The inmate waives his right to appear by signing the Inmate Waiver Form DC6-104; or

2. The inmate's behavior jeopardizes the security or safety of the institution or the hearing as determined by the Institutional Classification Team chairperson. The reasons the inmate did not appear at the hearing shall be documented on Form DC6-101, Referral for Maximum Management.

(c) If the Institutional Classification Team chairperson determines the need for staff assistance based upon language barriers or other existing barriers, the chairperson shall appoint a staff assistant.

(d) The chairperson shall offer the inmate the opportunity to make a verbal statement or present a written statement.

(e) The Institutional Classification Team chairperson shall have authority to postpone the hearing to gather further information or order an investigation regarding any pertinent issues.

(f) The Institutional Classification Team shall approve or disapprove the recommendation for placement in maximum management.

(g) The inmate shall be informed verbally and in writing of the ICT decision.

(h) If the Institutional Classification Team disapproves placement, the inmate shall immediately be reclassified to his original status and removed from the maximum management cell.

(i) If the Institutional Classification Team approves placement, the decision will be forwarded to the Chairperson of the State Classification Office who will schedule the referral for review by the MMRT.

(7) Final Review of Placement.

(a) The MMRT shall approve or disapprove the ICT recommendation based on the criteria in section (3)(a). If the ICT recommendation is incomplete or additional data is needed, the MMRT shall return the recommendation to the ICT for additional information.

(b) If the MMRT disapproves placement, the inmate shall immediately be reclassified to his original status, unless the Institutional Classification Team appeals the decision of the MMRT as outlined in 33-601.820(10).

(8) Review of Maximum Management.

(a) The Institutional Classification Team shall review the inmate's maximum management status weekly for the first two months from the date of placement, and monthly thereafter.

1. A recommendation for release from maximum management shall be set forth in memorandum and forwarded to the State Classification Office chairperson for review.

2. An inmate shall not be released from maximum management status until authorized by a member of the State Classification Office.

(b) If an inmate remains in maximum management status for 90 days or more, a member of the State Classification Office shall conduct an on-site review of the inmate's maximum management status every 90 days from the date of placement.

1. The Institutional Classification Team shall participate in the review of the inmate's adjustment with the State Classification Office member.

2. The State Classification Office member is authorized to reclassify an inmate from maximum management status at any point during the reviews.

3. The Institutional Classification team shall be authorized to appeal the decision to reclassify the inmate to the State Classification Office chairperson.

4. The inmate shall not be released from maximum management status until the State Classification Office chairperson rules upon the appeal. The ruling of the State Classification Office chairperson is final.

(9) Maximum Management Conditions After Initial Placement. Should the inmate's behavior require alteration of previously relaxed conditions as described in (4)(a), the Institutional Classification Team shall make the recommendation to the State Classification Office chairperson on Form DC6-101, Referral for Maximum Management. The State Classification Office chairperson shall approve, disapprove or modify the recommendations.

(10) Appeal Of An MMRT Decision.

(a) The Institutional Classification Team may appeal an MMRT decision to the Deputy Director of Institutions (Classification).

(b) The inmate shall remain in maximum management status pending the Institutional Classification Team appeal.

(c) The Deputy Director shall approve or modify the MMRT decision or reclassify the inmate.

(11) Security Requirements.

(a) All security requirements outlined in rules 33-601.801 through 33-601.813 for close management inmates are applicable for all maximum management inmates.

(b) Additionally, the following security precautions shall be followed for maximum management inmates:

- 1. The inmate shall remove all clothing to allow for a strip search and pass the clothing to the officers for thorough search before being restrained and exiting the cell. The inmate shall remain under constant visual surveillance during the process.
- 2. A MM inmate shall exit the cell only in handcuffs behind the back with handcuff cover and in the presence of a minimum of two officers.
- 3. Once out of the cell, the inmate shall be placed in leg irons and escorted by two correctional officers at all times.
- 4. The cell shall be thoroughly searched each time the inmate exits the cell for any reason, but no less frequently than three times each week.
- 5. When escorting a maximum management inmate past other maximum management inmate cells, the cells will have the solid security door and cuff/food port closed and secured.
- 6. Under no circumstances will any two maximum management inmates be out of the cells under escort in the same area at the same time.
- 7. A maximum management inmate shall submit to a visual strip search and clothing search each time the inmate is returned to the cell from any escort.

(12) Other Conditions Of Confinement.

- (a) Inmates in maximum management shall not be allowed to check out books from the library.
- (b) Religious services shall be delivered by institutional chaplaincy staff only.
- (c) Inmates in maximum management shall be required to conduct legal business by correspondence rather than a personal visit to the law library, when possible. If access to the law library is required, a secure cell in the law library shall be used to prevent direct contact with other inmates including law clerks.
- (d) Medication shall be dispensed and administered in accordance with Health Services protocols for confinement.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New _____.

LAND AND WATER ADJUDICATORY COMMISSION

Sampson Creek Community Development District

RULE CHAPTER TITLE: Sampson Creek Community Development District
 RULE CHAPTER NO.: 42DD-1
 RULE TITLES: Establishment
 Boundary
 Supervisors
 RULE NOS.: 42DD-1.001
 42DD-1.002
 42DD-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (CDD), the Sampson Creek Community Development District (“District”), pursuant to Chapter 190, F.S. The petition to establish the District, filed by The St. Joe/Arvida Company, L.P., (Petitioner), requests that the Florida Land and Water Adjudicatory Commission establish by rule the Sampson

Creek CDD. The land area proposed to be served by the District will consist of approximately 1,015 acres. All proposed lands in the District are within St. Johns County, generally located approximately 0.5 miles west of Interstate 95 and on the south side of County Road 210. The site is located on the east and west sides of Leo Maguire Road. There are two parcels located within the external boundaries of the proposed District which are to be excluded from the District. The parcels include a tower site of approximately 2.5 acres and a cemetery site of approximately 1.3 acres. The proposed development with the District contemplates the construction of approximately 799 single family residential dwelling units, with associated retention areas, roadways, common areas, a recreation complex and an eighteen-hole golf course including associated maintenance facilities. Development is projected to occur over an estimated ten year period. The proposed land uses for lands contained within the proposed District are consistent with the approved St. Johns County Future Land Use Plan. The District, if established, is presently expected to construct, acquire and/or install roadways, utility improvements, a public recreation facility with associated landscaping, security improvements and water management improvements for the lands within the District.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Sampson Creek Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Monday, June 12, 2000

PLACE: Room 2106, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)488-7793, at least 5 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan T. Johnson, Hopping Green Sams & Smith, Post Office Box 6526, Tallahassee, Florida 32314, telephone (850)222-7500 or Barbara Leighty, Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

42DD-1.001 Establishment.

The Sampson Creek Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS.
History—New _____.

42DD-1.002 Boundary.

The boundaries of the district are as follows:

PARCEL "A"

A PART OF SECTIONS 17, 19, 20, 29, AND 41, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT A CONCRETE RAYONIER MONUMENT SITUATED IN THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 210 (A 100 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), AT THE MOST WESTERLY CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 215, PAGE 876 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY; THENCE S 32°12'14" E, ALONG THE SOUTHWESTERLY BOUNDARY OF SAID LANDS, A DISTANCE OF 325.08 FEET TO A CONCRETE RAYONIER MONUMENT; THENCE S 78°39'07" E, ALONG THE SOUTHERLY BOUNDARY OF SAID LANDS, A DISTANCE OF 444.40 FEET; THENCE S 23°06'51" W, A DISTANCE OF 4424.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1590.00 FEET; THENCE SOUTHWESTERLY 1100.22 FEET ALONG THE ARC OF SAID CURVE, A CHORD BEARING S 42°56'15" W AND A CHORD DISTANCE OF 1078.40 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 62°45'39" W, A DISTANCE OF 427.87 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1700.10 FEET; THENCE SOUTHWESTERLY 1086.64 FEET ALONG THE ARC OF SAID CURVE A CHORD BEARING S 44°33'22" W AND A CHORD DISTANCE OF 1068.45 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 26°21'05" W, A DISTANCE OF 429.59 FEET; THENCE DUE WEST 787.18 FEET; THENCE N 61°55'39" W, A DISTANCE OF 832.24 FEET; THENCE DUE NORTH A DISTANCE OF 600.00 FEET; THENCE DUE EAST, A DISTANCE OF 750.00 FEET; THENCE DUE NORTH, A DISTANCE OF 600.00 FEET; THENCE N 72°15'19" E, A DISTANCE OF 2624.88 FEET; THENCE N 00°00'43" E, A DISTANCE OF 2449.07 FEET; THENCE N 58°23'09" E, A DISTANCE OF 1526.49 FEET; THENCE N 32°28'57" W, A DISTANCE OF 706.30 FEET; THENCE NORTHEASTERLY 187.88 FEET ALONG THE ARC OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 2339.48 FEET, ALONG THE AFORESAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 210, A CHORD BEARING N 60°05'51" E, AND A CHORD DISTANCE OF 187.83 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N 57°47'48" E, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE,

A DISTANCE OF 438.25 FEET TO THE POINT OF BEGINNING CONTAINING 179.05 ACRES MORE OR LESS; BEING THE SAME LANDS DESCRIBED AS PARCEL A, IN OFFICIAL RECORDS BOOK 724, PAGE 1696 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY.

PARCEL "B"

A PART OF SECTIONS 20, 28 AND 29, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT A CONCRETE RAYONIER MONUMENT SITUATED IN THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 210 (A 100 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), AT THE MOST WESTERLY CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 215, PAGE 876 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY; THENCE S 32°12'14" E, ALONG THE SOUTHWESTERLY BOUNDARY OF SAID LANDS, A DISTANCE OF 325.08 FEET TO A CONCRETE RAYONIER MONUMENT; THENCE S 78°39'07" E, ALONG THE SOUTHERLY BOUNDARY OF SAID LANDS, A DISTANCE OF 566.97 FEET; THENCE S 23°06'51" W, A DISTANCE OF 1621.90 FEET TO THE POINT OF BEGINNING; THENCE S 38°14'02" E, A DISTANCE OF 2347.25 FEET; THENCE S 15°56'43" E, A DISTANCE OF 2233.98 FEET; THENCE N 89°58'05" E, A DISTANCE OF 1034.24 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (I-95); THENCE SOUTHEASTERLY 1394.21 FEET ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 3926.77 FEET, A CHORD BEARING S 17°18'47" E AND A CHORD DISTANCE OF 1386.90 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 27°29'04" E, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF I-95, A DISTANCE OF 771.76 FEET; THENCE S 30°56'36" W, A DISTANCE OF 806.94 FEET; THENCE S 89°58'25" W, A DISTANCE OF 4301.90 FEET; THENCE N 00°00'09" W, A DISTANCE OF 805.66 FEET; THENCE N 63°38'55" W, A DISTANCE OF 2590.10 FEET; THENCE N 26°21'05" E, A DISTANCE OF 429.59 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1590.00 FEET; THENCE NORTHEASTERLY 1010.39 FEET ALONG THE ARC OF SAID CURVE, A CHORD BEARING N 44°33'22" E, AND A CHORD DISTANCE OF 993.47 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N 62°45'39" E, A DISTANCE OF 427.87 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1710.00 FEET; THENCE NORTHEASTERLY 1183.26 FEET ALONG THE ARC OF SAID CURVE, A CHORD

BEARING N 42°56'15" E AND A CHORD DISTANCE OF 1159.79 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N 23°06'51" E, A DISTANCE OF 648.62 FEET; THENCE S 89°43'40" E, A DISTANCE OF 387.99 FEET; THENCE N 00°14'32" E, A DISTANCE OF 603.56 FEET; THENCE N 82°20'31" W, A DISTANCE OF 127.59 FEET; THENCE N 23°06'51" E, A DISTANCE OF 1506.34 FEET TO THE POINT OF BEGINNING CONTAINING 539.14 ACRES MORE OR LESS BEING THE SAME LANDS DESCRIBED AS PARCEL B, IN OFFICIAL RECORDS BOOK 724, PAGE 1696 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY.

PARCEL "C"

A PART OF SECTIONS 17, 20, 29, AND 41, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT A CONCRETE RAYONIER MONUMENT SITUATED IN THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 210 (A 100 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), AT THE MOST WESTERLY CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 215, PAGE 876 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY; THENCE S 32°12'14" E, ALONG THE SOUTHWESTERLY BOUNDARY OF SAID LANDS, A DISTANCE OF 325.08 FEET TO A CONCRETE RAYONIER MONUMENT; THENCE S 78°39'07" E, ALONG THE SOUTHERLY BOUNDARY OF SAID LANDS, A DISTANCE OF 444.40 FEET; THENCE S 23°06'51" W, A DISTANCE OF 1531.33 FEET TO THE POINT OF BEGINNING; THENCE S 23°06'51" W, A DISTANCE OF 2893.44 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1590.00 FEET; THENCE SOUTHWESTERLY 1100.22 FEET ALONG THE ARC OF SAID CURVE, A CHORD BEARING S 42°56'15" W AND A CHORD DISTANCE OF 1078.40 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 62°45'39" W, A DISTANCE OF 427.87 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1710.00 FEET; THENCE SOUTHWESTERLY 1086.64 FEET ALONG THE ARC OF SAID CURVE A CHORD BEARING S 44°33'22" W AND A CHORD DISTANCE OF 1068.45 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 26°21'05" W, A DISTANCE OF 429.59 FEET; THENCE S 63°38'55" E, A DISTANCE OF 120.00 FEET; THENCE N 26°21'05" E, A DISTANCE OF 429.59 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1590.00 FEET; THENCE NORTHEASTERLY 1010.39 FEET ALONG THE ARC OF SAID CURVE, A CHORD BEARING N 44°33'22" E AND A CHORD DISTANCE OF 993.47 FEET TO THE POINT OF TANGENCY OF SAID

CURVE; THENCE N 62°45'39" E, A DISTANCE OF 427.87 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1710.00 FEET; THENCE NORTHEASTERLY 1183.26 FEET ALONG THE ARC OF SAID CURVE, A CHORD BEARING N 42°56'15" E AND A CHORD DISTANCE OF 1159.79 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N 23°06'51" E, A DISTANCE OF 2827.87 FEET; THENCE N 66°53'09" W, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING CONTAINING 16.18 ACRES MORE OR LESS; BEING A PART OF THE SAME LANDS DESCRIBED AS PARCEL C, IN OFFICIAL RECORDS BOOK 724, PAGE 1696 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY.

PARCEL "D"

A PART OF SECTIONS 17, AND 20, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT A CONCRETE RAYONIER MONUMENT SITUATED IN THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 210 (A 100 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), AT THE MOST WESTERLY CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 215, PAGE 876 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY; THENCE S 57°47'48" W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 438.25 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 2339.48 FEET; THENCE SOUTHWESTERLY 187.88 FEET ALONG THE ARC OF SAID CURVE, A CHORD BEARING S 60°05'51" W AND A CHORD DISTANCE OF 187.83 FEET TO THE POINT OF BEGINNING; THENCE S 32°28'57" W, A DISTANCE OF 706.30 FEET; THENCE S 58°23'09" W, A DISTANCE OF 1526.49 FEET; THENCE N 00°00'43" E, A DISTANCE OF 1135.26 FEET; THENCE NORTHEASTERLY 963.47 FEET ALONG THE AFORESAID SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 210, ALONG THE ARC OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 2339.48 FEET, A CHORD BEARING N 74°11'46" E AND A CHORD DISTANCE OF 956.67 FEET TO THE POINT OF BEGINNING; CONTAINING 23.64 ACRES MORE OR LESS;

CONSERVATION EASEMENT

38.00 ACRE CONSERVATION EASEMENT DESCRIBED IN EXHIBIT "A" RECORDED IN OFFICIAL RECORDS BOOK 1201, PAGE 1121, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PARCEL "E"

A PART OF SECTIONS 28 AND 29, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT A CONCRETE RAYONIER MONUMENT SITUATED IN THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 210 (A 100 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), AT THE MOST WESTERLY CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 215, PAGE 876 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY; THENCE S 32°12'14" E, ALONG THE SOUTHWESTERLY BOUNDARY OF SAID LANDS, A DISTANCE OF 325.08 FEET TO A CONCRETE RAYONIER MONUMENT THENCE S 78°39'07" E, ALONG THE SOUTHERLY BOUNDARY OF SAID LANDS, A DISTANCE OF 566.97 FEET; THENCE S 23°06'51" W, A DISTANCE OF 1621.90 FEET; THENCE S 38°14'02" E, A DISTANCE OF 2347.25 FEET; THENCE S 15°56'43" E, A DISTANCE OF 2233.98 FEET; THENCE N 89°58'05" E, A DISTANCE OF 1034.24 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (I-95); THENCE SOUTHEASTERLY 1394.21 FEET ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 3926.77 FEET, A CHORD BEARING S 17°18'47" E AND A CHORD DISTANCE OF 1386.90 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 27°29'04" E, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF I-95, A DISTANCE OF 771.76 FEET; THENCE S 30°56'36" W, A DISTANCE OF 806.94 FEET; THENCE S 89°58'25" W, A DISTANCE OF 177.43 FEET TO THE POINT OF BEGINNING; THENCE S 33°17'36" W, A DISTANCE OF 118.78 FEET; THENCE S 22°47'34" W, A DISTANCE OF 84.46 FEET; THENCE S 42°22'03" W, A DISTANCE OF 268.72 FEET; THENCE S 48°53'11" W, A DISTANCE OF 117.43 FEET; THENCE S 58°05'45" W, A DISTANCE OF 434.94 FEET; THENCE S 74°34'25" W, A DISTANCE OF 93.54 FEET; THENCE S 87°08'14" W, A DISTANCE OF 294.15 FEET; THENCE S 80°44'39" W, A DISTANCE OF 9.55 FEET; THENCE S 88°00'58" W, A DISTANCE OF 70.77 FEET; THENCE S 75°10'10" W, A DISTANCE OF 2470.49 FEET; THENCE N 21°32'44" W, A DISTANCE OF 1457.75 FEET; THENCE N 89°58'25" E, A DISTANCE OF 4124.47 FEET TO THE POINT OF BEGINNING CONTAINING 80.0 ACRES MORE OR LESS;

PARCEL "F"

A PART OF SECTIONS 28 AND 29, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE

AT THE NORTHWEST CORNER OF A 38.00 ACRE CONSERVATION EASEMENT DESCRIBED IN EXHIBIT "A" RECORDED IN OFFICIAL RECORDS BOOK 1201, PAGE 1121 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID CONSERVATION EASEMENT THE FOLLOWING SEVEN COURSES: COURSE (1) S 02°27'40" E, A DISTANCE OF 240.76 FEET; COURSE (2) S 86°46'19" E, A DISTANCE OF 315.11 FEET; COURSE (3) S 60°42'09" E, A DISTANCE OF 98.24 FEET; COURSE (4) S 88°36'23" E, A DISTANCE OF 161.94 FEET; COURSE (5) S 00°43'05" E, A DISTANCE OF 210.42 FEET; COURSE (6) S 54°21'35" W, A DISTANCE OF 565.23 FEET; COURSE (7) S 31°12'25" E, A DISTANCE OF 206.04 FEET; THENCE N 89°37'57" W, A DISTANCE OF 546.00 FEET; THENCE N 56°41'25" W, A DISTANCE OF 1217.03 FEET; THENCE N 75°10'10" E, A DISTANCE OF 1386.59 FEET TO THE POINT OF BEGINNING CONTAINING 24.84 ACRES MORE OR LESS.

PARCEL "G"

A PARCEL OF LAND BEING A PORTION OF SECTIONS 20 AND 21, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF THE F. J. FATIO GRANT, SECTION 40, SAID TOWNSHIP 5 SOUTH, RANGE 28 EAST, SAID POINT BEING MONUMENTED BY A LIGHTER WOOD POST; THENCE N 88°35'02" E, ALONG THE SOUTH LINE OF SAID SECTION 40 (BEING THE NORTH LINE OF SAID SECTIONS 20 AND 21), A DISTANCE OF 861.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 9, ALSO KNOWN AS INTERSTATE I-95 (A 300 FOOT LIMITED ACCESS RIGHT-OF-WAY AS PER THE STATE OF FLORIDA, STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP SECTION NO. 78080-2403, RECORDED IN ROAD PLAT BOOK 1, PAGE 1 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA); THENCE S 03°07'28" E, ALONG THE WESTERLY LINE OF SAID STATE ROAD NO. 9, ALSO KNOWN AS INTERSTATE I-95, A DISTANCE OF 1529.33 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES: COURSE NO. 1: S 03°07'28" E, A DISTANCE OF 2724.01 FEET TO THE POINT OF CURVATURE OF A CURVE LEADING SOUTHERLY; COURSE NO. 2: THENCE SOUTHERLY ALONG AND AROUND THE ARC OF A CURVE BEING CONCAVE EASTERLY, HAVING A RADIUS OF 3,925.72 FEET, THROUGH A CENTRAL ANGLE OF 04°05'20" TO THE LEFT, AN ARC DISTANCE OF 280.15 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 21,

LAST SAID LINE BEING SUBTENDED BY A CHORD BEARING A DISTANCE OF S 05°10'08" E, 280.09 FEET; THENCE S 89°58'05" W, ALONG THE AFORESAID SOUTH LINE OF SAID SECTION 21, AND THEN ALONG THE SOUTH LINE OF SAID SECTION 20, A DISTANCE OF 1031.26 FEET TO A POINT; THENCE N 15°56'43" W, A DISTANCE OF 2,233.98 FEET TO A POINT; THENCE N 38°14'02" W, A DISTANCE OF 1779.51 FEET; THENCE N 56°56'37" E, A DISTANCE OF 45.05 FEET; THENCE N 84°58'49" E, A DISTANCE OF 33.97 FEET; THENCE S 45°12'54" E, A DISTANCE OF 40.39 FEET; THENCE N 54°28'38" E, A DISTANCE OF 32.35 FEET; THENCE N 20°07'33" W, A DISTANCE OF 50.80 FEET; THENCE N 41°31'46" E, A DISTANCE OF 60.26 FEET; THENCE N 33°02'14" W, A DISTANCE OF 50.24 FEET; THENCE N 65°37'11" E, A DISTANCE OF 55.27 FEET; THENCE N 62°47'45" E, A DISTANCE OF 45.40 FEET; THENCE S 43°26'38" E, A DISTANCE OF 49.66 FEET; THENCE S 42°18'16" W, A DISTANCE OF 93.80 FEET; THENCE S 13°18'36" W, A DISTANCE OF 74.66 FEET; THENCE S 02°58'19" E, A DISTANCE OF 34.98 FEET; THENCE S 71°56'02" W, A DISTANCE OF 38.01 FEET; THENCE S 13°12'52" W, A DISTANCE OF 90.35 FEET; THENCE N 85°01'22" E, A DISTANCE OF 38.00 FEET; THENCE N 55°55'32" E, A DISTANCE OF 66.14 FEET; THENCE S 18°33'36" E, A DISTANCE OF 44.41 FEET; THENCE S 63°55'06" E, A DISTANCE OF 45.45 FEET; THENCE S 17°08'24" W, A DISTANCE OF 57.02 FEET; THENCE S 65°29'57" E, A DISTANCE OF 45.89 FEET; THENCE S 89°21'43" E, A DISTANCE OF 46.92 FEET; THENCE N 17°03'33" E, A DISTANCE OF 60.93 FEET; THENCE N 09°18'18" W, A DISTANCE OF 63.70 FEET; THENCE N 25°45'36" W, A DISTANCE OF 51.19 FEET; THENCE N 81°55'37" W, A DISTANCE OF 45.14 FEET; THENCE N 22°32'12" E, A DISTANCE OF 43.18 FEET; THENCE N 52°01'59" W, A DISTANCE OF 31.49 FEET; THENCE N 30°47'13" W, A DISTANCE OF 34.23 FEET; THENCE N 76°11'45" E, A DISTANCE OF 51.53 FEET; THENCE N 66°46'51" E, A DISTANCE OF 54.96 FEET; THENCE S 18°05'28" E, A DISTANCE OF 36.46 FEET; THENCE N 35°34'17" E, A DISTANCE OF 59.04 FEET; THENCE S 76°13'03" E, A DISTANCE OF 43.73 FEET; THENCE N 26°26'15" E, A DISTANCE OF 55.87 FEET; THENCE S 62°53'03" E, A DISTANCE OF 55.82 FEET; THENCE S 01°23'50" W, A DISTANCE OF 63.71 FEET; THENCE S 68°07'06" W, A DISTANCE OF 50.33 FEET; THENCE S 41°14'29" W, A DISTANCE OF 42.88 FEET; THENCE S 19°12'34" E, A DISTANCE OF 46.82 FEET; THENCE S 20°30'09" E, A DISTANCE OF 30.94 FEET; THENCE S 45°06'36" E, A DISTANCE OF 34.10 FEET; THENCE N 41°17'30" E, A DISTANCE OF 52.03 FEET; THENCE N 15°39'51" E, A DISTANCE OF 57.52 FEET; THENCE S 84°59'23" E, A DISTANCE OF 49.25 FEET; THENCE N 54°37'43" E, A DISTANCE OF 46.97 FEET; THENCE S

75°25'32" E, A DISTANCE OF 40.39 FEET; THENCE S 33°50'56" E, A DISTANCE OF 53.43 FEET; THENCE N 74°53'51" E, A DISTANCE OF 66.32 FEET; THENCE N 39°00'22" E, A DISTANCE OF 50.69 FEET; THENCE S 65°36'27" E, A DISTANCE OF 34.62 FEET; THENCE N 73°15'34" E, A DISTANCE OF 39.52 FEET; THENCE S 44°26'10" E, A DISTANCE OF 25.79 FEET; THENCE S 21°54'48" W, A DISTANCE OF 33.67 FEET; THENCE S 11°18'36" W, A DISTANCE OF 50.78 FEET; THENCE S 89°06'21" E, A DISTANCE OF 31.38 FEET; THENCE N 42°52'21" E, A DISTANCE OF 41.71 FEET; THENCE N 27°22'13" W, A DISTANCE OF 51.49 FEET; THENCE N 11°35'50" E, A DISTANCE OF 38.34 FEET; THENCE N 45°02'28" E, A DISTANCE OF 66.70 FEET; THENCE S 83°26'05" E, A DISTANCE OF 50.80 FEET; THENCE N 63°58'25" E, A DISTANCE OF 78.46 FEET; THENCE S 16°35'37" E, A DISTANCE OF 36.74 FEET; THENCE S 26°08'23" E, A DISTANCE OF 56.48 FEET; THENCE N 75°03'57" E, A DISTANCE OF 39.91 FEET; THENCE N 57°18'52" E, A DISTANCE OF 45.86 FEET; THENCE N 88°52'38" E, A DISTANCE OF 90.93 FEET; THENCE S 62°08'48" E, A DISTANCE OF 44.65 FEET; THENCE S 40°46'20" E, A DISTANCE OF 37.61 FEET; THENCE S 20°23'46" E, A DISTANCE OF 51.75 FEET; THENCE S 73°55'36" E, A DISTANCE OF 29.33 FEET; THENCE N 59°24'29" E, A DISTANCE OF 36.85 FEET; THENCE S 80°53'42" E, A DISTANCE OF 31.74 FEET; THENCE N 38°51'41" E, A DISTANCE OF 68.08 FEET; THENCE N 55°25'36" E, A DISTANCE OF 82.37 FEET; THENCE S 64°53'11" E, A DISTANCE OF 59.83 FEET; THENCE S 74°56'08" E, A DISTANCE OF 90.32 FEET; THENCE S 15°0'44" E, A DISTANCE OF 96.81 FEET; THENCE S 18°02'48" W, A DISTANCE OF 90.44 FEET; THENCE S 07°59'12" E, A DISTANCE OF 58.67 FEET; THENCE S 03°46'51" W, A DISTANCE OF 60.60 FEET; THENCE S 10°30'12" W, A DISTANCE OF 65.08 FEET; THENCE S 66°36'49" E, A DISTANCE OF 44.20 FEET; THENCE N 35°15'09" E, A DISTANCE OF 46.31 FEET; THENCE N 38°54'07" E, A DISTANCE OF 36.51 FEET; THENCE S 48°56'39" E, A DISTANCE OF 27.70 FEET; THENCE 16°42'43" E, A DISTANCE OF 25.04 FEET; THENCE S 35°48'31" W, A DISTANCE OF 30.00 FEET; THENCE S 45°47'56" W, A DISTANCE OF 46.84 FEET; THENCE S 50°18'47" E, A DISTANCE OF 62.46 FEET; THENCE S 10°34'27" W, A DISTANCE OF 87.97 FEET; THENCE S 66°33'13" W, A DISTANCE OF 41.47 FEET; THENCE N 32°48'46" W, A DISTANCE OF 42.66 FEET; THENCE S 72°41'18" W, A DISTANCE OF 31.22 FEET; THENCE S 01°39'28" E, A DISTANCE OF 36.54 FEET; THENCE S 40°32'12" E, A DISTANCE OF 32.10 FEET; THENCE S 73°33'46" E, A DISTANCE OF 58.11 FEET; THENCE N 67°58'31" E, A DISTANCE OF 46.09 FEET; THENCE S 53°30'10" E, A DISTANCE OF 56.99 FEET; THENCE S 48°31'39" E, A DISTANCE OF 58.51 FEET; THENCE S

10°29'16" W, A DISTANCE OF 49.68 FEET; THENCE S 25°58'51" W, A DISTANCE OF 69.60 FEET; THENCE S 22°46'02" E, A DISTANCE OF 27.77 FEET; THENCE S 89°26'05" E, A DISTANCE OF 31.56 FEET; THENCE N 71°23'10" E, A DISTANCE OF 32.09 FEET; THENCE S 50°53'00" E, A DISTANCE OF 57.46 FEET; THENCE S 55°16'53" E, A DISTANCE OF 63.46 FEET; THENCE S 68°28'52" E, A DISTANCE OF 77.45 FEET; THENCE N 73°08'58" E, A DISTANCE OF 75.57 FEET; THENCE S 52°04'59" E, A DISTANCE OF 42.01 FEET; THENCE N 77°17'23" E, A DISTANCE OF 59.16 FEET; THENCE N 41°50'22" E, A DISTANCE OF 49.63 FEET; THENCE S 54°20'06" E, A DISTANCE OF 51.85 FEET; THENCE N 89°30'17" E, A DISTANCE OF 51.53 FEET; THENCE N 27°57'03" E, A DISTANCE OF 25.13 FEET; THENCE N 44°15'20" W, A DISTANCE OF 57.13 FEET; THENCE N 72°42'15" W, A DISTANCE OF 58.48 FEET; THENCE N 57°54'54" W, A DISTANCE OF 24.76 FEET; THENCE N 73°02'24" W, A DISTANCE OF 39.15 FEET; THENCE N 66°00'25" W, A DISTANCE OF 24.14 FEET; THENCE S 81°45'07" E, A DISTANCE OF 26.44 FEET; THENCE N 18°01'16" E, A DISTANCE OF 13.97 FEET; THENCE N 78°16'53" W, A DISTANCE OF 40.72 FEET; THENCE N 75°58'33" W, A DISTANCE OF 45.78 FEET; THENCE N 78°28'08" W, A DISTANCE OF 43.81 FEET; THENCE N 70°47'39" W, A DISTANCE OF 30.16 FEET; THENCE N 62°50'53" W, A DISTANCE OF 20.52 FEET; THENCE S 85°33'07" E, A DISTANCE OF 17.49 FEET; THENCE S 71°56'51" E, A DISTANCE OF 36.36 FEET; THENCE S 75°08'19" E, A DISTANCE OF 31.61 FEET; THENCE S 85°06'52" E, A DISTANCE OF 41.50 FEET; THENCE N 17°36'20" E, A DISTANCE OF 38.39 FEET; THENCE N 43°18'32" E, A DISTANCE OF 22.51 FEET; THENCE S 11°38'51" E, A DISTANCE OF 46.83 FEET; THENCE S 36°43'12" E, A DISTANCE OF 35.57 FEET; THENCE S 80°35'40" E, A DISTANCE OF 34.80 FEET; THENCE N 01°48'04" W, A DISTANCE OF 22.10 FEET; THENCE N 05°23'31" E, A DISTANCE OF 54.65 FEET; THENCE N 30°23'59" E, A DISTANCE OF 35.58 FEET; THENCE N 18°42'50" E, A DISTANCE OF 48.99 FEET; THENCE N 60°56'57" E, A DISTANCE OF 21.06 FEET; THENCE S 70°51'27" E, A DISTANCE OF 62.32 FEET; THENCE N 87°50'43" E, A DISTANCE OF 61.30 FEET; THENCE N 63°12'49" E, A DISTANCE OF 55.55 FEET; THENCE N 68°54'02" E, A DISTANCE OF 31.49 FEET; THENCE N 64°56'05" E, A DISTANCE OF 21.14 FEET TO THE POINT OF BEGINNING CONTAINING 114.57 ACRES MORE OR LESS.

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History–New _____.

42DD-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Morgan S. Brown, David Tillis, Ed Hill, Harry Waldron, and Nancy Zyski.

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History–New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Florida Commission on Human Relations

RULE TITLE: _____ RULE NO.: _____

Executive Director’s Investigatory

Determination; Notice 60Y-5.004

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: The Executive Director’s investigatory determination and notice of the determination.

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

LAW IMPLEMENTED: 760.11 FS.

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

TIME AND DATE: 10:00 a.m., June 14, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dana Baird, General Counsel, Florida Commission on Human Relations, 325 John Knox Road, Suite 240, Building F, Tallahassee, Florida 32303-4149, whose telephone number is (850)488-7082, Ext. 1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60Y-5.004 Executive Director’s Investigatory Determination; Notice.

(1) through (4) No change.

(5) A Notice of Determination of No Reasonable Cause, No Jurisdiction or Untimeliness shall advise the complainant of the right to file a Petition for Relief, pursuant to Rule 60Y-5.008, within 35 ~~30~~ days of service of the notice. A form, Petition for Relief, hereby incorporated by reference, in blank, shall be provided to the complainant at the time of service of the notice.

~~(6) A Notice of Determination shall further advise the parties of the right to request redetermination, pursuant to Rule 60Y-5.007, within 20 days of service of the notice. If the~~

~~complainant requests redetermination, the 30-day period for filing a Petition for Relief shall be tolled until service of a Notice of Redetermination.~~

(6)(7) After service of a Notice of Determination, the parties named in the determination may inspect the records and documents, in the custody of the Commission, which pertain to the determination. The Executive Director may direct that a particular record, document or portion thereof be withheld from inspection by a party only when necessary for the protection of a witness or third party, or for the preservation of a trade secret.

Specific Authority ~~760.06(12), 760.11(14) 760.06(13)~~ FS. Law Implemented ~~760.11 760.06, 760.10~~ FS. History—New 11-2-78, Amended 6-16-83, 8-12-85, Formerly 22T-9.04, 22T-9.004, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLES: RULE NOS.:
 Definitions 61-5.002
 License Renewal Fee Waivers 61-5.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement the amendment made to section 455.219(1), Florida Statutes, passed during the 2000 Legislative Session in section 8 of Senate Bill 1016. This amendment authorizes the Department to adopt rules which provide for the waiver of license renewal fees for professions which meet the statutory criteria.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the waiver of license renewal fees for certain professions regulated by the Department.

SPECIFIC AUTHORITY: 455.219(1) FS.

LAW IMPLEMENTED: 455.219(1) FS.

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

TIME AND DATE: 1:30 p.m., July 12, 2000

PLACE: Hurston Towers, 400 West Robinson Street, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tom Thomas, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation to participate in this meeting is asked to advise the agency at least forty-eight (48) hours prior to the meeting by contacting Kari McIlvaine, (850)487-9510. If you are hearing or speech impaired, please contact the agency by using the Florida Dual Party Relay System, which can be reached by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: RULE CHAPTER NO.:
 Florida Elevator Safety Code 61C-5

RULE TITLES: RULE NOS.:

Elevators, Dumbwaiters, Escalators,
 Moving Walks, Manlifts, Inclined
 and Vertical Wheelchair Lifts and
 Inclined Stairway Chairlifts 61C-5.001
 Bulletin Boards 61C-5.004

Alterations to Electric and Hydraulic
 Elevators and Escalators 61C-5.011

Service Maintenance Contracts 61C-5.013

PURPOSE AND EFFECT: Revision of Chapter 61C-5 which covers the adoption of elevator safety codes have been changed to reflect the more current editions available.

SUBJECT AREAS TO BE ADDRESSED: The area to be discussed is the adoption of the most recent elevator safety codes and changes in some of the adopted codes.

SPECIFIC AUTHORITY: 399.02 FS.

LAW IMPLEMENTED: 399.01, 399.02 FS.

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

TIME AND DATE: 12:00 – 5:00 p.m., June 20, 2000

PLACE: Secretary’s Conference Room, Room 259, The Johns Building, 725 South Bronough Street, Tallahassee, Florida

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 hearing by contacting Cathy White, Bureau Chief, at (850)488-9097. If you are hearing or speech impaired please contact the agency by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Cathy White, Bureau Chief, Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-1012, Telephone (850)488-9097

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-5.001 Elevators, Dumbwaiters, Escalators, Moving Walks, Manlifts, Inclined and Vertical Wheelchair Lifts and Inclined Stairway Chairlifts.

(1) American National Standard Safety Code for elevators and escalators, ASME A17.1, 1996 ~~1993~~ edition, effective 8-1-96 and ASME A17.1a, 1997 ~~1994~~ addenda, effective 8-1-96, and ASME A17.1b, 1998 ~~1995~~ addenda, effective 8-1-96.

(2)(a) American National Standard Inspectors Manual for Electric Elevators and Escalators, ASME/ANSI A17.2.1, 1996 ~~1988~~ edition, and including ASME/ANSI A17.2.1a, 1997 ~~1989~~ Addenda and ASME/ANSI A17.2.1b, 1998 ~~1990~~ Addenda.

(b) American National Standard Inspectors Manual for Hydraulic Elevators ASME A17.2.2, 1997 edition including ASME A17.2.2a, 1998 Addenda.

(c) American National Standard Inspectors Manual for Escalators and Moving Walks, ASME A17.2.3, 1998 edition.

(3) American National Standard Safety Code for Manlifts, ASME ~~ANSI~~ A90.1, 1992 ~~1976~~ edition.

(4) National Fire Protection Association, NFPA-70, National Electrical Code, 1999 ~~1996~~ edition.

(5) through (6) No change.

(7) The following rules of ASME A17.1, are hereby amended ~~to read~~ as follows:

(a) Rule 211.9e is added, and reads as follows: Each car in a multicar group shall be sequentially numbered from left to right, as viewed from the elevator lobby. Rule 111.10 Access to Hoistways for Emergency Purposes. Hoistway door unlocking devices conforming to Rules 111.9e(1) and (3) shall be provided for all hoistway doors.

(b) No change.

(c) Rule 211.8 Switch Keys, of ASME A17.1, is amended to read as follows: The switches required by Rule 211.2 through 211.5, for all elevators in a building, must be operable by the same keys. This key must not operate any other switch and shall not be part of a building master key system. There must be a key for the designated level switch and for each elevator in the group. These keys must be kept on the premises at all times in a location readily accessible to authorized personnel, and state elevator inspectors, but not where the key is available to the general public. NOTE: (RULE 211.8): Local authorities may specify a uniform keyed lock box to contain the necessary keys.

(d) Rule 805.2d is added, and 805.1a Starting Switch of ASME A17.1, is amended to read as follows: Starting switches must be of the key operated type and must be located so that the escalator steps are within sight. Automatic starting by any means is prohibited. The key for the starting switches must be kept on the premises at all times in a location readily available to authorized personnel and state elevator inspectors, but not where the key is available to the general public.

(e) No change.

(8) Specifically excluded from ASME A17.1, 1996 ~~1993~~ edition and supplements are:

(a) through (d) No change.

Specific Authority 399.02 FS. Law Implemented 399.02 FS. History—Amended 10-20-63, 4-20-64, 11-17-73, 12-20-73, Revised 3-22-74, Amended 12-18-74, 8-21-79, 8-1-82, 9-19-84, Formerly 7C-5.01, Amended 11-1-87, 10-31-88, 6-12-89, 9-10-89, 10-3-90, 5-12-91, 6-23-91, 8-9-91, 8-27-92, Formerly 7C-5.001, Amended 2-2-94, 8-1-96, 1-1-98,_____.

61C-5.004 Bulletin Boards.

(1) through (6) No change.

(7) The bottom of the bulletin boards shall not be less than ~~4~~ 5 feet above the cab floor, and no less than three inches above a handrail. The ~~and the~~ total area shall not exceed 4 square feet.

Specific Authority 399.02 FS. Law Implemented 399.02(2) FS. History—New 5-14-79, Amended 8-1-82, Formerly 7C-5.04, Amended 10-31-88, 4-11-91, Formerly 7C-5.004, Amended 2-2-94,_____.

61C-5.011 Alterations to Electric and Hydraulic Elevators and Escalators.

In addition to the alterations set forth in Rule 1003.3 and Rule 1006.3, ASME A17.1, 1996 ~~1993~~, the following alterations require, in addition to a construction permit, that inspections and tests be performed to determine conformance with the ASME A17.1, 1996 ~~1993~~, rules cited below:

(a) through (g) No change.

(2) The following alterations require, in addition to a construction permit, that inspections be performed to determine conformance with the ASME A17.1, 1996 ~~1993~~, rule cited below:

(a) through (d) No change.

(e) Car leveling device (addition of) 1202.12b 1203.8b and (trucking device) 1202.4a

(f) through (x) No change.

Specific Authority 399.02 FS. Law Implemented 399.02 FS. History—New 2-11-92, Formerly 7C-5.0011, Amended 8-1-96,_____.

61C-5.013 Service Maintenance Contracts.

(1) No change.

(a) Registered elevator companies that enter into service maintenance contracts with elevator owners must follow the procedures within the scope of ASME/ANSI A17.2.1, A17.2.2, and A17.2.3, Inspectors Manuals, and latest Addendas, Part I, II, III and IV, for its routine examinations of elevators;

(b) through (2) No change.

Specific Authority 399.02 FS. Law Implemented 399.01 FS. History—New 2-2-94, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: RULE NO.:

Certification of Registered Contractors 61G6-5.0035

PURPOSE AND EFFECT: The Board proposes to implement Section 489.514, F.S.

SUBJECT AREA TO BE ADDRESSED: Certification of registered contractors.

SPECIFIC AUTHORITY: 489.507(3), 489.514 FS.

LAW IMPLEMENTED: 489.513(3), 489.514, 489.517 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:	RULE NOS.:
Continuing Education Requirements	64B5-12.013
Subject Area Requirements	64B5-12.016
Application for Providership	64B5-12.017
Standards for Approved Providers	64B5-12.0175
Courses Required for Initial Licensure, Renewal, or Reactivation	64B5-12.019
Courses Required of Dentists for Renewal and Reactivation	64B5-12.020

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B5-12.013 to update the continuing education requirements for dentists and dental hygienists. Rule 64B5-12.016 is being amended to include the reference "Section 455.597, F.S." The Board proposes to amend Rule 64B5-12.017 to update the rule text with regard to the qualifications of instructors for the subject area of domestic violence. The Board proposes to amend Rule 64B5-12.0175 to update the standards for approved providers for the subject area of domestic violence. Rule 64B5-12.019 requires amendments in order to update the courses required for initial licensure, renewal, or reactivation. The Board proposes to amend Rule 64B5-12.020 to update the rule text for continuing education for licensed dentists.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements; subject area requirements; application for providership; standards for approved providers; courses required for initial licensure, renewal, or reactivation; courses required of dentists for renewal and reactivation.

SPECIFIC AUTHORITY: 455.604, 455.564(8), 455.587(2), 455.597, 466.004(4), 466.0135, 466.014 FS.

LAW IMPLEMENTED: 455.587(2), 455.604, 455.564(8), 455.597, 466.0135, 466.014, 466.017(3),(5) FS.

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

TIME AND DATE: 8:00 a.m., June 16, 2000

PLACE: The Radisson Plaza Hotel, 60 Ivanhoe Boulevard, Orlando, Florida 32804

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-12.013 Continuing Education Requirements.

(1) Dentists shall complete 30 hours of continuing professional education during each license renewal biennium as a condition of license renewal. No more and no less than one hour shall consist of training in domestic violence as required by Section 455.597, F.S., and described in Rule 64B5-12.019(8). Two of the required hours shall be in law and rules governing the practice of dentistry and dental hygiene ethics and jurisprudence as set forth in Rules 64B5-12.016(1)(d) and Rule 64B5-12.020(2), F.A.C. In addition to the 30 hours required herein, each licensed dentist shall complete the training in cardiopulmonary resuscitation (CPR) required in Rule 64B5-12.020(1), F.A.C.

(2) Dental hygienists shall complete 24 hours of continuing professional education during each license renewal biennium as a condition of license renewal. In addition, during each license renewal biennium licensed dental hygienists shall complete training in cardiopulmonary resuscitation (CPR) at the basic support level, which results in certification or recertification in CPR by the American Heart Association, the American Red Cross or an entity with equivalent requirements. In addition to the 24 hours required herein, each dental hygienist shall complete no more and no less than one + hour of continuing professional education consisting of training in domestic violence as required by Section 455.597, F.S., Ch. 95-187, Laws of Florida, and described in Rule 64B5-12.019(8).

(3) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for, and contain useful information directly pertinent to, dentistry and only if received through the following methods:

- (a) No change.
- (b) By participating in courses offered by:

1. The American or National Dental Associations and their constituent and component and affiliate dental associations and societies, including affiliated specialty organizations or a provider organization recognized by either the American or National Dental Associations;

2. through (6) No change.

Specific Authority 466.004(4), 466.0135, 466.014, 455.564(8), 455.597 FS. Law Implemented 466.0135, 466.014, 466.028(1)(i),(bb), 466.017(3),(5), 455.564(8), 455.597 FS. History—New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99.

64B5-12.016 Subject Area Requirements.

(1) Regardless of the manner by which a licensee obtains continuing education, no credit will be awarded unless the subject matter falls within the following subject matter categories:

- (a) through (c) No change.
- (d) Subjects dealing with licensees' legal ~~and ethical~~ responsibilities, including but not limited to the laws and rules governing the practice of dentistry and dental hygiene.
- (e) One hour of credit will be awarded for completion of a course on domestic violence as required by Section 455.597, F.S. Ch. 95-187.

(2) through (3) No change.

Specific Authority 466.004(4), 466.0135, 466.014 FS. Law Implemented 466.0135, 466.014 FS., Ch. 95-187, Laws of Florida. History—New 4-2-86, Amended 1-18-89, 7-9-90, 2-1-93, Formerly 21G-12.016, 61F5-12.016, Amended 9-27-95, Formerly 59Q-12.016, Amended _____.

64B5-12.017 Application for Providership.

(1) Entities or individuals who wish to become approved providers of continuing education must submit the approval fee set forth in Rule 64B5-15.022(1), Florida Administrative Code, and an application on the appropriate form set forth in Rule 64B5-1.021 which contains the following information and which is accompanied by the following documentation:

- (a) No change.
- (b) The qualifications of all instructors, which may be evidenced by a curriculum vitae or professional licensure in the subject area taught. Because domestic violence courses must contain information specifically appropriate for, directly pertinent to, and useful in, dentistry, all domestic violence instructors shall identify dental injuries indicative of domestic violence, mandatory reporting and patient records confidentiality for dentists under Florida and federal law, and incidence statistics in the dental profession.

(2) through (3) No change.

Specific Authority 466.004(4), 466.014, 455.587(2) FS. Law Implemented 466.0135, 466.014, 455.587(2) FS. History—New 4-2-86, Amended 10-26-87, 1-18-89, 7-9-90, 5-2-91, Formerly 21G-12.017, 61F5-12.017, 59Q-12.017, Amended 8-19-97.

64B5-12.0175 Standards for Approved Providers.

Approved continuing professional education providers and providers authorized pursuant to Rule 64B5-12.013(3)(b), shall comply with the following requirements:

- (1) No change.
- (2) Instructors shall be adequately qualified by training, experience or licensure to teach specified courses. Because domestic violence courses must contain information specifically appropriate for, directly pertinent to, and useful in,

dentistry, all domestic violence instructors shall be familiar with dental injuries indicative of domestic violence, reporting obligations under Florida and federal law, and incidence statistics in the dental profession.

(3) through (10) No change.

Specific Authority 466.004(4), 466.014 FS. Law Implemented 466.0135, 466.014 FS. History—New 1-18-89, Amended 7-9-90, Formerly 21G-12.0175, 61F5-12.0175, 59Q-12.0175, Amended 10-3-99.

64B5-12.019 Courses Required for Initial Licensure, Renewal, or Reactivation.

(1) No license shall be granted and no license shall be renewed or reactivated unless the applicant or licensee submits confirmation to the Board that he or she has successfully completed, within 24 months prior to seeking initial licensure, renewal or reactivation, a Board-approved course on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), and other infectious diseases pertinent to the practice of dentistry and dental hygiene and a Board-approved course on domestic violence.

(2) To receive Board approval, courses on HIV/AIDS and infectious diseases pertinent to the practice of dentistry and dental hygiene shall consist of instruction which shall include, but need not be limited to, viral counts, hepatitis, sterilization and infection control requirements, identification of oral lesions associated with infectious disease, how the presence of infectious disease directly affects treatment decisions of dentists, and the following subject areas set forth under Section 455.604, F.S.:

- (a) Immunology;
- (b) Pathogenesis;
- (c) Modes of transmission;
- (d) Clinical manifestations;
- (e) Prevention;
- (f) Treatment;
- (g) ~~Infection control procedures and products including barrier techniques, sterilization and disinfection;~~
- (h) ~~Clinical management of dental patients with communicable disease;~~
- (i) ~~Handling and disposal of contaminated materials;~~
- (j) ~~Legal responsibilities and implications; and~~
- (k) ~~Any other information or recent research relating to HIV/AIDS which is available from the Centers for Disease Control of the United States Public Health Service or the Florida Department of Health.~~

(3) Every such course for the purpose of obtaining initial licensure shall have a minimum of two (2) 3 hours dedicated to the subject areas set forth in ~~subparagraphs (2)(g) through (k) above~~ and a minimum of 1 hour dedicated to the subject areas set forth in ~~subparagraphs (2)(a) through (f) above~~. Every such course for the purpose of renewal or reactivation of licensure shall have no more and no less than one (1) hour at a minimum 2—hours dedicated to the subject areas set forth in

subparagraphs (a) through (k) above. Furthermore, every such course shall include information on current Florida law and its impact on testing, confidentiality of test results, and treatment of patients. However, any such course completed outside of Florida, which complies with the criteria set forth in paragraph (2) above shall be approved by the Board if the applicant or licensee submits to the Board a statement that he or she has reviewed and studied current Florida law and its impact on testing, confidentiality of test results, and treatment of patients. To fulfill the requirements of this paragraph every HIV/AIDS course shall include or each applicant or licensee shall review and study Chapters 381 and 384, Florida Statutes.

(4) Only courses on HIV/AIDS and infectious diseases pertinent to the practice of dentistry and dental hygiene that ~~which~~ meet the requirements set forth in rule 64B5-12.019(2) and (3), and that ~~which~~ are offered in compliance with Rule 64B5-12.013(3), shall be and are hereby approved by the Board. Home study courses are permitted for the purpose of meeting the requirements of HIV/AIDS and infectious diseases pertinent to the practice of dentistry and dental hygiene education, provided they comply with the requirements set forth in subsections (2) and (3), above.

(5) through (7) No change.

(8) To receive Board approval, courses on domestic violence must be a minimum of 1 hour long, must cover the substantive areas set forth in Section 455.597, F.S., Ch. 95-187, Laws of Florida, and must be approved by any state or federal government agency or professional association or offered by a Board approved continuing education provider.

Specific Authority 455.604, 455.597 FS. Law Implemented 455.604, 455.597 FS. History—New 1-18-89, Amended 10-28-91, 2-1-93, Formerly 21G-12.019, Amended 6-14-94, Formerly 61F5-12.019, Amended 11-15-95, 2-10-97, Formerly 59Q-12.019, Amended _____.

64B5-12.020 Courses Required of Dentists for Renewal and Reactivation.

Licensed dentists are required to complete the following continuing education during each license renewal biennium.

(1) No change.

(2) Instruction in laws and rules governing the practice of dentistry and dental hygiene ethics and jurisprudence consisting of at least 2 hours of instruction in relevant topics including: professional responsibility and competence; ~~moral~~ ~~and~~ legal standards; confidentiality; professional relationships; recordkeeping; common malpractice complaints; commonly reported violations reported to the Department; and relevant case studies. Because laws and rules courses must contain information specifically appropriate for, directly pertinent to, and useful in, dentistry, all instructors shall be current or former Florida Board of Dentistry members or, in the alternative, attorneys licensed by The Florida Bar with experience in health law or health care risk managers licensed by the Florida Agency for Health Care Administration, Risk Management Office.

(a) through (b) No change.

Specific Authority 466.004 FS. Law Implemented 466.0135 FS. History—New 4-11-94, Amended 7-18-94, Formerly 61F5-12.020, 59Q-12.020, Amended _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Fees and License Renewal Application
 RULE NO.: 64B16-26.101

PURPOSE AND EFFECT: The purpose of this rule amendment is update the rule text regarding an unlicensed activity fee.

SUBJECT AREA TO BE ADDRESSED: Fee for unlicensed activity fee.

SPECIFIC AUTHORITY: 455.711, 465.008 FS.

LAW IMPLEMENTED: 455.641 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.101 Fees and License Renewal Application.

(1) through (4) No change.

(5) The \$5.00 unlicensed activity fee provided for pursuant to Section 455.641, F.S., shall be paid in addition to ~~earmarked from~~ the current initial licensure and renewal fees.

Specific Authority 465.005 FS. Law Implemented 455.711, 465.008, 455.641 FS. History—New 3-19-79, Formerly 21S-6.05, Amended 1-7-87, 4-21-87, 12-29-88, Formerly 21S-6.005, Amended 7-31-91, 1-10-93, Formerly 21S-26.101, 61F10-26.101, Amended 3-10-96, Formerly 59X-26.101, Amended 12-31-97, _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Continuing Education Credits
 RULE NO.: 64B16-26.103

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Continuing education credits.

SPECIFIC AUTHORITY: 455.604, 465.009 FS.

LAW IMPLEMENTED: 455.604, 465.009 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.103 Continuing Education Credits.

(1) No biennial renewal certificate shall be issued by the Board until the applicant submits proof satisfactory to the Board that during each of the calendar years preceding year of the renewal date ~~biennial period~~ that he has participated in not less than 15 hours of approved courses of continued professional pharmaceutical education per calendar year for a total of not less than 30 hours in the two calendar years ~~biennial period~~ preceding the renewal date period.

(2) No change.

(3) No biennial renewal of license shall be issued by the Board until the applicant submits proof satisfactory to the Board that during the two calendar years ~~biennial period~~ preceding the renewal date period the licensee has participated in a CE course approved by the Board on HIV/AIDS. The course shall be not less than 1 contact hour and must contain these components:

(a) through (e) No change.

Notwithstanding the provisions of Section (2), proof of completion must be returned when submitting the biennial renewal fee. Hours obtained pursuant to Section (3) may be applied to the requirements of Section (1).

Specific Authority 465.005, 455.604 FS. Law Implemented 465.009, 455.604 FS. History–New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Examination Fees
RULE NO.: 64B16-26.2035
PURPOSE AND EFFECT: The Board proposes to amend this rule to increase the examination fees.
SUBJECT AREA TO BE ADDRESSED: Increase in fees.
SPECIFIC AUTHORITY: 465.005 FS.
LAW IMPLEMENTED: 465.007 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.2035 Examination Fees.

The examination fees for licensure by examination includes a fee of \$100 ~~\$50~~ payable to the Board, and component examination fees of \$360 ~~\$250~~ for the National Practice Examination and \$130 ~~\$85~~ for the jurisprudence examination. Component examination fees may be paid directly to the examination vendor. All fees collected under this section are non-refundable.

Specific Authority 465.005 FS. Law Implemented 465.007 FS. History–New 9-19-94, Amended 3-10-96, Formerly 59X-26.2035, Amended 3-22-99, _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Continuing Education – Ordering and Evaluation of Laboratory Tests
RULE NO.: 64B16-26.320
PURPOSE AND EFFECT: The Board proposes to amend subsection (1) of this rule to add new rule text to further clarify continuing education credits and the ordering and evaluation of laboratory tests. Unnecessary rule text is being deleted.
SUBJECT AREA TO BE ADDRESSED: Continuing education credits – ordering and evaluation of laboratory tests.
SPECIFIC AUTHORITY: 465.0125(3) FS.
LAW IMPLEMENTED: 465.0125(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.320 Continuing Education – Ordering and Evaluation of Laboratory Tests.

(1) Those consultant pharmacists and pharmacists holding the Doctor of Pharmacy degree that wish to order and evaluate laboratory tests under the provisions of section 465.0125, F.S., shall successfully complete the requirements of a continuing education course provided for by this section prior to such practice. Successful completion of the course will certify the pharmacist for this practice through the end of the pharmacist's next biennial renewal date. After initial certification and license renewal, in order for a pharmacist to maintain this certification to order and evaluate laboratory tests, a one hour course shall be completed during the two calendar years preceding the next biennial renewal date for two (2) years from date of completion.

(2) through (3) No change.

Specific Authority 465.0125(3) FS. Law Implemented 465.0125(2) FS. History–New 2-23-98, Amended 6-15-98,_____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: Reporting Continuing Education Requirements

RULE NOS.:

64B16-26.603
64B16-26.606

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B16-26.603 by updating the rule text with regard to reporting programs of continuing education. Rule 64B16-26.606 is being amended to clarify the time period for submission of continuing professional education credits.

SUBJECT AREA TO BE ADDRESSED: Reporting continuing education requirements and number of required hours.

SPECIFIC AUTHORITY: 465.005, 465.009 FS.

LAW IMPLEMENTED: 465.009 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS:

64B16-26.603 Reporting Continuing Education Requirements.

Each registered pharmacist shall at the time of the biennial license renewal, report programs of continuing professional education compliance for the two preceding calendar years prior to during the applicable renewal date period. Each registered pharmacist shall retain documentation of participation in such continuing education programs for not less than two years after each biennial license renewal for audit purposes if and when such audit is undertaken by the Department of Health and the Board of Pharmacy. Such documentation shall consist of slips for lecture attendance, certification forms from instructors, or course completion slips from correspondence courses.

Specific Authority 465.005 FS. Law Implemented 465.009 FS. History–New 10-17-79, Formerly 21S-13.04, Amended 5-10-89, Formerly 21S-13.004, 21S-26.603, 61F10-26.603, 59X-26.603, Amended_____.

64B16-26.606 Number of Required Hours.

As a condition of the biennial renewal of his license a registered pharmacist must submit proof in the form of certification to the Board the completion of not less than fifteen (15) hours per calendar year of continuing professional education which fulfills the requirements of this rule. A pharmacist, upon request by the Board office, shall provide additional proof of the required continued pharmaceutical education credits as provided by Rule 64B16-26.603, F.A.C. At least five (5) of the required fifteen (15) hours per year must be obtained either at a live seminar, a live video teleconference, or through an interactive computer based application.

Specific Authority 465.005 FS. Law Implemented 465.009 FS. History–New 10-17-79, Formerly 21S-13.07, 21S-13.007, Amended 7-31-91, Formerly 21S-26.606, 61F10-26.606, 59X-26.606, Amended 2-23-98,_____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Permit Fees

RULE NO.:

64B16-28.121

PURPOSE AND EFFECT: The purpose of this rule amendments is to increase the fees for permits.

SUBJECT AREA TO BE ADDRESSED: Increase in permit fees.

SPECIFIC AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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: John

Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.121 Permit Fees.

(1) The initial permit fee for a pharmacy, as provided by Section 465.022(8)(a), Florida Statutes, shall be two hundred ~~fifty~~ twenty dollars (~~\$250~~) (\$220).

(2) The biennial permit renewal fee for a pharmacy, as provided by Section 465.022(8)(b), Florida Statutes, shall be ~~two hundred fifty one hundred seventy-five~~ two hundred fifty dollars (~~\$250~~) (\$175).

(3) through (4) No change.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.022 FS. History--New 7-31-91, Formerly 21S-28.121, 61F10-28.121, 59X-28.121, Amended _____.

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLES:	RULE NOS.:
Probable Cause Determinations	64B33-1.001
Other Board Business for Which Compensation is Allowed	64B33-1.002
Unexcused Absences of Board Members	64B33-1.003
Security and Monitoring Procedures for Examination	64B33-1.004
Exemptions for Spouses of Members of the Armed Forces	64B33-1.005

PURPOSE AND EFFECT: The Board proposes the development of new rules to address organizational rules for the recently created Board of Athletic Training.

SUBJECT AREA TO BE ADDRESSED: Rules regarding probable cause determinations; board business for which compensation is allowed; unexcused absences of board members; security and monitoring of examinations; and exemptions for spouses of members of the armed forces.

SPECIFIC AUTHORITY: 120.53, 455.507(2), 455.534(3),(4), 455.574(1)(d), 455.621 FS.

LAW IMPLEMENTED: 455.507(2), 455.534(3),(4), 455.574(1)(d), 455.621 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B33-1.001 Probable Cause Determinations.

(1) The determination as to whether probable cause exists that a violation of the provisions of Chapters 455 and 468, Part XIII, Florida Statutes, and/or the rules promulgated pursuant thereto, has occurred shall be made by a majority vote of a probable cause panel of the Board.

(2) There shall be one probable cause panel of the board, composed of two members, one of whom may be a past board member who is not currently appointed to the board.

(3) The probable cause panel members shall be selected by the Chair of the Board, one (1) of whom shall be designated by the Chair of the Board as the presiding officer of the panel.

(4) The probable cause panel shall meet at such times as called by the presiding officer of the panel or by two members of the panel.

Specific Authority 120.53, 455.621 FS. Law Implemented 455.621 FS. History--New _____.

64B33-1.002 Other Board Business for Which Compensation is Allowed.

The following is defined to be other business involving the Board pursuant to Section 455.534(4), F.S.:

(1) All Board or Committee meetings required by statutes, Board rule, or Board action.

(2) Meetings of Board members with Department staff or contractors of the Department at the Department's or the Board's request.

(3) Any meeting a Board member attends at the request of the Secretary of the Department or by the Board or Board Chair.

(4) Probable Cause Panel Meetings.

(5) All participation in Board authorized meetings with professional associations of which the Board is a member or invitee. This would include all meetings of national associations of registration Boards of which the Board is a member as well as Board authorized participation in meetings of national or professional associations or organizations involved in educating, regulating, or reviewing the profession over which the Board has statutory authority.

(6) All attendance at continuing education courses for the purpose of monitoring said courses.

(7) All travel to and from Board meetings or other Board business that involves the use of all or any part of a day prior to or subsequent to completion of the Board meeting or other Board business.

Specific Authority 120.53(1), 455.534(4) FS. Law Implemented 455.534(4) FS. History--New _____.

64B33-1.003 Unexcused Absences of Board Members.

(1) A Board member's absence from a Board meeting shall be considered unexcused if the Board member had not received approval of the Chair or the Chair's designee prior to missing the meeting.

(2) Arriving late for a Board meeting or leaving early from a Board meeting without prior approval of the Chair or the Chair's designee shall be considered an unexcused absence.

Specific Authority 455.534(3) FS. Law Implemented 455.534(3) FS. History—New _____.

64B33-1.004 Security and Monitoring Procedures for Examination.

The Board adopts by reference Rule 64B-1.010, F.A.C., of the Department of Health as its rule governing examination security and monitoring.

Specific Authority 455.574(1)(d) FS. Law Implemented 455.574(1)(d) FS. History—New _____.

64B33-1.005 Exemptions for Spouses of Members of the Armed Forces.

Any licensed athletic trainer who is a spouse of a person on active duty with the Armed Forces of the United States, who is absent from this state 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 Athletic Training, shall be exempt from biennial renewal of licensure, payment of required fees hereunder, and performance of any other act on the licensee's part to be performed.

Specific Authority 455.507(2) FS. Law Implemented 455.507(2) FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLES: RULE NOS.:
Licensure Requirements 64B33-2.001

Requirement for Instruction in Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome 64B33-2.002

Requirements for Continuing Education 64B33-2.003

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to delete language which is no longer necessary with regard to licensure and to clarify continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Licensure requirements and continuing education requirements.

SPECIFIC AUTHORITY: 455.564, 455.607, 468.705, 468.707, 468.711 FS.

LAW IMPLEMENTED: 455.607, 468.707, 468.711(2),(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B33-2.001 Licensure Requirements.

All candidates for licensure shall pay the application fee and shall submit a completed DOH form DOH-AT-001 entitled "STATE OF FLORIDA EXAMINATION APPLICATION FOR LICENSURE AS AN ATHLETIC TRAINER" incorporated herein by reference and effective 1/19/96, to the Department. The application can be obtained by writing the Department of Health, Board of Athletic Trainers, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

(1) Each applicant for licensure ~~by examination~~ shall meet the following requirements:

(a) The applicant shall submit transcripts indicating completed coursework in the following areas with a minimum of the hours specified in each area:

1. 3 semester hours or 4 quarter hours of health;
2. 3 semester hours or 4 quarter hours of human anatomy;
3. 3 semester hours or 4 quarter hours of kinesiology/biomechanics;
4. 3 semester hours or 4 quarter hours of human physiology;
5. 3 semester hours or 4 quarter hours of physiology of exercise;
6. 2 semester hours or 4 quarter hours of basic athletic training; and
7. 3 semester hours or 4 quarter hours of advanced athletic training. Coursework covering evaluation of injuries and therapeutic modalities shall meet this requirement.

(b) The applicant shall submit proof of passing the National Athletic Trainers Association Board of Certification Entry Level Certification examination, which is hereby approved by the Board.

~~(c) The applicant shall submit proof of having a baccalaureate degree from a college or university accredited by an accrediting agency recognized and approved by the U.S. Department of Education or the Commission on Recognition of Postsecondary Accreditation, or approved by the Department.~~

~~(d) The applicant shall submit proof of 800 hours of athletic training experience under the direct supervision of a licensed athletic trainer certified by the National Athletic Trainers Association or a comparable national athletic~~

~~standards organization. The 800 hours should have been completed within 2 of the preceding 5 years at the time of application.~~

~~(2)(a) Applicants seeking licensure under 468.707(1)(b) shall by October 1, 1996, submit:~~

~~1. Proof of having practiced athletic training for at least 3 of the 5 years preceding application; or~~

~~2. Proof of current certification by the National Trainers Association or a comparable national athletic standards organization.~~

~~(b) Demonstration that the applicant has "Athletic Trainers Experience" or has engaged in the practice of "athletic training" for the purpose of obtaining licensure pursuant to section 468.707(1)(a) or (b) shall require evidence that the applicant has worked, with or without remuneration, in a practice setting substantially equivalent to that described in Rule 64B30-25.004(5) using the modalities within the scope of practice described in Rule 64B30-25.004(3) and (4), Florida Administrative Code.~~

~~(2)(3) For all applicants, current certification in standard first aid training and cardiovascular pulmonary resuscitation from the American Heart Association shall be accepted as an equivalent to certification from the American Red Cross.~~

~~Specific Authority 468.705, 468.707 FS. Law Implemented 468.707 FS. History—New 5-29-96, Formerly 61-25.002, 64B30-25.002, Amended _____.~~

64B33-2.002 Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

(1) Each applicant, for initial licensure and at biennial renewal, shall complete a Board approved educational course on HIV and AIDS and shall submit a certificate of completion form from the provider of such course with the application. A copy of the certificate will satisfy this requirement.

(2) The Board approves the following HIV/AIDS education courses:

(a) Basic HIV/AIDS educational courses presented by the Department of Health;

(b) Courses approved by any other board within the Department of Health; ~~and~~

(c) The American Red Cross;:-

(d) Courses approved by the National Athletic Trainer's Association Board of Certification (NATABOC); and

(e) Courses approved by the Athletic Trainers' Association of Florida (ATAF).

~~Specific Authority 455.607, 468.705, 468.711 FS. Law Implemented 455.607, 468.707(2), 468.711(3) FS. History—New 5-29-96, Formerly 61-25.003, 64B30-25.003, Amended _____.~~

64B33-2.003 Requirements for Continuing Education Instruction.

(1) In the 24 months preceding each biennial renewal period, every ~~Every~~ athletic trainer licensed pursuant to Chapter 468, part XIII, Florida Statutes, shall be required to complete 24 hours of continuing education in courses approved by the Board ~~in the 24 months preceding each biennial renewal period~~. However, athletic trainers who receive an initial license during the second half of the biennium shall only be required to complete 12 hours of continuing education in courses approved by the Board prior to renewal, ~~including 4 hours of cardiopulmonary resuscitation~~. The continuing education for all athletic trainers shall include 4 hours of cardiopulmonary resuscitation (CPR) and first aid training, regardless of whether they are required to complete 24 hours or 12 hours of continuing education. Athletic trainers who receive an initial license during the 90 days preceding a renewal period shall not be required to complete any continuing education for that renewal period.

(2) For purposes of this rule, one continuing education hour is the equivalent to fifty clock minutes.

(3) Acceptable continuing education must focus on the domains of athletic training, including prevention of athletic injuries; recognition, evaluation, and immediate care of athletic injuries; rehabilitation and reconditioning of athletic injuries; health care administration; or professional development and responsibility of athletic trainers.

(4) The following continuing education is approved by the Board:

(a) Courses, professional development activities, and publication activities approved by the National Athletic Trainer's Association Board of Certification (NATABOC) in NATABOC Category A or B;

(b) Courses approved by the Athletic Trainers' Association of Florida in NATABOC Category A or B;

(c) Post-certification courses sponsored by a college or university approved by the United States Department of Education which provides a curriculum for athletic trainers in NATABOC Category C; and

(d) Cardiopulmonary resuscitation certification courses in NATABOC Category D.

(5) Category A (home study) Home-study ~~Home-study~~ courses approved by the NATABOC will be acceptable for no more than 10 ten ~~ten~~ of the required continuing education hours. The remaining 14 hours require actual attendance and participation. For those licensees who are initially licensed during the second year of the biennial period, only 5 of the required continuing education hours may consist of home study courses. The remaining 7 hours require actual attendance and participation.

~~(6) The 24 continuing education hours shall include 4 hours of NATABOC Category D.~~

(6)(7) Each athletic trainer shall maintain proof of completion of the required continuing education hours for a period of 4 years, and shall provide such proof to the department upon request.

Specific Authority 468.705, 468.711(2),(3), 455.564 FS. Law Implemented 468.711(2) FS. History—New 8-4-98, Formerly 64B30-25.0031, Amended

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLE: Fees
RULE NO.: 64B33-3.001

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the initial licensure fee for those licensed in the second year of the biennium; to increase the delinquent license fee; and to set forth a fee for a duplicate license.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 455.587, 468.705, 468.70 FS.

LAW IMPLEMENTED: 455.587, 468.709 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B33-3.001 Fees.

The following fees are prescribed for athletic trainers:

- (1) The application fee shall be \$100.
- (2) The initial licensure fee for those initially licensed in the first year of the biennium shall be \$125. For those initially licensed in the second year of the biennium, the initial licensure fee shall be \$75.
- (3) The biennial renewal fee shall be \$125.
- (4) The inactive fee shall be \$50.
- (5) The delinquent fee shall be ~~\$75~~ \$25.
- (6) The reactivation fee shall be \$25.
- (7) The change of status fee shall be \$25.
- (8) The duplicate license fee shall be \$25.

Specific Authority 455.587, 468.705, 468.709 FS. Law Implemented 455.587, 468.709 FS. History—New 7-12-95, Amended 5-29-96, Formerly 61-25.001, 64B30-25.001, Amended

**Section II
Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Effectiveness of Cemetery Licenses Valid on September 30, 1993
RULE NO.: 3F-5.001

PURPOSE AND EFFECT: To repeal this rule.

SUMMARY: This rule was enacted to give authority to licensees with valid cemetery licenses valid from September 30, 1993 until May 24, 1994, under Ch. 197, Fla. Stats.

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: 497.103(1) FS.

LAW IMPLEMENTED: 497.405, 497.407 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: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-5.001 Effectiveness of Cemetery Licenses Valid on September 30, 1993.

~~Unless revoked or otherwise restricted, any cemetery license valid on September 30, 1993 shall remain in effect for purposes of authority to sell preneed contracts under Chapter 197, Florida Statutes, until May 31, 1994.~~

Specific Authority 497.103(1) FS. Law Implemented 497.405, 497.407 FS. History—New 4-25-94, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2000

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Certificate of Authority; Financial Requirements RULE NO.: 3F-5.0016

PURPOSE AND EFFECT: The purpose of this amendment is to set forth standards which will require Certificate of Authority holders to be more financially sound by requiring that they attest to and maintain \$50,000 network.

SUMMARY: This rule sets forth the financial requirements that must be met and maintained by applicants and certificate of authority holders in order to maintain a normal course of business.

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: 497.103 FS.

LAW IMPLEMENTED: 497.405, 497.407 FS.

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

TIME AND DATE: 9:00 a.m., June 6, 2000

PLACE: Board of Funeral and Cemetery Services, Fletcher Building, 101 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-5.0016 Certificate of Authority; Financial Requirements.

(1) A Certificate of Authority holder or applicant must meet and maintain the following requirements on an annual basis, demonstrating its ability to discharge its liabilities as they become due in the normal course of business and must have sufficient funds available to perform its obligation under its existing preneed contracts.

(2) A Certificate of Authority holder or applicant must submit its most recent year-end financial statements (including a balance sheet and income statement), with the Certificate of Authority application and annually thereafter as provided in Section 497.407(1), F.S. The financial statements must be prepared in accordance with generally accepted accounting principles (GAAP) as those principles have been defined by the Florida Board of Accountancy in Chapter 61H1-20, F.A.C. The financial statements may omit notes to financial statements and the statement of cash flows.

(3) The Certificate of Authority holder must attest to a \$50,000.00 level of net worth:

~~(a) Certificate of Authority holder that has total preneed contracts of \$100,000 or less—\$5,000 net worth;~~

~~(b) Certificate of Authority holder that has total preneed contracts of \$100,001 to \$200,000—\$10,000 net worth;~~

~~(c) Certificate of Authority holder that has total preneed contracts of \$200,001 to \$300,000—\$15,000 net worth;~~

~~(d) Certificate of Authority holder that has total preneed contracts of \$300,001 to \$400,000—\$20,000 net worth;~~

~~(e) Certificate of Authority holder that has total preneed contracts of greater than \$400,001—\$25,000 net worth.~~

(4) In the case of a Certificate of Authority holder or applicant offering preneed sales through a subsidiary agent, as provided in Rule 3F-5.0015, the Certificate of Authority holder or applicant shall execute a guarantee agreement with respect to any contract obligations resulting from preneed sales of such a selling agent.

(5) If the Certificate of Authority holder or applicant does not meet the financial requirements in (3) above, the entity may, within thirty (30) days of notification by the Board, voluntarily submit to the Board additional evidence or agree to additional oversight as to its meeting the requirements of (1) above and as a condition of receiving and retaining a Certificate of Authority. Such additional evidence or oversight agreement shall include as appropriate:

~~(a) agreement to submit monthly financial statements of the entity~~

~~(b) agreement to submit quarterly financial statements of the entity~~

~~(c) appraisal of the entity's property or broker's opinion of value of entity's assets~~

~~(d) credit report of the entity or its principal owners~~

~~(e) subordination of debt agreement from the entity's principal owners~~

~~(f) indemnification/subrogation agreement binding the entity and principal owners~~

~~(g) guarantee agreement for the entity from its principal owners~~

~~(d)(h)~~ written explanation of past financial activity

~~(e)(i)~~ submission of a twelve month projected plan for financial recovery

~~(f)(j)~~ submission of previous Department examination reports

~~(g)(k)~~ 100% voluntary trusting agreement by the entity.

Upon the Board's review of such additional information or agreements, submitted within the thirty (30) day time period, as stated above, the Board shall issue a Certificate of Authority if such information or agreement results in the Board determining that the applicant or certificate holder meets the requirements of Sections 497.405 and 497.407, F.S.

As to all new applicants, this rule will become effective 20 days after filing with the Department of State. As to renewals of existing Certificates of Authority, this rule will become effective on April 1, 2001.

Specific Authority 497.103 FS. Law Implemented 497.405, 497.407 FS. History—New 5-21-95, Amended 12-7-98, 10-18-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

DEPARTMENT OF INSURANCE

RULE TITLE: Purpose and Scope

RULE NO.: 4-211.029

PURPOSE AND EFFECT: The amendment makes it clear that this rule chapter does not apply to crimes described in section 18 U.S.C. 1033. This hearing will be held in conjunction with 4-231.020; Penalty Guidelines for Insurance Representatives.

SUMMARY: The intended effect of licenses under 4-211 on agents subject to prohibitions imposed by section 18 U.S.C. 1033.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC has been prepared.

Any person who wishes to provide information retarding the statement if 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: 624.308 FS.

LAW IMPLEMENTED: 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641, 648.34, 648.37 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., June 20, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Tharpe, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4110

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

THE FULL TEXT OF THE PROPOSED RULE IS:

4-211.029 Purpose and Scope.

(1) This rule part sets forth Department policy, statutory interpretation, and procedure, regarding the effect of an applicant's law enforcement record on the applicant's application for any license as agent, adjuster, sales representative, or other licensure as an individual, under the Florida Insurance Code.

(2) This rule part does not apply to the licensure of bail bondsmen, runners, or limited surety agents, under Chapter 648, Florida Statutes.

(3) This rule chapter does not apply to crimes described in section 18 U.S.C. 1033.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641, 648.34, 648.37 FS. History—New 2-2-95, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill Tharpe, Executive Senior Attorney, Division of Legal Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donald A. Dowdell, Director, Division of Legal Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

DEPARTMENT OF INSURANCE

RULE TITLE: Scope

RULE NO.: 4-231.020

PURPOSE AND EFFECT: The amendment makes it clear that this rule chapter does not apply to crimes described in section 18 U.S.C. 1033. This hearing will be held in conjunction with 4-211.029; Insurance Representative.

SUMMARY: The intended effect of penalties under 4-231 on agents subject to prohibitions imposed by section 18 U.S.C. 1033.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC has been prepared.

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 626.611, 626.621, 626.681, 626.691 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., June 20, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Tharpe, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4110

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

THE FULL TEXT OF THE PROPOSED RULE IS:

4-231.020 Scope.

(1) This rule chapter shall apply to all resident and nonresident insurance agents, customer representatives, solicitors, adjusters and claims investigators licensed under Chapter 626, Florida Statutes, who are subject to discipline under sections 626.611 and 626.621, Florida Statutes.

(2) This rule chapter does not apply to title insurance agents, insurance administrators, surplus lines agents, managing general agents or health care risk managers.

(3) This rule chapter does not apply to crimes described in section 18 U.S.C. 1033.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.611, 626.621, 626.681, 626.691 FS. History--New 7-13-93, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Tharpe, Executive Senior Attorney, Division of Legal Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donald A. Dowdell, Director, Division of Legal Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE TITLE: Citrus Canker Eradication

RULE NO.: 5B-58.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish decontamination requirements of personnel and equipment moving between citrus groves and is necessary to prevent additional spread of citrus canker.

SUMMARY: Removes the five mile limitation around an infestation of citrus canker in the quarantine area and establishes decontamination requirements for harvesters, intermediate handlers, grove caretakers, packers, and processors both within and outside the quarantine area.

SPECIFIC AUTHORITY: 570.07(21),(23), 581.091(1), 581.101(1), 581.031(1),(4),(5), 581.184 FS.

LAW IMPLEMENTED: 580.07(2),(13),(21), 581.031(6),(7), (9),(15),(17),(19),(30), 581.083, 581.101, 581.131, 581.141, 581.184, 581.211 FS.

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

TIME AND DATE: 10:00 a.m., June 19, 2000

PLACE: Doyle Conner Building, 1911 S. W. 34 Street, Gainesville, FL 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 32614-7100, Phone (352)372-3505

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-58.001 Citrus Canker Eradication.

(1) through (3) No change.

(4) Quarantine area. An area ~~not to exceed a distance of 5 miles~~ around a site where an infestation of citrus canker is known to occur will be quarantined. The geographical boundaries of the quarantine area shall be established by risk assessment procedures and will be published in a major newspaper of general distribution in each area affected and through other appropriate media. Risk assessment procedures will consider the aggressiveness of the pathogen in the field, the level of disease inoculum, the location and spatial distribution of infected and exposed plants, the variety and type of plants, the risk of spread to areas growing citrus commercially, maintenance practices, and other relevant information. An area shall be released from quarantine provided no detections of citrus canker have occurred during a minimum two-year period of intensive survey and a declaration that citrus canker has been eradicated from the area.

(5) through (10) No change.

(11) Decontamination requirements. All harvesters, intermediate handlers, grove caretakers, packers, and processors both within and outside of the quarantine area must decontaminate equipment and personnel and sign the applicable compliance agreement, DACS-08031, effective 5/99, and incorporated into this rule by reference. A copy of DACS-08031 may be obtained from the Citrus Canker Program, 3027 Lake Alfred Road, Winter Haven, Florida 33881.

~~(12)~~(14) Treatment of citrus fruit. Citrus fruit for which treatment is required by this rule must be treated in accordance with label directions in one of the following ways in the

presence of an authorized representative of the department, or at a facility operating under a compliance agreement, DACS-08031, effective 5/99, with the department:

(a) Thoroughly wetted for at least 2 minutes with a solution containing 200 parts per million sodium hypochlorite, with a solution maintained at a pH of 6.0 to 7.5, or

(b) Thoroughly wetted with a solution containing sodium o-phenyl phenate (SOPP) at a concentration of 1.86 to 2.0 percent total solution for 45 seconds if the solution has sufficient soap or detergent to cause a visible foaming action, or for 1 minute if the solution does not contain sufficient soap to cause a visible foaming action.

~~(13)~~(12) Treatment of Regulated Articles. Regulated Articles for which treatment is required by this rule must be treated in one of the following ways in the presence of an authorized representative of the department, or at a facility operating under a compliance agreement with the department:

(a) All surfaces must be treated to the point of runoff with 200 parts per million sodium hypochlorite solution. A pH of 6.0 to 7.5 must be maintained in the solution.

(b) All surfaces must be treated to the point of runoff with 2000 parts per million solution of quaternary ammonium chloride (0.2% OAC).

(c) All surfaces must be washed thoroughly to the point of runoff with a hot water and detergent solution under high pressure maintained at a minimum temperature of 160 degrees F. (71 degrees C).

(d) All surfaces must be thoroughly cleaned with steam with a minimum temperature of 160 degrees F (71 degrees C) maintained at the point of contact.

~~(14)~~(13) Treatment of Personnel. Personnel departing from property in the quarantine area shall wash or treat all exposed areas of the body and clothing with an antibacterial soap, wash, spray or other approved solution.

~~(15)~~(14) Citrus plants in containers. Maintaining citrus plants in containers within the quarantine areas is prohibited unless they are located in a nursery or nursery stock dealer establishment which is registered with the department. It shall be unlawful for nurseries or nursery stockdealers in the quarantine areas to add citrus plants to their inventory.

~~(16)~~(15) Entry of authorized representatives. All owners and occupants of properties on which citrus canker is known or suspected to exist shall permit entry of authorized representatives of the Department of Agriculture and Consumer Services for purposes of inspecting, taking of specimens, or collecting suspect infected fruit, photographing or documenting tree information, applying or supervising treatments, or conducting control activities.

Specific Authority 570.07(21),(23), 581.091(1), 581.101(1), 581.031(1),(4),(5), 581.184 FS. Law Implemented 570.07(2),(13),(21), 581.031(6),(7),(9),(15),(17), 581.083, 581.101, 581.131, 581.141, 581.184, 581.211 FS. History—New 1-17-96, Amended 4-9-96, 5-14-97, 8-19-97, 11-19-97, 11-16-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Special Programs for Students Who Are Homebound or Hospitalized

RULE NO.: 6A-6.03020

PURPOSE AND EFFECT: The purpose of this rule revision is to align procedures for eligibility of students eligible for homebound and hospitalized services with the procedures for other students with disabilities as defined in 228.041, F.S. and as required in PL105-17 (20 USC 1415) – Individuals with Disabilities Education Act, 1997.

SUMMARY: Changes to this rule include definition of a licensed physician through Florida Statutes, reference to absences of the equivalent of fifteen days on a block schedule as well as at least fifteen days, addition of eligibility for students ages birth to five, specification of an annual medical statement, and alignment of procedures for eligibility and individual educational plan development in accordance with appropriate state board of education rules.

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(1), 230.23(4)(m), 232.01(1)(c) FS.

LAW IMPLEMENTED: 228.041(18)(19), 229.565(3)(b)(c), 230.23(4)(m)4., 232.01(1)(e), 236.081(1)(c) FS., PL 105-17 (20 USC 1415).

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

TIME AND DATE: 9:00 a.m., June 26, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Coxe, Director, 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-6.03020 Special Programs for Students Who Are Homebound or Hospitalized.

(1) Homebound or hospitalized. A homebound or hospitalized student is a student who has a medically diagnosed physical or mental condition which is a chronic illness or is a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital, and restricts whose activities are restricted for an extended period of time. The medical diagnosis shall be made by a licensed physician.

(2) The term licensed physician, as used in this rule, is defined in Chapters 458 through 463, and Chapter 466, Florida Statutes, and Rule 6A-6.03020, FAC., is one who is qualified to assess the student's physical or mental condition.

(3) Criteria for eligibility. A student is eligible for special programs for homebound or hospitalized if the following criteria are met:

(a) A Certification by a licensed physician(s) must certify: as specified in Rule 6A-6.03020(2), FAC.

1. That that the student is expected to be absent from school due to a physical or mental condition for at least fifteen (15) consecutive school days, or the equivalent on a block schedule or due to a chronic condition, for at least fifteen (15) school days or the equivalent on a block schedule which need not run consecutively;

2. That the student is confined to home or hospital; and

3. That the student will be able to participate in and benefit from an instructional program; and

(b) Student is under medical care for illness or injury which is acute or catastrophic in nature; and

(c) Certification by a licensed physician ~~as specified in Rule 6A-6.03020(2), FAC.~~, that the student can receive an instructional program without endangering the health of the instructor or other students with whom the instructor may come in contact; and

(d) Student is enrolled in a public school prior to the referral for the homebound or hospitalized program, unless the student meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.03015, 6A-6.03016, 6A-6.03018, 6A-6.03019, 6A-6.03021, 6A-6.03022, 6A-6.03023, 6A-6.03024, and 6A-03025, 6A-6.03027, and 6A-6.03030, FAC. and

(e) A parent, guardian or primary caregiver signs parental agreement concerning homebound or hospitalized policies and parental cooperation.

(4) Procedures for student evaluation.

(a) The minimum evaluation for a student to determine eligibility shall be an annual medical statement from a licensed physician(s) ~~as specified in Rule 6A-6.03020(2), FAC.~~, including a description of the disabling handicapping condition

or diagnosis with any medical implications for instruction. This report shall state the student is unable to attend school and give an estimated duration of condition or prognosis.

(b) A physical reexamination and a medical report by a licensed physician(s) ~~as specified in Rule 6A-6.03020(2), FAC.~~, may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than required in this rule Rule 6A-6.0331(1)(e), FAC., and shall be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule.

(5) Procedures for determining eligibility. Procedures for determining eligibility shall be in accordance with Rule 6A-6.0331, FAC.

~~(a) For a student who is medically diagnosed as chronically ill or who has repeated intermittent illness due to a persisting medical problem, staffing as required in Rule 6A-6.0331(2) and (4)(b),(c),(d), and (e), FAC., shall be held annually to establish continuing eligibility for homebound or hospitalized services.~~

~~(b) A student may be alternately assigned to the homebound or hospitalized program and to a school based program due to a severe, chronic or intermittent condition as certified by a licensed physician, as specified in Rule 6A-6.03020(2), FAC.~~

(6) Procedures for providing an individual educational plan.

~~(a) For the homebound or hospitalized student who meets the eligibility criteria for programs as listed in Rule 6A-6.03020(3)(d), FAC., the individual educational plan shall be developed or revised prior to assignment to the homebound or hospitalized program placement as required in Rule 6A-6.03028, FAC.~~

~~(b) For the homebound or hospitalized student who does not meet the eligibility criteria for programs as listed in Rule 6A-6.03020(3)(d), FAC., whose physician expects the placement in the homebound or hospitalized program to exceed thirty (30) consecutive school days, the individual educational plan shall be developed prior to assignment but may be developed without a formal meeting, as required in Rule 6A-6.0331, FAC.~~

~~(c) For the homebound or hospitalized student who does not meet the eligibility criteria for programs as listed in Rule 6A-6.03020(3)(d), FAC., whose physician expects the placement in the homebound or hospitalized program not to exceed thirty (30) consecutive school days, the individual educational plan may be developed after assignment and without the formal meeting required in Rule 6A-6.0331, FAC.~~

(7) Instructional program. The following settings and instructional modes are acceptable for this program:

(a) Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits.

(b) Instruction in a hospital. The hospital administrator shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.

(c) Instruction through telecommunications devices. When instruction is by telecommunications ~~telephone~~, the parent, guardian, or primary caregiver shall provide an open, uninterrupted telecommunication link ~~telephone line~~ during the instructional period and shall ensure that the student is prepared to actively participate in learning.

~~(8) Funding. Students shall be counted for the homebound or hospitalized cost factor when instruction is by any of the following methods: individual instruction on a one-to-one basis, group instruction when all students in the group are members of the same family, and instruction provided through telecommunications.~~

Specific Authority 229.053(1), 230.23(4)(m), 232.01(1)(c)(e), 236.081(1)(c) FS. Law Implemented 228.041(18),(19), 229.565(3)(b),(c), 230.23(4)(m)4., 232.01(1)(e), ~~236.081(1)(e)~~ FS., PL 105-17, (20 USC 1415). History—New 7-1-77, Amended 7-2-79, 4-27-82, Formerly 6A-6.3020, Amended 5-18-86,

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Stewart, Deputy Commissioner of Educational Programs, 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: May 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Development of Individual Educational Plans and Educational Plans for Exceptional Students

RULE NO.: 6A-6.03028

PURPOSE AND EFFECT: The purpose of this rule revision is to outline procedures for the development of individual educational plans (IEPs) and educational plans for exceptional students as outlined in PL105-17 (20 USC 1415) – Individuals with Disabilities Education Act, 1997.

SUMMARY: This rule is revised to provide sections on: considerations in IEP development, review, and revision; contents of the IEP; transition services for students moving to post-school activities; transition of children from infants and toddlers early intervention programs to the school district

prekindergarten programs for students with disabilities; timelines; review and revision of the IEP; IEP implementation; IEP team participants; nonpublic schools for students with disabilities; parent participation for students with disabilities; and IEPs or educational plans for students who are gifted.

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(1),(2)(i), 230.23(4)(m), 236.081(1)(c) FS.

LAW IMPLEMENTED: 120.53(1)(b), 228.041(18),(19), 229.053(2)(i), 230.23(4)(m), 236.081(1)(c) FS.; PL 105-17 (20 USC 1415)

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

TIME AND DATE: 9:00 a.m., June 26, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Coxe, Director, 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-6.03028 Development of Individual Educational Plans and Educational Plans for Exceptional Students.

Procedures for the development of the individual educational plans for exceptional students and educational plans for students who are gifted ~~educational planning~~ shall be set forth in each district's Special Programs and Procedures of Exceptional Students document consistent with the following requirements.

(1) Considerations in IEP development, review, and revision. The IEP team shall consider the following in IEP development, review, and revision and if the IEP team determines that a student needs a particular device or service in order for the student to receive a free appropriate public education, the IEP team must include a statement to that effect in the student's IEP:

(a) The strengths of the student and the concerns of the parents for enhancing the education of their child;

(b) The results of the initial or most recent evaluation of the student;

(c) As appropriate, the results of the students' performance on any general state or district assessment;

(d) In the case of a student whose behavior impedes learning or the learning of others, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

(e) In the case of a student with limited English proficiency, the language needs of the students as those needs relate to the student's IEP;

(f) In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs (including future needs), and appropriate reading and writing media that instruction in Braille or the use of Braille is not appropriate for the student;

(g) The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;

(h) Whether the student requires assistive technology devices and services; and

(i) Whether extended school year services are necessary for the provision of a free appropriate public education to the student. Extended school year services must be provided only if a student's IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education to the student. School districts may not limit extended school year services to particular categories of disability or unilaterally limit the type, amount, or duration of those services. Extended school year services means special education and related services that are provided to a student with a disability beyond the normal school year of the school district, in accordance with the student's IEP, and at no cost to the parents of the students.

(2)(4) Contents of the IEP. Each district shall develop an individual educational plan (IEP) for each student with a disability. For children with disabilities ages birth through five (5) years, districts may develop an IEP or a family support plan in accordance with Rule 6A-6.03029, FAC. An IEP consists of written statements including:

(a) A statement of the student's present levels of educational performance including how the student's disability affects the student's involvement and progress in the general curriculum or for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(b) A statement of measurable annual goals, including benchmarks or short term instructional objectives related to meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the child's other educational needs that result from the child's disability;

(c) A statement of the specific special education and related services and supplemental aids and services to be provided to the student or on behalf of the student the extent to which the student will be able to participate in regular educational programs;

(d) A statement of the program modifications or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; to be involved and progress in the general curriculum in accordance with paragraph (2)(a) of this rule; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and non disabled students in the activities described in this paragraph; The projected dates for initiation of services and the anticipated duration of the services;

(e) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in the activities described in paragraph (2)(c) of this rule; Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved; and

(f) A statement of any individual accommodations in the administration of the state or district assessments of student achievement that are needed in order for the student to participate in the assessment and if the IEP team determines that the student will not participate in a particular state or district assessment of student achievement (or part of an assessment), a statement of why that assessment is not appropriate for the student and how the student will be assessed; A statement of the needed transition services in accordance with subsection (2) of this rule including, if appropriate, a statement of each school district's and each participating agency's responsibilities or linkages, or both, for each student beginning no later than age sixteen (16) or at a younger age if determined appropriate.

(g) The projected date for the beginning of the services and modifications described in paragraph (2)(c) of this rule and the anticipated frequency, location, and duration of those services and modifications;

(h) A statement of how the student's progress toward the annual goals will be measured and how the student's parents will be regularly informed (at least as often as parents are informed of their nondisabled children's progress) of the student's progress toward the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year;

(i) For each student with a disability beginning by the fourteenth birthday (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable

components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program;

(j) For each student beginning by the sixteenth birthday (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

(k) Beginning at least one year before a student's eighteenth birthday, the student's IEP must include a statement that the student has been informed of rights under Part B of the Individual with Disabilities Education Act that will transfer to the student on reaching the age of majority (eighteen years of age).

(3)(2) Transition Services Definition. Transition services means a coordinated set of activities for a student with a disability designed within an outcome-oriented process that promotes movement from school to post-school activities which may include postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

(a) The coordinated set of activities described in subsection (3)(2) of this rule must be based on the student's needs and take into account the student's preferences and interests and shall include:

1. Needed activities in the areas of instruction, related services, community experiences, the development of employment, and other post-school adult living objectives; and
2. If appropriate, acquisition of daily living skills and functional vocational evaluation.

(b) If the IEP team determines that the transition services are not needed in one (1) or more of the areas listed in subparagraph (3)(2)(a)1. of this rule, the IEP shall include a statement to that effect and the basis upon which the determination was made.

(c) If a participating agency, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

(d) Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

(4) Transition of children from infants and toddlers early intervention programs to the school district prekindergarten programs for students with disabilities.

(a) By the third birthday of a child participating in early-intervention programs in accordance with Section 230.2305, Florida Statutes, and who will participate in prekindergarten programs in accordance with Section

228.041(18),(19), Florida Statutes, an IEP consistent with this rule or an individual family support plan consistent with Rule 6A-6.03029, FAC., must be developed and implemented.

(b) For the purpose of implementing the requirement of paragraph (4)(a) of this rule, each school district will participate in transition planning conferences arranged by the state lead agency for infants and toddlers early intervention programs.

(5)(3) Timelines. Timelines for IEP meetings for students with disabilities shall include the following:

(a) An IEP which has been reviewed and revised if appropriate, within the past year, must be in effect at the beginning of each school year for each student with a disability who is continuing in a special program.

(b) An IEP must be developed prior to assignment in special programs and within thirty (30) calendar days following the determination of eligibility for new students with a disability assigned to a special program.

(c) Meetings shall be held to develop, review and revise the IEP. A meeting shall be held at least once every twelve (12) months a year to review each IEP and, as appropriate, revise its provisions in accordance with all aspects of this rule.

(6) Review and revision of the IEP. The school district will ensure that the IEP team:

(a) Reviews the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and

(b) Revise the IEP as appropriate to address:

1. Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate.

2. The results of any reevaluation conducted.

3. Information about the student provided to, or by, the parents, and

4. The student's anticipated needs or other matters.

(4) Participants. IEP meetings for students with disabilities shall include the following participants:

(a) ~~A representative of the district school system, other than the student's teacher, who is qualified to provide or supervise the provision of special education;~~

(b) ~~The student's teacher;~~

(c) ~~One (1) or both of the student's parents as provided in subsection (7) of this rule;~~

(d) ~~The student, when appropriate;~~

(e) ~~Other individuals at the discretion of the parent or district school system;~~

(f) ~~In addition, for an exceptional student who has been evaluated for the first time, a member of the evaluation team or some other person who is knowledgeable about the evaluation procedures used with the student and is familiar with the results of the evaluation; and~~

~~(g) If the purpose of the IEP meeting is to consider transition services for a student, the school district shall invite the student and a representative of any other agency that may be responsible for providing or paying for transition services. If the student does not attend, the school district shall take other steps to ensure that the student's preferences and interests are considered. If an agency invited to send a representative to a meeting does not do so, the school district shall take other steps to obtain the participation of the other agency in the planning of any transition services.~~

~~(5) Agency responsibilities for transition for students with disabilities.~~

~~(a) If a participating agency fails to provide agreed-upon transition services contained in the IEP of a student with a disability, the school district shall, as soon as possible initiate a meeting for the purpose of identifying alternative strategies to meet the transition objectives and revise the student's IEP, if necessary.~~

~~(b) Nothing in subsection (5) relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.~~

~~(7) IEP implementation. An IEP is in effect before special education and related services are provided to an eligible student and is implemented as soon as possible following the IEP meeting.~~

~~(a) The student's IEP shall be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation.~~

~~(b) Each teacher and provider described in paragraph (7)(a) of this rule shall be informed of specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.~~

~~(8) IEP team participants. The IEP team shall include the following participants:~~

~~(a) The parents of the student in accordance with subsection (10) of this rule;~~

~~(b) At least one regular education teacher of the student (if the student is or may be participating in the regular education environment), to the extent appropriate;~~

~~(c) At least one special education teacher of the student;~~

~~(d) A representative of the school district who is qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the school district;~~

~~(e) An individual who can interpret the instructional implications of evaluation results who may be a member of the team as described in paragraphs (8)(b)-(d) of this rule;~~

(f) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and

(g) If appropriate, the student.

(h) The determination of knowledge or special expertise of any individual described in paragraph (8)(f) of this rule shall be made by the party who invites the individual to be a member of the IEP team.

(i) If the purpose of the IEP meeting is to consider transition services for a student, the school district shall invite the student. If the student does not attend, the school district shall take other steps to ensure that the student's preferences and interests are considered.

(i) If the purpose of the IEP meeting is to consider transition services, the school district shall invite a representative of any other agency that may be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the school district shall take other steps to obtain the participation of the other agency in the planning of any transition services.

(9)(6) Nonpublic schools for students with disabilities.

(a) If through a contractual arrangement with a nonpublic school, meetings are initiated and conducted by the nonpublic school, the district school system representative and the parents shall be involved in decisions about the IEP and shall agree to proposed changes in the plan prior to those changes being implemented.

(b) If a student with a disability is enrolled in a nonpublic school and receives special education from a school district, the school district shall:

1. Initiate and conduct meetings to develop, review and revise an IEP for the student, in accordance with subsections (1) through (4) of this rule; and

2. Ensure the attendance of a representative of the nonpublic school at each meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the nonpublic school including individual or conference telephone calls.

(10)(7) Parent participation for students with disabilities. Each school board shall establish procedures which shall provide for parents, guardians, surrogate parents or persons acting in loco parentis to participate in decisions concerning the IEP. Such procedures shall include the following:

(a) Each district shall take the following steps to ensure that one (1) or both of the parents of a student with a disability is present at each meeting or is afforded the opportunity to participate at each meeting:

1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

2. Scheduling the meeting at a mutually agreed on time and place.

(b) A written notice to the parent must indicate the purpose, time, and location of the meeting, and who will be in attendance and must include a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If a purpose of the meeting is to consider transition services, the notice must also indicate this purpose, identify any other agency that will be invited to send a representative, and note that the district will invite the student.

(c) For a student with a disability beginning at age 14, or younger, if appropriate, the notice must also indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in paragraph (2)(i) of this rule and indicate that the school district will invite the student.

(d) For a student with a disability beginning at age 16, or younger, if appropriate, the notice must indicate that a purpose of the meeting is the consideration of needed transition services for the student as required in paragraph (2)(j) of this rule, indicate that the school district will invite the student, and indicate any other agency that will be invited to send a representative.

(e)(e) If neither parent can attend, the school district shall use other methods to ensure parent participation, including individual or conference telephone calls.

(f)(d) A meeting may be conducted without a parent in attendance if the school district is unable to obtain the attendance of the parents. In this case, the district must have a record of its attempts to arrange a mutually agreed on time and place such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; or and
3. Detailed records of visits made to the parents home or place of employment and the results of those visits.

(g)(e) The district shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, which may include arranging for an interpreter for parents who are deaf or whose native language is a language other than English.

(h)(f) The district shall give the parent, ~~on request,~~ a copy of the IEP at no cost to the parent.

~~(8) Procedure for parental involvement in alternative assignment. When appropriate school district personnel determine that a student's exceptionality is so profound or complex, or otherwise unique, and the school district cannot provide an appropriate educational program for the student, the parent shall have an opportunity to be involved in the decision concerning possible alternative assignment.~~

~~(9) Integration of the IEP or family support plan developed by the school district and the family support plan or support plan developed by the local Health and Rehabilitation Services (HRS) district for students with disabilities.~~

~~(a) The IEP or family support plan developed by the school district and the family support plan or support plan developed by HRS shall be developed in a joint meeting with local school district personnel, in accordance with subsections (3) and (4) of this rule. A copy of the IEP or family support plan shall be provided to the HRS district with the permission of the parent or guardian. The joint meeting shall include representatives of the HRS district serving the following students:~~

- ~~1. Students entering the school district for the first time;~~
- ~~2. Students exiting the school district at age sixteen (16) or older prior to graduation; and~~
- ~~3. Students in residential care who are receiving or are eligible for services from the school district.~~

~~(b) In the event that a representative from HRS cannot attend the IEP or family support plan meeting, other methods to obtain participation, such as telephone calls or correspondence, shall be used.~~

~~(c) For students entering the school district, the meeting shall be initiated by HRS. For students exiting the school district prior to graduation, the meeting shall be initiated by the school district. For students entering or exiting the school district, the joint meeting will address the transition of the student between programs provided by the school district and HRS.~~

~~(11)(4) Individual Educational Plans or educational Educational plans for gifted students who are gifted. Districts shall be responsible for developing individual educational plans or educational plans for students who are identified solely as gifted. Each district's Special Programs and Procedures for Exceptional Students document shall specify the contents of the plans, timelines, and required participants for development and review. These procedures shall ensure parental participation.~~

~~(a) Individual Educational Plans for students who are gifted must be consistent with the following requirements:~~

- ~~1. The IEP must include:~~
 - ~~a. A statement of the student's present levels of educational performance;~~
 - ~~b. A statement of annual goals, including short term objectives;~~
 - ~~c. A statement of the specific special education and related services to be provided to the student;~~
 - ~~d. The projected dates for initiation of services and the anticipated duration of the services; and~~
 - ~~e. Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis whether the short term instructional objectives are being achieved.~~

2. Timelines for development of the IEP shall be in accordance with paragraph (5) of this rule;

3. IEP team participation shall be in accordance with paragraphs (8)(a),(c),(d),(e),(f), and (g) of this rule; and

4. Parent notification and participation shall be in accordance with paragraph (10) of this rule.

(b) Educational plans for students who are gifted must:

1. include present level for educational performance, goals, and objectives, and services to be provided;

2. be reviewed at least every three years or at transition periods (elementary to middle to high school);

3. include parent participation in its development; and

4. include other participants as outlined in the district's Special Programs and Procedures for Exceptional Students document.

Specific Authority 229.053(1),(2)(i), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 120.53(1)(b), 228.041(18),(19), 229.053(2)(i), 230.23(4)(m), 236.081(1)(c) FS., PL 105-17 (20 USC 1415). History-New 7-13-93, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Stewart, Deputy Commissioner of Educational Programs, 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: May 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Development of Family Support Plans for Children with Disabilities Ages Birth through Five Years

RULE NO.:

6A-6.03029

PURPOSE AND EFFECT: The purpose of this revision is to conform the content and procedures for the development of Family Support Plans for children with disabilities ages birth through five years, in accordance with P.L. 105-17 (20 USC 1436) – Individuals with Disabilities Education Act (IDEA 1997).

SUMMARY: The proposed rule revision specifies that, at the option of the school district, a family support plan may only be utilized for children ages 3 through 5 years of age in lieu of an Individual Education Plan (IEP) if the parent has provided written consent, and is informed of the differences between the family support plan and the IEP; and, that the content of the family support plan must include a justification of the extent, if any, to which the services will not be provided in a natural environment.

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(1),(2)(i), 230.23(4)(m), 236.081(1)(c) FS.

LAW IMPLEMENTED: 228.041(18),(19), 229.053(2)(i), 230.23(4)(m), 236.081(1)(c) FS., P.L. 105-17 (20 USC 1436).

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

TIME AND DATE: 9:00 a.m., June 26, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Coxe, Director, 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-6.03029 Development of Family Support Plans for Children with Disabilities Ages Birth through Five Years.

Procedures for developing family support plans shall be set forth in each district's Special Programs and Procedures for Exceptional Students document consistent with the following requirements:

(2) Use of family support plans. For children with disabilities ages birth through two (2) years, a family support plan consistent with the requirements of Subsections (3),(4),(6),(8), and (9) of this rule shall be used. For children with disabilities ages three (3) through five (5) years, school districts may utilize at the option of the school district, a family support plan in lieu of an IEP, consistent with the requirements of Subsections (3),(5),(7), and (9) of this rule, with written parental consent and with the provision of a detailed explanation to the parents of the differences between a Family Support Plan and an IEP, in lieu of an individual educational plan.

(3) Contents. The family support plan shall be in writing and include:

(e) A statement of the natural environments in which early intervention services are to be provided and a justification of the extent, if any, to which the services will not be provided in a natural environment;

Specific Authority 229.053(1),(2)(i), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 228.041(18),(19), 229.053(2)(i), 230.23(4)(m), 236.081(1)(c) FS., P.L. 105-17 (20 USC 1436). History-New 7-13-93, Amended 1-4-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Stewart, Deputy Commissioner of Educational Programs,
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: May 13, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 18, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Procedural Safeguards for Children Ages
Birth through Two Years with Disabilities

RULE NO.: 6A-6.03032

PURPOSE AND EFFECT: The purpose of this revision is to outline procedural safeguards afforded to parents of children ages birth through two years with disabilities, in accordance with P.L. 105-17 (20 USC Section 1439) – Individuals with Disabilities Education Act (IDEA 1997).

SUMMARY: The proposed rule revision institutes the following changes: clarifies when prior written notice must be provided to parents; stipulates the requirements for the content of written notices; clarifies requirements to provide notice in language understandable to the general public, or in the native language of the parents, unless not feasible to do so; specifies when parent consent must be obtained; and, references procedures for mediation, due process hearings, and examination of records.

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: 120.53(1)(b), 228.041(18),(19), 230.23(4)(m), 232.01(1)(e) FS.

LAW IMPLEMENTED: 120.531(b),228.041(18),(19), 230.23(4)(m), 232.01(1)(e) FS., P.L. 105-17, (20 USC Section 1439).

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

TIME AND DATE: 9:00 a.m., June 26, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Coxe, Director, 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-6.03032 Procedural Safeguards for Children Ages Birth through Two Years with Disabilities.

The school board policy and procedures for procedural safeguards shall be set forth in the district's Special Programs and Procedures for Exceptional Students document and shall include adequate provisions for the following:

(1) Prior notice. Written prior notice must be given to the parents of a child a reasonable time before a school district proposes, or refuses, to initiate or change the identification, evaluation, or placement of the child, or the provision of appropriate early intervention services to the child and the child's family. The procedures described in Rule 6A-6.0331(1), FAC., shall be followed.

(2) Content of notice. The procedures described in Rule 6A-6.0331(2)(a)-(b), FAC., shall be followed. The content of the notice must be in sufficient detail to inform the parents about shall include:

(a) The A full explanation of all the procedural safeguards available to the parents as provided in this rule Rules 6A-6.0333 and 6A-6.03032, FAC., and Section 230.23(4)(m)5., Florida Statutes.

(b) The A description of the action proposed or refused by the district and the reasons for taking the action.

(c) The state complaint procedures including how to file a complaint with the Department of Health, Children's Medical Services, the lead agency for this program, and the timelines under those procedures.

(3) Native language.

(a) The notice described in subsection (2) of this rule must be:

1. Written in language understandable to the general public.

2. Provided in the native language of the parents, unless it is clearly not feasible to do so.

(b) If the native language or other mode of communication of the parents is not a written language, the school district shall take steps to ensure that:

1. The notice is translated orally or by other means to the parents in the parents' native language or other mode of communication;

2. The parents understand the notice, and;

3. There is written evidence that the requirements of subsection (3) of this rule have been met.

(d) If a parent is deaf or blind, or has no written language, the mode of communication must be that normally used by the parent (such as sign language, Braille, or oral communication).

(4)(3) Parent consent. The procedures described in Rule 6A-6.0331(3)(a)-(c), FAC., shall be followed except that the procedures described in Rule 6A-6.0331(3)(e)1.-2., FAC., may be initiated by the school district only if the parent has refused to consent to the initial evaluation.

(a) Written parental consent must be obtained before:

1. Conducting the initial evaluation and assessment of a child; and

2. Initiating the provision of early intervention services.

(b) If consent is not given, the school district shall make reasonable efforts to ensure that the parent:

1. Is fully aware of the nature of the evaluation and assessment or the services that would be available; and

2. Understands that the child will not be able to receive the evaluation and assessment or services unless consent is given.

(c) The school district may initiate procedures to challenge a parent's refusal or consent to the initial evaluation of their child by requesting a hearing as provided in subsection (5) of Rule 6A-6.03311, FAC. If the administrative law judge upholds the school district, the district may evaluate the child without the parent's consent.

(5) Mediation. The procedures described in subsection (4) of Rule 6A-6.03311, FAC., shall be followed.

(6)(4) Due process hearings. The procedures described in Rule 6A-6.03311(5), FAC., shall be followed with the exception that such hearings may only be initiated by the parent regarding any proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of appropriate early intervention services to the child and the child's family.

(7)(5) Examination of records. The procedures described in Rule 6A-6.03311(7), FAC., shall be followed.

Specific Authority 120.53(1)(b), 228.041(18),(19), 230.23(4)(m), 232.01(1)(e) FS. Law Implemented 120.53(1)(b), 228.041(18),(19), 230.23(4)(m), 232.01(1)(e) FS., P.L. 105-17, 20 USC Section 1439. History—New 1-4-94, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Stewart, Deputy Commissioner of Educational Programs, 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: May 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Identification and Determination of Eligibility of Exceptional Students

RULE NO.: 6A-6.0331

PURPOSE AND EFFECT: The purpose of this rule revision is to outline procedures for identification and determination of eligibility for exceptional students as outlined in PL105-17 (20 USC 1415) – Individuals with Disabilities Education Act, 1997.

SUMMARY: This rule revision clarifies that procedures and criteria for diagnosis, evaluation, eligibility, and placement shall be set forth in the special programs and procedures of each school district. Specific requirements are included for student evaluation, reevaluation, determination of needed evaluation data, determination of eligibility for a student with a disability, and determination of eligibility for a student who is gifted.

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: 120.53(1)(b), 229.053(1),(2)(h), 230.23(4)(m) FS.

LAW IMPLEMENTED: 120.53(1)(b), 228.041(18),(19), 229.053(2)(i), 230.23(4)(m)4. FS.; PL 105-17 (20 USC 1412(a)(1),(4),(11); 1413; 1414(a)-(c).

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

TIME AND DATE: 9:00 a.m., June 26, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Coxe, Director, 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-6.0331 Identification and Determination of Eligibility Assignment of Exceptional Students to Special Programs.

Procedures and criteria for diagnosis, evaluation, and determination of eligibility and placement assignment, and discipline of exceptional students shall be set forth in the school district's special programs and procedures document for the exceptional student program consistent with the following requirements.

(1) Student evaluation.

(a) The school board shall be responsible for the medical, physical, psychological, social and educational evaluations of students, who are suspected of being exceptional students, by competent evaluation specialists. Evaluation specialists shall include, but not be limited to, persons such as physicians, psychologists, speech/language pathologists, audiologists, and social workers with each such person licensed in the professional's field as evidenced by a valid license or certificate to practice such profession in Florida. Educational evaluators not covered by a license or certificate to practice a profession in Florida shall either hold a valid Florida teacher's certificate or be employed under the provisions of Rule 6A-1.0502, FAC. Tests of intellectual functioning shall be

administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, FAC., or licensed under Chapter 490, Florida Statutes. School boards shall ensure that the student is evaluated within a reasonable period of time after receipt of a parental consent for an initial evaluation.

(b) Tests and other evaluation materials used to assess a student are selected and administered so as not to be discriminatory on a racial or cultural basis and are provided and administered in a student's native language or other mode of communication, unless it is clearly not feasible to do so. The district's evaluation procedures shall provide for the use of valid tests and evaluation materials, administered and interpreted by trained personnel, in conformance with instructions provided by the producer of the tests or evaluation materials. For children and students not proficient in the English language, the district's evaluation procedures shall provide for the use of the language or other mode of communication commonly used by the child or student.

(c) Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure they measure the extent to which the student has an exceptionality and needs special education and related services rather than measuring the student's English language skills. The district shall provide a reevaluation of each student with a disability at least every three (3) years, in accordance with the requirements prescribed in subsection (1) of this rule, or more frequently if conditions warrant or if required by Rules 6A-6.03011 through 6A-6.03025, FAC.

(d) For a student with a suspected disability, a variety of assessment tools and strategies are used to gather functional and developmental information about the student, including information provided by the parent, and information related to enabling the student to be involved in and progress in the general curriculum (or for a prekindergarten child to participate in appropriate activities), that may assist in determining whether the student is a student with a disability and the content of the individual educational plan (IEP).

(e) Any standardized tests that are given have been validated for the specific purpose for which they are used and are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.

(f) If an assessment tool is not conducted under standard conditions, a description of the extent to which it varied from standard conditions shall be included in the evaluation report.

(g) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(h) For a student with a suspected disability, tests are selected and administered so as to best ensure that if a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's

aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills unless those are the factors the test purports to measure.

(i) No single procedure is used as the sole criterion for determining whether a student is a student with an exceptionality and for determining an appropriate educational program for the student.

(j) In evaluating a student with a suspected disability, the student is assessed in all areas of the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

(k) In evaluating a student with a suspected disability, the evaluation is sufficiently comprehensive to identify all of the student's special education and related services needs, whether or not commonly linked to the disability category in which the student is identified.

(l) The school district uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(m) The school district uses assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student.

(2) Reevaluation. The reevaluation of each student with a disability is conducted at least once every three (3) years or more frequently if conditions warrant a reevaluation, in accordance with Rules 6A-6.03011 through 6A-6.03027, FAC, or if the student's parent or teacher requests a reevaluation.

(a) The results of any testing administered during the reevaluation process are addressed by the IEP team in reviewing and, as appropriate, revising the student's IEP.

(b) The school district shall evaluate a student with a disability in accordance with subsections (1) and (3) of this rule before determining that the student is no longer a student with a disability. The IEP team and other qualified professionals, as appropriate, shall determine that the student is no longer a student with a disability.

(c) Reevaluation is not required for a student before the termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's twenty-second birthday.

(3) Determination of needed evaluation data for a student with a suspected disability. As part of an initial evaluation, if appropriate, and as part of any reevaluation, a group that includes persons described in accordance with Rule 6A-6.03028(6), FAC, and other qualified professionals, as appropriate, shall:

(a) Review existing evaluation data on the student, including:

1. Evaluations and information provided by the student's parents;

2. Current classroom-based assessments and observations; and

3. Observations by teachers and related services providers.

(b) On the basis of that review and input from the student's parents, identify what additional data, if any, are needed to determine the following:

1. Whether the student has a particular disability, or in the case of reevaluation, whether the student continues to have a disability;

2. The present levels of performance and educational needs of the student;

3. Whether the student needs special education and related services, or in the case of reevaluation, whether the student continues to need special education and related services; and

4. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.

(c) The group described in Rule 6A-6.03028(6), FAC., may conduct its review without a meeting.

(d) The school district shall administer tests and other evaluation materials as may be needed to produce the data identified in subsection (3) of this rule.

(e) If the determination under paragraph (3)(a)(b) of this rule is that no additional data are needed to determine whether the student continues to be a student with a disability, the school district shall notify the student's parents of:

1. That determination and the reasons for the determination; and

2. The right to request an assessment to determine whether the student continues to be an eligible student with a disability.

(f) The school district is not required to conduct the assessment described in subparagraph (3)(e)2. of this rule unless requested to do so by the student's parents.

(2) Staffing committees.

(4) Determination of eligibility for a student with a disability.

(a) ~~In interpreting evaluation data for the purpose of determining if a student is a student with a disability and identifying the educational needs of the student, the staffing committee shall: A staffing committee utilizing the process of reviewing student data including but not limited to diagnostic, evaluation, educational or social data shall recommend student eligibility for special programs.~~

1. Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;

2. Ensure that information obtained from all of these sources is documented and carefully considered; and

3. Determine eligibility in accordance with criteria required in Rules 6A-6.03011 through 6A-6.03018, FAC., Rules 6A-6.03020 through 6A-6.03027, FAC., and Rules 6A-6.03030 through 6A-6.03031, FAC., and procedures in Rule 6A-6.03411(2)(f)1., FAC.

(b) A minimum of three (3) professional personnel, one (1) of whom shall be the district administrator of exceptional student education students or designee, shall meet as a staffing committee. Parents of students with disabilities shall be invited to participate as members of the staffing committee. Additional personnel may be involved in determining eligibility the eligibility recommendation by providing information or by attending staffing meetings. ~~In the case of homebound or hospitalized students, the district administrator may receive recommendations of the staffing committee without a formal meeting.~~

(c) For a child in transition from an early intervention program to a school district prekindergarten program, the school district shall hold an eligibility staffing by the child's third birthday to determine the child's eligibility for special education and related services. ~~Parents shall be invited to participate in eligibility staffing meetings for children ages birth through five (5) years as provided in Rule 6A-6.03028(7), FAC.~~

(d) If a determination is made that a student has a disability and needs special education and related services, an IEP shall be developed for the student in accordance with Rule 6A-6.03028, FAC. In lieu of an IEP, a family support plan (FSP) may be developed for a prekindergarten child in accordance with Rule 6A-6.03029, FAC.

(e) The school district shall provide a copy of any evaluation reports and the documentation of eligibility to the parent.

(f) A student may not be determined eligible if the determinant factor for that eligibility determination is lack of instruction in reading or math or limited English proficiency and the student does not otherwise meet eligibility criteria Rules 6A-6.03011 through 6A-6.03018, FAC, and Rules 6A-6.03020 through 6A-6.03027, FAC.

(5) Determination of eligibility for a student who is gifted.

(a) In interpreting evaluation data for the purpose of determining if a student is gifted and identifying the educational needs of the student, the staffing committee shall:

1. Draw upon information from a variety of sources;

2. Ensure that information obtained from all sources is documented and carefully considered; and

3. Determine eligibility in accordance with criteria required in Rule 6A-6.03019, FAC, and procedures in Rule 6A-6.03411(2)(f)2., FAC.

(b) A minimum of three (3) professional personnel, one (1) of whom shall be the district administrator of exceptional student education or designee, shall meet as a staffing

committee. Additional personnel may be involved in determining eligibility by providing information or by attending staffing committee meetings.

~~(6)(3)~~ Each school district shall designate a staff member as a program administrator of special programs for exceptional student education students who shall be responsible for the following:

(a) Coordinating all school district programs for exceptional students;

(b) Reviewing the eligibility determinations of staffing committees for students with disabilities with procedures and criteria outlined in school district procedures developed pursuant to Rule 6A-6.03411, FAC. recommendations of the evaluation specialists and the staffing committee;

~~(c) Determining student eligibility for special programs defined in these rules and in the criteria outlined in the district procedures developed pursuant to Rule 6A-6.03411, FAC.;~~

~~(c)(d)~~ Assuring that parents have been appropriately informed of the student's eligibility determination and their procedural safeguards in accordance with Rules 6A-6.03311 and 6A-6.03313, FAC. recommended educational assignment and of their due process rights;

~~(d)(e)~~ Informing, in writing, the appropriate school principal of the student's eligibility for a special program; and

~~(e)(f)~~ Implementing the district procedures as required by Rule 6A-6.03411, FAC.

~~(4) The program administrator is authorized to delegate responsibilities in paragraphs (3)(b) through (e) of this rule.~~

~~(5) Each district shall provide for supervision of instructional personnel in special programs for exceptional students. Such supervision may be from a district, multi-district or other cooperative arrangement.~~

~~(6) Discipline. The school board shall establish policies and procedures for the discipline of a student with disabilities and for informing a student with disabilities parent or guardian of the policies and procedures for discipline. Such policies and procedures shall include provisions for expulsion, which is a change in placement invoking the procedural safeguards ensured for individual educational plan meetings, staffings, and change of placement provisions in accordance with subsection (2) of this rule, Rules 6A-6.03028 and 6A-6.03311, FAC. Where the student's behavior could warrant expulsion consistent with the district's policies, the following provisions shall apply:~~

~~(a) A staffing committee shall meet to determine whether the misconduct is a manifestation of the student's disabilities. The membership of the staffing committee shall be in accordance with requirements of subsection (2) of this rule.~~

~~(b) If the misconduct is a manifestation of the student's disability then the student may not be expelled; however, a review of the individual educational plan shall be conducted and other alternatives considered.~~

~~(e) If the misconduct is not a manifestation of the student's disability then the student may be expelled; however, any change in placement shall not result in a complete cessation of special education and related services.~~

Specific Authority 120.53(1)(b), 229.053(1),(2)(h)(i), 230.23(4)(m), 236.081(1)(e) FS. Law Implemented 120.53(1)(b), 228.041(18),(19), 229.053(2)(i), 230.23(4)(m)4., 236.081(1)(e) FS. History—New 6-17-74, Repromulgated 12-5-74, Amended 7-1-77, 3-28-78, 7-12-78, 8-31-78, 11-29-78, 10-7-81, 7-13-83, 6-2-85, Formerly 6A-6.331, Amended 7-13-93, 1-2-95, c.f. P.L. 105-17 94-142, 20 USC 1401 (49); 1412(a)(1),(4),(11); 1413; 1414(a),(b),(c)(2)(b),(4),(6); 1413- (a)(4)(A); 1414 (a)(5). Federal Register, Vol. 42, No. 163, Regulations 121a.345 and 121a.348.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Stewart, Deputy Commissioner of Educational Programs,
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: May 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 18, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Procedural Safeguards for Students
with Disabilities

RULE NO.: 6A-6.03311

PURPOSE AND EFFECT: The purpose of this revision is to conform procedural safeguards available for students with disabilities in accordance with P.L. 105-17 (20 USC 1415).

SUMMARY: The proposed rule revision institutes the following changes: deletes references to "exceptional education student." Procedural safeguards for students identified as gifted are now referenced in Rule 6A-6.03313, FAC.; adds additional requirements to the content of prior written notices; includes requirements related to obtaining parent consent for reevaluation; deletes reference to surrogate parents; specifies when parent consent is not required; clarifies requirements related to independent educational evaluations; adds a subsection that specifies procedures related to mediation; changes all references from "hearing officer" to "administrative law judge"; clarifies duties and responsibilities of the administrative law judge, school district, and the Department of Education related to procedures for due process hearings; clarifies hearing rights for all parties; clarifies requirements related to disclosure of information; clarifies rights related to civil action for an aggrieved party following the issuance of the administrative law judge's final order; clarifies requirements related to the awarding of attorney's fees; clarifies the opportunity for parents to participate in meetings; specifies when a copy of the procedural safeguards must be provided to parents; references disciplinary procedures contained in Rule 6A-6.03312, FAC.; clarifies requirements related to private school placement by parents when the

provision of a free and appropriate education is at issue; adds a subsection that specifies the state complaint procedures; and, adds a subsection that specifies procedures related to the transfer of rights at the age of majority.

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: 120.53(1)(b), 228.041(18),(19), 229.053(1), 230.23(4)(m), 236.081(1)(c) FS.

LAW IMPLEMENTED: 120.53(1)(b), 228.041(18),(19), 229.053(1), 230.23(4)(m) FS., P.L. 105-17 (20 USC 1415).

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

TIME AND DATE: 9:00 a.m., June 26, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Coxe, Director, 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:

(Substantial rewording of Rule 6A-6.03311 follows. See Florida Administrative Code for present text.)

6A-6.03311 Procedural Safeguards for Students with Disabilities Exceptional Students.

The school board policy and procedures for procedural safeguards shall be set forth in accordance with Rule 6A-6.03411, FAC., and shall include adequate provisions for the following:

(1) Prior notice. Prior written notice shall be given to the parent a reasonable time before any proposal or refusal to initiate or change the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student.

(a) The prior notice shall be written in language understandable to the general public; and shall be in the language or other mode of communication commonly used by the parent unless such communication is clearly not feasible.

(b) If the mode of communication is not a written language, the school district shall ensure:

1. That the notice is translated to the parent in his or her native language or mode of communication;

2. That the parent understands the content of the notice; and

3. That there is written documentation that the requirements of subparagraphs (1)(b)1. and (1)(b)2. of this rule have occurred.

(c) The notice shall include:

1. A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected;

2. A description of each evaluation procedure, test, record, or report the district used as a basis for the proposal or refusal;

3. A description of any other factors relevant to the district's proposal or refusal;

4. A statement that the parents of a child with a disability have protections under the procedural safeguards specified in this rule.

5. The means by which a copy of a description of the procedural safeguards can be obtained.

6. Sources for parents to contact to obtain assistance understanding their procedures safeguards specified in this rule.

(2) Informed parental consent.

(a) Parents shall be fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication.

(b) Written parental consent shall be obtained prior to formal, individual evaluation to determine eligibility for special programs or prior to conducting a reevaluation for students with disabilities.

(c) Parental consent shall be obtained prior to initial placement of the student into a special program for students with disabilities.

(d) Attempts to secure consent from the parent prior to evaluation to determine eligibility for a special program for students with disabilities, or reevaluation, or initial placement shall be documented.

1. If consent is not obtained, school district personnel may request a hearing as provided in subsection (5) of this rule.

2. If the administrative law judge upholds the district, the district may evaluate, reevaluate or initially provide special education and related services to the child without the parent's consent subject to the parent's rights under subsection (5) of this rule.

(e) Parental consent is voluntary and may be revoked at any time before the action occurs.

(f) Parental consent need not be obtained for reevaluation if the school district can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents have failed to respond.

(g) Except for formal, individual evaluation, reevaluation, and initial placement, consent may not be required as a condition of any benefit to the parent or child. Any proposal or refusal to initiate or change the identification, or educational placement of the student or the provision of a free appropriate public education to the student after the initial placement are not subject to parental consent but are subject to prior notice as defined by subsection (1) of this rule.

(h) Parental consent is not required before:

1. Reviewing existing data as part of an evaluation or reevaluation; or,

2. Administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all children.

(3) Independent educational evaluation.

(a) The school district shall notify the parent of a student with a disability of the right to an independent educational evaluation and provide to the parents, on request, information about where an independent educational evaluation may be obtained.

(b) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district.

(c) Independent educational evaluation is defined to mean an evaluation conducted by a qualified evaluation specialist as prescribed in Rule 6A-6.0331(1)(a), FAC., who is not an employee of the district school board.

(d) Public expense is defined to mean that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

(e) If a parent requests an independent educational evaluation at public expense, the school district must, without unnecessary delay either:

1. Initiate a hearing under subsection (5) of this rule; or

2. Ensure that an independent educational evaluation is provided at public expense, unless the school district can demonstrate in a hearing under subsection (5) of this rule, that the evaluation obtained by the parent did not meet the school district's criteria.

(f) The school district may ask the parent to give a reason why he or she objects to the school district's evaluation. However the explanation by the parent may not be required and the school district may not unreasonably delay either providing the independent educational evaluation at public expense or initiating of a due process hearing to defend the school district's evaluation.

(g) Parent-initiated evaluations. If the parent obtains an independent educational evaluation at private expense, the school district shall:

1. Consider the results of such evaluation in any decision regarding the student; and,

2. The results of such evaluation may be presented as evidence at any hearing authorized under subsection (5) of these rules.

(h) If the final decision from the hearing is that the district evaluation is appropriate, the independent educational evaluation will be at the parent's expense.

(i) Whenever an independent educational evaluation is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria prescribed by Rule 6A-6.0331(1), FAC., for use by the school district when it initiates an evaluation to the extent that those criteria are consistent with the parent's right to an independent educational evaluation. The school district may not impose any conditions or timelines for obtaining an independent educational evaluation at public expense other than those related to the location of the evaluation and the qualifications of the examiner.

(j) If an administrative law judge requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

(4) Mediation. The Department of Education shall ensure that procedures are established and implemented to allow parties to disputes involving any matter related to a proposal or refusal to initiate or change the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student to resolve the dispute through a mediation process.

(a) Requirements. The procedures must meet the following requirements and must ensure that the mediation process:

1. Is voluntary on the part of both parties;

2. Is not used to deny or delay a parent's right to a due process hearing under subsection (5) of this rule;

3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

(b) The Department of Education shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

(c) If a mediator is not selected on a random basis from the list described in this subsection of rule, both parties must be involved in selecting the mediator and agree with the selection of the individual who will mediate.

(d) The Department of Education shall bear the cost of the mediation process.

(e) Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is agreeable to both parties.

(f) An agreement reached by the parties to the dispute in the mediation process must be set forth in a written mediation agreement.

(g) Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings, and the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of the process.

(h) Impartiality of the Mediator. An individual who serves as a mediator:

1. May not be an employee of any school district, or any state agency that receives a subgrant of Individuals with Disabilities Education Act funds through the Department of Education.

2. Must not have a personal or professional conflict of interest.

3. A person who otherwise qualifies as a mediator is not an employee of a school district, or State agency solely because he or she is paid by the Department of Education to serve as a mediator.

(5) Due process hearings.

(a) Such hearings may be initiated by a parent or a school district on the proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

(b) A hearing shall be conducted by an administrative law judge from the Division of Administrative Hearings, Department of Management Services.

(c) An administrative law judge shall use subsection (5) of this rule for any such hearings and may also apply any procedural rules which govern Chapter 120, Florida Statutes, proceedings to the extent such rules do not conflict with Section 230.23(4)(m), Florida Statutes, and Chapter 6A-6, FAC.

(d) Duties and responsibilities of an administrative law judge shall be:

1. To determine the date, time, and location of the hearing and any pre-hearing conference calls and motion hearings. Each hearing involving oral arguments must be conducted at a time and place that is reasonably convenient to the parents and their child;

2. To conduct the hearing in a fair and impartial manner;

3. To ensure that all discovery, motion practice, and pre-trial procedures are conducted in an expedited manner, consistent with the deadlines established by this rule concerning the exchange of evidence and the issuance of the final decision established by this rule.

4. To determine if the parent wants an electronic or written copy of the final decision and the administrative record of the hearing;

5. To determine whether the parent wants the hearing open to the public and whether the parent wants their child to attend the hearing;

6. To determine whether an interpreter is required for the proceeding;

7. To determine whether the parent's advisor or counsel is sufficiently knowledgeable about or trained with respect to the problems of students with disabilities;

8. To determine how evidence may be exchanged prior to and during the hearing;

9. To determine how witnesses may be compelled to attend, be cross-examined, and confronted during discovery and at the hearing;

10. To determine how evaluations and recommendations may be disclosed prior to and during a hearing;

11. To summarize the facts and findings of the case and to arrive at an impartial decision based solely on information presented during the hearing;

12. To reach a final decision and mail to all parties copies of the facts, findings and decision regarding the hearing within 45 days of the district's receipt of the parent's request or the filing of the district's request for a hearing, whichever is sooner;

13. To be accountable for all deadlines and procedures established by the statutes and rules for such hearings;

14. To maintain the confidentiality of all information; and

15. To rule on requests for specific extensions of time beyond the periods set forth in subparagraph (5)(d)12. of this rule, at the request of either party.

(e) Hearing rights for all parties.

1. Any party to a hearing conducted pursuant to subsection (5) of this rule and subsection (6) of Rule 6A-6.03312, FAC., has a right:

a. To be accompanied and advised by counsel and by individuals with special knowledge or training with respect to students with disabilities;

b. To present evidence, and to confront, cross-examine, and compel the attendance of witnesses;

c. To prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) business days before the hearing;

d. To obtain written or electronic verbatim records of the hearing; and

e. To obtain written or electronic findings of fact and decisions.

2. Additional disclosure of information.

a. At least five (5) business days prior to a hearing conducted pursuant to subsection (5) of this rule, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

b. An administrative law judge may bar any party that fails to comply with subparagraph (5)(e)2. of this rule from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

(f) Hearing rights of parents. Parents involved in hearings must be given the right:

1. To have their child who is the subject of the hearing present;

2. To open the hearing to the public; and

3. To receive a copy of the record of the hearing and the findings of fact and decisions described in subparagraphs (5)(d)11.-12. of this rule at no cost to the parent.

(g) Duties and responsibilities of the superintendent or designee shall include:

1. Implementing procedures that require the parent of a child with a disability or the advocate representing the child, to provide notice (which must remain confidential) to the school district. The notice required must include: the name of the child; the address of the residence of the child; the name of the school that the child is attending; a description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and, a proposed resolution of the problem to the extent known and available to the parents at the time. However, the school district may not deny or delay a parent's right to a due process hearing for failure to provide this notice.

2. Immediately notifying the Division of Administrative Hearings by both facsimile transmission and mail of the parents' request for a hearing.

3. Notifying all parties regarding their rights and responsibilities before, during, and after the hearing. This notice should include information to the parent of any free or low cost legal and other relevant services, including mediation services, which are available, if the parent requests this information or if the parent or school district initiates a hearing.

4. Making appropriate arrangements for an interpreter, if the administrative law judge determines this to be a need.

5. Complying with the administrative law judge's rulings regarding requests for and exchanges of evidence; discovery; the filing of motions; and, scheduling, so as to meet the requirements of subsection (5) of this rule, and the deadlines established herein.

6. Arranging for clerical assistance, cost of the hearing, availability of facilities, and a verbatim transcript of the hearing;

7. Completing other responsibilities specified by the school board.

(h) Duties and responsibilities of the Department of Education shall include:

1. Maintaining a list of persons who serve as administrative law judges, including a statement of the qualifications of each of these persons; and,

2. Transmitting the findings and decisions, after deleting any personally identifiable information, of any such hearings to the Commissioner of Education for review by the State Advisory Committee for the Education of Exceptional Students.

(i) Status of student during proceedings. During the time that an administrative or judicial proceeding regarding a due process hearing is pending, unless the district and the parent of the student agree otherwise, the student involved in the due

process hearing must remain in the present educational assignment. If the due process hearing involves an application for an initial admission to public school, the student, with the consent of the parent, must be placed in a public school program until the completion of all proceedings. If the administrative law judge agrees with the parent and finds that a change of placement is appropriate, that placement becomes the agreed-upon placement during the pendency of the appeal.

(j) Civil Action. A decision made in a hearing conducted under subsection (5) of this rule is final; unless, within 30 days, a party aggrieved by the final order brings a civil action in federal district or state circuit court, as provided in Section 230.23(4)(m)4. The state circuit or federal court shall: receive the records of the administrative proceedings; may hear additional evidence at the request of a party; and basing its decision on the preponderance of the evidence, shall grant the relief it determines appropriate. In the alternative, any party aggrieved by the administrative law judge's final order shall have the right to request an impartial review by the appropriate district court of appeal as provided by Sections 120.68 and 230.23(4)(m)4., Florida Statutes.

(6) Attorneys' Fees.

(a) Only a district court of the United States or a state circuit court may award reasonable attorneys' fees as part of the costs to the parents of a child with disabilities who is a prevailing party in a due process hearing or in a subsequent judicial proceeding.

(b) A parent of a child with a disability who is a prevailing party in the due process hearing or in a further proceeding may bring an action in a federal district court or a state circuit court for attorneys' fees within the time determined by law.

(c) The court may deny a request for attorneys' fees for services performed after the district has made a written offer of settlement within the appropriate timelines if the court determined that the relief finally obtained by the parents was not more favorable than the settlement offer. However, attorneys' fees may be awarded if the parent was substantially justified in rejecting the offer.

(d) Attorney's fees may not be awarded for:

1. Individual educational plan meetings, unless the meeting is convened as a result of a due process hearing or a judicial action; or,

2. Mediation that is held prior to the filing of a request for a due process hearing.

(e) The court may reduce attorneys' fees:

1. If the court finds that the parent, during the course of the action or proceeding, unreasonably protracted the final resolution of the dispute; or,

2. The attorney's hourly rate exceeded the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience; or,

3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding;

4. The parent or their attorneys did not provide the district with information in accordance with subsection (5) of this rule.

(f) Attorneys' fees may not be reduced if the court finds that the state or school district unreasonably delayed the resolution of the dispute or violated its obligation in accordance with the provisions of this rule.

(g) Fees awarded under subsection (5) of this rule must be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.

(7) Opportunity to examine records and participate in meetings.

(a) The parents of a student with a disability shall be afforded, in accordance with Rule 6A-1.0955, FAC., Section 228.093, Florida Statutes, and this rule, an opportunity to inspect and review all educational records with respect to the identification, evaluation, educational placement of the child, and the provision of a free appropriate public education to the child.

(b) The right to inspect and review education records under this rule includes the right to have a representative of the parent inspect and review the records.

(c) The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement of their child or the provision of a free appropriate public education to their child.

(d) A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the student's Individual Educational Plan. A meeting also does not include preparatory activities that the school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

(8) Provision of Procedural Safeguards to Parents.

(a) The content of the procedural safeguards notice must inform parents of the provisions of subsections (1)-(11) of this rule.

(b) A copy of the procedural safeguards notice must be available to the parents of a child with a disability, but must be given to the parents, at a minimum:

1. Upon initial referral for evaluation;

2. Upon refusal to conduct an initial evaluation;

3. Upon each notification of an IEP meeting;

4. Upon reevaluation of the child; and,

5. Upon receipt of a request for a due process hearing in accordance with subsection (5) of this rule.

(9) Discipline Procedures. Discipline procedures for students with disabilities must be in accordance with the provisions of Rule 6A-6.03312, FAC.

(10) Private School Placements by Parents if Provision of A Free Appropriate Education is at Issue.

(a) A school district is not required to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if the school district made a free and appropriate public education available to the parent's child with a disability and the parents elected to place the child in a private school or facility.

(b) Disagreements between a parent and a school district regarding the availability of a program appropriate for the student, and the question of financial responsibility, are subject to the due process procedures described in subsection (5) of this rule.

(c) If the parents of a child with a disability, who previously received special education and related services under the authority of a public agency, enroll the child in a private preschool, elementary, or secondary school without the consent or referral by the school district, a court or administrative law judge may require the school district to reimburse the parents for the cost of that enrollment; if the court or administrative law judge finds that the school district had not made a free appropriate public education available to the student in a timely manner prior to that enrollment, and that the private placement is appropriate. A parental placement may be found to be appropriate by an administrative law judge or a court even if it does not meet the state standards that apply to education by the Department of Education and the school district.

(d) The cost of reimbursement described in subsection (10) of this rule may be reduced if:

1. At the most recent IEP meeting that the parents attended prior to removing their child from the public school, the parents did not inform the IEP team that they were rejecting the placement proposed by the school district to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or

2. At least ten business days (including any holidays that occur on a business day) prior to the removal of the student from the public school, the parents did not give written notice to the school district of the information described in subparagraph (10)(d)1. of this rule;

3. If prior to the parents' removal of their child from the public school, the school district informed the parents, through the notice requirements described in subsection (1) of this rule of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for the evaluation; or,

4. Upon a judicial finding of unreasonableness with respect to actions taken by the parents.

(e) The cost of reimbursement may not be reduced or denied for failure to provide the notice if:

1. The parent is illiterate and cannot write in English;

2. Compliance with paragraph (10)(d) of this rule would likely result in physical or serious emotional harm to their child;

3. The school prevented the parent from providing the notice; or

4. The parents had not received notice of the requirements of subparagraph (10)(d)1. of this rule.

(11) State Complaint Procedures.

(a) The Department of Education has complaint procedures that establish a time limit of 60 days after a complaint is filed under the provisions of this rule, to do the following:

1. Carry out an independent on-site investigation, if the Department of Education determines that to be necessary;

2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;

3. Review all relevant information and make an independent determination as to whether the school district is violating a requirement of state or federal requirements regarding the education of students with disabilities;

4. Issue a written decision on the complaint that addresses each issue presented in the complaint and contains findings of fact, conclusions, and the reason(s) for the Department of Education's final decision; and

5. Extend the time limit established in paragraph (11)(a) of this rule if exceptional circumstances exist with respect to a particular complaint.

(b) Procedures for the effective implementation of the Department of Education's final decision include the following:

1. Technical assistance activities;

2. Negotiations; and,

3. Corrective actions to achieve compliance.

(c) Relationship to due process hearings.

1. If a written complaint is received that is also the subject of a due process hearing requested pursuant to subsection (5) of this rule, or the complaint contains multiple issues, (of which one or more are part of that hearing), the Department of Education is required to set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved in compliance with the procedures described in paragraph (11)(a) of this rule.

2. If an issue is raised in a complaint filed under this subsection that has previously been decided in a due process hearing involving the same parties, the administrative law judge's final order is binding, and the Department of Education is required to inform the complainant to that effect.

3. The Department of Education is required to resolve any complaint which alleges that a school district has failed to implement a due process decision.

(12) Transfer of Rights at the Age of Majority.

(a) The school district shall provide any notice required by Rules 6A-6.03311 and 6A-6.0328, FAC. to both a student who has attained age 18 and the student's parent.

(b) At age 18, all other rights accorded to parents under Part B of the Individuals with Disabilities Education Act transfer to the student, unless the student has been determined to be incompetent under state law.

(c) For students who have attained age 18 and are incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under this rule transfer to the student, including the right to notice as described in paragraph (12)(a) of this rule.

(d) The school district shall notify the student and the parent of the transfer of rights, when the student attains the age of 18.

(e) If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used to:

1. Have the student declared incompetent and the appropriate guardianship established;

2. Have the parent appointed to represent the educational interests of the child throughout the student's eligibility for a special program consistent with Rules 6A-6.03011 through 6A-6.03025, FAC.; or,

3. Have another appropriate individual appointed to represent the educational interests of the child through the student's eligibility for a special program consistent with Rules 6A-6.03011 through 6A-6.03025, FAC. if the parent is not available.

Specific Authority 120.53(1)(b), 228.041(18),(19), 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 120.53(1)(b), 228.041(18),(19), 229.053(1), 230.23(4)(m) FS., P.L. 105-17 94-142, 20 USC 1415. History--New 7-13-83, 12-20-83, 4-26-84, Formerly 6A-6.3311, Amended 7-17-90,

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Stewart, Deputy Commissioner of Educational Programs,
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: May 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2000

THE FULL TEXT OF THE PROPOSED RULE IS:

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Procedural Safeguards for Students who are Gifted

6A-6.03313

PURPOSE AND EFFECT: The rule establishes procedural safeguards for students identified as gifted. Previously, safeguards for students identified as gifted were contained in Rule 6A-6.03311, FAC. However, that rule is being revised to conform to the recent changes in the Individuals with Disabilities Education Act (IDEA) and now only applies to students with disabilities.

SUMMARY: The rule addresses the following procedures and information: establishes when prior written notice must be given; specifies the content of the written notice; specifies procedures related to parent consent; deletes reference to surrogate parents, and deletes all provisions related to independent educational evaluations; changes all references from "hearing officer" to "administrative law judge"; clarifies duties and responsibility of the administrative law judge, school district, and the Department of Education related to procedures for due process hearings; clarifies hearing rights for all parties; clarifies requirements related to disclosure of information; clarifies rights related to civil action for an aggrieved party following the issuance of the administrative law judge's final order; and, specifies when a copy of the procedural safeguards must be provided to parents.

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: 120.53(1)(b), 228.041(18),(19), 229.053(1), 230.23(4)(m), 236.081(1)(c) FS..

LAW IMPLEMENTED: 120.53(1)(b), 228.041(18),(19), 229.053(1), 230.23(4)(m) FS..

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

TIME AND DATE: 9:00 a.m., June 26, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

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

6A-6.03313 Procedural Safeguards for Students who are Gifted.

The school district policy and procedures for procedural safeguards shall be set forth in accordance with Rule 6A-6.03411, FAC., and shall include adequate provisions for the following:

(1) Prior notice. Prior written notice shall be given to the parent a reasonable time before any proposal or refusal to initiate or change the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student.

(2) Content of notice.

(a) The prior notice shall be written in language understandable to the general public; and shall be in the language or other mode of communication commonly used by the parent unless such communication is clearly not feasible.

(b) If the mode of communication is not a written language, the school district shall ensure:

1. That the notice is translated to the parent in his or her native language or mode of communication;

2. That the parent understands the content of the notice; and

3. That there is written documentation that the requirements of subparagraphs (1)(b)1. and (1)(b)2. of this rule have occurred.

(c) The notice shall include:

1. A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected;

2. A description of each evaluation procedure, test, record, or report the district used as a basis for the proposal or refusal; and

3. A description of any other factors relevant to the district's proposal or refusal; and

4. Information on how the parent can obtain a copy of the procedural safeguards.

(3) Parental consent.

(a) Written parental consent shall be obtained prior to formal, individual evaluation to determine eligibility for special programs for students who are gifted.

(b) Parental consent shall be obtained prior to initial placement of the student into a special program for students who are gifted.

(c) Attempts to secure consent from the parent prior to evaluation or initial placement shall be documented.

(d) Parental consent is voluntary and may be revoked before the action occurs.

(e) Parents shall be fully informed of all information relevant to the action for which consent is sought in his or her native language or other mode of communication.

(f) Except for formal, individual evaluation and initial placement, consent may not be required as a condition of any benefit to the parent or child. Any proposal or refusal to initiate or change the identification, evaluation, or educational placement or the provision of a free appropriate public education to the student after the initial placement are not subject to parental consent but are subject to prior notice as defined by subsection (1) of this rule.

(g) Parental consent is not required before:

1. Reviewing existing data as part of an evaluation; or

2. Administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all children.

(4) Due process hearings.

(a) Such hearings may be initiated by a parent or a school district on the proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.

(b) A hearing shall be conducted by an administrative law judge from the Division of Administrative Hearings, Department of Management Services.

(c) An administrative law judge shall use subsection (4) of this rule for any such hearings and may also apply any procedural rules which govern Chapter 120 proceedings to the extent such rules do not conflict with Chapter 230.23(4)(m), Florida Statutes, and Chapter 6A-6, FAC.

(d) Duties and responsibilities of an administrative law judge shall be:

1. To determine the date, time, and location of the hearing and any pre-hearing conference calls and motion hearings. Each hearing involving oral arguments must be conducted at a time and place that is reasonably convenient to the parents and their child;

2. To conduct the hearing in a fair and impartial manner;

3. To ensure that all discovery, motion practice, and pre-trial procedures are conducted in an expedited manner, consistent with the deadlines established by this rule concerning the exchange of evidence and the issuance of the final decision.

4. To determine if the parent wants an electronic or written copy of the final decision and the administrative record of the hearing;

5. To determine whether the parent wants the hearing open to the public and whether the parent wants their child to attend the hearing;

6. To determine whether an interpreter is required for the proceeding;

7. To determine whether the parent's advisor or counsel is sufficiently knowledgeable about or trained regarding students who are identified as gifted;

8. To determine how evidence may be exchanged prior to and during the hearing;

9. To determine how witnesses may be compelled to attend, be cross-examined, and confronted during discovery and at the hearing;

10. To determine how evaluations and recommendations may be disclosed prior to and during a hearing;

11. To summarize the facts and findings of the case and to arrive at an impartial decision based solely on information presented during the hearing;

12. To reach a final decision and mail to all parties copies of the facts, findings and decision regarding the hearing within 45 days of the district's receipt of the parent's request or the filing of the district's request for a hearing, whichever is sooner;

13. To be accountable for all deadlines and procedures established by the statutes and rules for such hearings;

14. To maintain the confidentiality of all information; and

15. To rule on requests for specific extensions of time beyond the periods set forth in subsection (4) of this rule, at the request of either party.

(e) Hearing rights for all parties.

1. Any party to a hearing conducted pursuant to subsection (4) of this rule or an appeal conducted pursuant to subsection (4) of this rule, has a right:

a. To be accompanied and advised by counsel and by individuals with special knowledge or training with respect to students who are gifted;

b. To present evidence, and to confront, cross-examine, and compel the attendance of witnesses;

c. To prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) business days before the hearing;

d. To obtain written or electronic verbatim records of the hearing; and

e. To obtain written or electronic findings of fact and decisions.

2. Additional disclosure of information.

a. At least five (5) business days prior to a hearing conducted pursuant to subsection (4) of this rule, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

b. An administrative law judge may bar any party that fails to comply with subparagraph (4)(e)2. of this rule from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

(f) Hearing rights of parents. Parents involved in hearings must be given the right:

1. To have their child who is the subject of the hearing present;

2. To open the hearing to the public; and,

3. To receive a copy of the record of the hearing and the findings of fact and decisions described in paragraph (4)(e) of this rule.

(g) Duties and responsibilities of the superintendent or designee shall include:

1. Implementing procedures that require the parent of a child who is gifted or the attorney representing the child, to provide notice (which must remain confidential) to the school district. The notice required must include: the name of the child; the address of the residence of the child; the name of the school the child is attending; a description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and, a proposed resolution of the problem to the extent known and available to the parents at the time. However, the school district may not deny or delay a parent's right to a due process hearing for failure to provide this notice.

2. Immediately notifying the Division of Administrative Hearings by both facsimile transmission and mail of the parent's request for a hearing;

3. Notifying all parties regarding their rights and responsibilities before, during, and after the hearing. This notice should include information to the parent of any free or low cost legal and other relevant services, which are available, if the parent requests this information or if the parent or school district initiates a hearing.

4. Making appropriate arrangements for an interpreter, if the administrative law judge determines this to be a need;

5. Complying with the administrative law judge's rulings regarding requests for and exchanges of evidence; discovery; the filing of motions; and, scheduling, so as to meet the requirements of this rule, and the deadlines established herein.

6. Arranging for clerical assistance, cost of the hearing, availability of facilities, and a verbatim transcript of the hearing;

7. Completing other responsibilities specified by the school board.

(h) Duties and responsibilities of the Department of Education shall include:

1. Maintaining a list of persons who serve as administrative law judges including a statement of the qualifications of each of these persons; and,

2. Transmitting the findings and decisions, after deleting any personally identifiable information, of any such hearings to the Commissioner of Education for review by the State Advisory Committee for the Education of Exceptional Students.

(i) Status of student during proceedings.

1. During the time that an administrative or judicial proceeding regarding a due process hearing is pending, unless the district and the parent of the student agree otherwise, the student involved in the due process hearing must remain in the present educational assignment. If the due process hearing involves an application for an initial admission to public school, the student, with the consent of the parent, must be placed in a public school program until the completion of all proceedings.

2. If the administrative law judge agrees with the parent and finds that a change of placement is appropriate, that placement becomes the agreed-upon placement during the pendency of the appeal.

(j) Civil Action. A decision made in a hearing conducted under subsection (4) of this rule is final unless within thirty (30) days a party aggrieved by the final order brings a civil action in a state circuit court as provided by Section 230.23(4)(m), Florida Statutes. The state circuit court shall: receive the records of the administrative proceedings; may hear additional evidence at the request of a party; and, basing its decision on the preponderance of the evidence, grant the relief it determines appropriate. In the alternative, any party aggrieved by the administrative law judge's final order shall have the right to request an impartial review by the appropriate district court of appeal as provided by Sections 120.68 and 230.23(4)(m), Florida Statutes.

(5) Examination of records.

(a) The parents of students who are gifted shall be afforded, in accordance with Rule 6A-1.0955, FAC., Section 228.093, Florida Statutes, and this rule, an opportunity to inspect and review all educational records with respect to the identification, evaluation, and educational placement of the child.

(b) The right to inspect and review education records under this rule includes the right to have a representative of the parent inspect and review the records.

(6) Content and Provision of the Procedural Safeguards Notice to Parents.

(a) The content of the procedural safeguard notice must inform the parent of all provisions included in this rule.

(b) A copy of the procedural safeguards notice must be available to the parents of a child who is gifted, but must be given to the parents, at a minimum:

1. Upon initial referral for evaluation; and,

2. Upon refusal to conduct an initial evaluation; and,

3. Upon receipt of a request for a due process hearing in accordance with subsection (3) of this rule.

Specific Authority 120.53(1)(b), 228.041(18),(19), 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 120.53(1)(b), 228.041(18),(19), 229.053(1), 230.23(4)(m) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Stewart, Deputy Commissioner of Educational Programs,
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: May 13, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 18, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Special Programs and Procedures for 6A-6.03411
Exceptional Students

PURPOSE AND EFFECT: The purpose of this rule revision is to outline procedures for the development of special programs and procedures documents for exceptional students as outlined in PL105-17 (20 USC 1415) – Individuals with Disabilities Education Act, 1997.

SUMMARY: This rule revision updates agency names and requirement dates of the document; and describes the provisions that must be included in the Special Programs and Procedures document to include: screening, referral activities, referral, student evaluation, eligibility, individual educational plan, temporary assignment of transferring exceptional students, reevaluation, student participation in statewide assessment, dismissal, procedural safeguards, transfer of rights for students with disabilities, special program procedures, and district assurances.

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(1), 230.23(4)(m)4. FS.

LAW IMPLEMENTED: 228.041(18),(19), 229.565(3)(b)(c), 230.23(4)(m)4., 236.081(1)(c) FS., PL 105-17 (20 USC 1415).

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

TIME AND DATE: 9:00 a.m., June 26, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Coxe, Director, 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-6.03411 Special Programs and Procedures for Exceptional Students.

This rule shall apply beginning with the proposed special programs and procedures documents submitted for the 1985-86 school year and thereafter, in accordance with Section 230.23(4)(m)4., Florida Statutes, as referenced in Rule 6A-6.03411(5), FAC. For a school district or agency under contract to the Department to utilize the cost factors for special programs for exceptional students to generate funds it shall: develop a written statement of procedures for providing an appropriate program of special instruction, as required by Section 230.23(4)(m), Florida Statutes; submit its written statement of special programs and procedures to the designated office in the Department of Education; and report Deputy Commissioner for Educational Programs for approval; and report to the Deputy Commissioner for Educational Programs, the total number of ~~students in the district receiving instruction in each special program~~ for exceptional students in the manner prescribed by the Department. State Board Rules relating to special programs for exceptional students shall serve as criteria for the review and approval of special programs and procedures documents. The document shall be submitted in accordance with timelines required by the ~~Department division of public schools~~ for approval ~~prior to the 1985-86 school year and each subsequent year,~~ and shall include the following:

(1) Provision for Special Programs. Special programs are required for each type of exceptional student and may be provided directly, in cooperation with other school districts or agencies, or through contractual arrangements with nonpublic schools.

(2) General Procedures. General procedures shall be implemented in accordance with Rule 6A-6.0331, FAC.

(a) Procedures for placement. Procedures for placement shall include: shall ensure that segregation of exceptional students occurs only when the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily and shall show a continuum of alternative placements consistent with Rule 6A-6.0311, FAC.

1. To the maximum extent appropriate, students with disabilities in public or private institutions or other facilities, are educated with students who are not disabled;

2. Special classes, separate schooling or other removal of exceptional students from regular education occurs only if the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aides and services cannot be achieved satisfactorily; and

3. A continuum of alternative placements is provided for exceptional students consistent with Rule 6A-6.0311(1), FAC.

(b) Procedures for screening. Screening is that process by which a rapid assessment is made to identify candidates for formal evaluation. Minimum requirements are:

1. Screening for vision and hearing problems shall be in accordance with the school district's school health plan.

2. Speech, language, hearing, and vision screening shall be required prior to considering the eligibility of a student for any special program except gifted, occupational or physical therapy, and homebound or hospitalized.

(c) Procedures for prereferral activities. Prereferral activities are those activities which address student learning problems at the school level prior to referral, whenever appropriate, or as required by Rules 6A-6.03011 through ~~6A-6.03027, 6A-6.03031, FAC.~~

(d) Procedures for referral. Referral is the process whereby a written request is made for a formal evaluation of students who are suspected of needing special programs.

(e) Procedures for student evaluation. Student evaluation is the systematic examination of all areas related to the student's suspected exceptionality including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities by evaluation specialists ~~the medical, physical, psychological, social, or educational characteristics of the student by evaluation specialists.~~

(f) Procedures for determining eligibility. Procedures for determining eligibility shall include: Determining eligibility is the process in accordance with Rule 6A-6.0331(2),(3), FAC., whereby professionals review student data to determine whether or not the student meets the criteria for eligibility for a special program.

1. Determining eligibility for students with disabilities, in accordance with Rule 6A-6.0331(4), FAC., is the process whereby the staffing committee determines that the student has a disability, in accordance with eligibility criteria specified in Rules 6A-6.03011 through 6A-6.03018, FAC., Rules 6A-6.03020 through 6A-6.03027, FAC., and Rules 6A-6.03030 through 6A-6.03031, FAC., and needs special education and related services.

2. Determining eligibility for students who are gifted, in accordance with Rule 6A-6.0331(5), FAC., is the process whereby the staffing committee determines that the student is gifted in accordance with eligibility criteria specified in Rule 6A-6.03019, FAC., and needs gifted services.

(g) Procedures for providing an individual educational plan (IEP), educational plan (EP), or family support plan (FSP) ~~or family support plan~~, in accordance with Rules 6A-6.03028 and 6A-6.03029, FAC.

(h) Procedures for temporary assignment of transferring exceptional students, in accordance with Rule 6A-6.0334, FAC.

(i) Procedures for reevaluation. Reevaluation of students with disabilities is the process whereby information about a student is gathered and reviewed to determine whether the student continues to have a disability, the need for continuation in the special program. The following steps are required:

1. ~~An evaluation specialist and an exceptional student teacher shall examine available information in all areas addressed in the initial evaluation or in subsequent re-evaluations of the student and shall make the appropriate referral(s) for one or more formal evaluations based on their examination and the requirements of Rules 6A-6.03011 through 6A-6.03031, FAC. When necessary, another member of the instructional or supervisory staff may substitute for the exceptional student teacher.~~

2. ~~A meeting of the individual educational plan committee or the staffing committee shall be convened to review all available information about the student including reports from the additional evaluations, and to consider the need for continuation in the special program. If the student is to continue in the special program(s), the student's individual educational plan or family support plan shall be reviewed in accordance with Rules 6A-6.03028 and 6A-6.03029, FAC.~~

3. ~~If the re-evaluation indicates that the special program is no longer needed or that program changes may be warranted, the applicable dismissal or eligibility staffing procedures shall be followed.~~

(j) Procedures for student participation in statewide assessment, including alternate assessment, in accordance with Rule 6A-1.0943, FAC.

(k)(j) Procedures for dismissal. Dismissal is the process whereby a student is removed from a special program.

~~(k) Procedures for procedural safeguards for exceptional students, in accordance with Rule 6A-6.03311, FAC.~~

(l) Procedures for procedural safeguards, in accordance with Rules 6A-6.03311, 6A-6.03032, and 6A-6.03313, FAC.

(m) Transfer of rights for students with disabilities, in accordance with Rule 6A-6.03311, FAC.

(n) Procedures for information and services to parents of students with disabilities eligible for opportunity scholarships and participating private schools, in accordance with Section 229.0537, Florida Statutes.

1. School district personnel shall work with private schools to determine the special education and related services that will continue to be available to participating students with disabilities.

2. Parents of students with disabilities eligible for opportunity scholarships shall be provided information on the availability of special education and related services from the local school board.

3. The determination of the location of the special education and related services provided shall be at the discretion of the local school board.

4. Special education services provided by the local school board to students with disabilities placed in private schools by their parents shall be consistent with the student's services plan.

(o)(4) Plan for evaluation of the special programs.

(3) Procedures for each special program, in accordance with Rules 6A-6.03011 through 6A-6.03027, FAC., and Rules 6A-6.03030 through 6A-6.03031, FAC., including:

(a) Criteria for eligibility.

(b) Any procedures for screening, referral, student evaluation, determination of eligibility, development of the individual educational plan, educational plan, or family support plan, reevaluation, or dismissal which are different from or in addition to the procedures in the general section.

(c) Instructional program. Philosophy, curriculum, and instructional support.

(4) Assurances. Assurances of the district school board or agency for meeting requirements for:

(a) Written agreements in accordance with Rule 6A-6.0311(3)(a)-(b), FAC.,

(b) Contractual arrangements with nonpublic schools in accordance with Rule 6A-6.0361, FAC.,

(c) Surrogate parents in accordance with Rule 6A-6.0333, FAC.

(d) Discipline in accordance with Rule 6A-6.0331~~2~~(6), FAC.

(e) Opportunity scholarships in accordance with Section 229.0537, Florida Statutes.

~~(5) Form ESE-017, Special Programs and Procedures for Exceptional Students, effective September, 1985, is incorporated by reference and made a part of this rule. This form may be obtained from the Administrator of Information Services and Accountability, Division of Public Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.~~

Specific Authority 229.053(1), 230.23(4)(m)4., ~~236.081(1)(e)~~ FS. Law Implemented 228.041(18),(19), 229.0537, 229.565(3)(b),(c), 230.23(4)(m)4., 236.081(1)(c) FS. History—New 11-18-84, Amended 10-1-85, Formerly 6A-6.3411, Amended 12-14-93, _____. c.f. PL 105-17 94-142, 20 USC S.1401 et seq., 34 C.F.R. Parts 76 and 300.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Stewart, Deputy Commissioner of Educational Programs, 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: May 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: Florida Building Commission –

RULE CHAPTER NO.:

Operational Procedures

9B-3

RULE TITLES:

RULE NOS.:

Commission Organization and Operation

9B-3.004

Procedures for Testing Materials, Devices and

Method of Construction

9B-3.042

Qualification Program for Special Inspectors

of Threshold Buildings

9B-3.043

State Minimum Building Codes Adopted

9B-3.047

PURPOSE, EFFECT AND SUMMARY: The purpose of the amendment of the above-listed rules is to repeal 9B-3.047 as an unnecessary recitation of statute; repeal 9B-3.042, which is not authorized by specific statute, amend 9B-3.004(1) to reflect statutory changes, and amend 9B-3.043(1)(b),(c) clarifying that experience is to be measured in calendar years.

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

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

SPECIFIC AUTHORITY: 553.73(3), 553.76(1), 553.77(1)(a), 553.79(5)(c) FS.

LAW IMPLEMENTED: 553.73(3), 553.73(9), 553.74, 553.75, 553.79(5)-(8), inclusive 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. – 10:00 a.m., June 19, 2000

PLACE: Randall Kelley Training Center, 3rd Floor, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Program Administrator, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-3.004 Commission Organization and Operations.

(1) The Commission is headed by a Chairman who is appointed by the Governor elected by the Commission membership, annually for a one-year term.

(2) through (10) No change.

Specific Authority 553.76(1), 553.77(1)(a) FS. Law Implemented 553.74, 553.75 FS. History—New 5-15-75, Amended 4-18-78, Formerly 9B-3.04, Amended _____.

9B-3.042 Procedures for Testing of Materials, Devices, and Method of Construction.

Specific Authority 553.77(1)(a) FS. Law Implemented Ch. 553, Part VI FS. History—New 4-18-78, Formerly 9B-3.42, Repealed _____.

9B-3.043 Qualification Program for Special Inspectors of Threshold Buildings.

(1) The minimum qualifying criteria for Special Inspectors of Threshold Buildings, also referred to as Threshold Inspectors, established by the Commission shall be as follows:

(a) Proof of current registration in good standing as a registered architect or professional engineer whose principal practice is structural engineering in the State of Florida.

(b) Three calendar years of experience in performing structural field inspections on threshold type buildings.

(c) Two calendar years of experience in the structural design of threshold type buildings. For the purpose of these criteria, structural design shall mean the design of all structural components of the building and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

(d) and (e) No change.

(2) through (7) No change.

Specific Authority 553.79(5)(c) FS. Law Implemented 553.79(5)-(8) FS. History—New 10-3-84, Amended 2-24-85, Formerly 9B-3.43, Amended 4-9-87, 6-8-94, 2-27-96, _____.

9B-3.047 State Minimum Building Codes Adopted.

(1) No change.

(2) Application. The construction provisions contained within these referenced codes shall apply as required by Part VII, Chapter 553, Florida Statutes. Each local government and state agency with building construction regulation responsibilities shall adopt one of the state minimum building codes as its building code, which shall govern the construction, erection, alteration, repair or demolition of any building for which the local government or state agency has responsibility. If the One and Two Family Dwelling Code is adopted for residential construction, then one of the other recognized model codes must be adopted for the regulation of other residential and nonresidential structures.

Specific Authority 553.73(3) FS. Law Implemented 553.73(3),(9) FS. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Program Administrator, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Pierce, Director, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Florida Building Commission –

Handicapped Accessibility Standards 9B-7

RULE TITLE: RULE NO.:

Procedures 9B-7.003

PURPOSE, EFFECT AND SUMMARY: The purpose of the amendment of the above-listed rules is to repeal 9B-7.003 pursuant to the decision rendered in Department of Corrections v. Saulter, 24 FLW D1951, (Fla 1st DCA, 1999).

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

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

SPECIFIC AUTHORITY: 553.512(1) FS.

LAW IMPLEMENTED: 553.512(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: 9:00 a.m. – 10:00 a.m., June 19, 2000

PLACE: Randall Kelley Training Center, 3rd Floor, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Program Administrator, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-7.003 Procedures.

(1) through (7) No change.

~~(8) Any person with a substantial interest in a Final Order may move the Commission for a rehearing of the same in accordance with the requirements of this paragraph.~~

~~(a) A motion for rehearing shall be filed not later than fifteen (15) days from the date of the Final Order to which it is addressed. Only one motion for rehearing by any one party shall be allowed for any Final Order.~~

~~(b) The motion for rehearing shall not reargue matters considered by the Commission, but shall present matters which the Commission may have overlooked, or shall be based on new information which the Commission did not have at the time of its earlier action.~~

~~(c) A timely motion for rehearing shall suspend the rendition of the Final Order for the purpose of appealing the Final Order to a District Court of Appeal. The rendition shall be deemed to have occurred on the date of the Order which determines the last timely motion for rehearing address to any one Final Order. The time for appealing the Final Order to a District Court of Appeal shall commence running from that date.~~

Specific Authority 553.512(1) FS. Law Implemented 553.512(1) FS. History—New 1-31-79, Formerly 9B-7.03, Amended 10-1-96, 9-14-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Program Administrator, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Pierce, Director, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Thermal Efficiency Standards	9B-13
RULE TITLES:	RULE NOS.:
Thermal Efficiency Standards Adopted	9B-13.0041
Effective Date	9B-13.0061

PURPOSE, EFFECT AND SUMMARY: The purpose of the amendment of the above-listed rules is to repeal 9B-13.0061(1) and the language in 9B-13.0041(1) referring to the repealed portion of 9B-13.0061 as unnecessary.

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

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

SPECIFIC AUTHORITY: 553.901 FS.

LAW IMPLEMENTED: 553.901, 553.903 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. – 10:00 a.m., June 19, 2000

PLACE: Randall Kelley Training Center, 3rd Floor, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Program Administrator, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-13.0041 Thermal Efficiency Standards Adopted.

(1) The design and fabrication of all new and renovated buildings, except as exempted herein, shall comply with the requirements of the Florida Energy Efficiency Code For Building Construction (the Code), promulgated by the State of Florida. The Department shall revise, update and maintain the Code. ~~After the effective dates specified in 9B-13.0061~~ All all new and renovated buildings, except as exempted herein, shall comply with the requirements of the 1997 Edition of the Code and the 1998 revisions, Form 600A-97 (Revised 1998), the FLA/RES-97 (Revised 1998) computer program, Form 600B-97 (Revised 1998) and Form 600C-97 (Revised 1998), herein incorporated into this rule by reference.

(2) No change.

Specific Authority 553.901 FS. Law Implemented 553.901, 553.903 FS. History—New 12-10-96, Amended 10-19-97, 1-19-98, 12-27-98,_____.

9B-13.0061 Effective Date.

~~(1) After October 15, 1980, no building except those exempted from the requirements of the Florida Energy Efficiency Code For Building Construction shall be constructed, installed or renovated unless such building complies with the standards and rules adopted in Rule 9B-13.0041.~~

~~(2) Revised pages of the 1997 Edition of the Code, Form 600A-97 (Revised 1998), the FLA/RES-97 (Revised 1998) computer program, Form 600B-97 (Revised 1998), and Form 600C-97 (Revised 1998) shall take effect on the effective date of this rule. Changes to Rule Chapter 9B-13 shall take effect as of the effective date of this rule.~~

Specific Authority 553.901 FS. Law Implemented 553.901 FS. History--New 12-10-96, Amended 10-19-97, 1-19-98, 12-27-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Program Administrator, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Pierce, Director, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: Florida Energy Conservation Standards

RULE CHAPTER NO.: 9B-44

RULE TITLES: Products, Standards and Test Methods Certification

RULE NOS.: 9B-44.003 9B-44.004

PURPOSE, EFFECT AND SUMMARY: The purpose of the amendment of the above-listed rules is to repeal 9B-44.003(1)(a), 9B-44.003(2)(a), 9B-44.003(3)(a) and portions of 9B-44.004 as unnecessary repetition of statutory provisions; and updating the standards and testing methods in 9B-44.003 and providing for incomplete certification statements in 9B-44.004.

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

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

SPECIFIC AUTHORITY: 553.954, 553.961 FS.

LAW IMPLEMENTED: 553.955(8)(c), 553.957, 553.961, 553.963, 553.971 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. – 10:00 a.m., June 19, 2000

PLACE: Randall Kelley Training Center, 3rd Floor, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Program Administrator, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-44.003 Products, Standards and Test Methods.

The standards and test methods as required herein pertain to specific covered products.

(1) Refrigerators, Refrigerator-Freezers, and Freezers;:

~~(a) Standards. Refrigerators, refrigerator freezers and freezers, except as exempted by sections 553.957(1)(a) and 553.963(1)(b), F.S., manufactured on or after January 1, 1993, shall meet the applicable standards listed in section 553.963(1)(a), F.S.~~

~~(b) Test Methods. Manufacturers of any refrigerator, refrigerator-freezer or freezer to be sold or installed in Florida that is covered by this rule shall cause the testing of one randomly selected sample of each model of covered product by a test laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) or, where no laboratory accreditation program category exists under this program for a covered product, testing shall be conducted by an independent test laboratory. Testing shall be conducted according to the following test methods.~~

~~(a)1- Fresh food refrigerated volume, freezer refrigerated volume, and total refrigerated volume shall be determined using the standard ANSI/AHAM HRF-1-1988 1979 which is incorporated by reference herein.~~

~~(b)2- The energy consumption shall be determined using the test procedure for refrigerators and freezers in 10 Code of Federal Regulations (CFR), section 430.22(a) and (b) (1999 1986) which is incorporated by reference herein.~~

(2) Fluorescent Lamp Ballasts for Lighting Equipment;:

(a) ~~Standards. Fluorescent lamp ballasts and luminaires incorporating ballasts manufactured on or after January 1, 1989, except equipment exempted by section 553.963(2)(b), F.S., or preempted by section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297), shall meet the applicable standards listed in section 553.963(2)(a), F.S.~~

(b) ~~Test Methods. Manufacturers of lamp ballasts for fluorescent lighting equipment to be sold or installed in Florida that is covered by this rule shall cause the testing of samples of each model of fluorescent lamp ballast by a test laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) or, where no laboratory accreditation category exists under this program for a covered product, testing shall be conducted by an independent test laboratory.~~

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

(3) Showerheads:-

(a) ~~Standards. Showerheads manufactured on or after January 1, 1988, except those exempted by section 553.963(3)(b), F.S., shall meet the standard described in section 553.963(3), F.S.~~

(b) ~~Test Method. Manufacturers of showerheads to be sold or installed in Florida that are covered by this rule shall cause the testing of samples of each model. Initial certification of showerheads mandated to occur by January 1, 1988, may contain testing reports developed by the manufacturers' test laboratory and certified by the manufacturer to be true and accurate. Certifications of showerheads made after January 1, 1990, shall contain results of testing reports conducted by a test laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) or, where no laboratory accreditation category exists under this program for a covered product, testing shall be conducted by an independent test laboratory. The method of testing shall be in accordance with standard ANSI A112.18.1M-1996 1979 which is incorporated by reference herein. Showerheads shall be tested in the assembled configuration in which they are packaged and sold. Showerheads in which a flow restricting mechanism is not mechanically retained, as defined below, when packaged and sold shall be tested with the flow restricting mechanism removed. Mechanically retained shall mean that the insert cannot be shaken out of the showerhead, but would require a force of at least eight pounds to remove the insert. All showerheads with the flow restrictors mechanically retained at the point of manufacture shall be tested with the flow restrictor mechanism in place. Showerheads with a radially drilled hole which is sealed when the flow restricting mechanism is in position, but which sprays water out of the side of the showerhead when the flow restricting mechanism is removed shall also be tested with the flow restricting mechanism in place.~~

Specific Authority 553.954, 553.961 FS. Law Implemented 553.955(8)(c), 553.957, 553.961, 553.963 FS. History--New 12-31-87, Amended 10-12-89,

9B-44.004 Certification.

~~Manufacturers of a covered product that was manufactured on or after the effective date for that product as specified in rule 9B 44.007 shall certify such product to be in compliance with these regulations in accordance with the provisions of section 553.971, F.S.~~

(1) ~~Test reports submitted with certification statements by manufacturers shall be based Section 553.971(2), F.S., requires certain information to be included in certification statements. Certification statement submittals to the Department for each model of covered product shall include a test report on testing performed not earlier than two years prior to the certification submittal, except as exempted by section 553.971(3), F.S., and a declaration of compliance with the Florida standards. The test report shall be a copy of the report produced by the testing laboratory and shall be consistent with the presentation of information required by the test standard applicable to the covered product and for showerheads shall indicate whether they are tested with or without inserts where applicable.~~

~~Certification statements for luminaires and showerhead assemblies that contain a ballast or showerhead manufactured and certified by others shall identify both ballast or showerhead and luminaire or assembly model numbers. A list of ballasts or showerheads officially certified in Florida that will be included as part of the product must be contained in the certification package. However, no test report is required where the ballast or showerhead referenced has been certified by its manufacturer. Where a company utilizes one showerhead in a number of assemblies, one showerhead certification submittal may be made that includes a list of that company's assembly models containing that showerhead. The certification statement shall contain the information required by section 553.971(2)(a),(b),(c),(d),(e),(f),(g) and (h), F.S. The certification for showerheads shall certify that the showerhead is packaged and shipped with or without removable inserts as applicable. The declaration of compliance shall be provided on Form 971-87, which is incorporated by reference herein, effective 12/31/87.~~

(2) ~~Certification statements not complete and accurate shall be returned to the manufacturer by the Department within 45 days after receipt with a description of incomplete or inaccurate information for correction. The date a corrected certification statement is received shall begin a new 45 day response cycle. Section 553.971(2)(k), F.S., requires the Department to forward to the manufacturer an acknowledgement that the statement has been received and that it is complete and accurate on its face within 45 days after receipt of a certification statement. Where additional information is required, the manufacturer shall be notified. An acknowledgment of certification shall be sent to the manufacturer once all provisions of section 553.971(2), F.S., have been met.~~

(3) through (4) No change.

Specific Authority 553.954 FS. Law Implemented 553.971 FS. History--New 12-31-87, Amended 10-12-89, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Program Administrator, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Pierce, Director, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: Public Restrooms – Ratio of Facilities
RULE CHAPTER NO.: 9B-56

for Men and Women

RULE TITLES: Definitions 9B-56.002

Implementation 9B-56.003

PURPOSE, EFFECT AND SUMMARY: The purpose of the amendment of the above-listed rules is to change the reference from the Florida Board of Building Codes and Standards to the Florida Building Commission.

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

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

SPECIFIC AUTHORITY: 553.141(3), 553.141(4) FS.

LAW IMPLEMENTED: 553.141(1), 553.141(2), 553.141(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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m. – 10:00 a.m., June 19, 2000

PLACE: Randall Kelley Training Center, 3rd Floor, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired,

please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Program Administrator, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-56.002 Definitions.

For the purpose of this rule chapter, the following, unless the context does not permit such meaning, shall have the meanings indicated:

(1) No change.

(2) Board – The Florida Building Code Commission ~~Board of Building Codes and Standards.~~

(3) through (9) No change.

Specific Authority 553.141(4) FS. Law Implemented 553.141(1),(2) FS. History--New 6-8-94, Amended _____.

9B-56.003 Implementation.

(1) The Commission ~~Board~~ may interpret and clarify various aspects of the requirements for a specific ratio of facilities for men and women in public restrooms, and will promulgate such rules and regulations as will from time to time be deemed necessary to carry out its purpose.

(2) through (5) No change.

Specific Authority 553.141(3),(4) FS. Law Implemented 553.141(1),(2),(3) FS. History--New 6-8-94, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Program Administrator, Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Pierce, Director, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

PUBLIC SERVICE COMMISSION

DOCKET NO. 000533-PU

RULE TITLE: Initiation of Formal Proceedings
RULE NO.: 25-22.036

PURPOSE AND EFFECT: To repeal subsection (3) of Rule 25-22.036, FAC.

SUMMARY: Subsection (3) provides notice that the Commission may initiate a proceeding on its own motion, and states the procedure the Commission may follow in doing so.

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: 350.01(7), 350.127(2) FS.

LAW IMPLEMENTED: 120.569, 120.57, 350.123, 364.035, 364.05, 364.057, 364.058, 364.335, 364.337, 366.04, 366.06, 366.071, 366.076, 366.8255, 367.031, 367.045, 367.071, 367.081, 367.0814, 367.0817, 367.082, 367.0822, 367.091, 367.101, 367.171 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. NO HEARING WILL BE HELD BECAUSE THIS RULE RELATES EXCLUSIVELY TO THE COMMISSION'S ORGANIZATION, PROCEDURE, OR PRACTICE.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.036 Initiation of Formal Proceedings.

(1) through (2) No change.

~~(3) Orders and Notices. Upon its own motion, the Commission may issue an order or notice initiating a proceeding. Such order or notice shall be served upon all persons named therein. The Commission may also transmit notice of its action to other persons requesting such notice, and may publish such notice in appropriate newspapers of general circulation and the Florida Administrative Weekly.~~

~~(3)(4) Form and Content.~~

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

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57, 350.123, 364.035, 364.05, 364.057, 364.058, 364.335, 364.337, 366.04, 366.06, 366.071, 366.076, 366.8255, 367.031, 367.045, 367.071, 367.081, 367.0814, 367.0817, 367.082, 367.0822, 367.091, 367.101, 367.171, FS History—New 12-21-81, Formerly 25-22.36, Amended 5-3-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Anne Helton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No. 15, April 14, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Drivers
RULE NO.: 33-601.605

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth guidelines for: the selection and utilization of inmates as drivers of work release vehicles; the renewal of licenses; the training of inmates in the commercial vehicle driving vocational program; and the driving restrictions of inmates at various institutions.

SUMMARY: The proposed rule provides definitions of applicable terms, establishes license requirements and selection criteria for inmate drivers, establishes procedures for implementation of the rule, sets forth responsibilities and restrictions of inmates, sets forth procedural duties of staff, and establishes procedures relating to the commercial vehicle driving vocational program.

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, 945.091 FS.

LAW IMPLEMENTED: 20.315, 322.03, 322.04, 322.15, 944.09, 945.091 FS.

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

TIME AND DATE: 9:00 a.m., June 22, 2000

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.605 Inmate Drivers.

(1) Definitions.

(a) Approving Authority, where used herein, refers to the Secretary of the Florida Department of Corrections or his or her designee, who will be the warden or assistant warden who has operational responsibility for a specific work release center.

(b) Commercial Motor Vehicle, where used herein, refers to any motor vehicle used on the streets and highways which has a gross vehicle weight rating (declared weight or actual weight) of 26,001 pounds or more, is designed to transport more than 15 persons including the driver, or is utilized to carry hazardous materials.

(c) Commercial Vehicle Driving Vocational Program – a vocational program designed to prepare inmates for employment as tractor trailer or truck drivers. Instruction will include 1000 miles of road driving under the supervision of a qualified commercial vehicle driver prior to completion of the program. Road driving activities will include experience on two-lane, four lane, interstate and city streets and highways. Twenty percent or more of the experience will occur at night on both wet and dry roads.

(d) DMV, where used herein, refers to the Department of Highway Safety and Motor Vehicles.

(e) Work Release Center (WRC), where used herein, refers to a facility where a community based transition program for approved minimum custody inmates prior to release from custody is conducted.

(2) License Requirements for Inmate Drivers.

(a) Any inmate who operates a work release center vehicle must have a valid Florida Driver’s License.

(b) No inmate will be authorized to operate a vehicle that qualifies as a commercial motor vehicle without a valid Florida Commercial Driver’s License.

(3) Selection Criteria for WRC Inmate Drivers.

(a) The inmate must meet the criteria for the work release program and not have a current or prior conviction in any of the following categories:

1. Any degree of murder or attempted murder,
2. Homicide,
3. Manslaughter,
4. Driving under the influence,
5. Driving while licensed suspended or revoked,
6. Kidnapping,
7. False imprisonment,
8. Escape, or a disciplinary report for escape or attempted escape for which the inmate was found guilty, or
9. Vehicle theft.

(b) The inmate must have demonstrated stability, maturity and satisfactory institutional adjustment for a period of six months.

(c) The inmate must be in minimum custody and have proven his or her trustworthiness by performing in an outside minimum custody assignment ninety days prior to his or her selection.

(d) The inmate must hold a valid Florida Driver’s License or be eligible for licensing.

(e) The inmate must have a favorable driving record which does not reflect any moving violations within the last three years prior to incarceration.

(4) The classification officer considering an inmate as a work release center driver shall review the inmate’s driving history utilizing the Kirkman Data Center database. Questions

or concerns regarding the Kirkman Data Center database are to be directed to the work release coordinator in the Bureau of Classification and Central Records.

(5) Prior to driving a department vehicle, a WRC inmate driver must be authorized in writing by the approving authority.

(6) Obtaining licenses for non-licensed inmate drivers.

(a) When an inmate who does not have a valid Florida Driver’s License on file is assigned as a WRC inmate driver, the classification officer shall contact the nearest DMV Driver’s License Office by telephone and arrange for the license examination.

(b) A correctional officer shall escort the inmate to DMV for the scheduled appointment and shall remain with the inmate while he or she completes the license examination.

(c) Routine fees for driver’s examinations, licenses and renewals will be paid by the work release center where the inmate is assigned at the time the fee is incurred. Any additional costs to obtain a driver’s license will be the financial responsibility of the inmate and will be paid directly to the DMV Driver’s License Office.

(d) Once the license is obtained, the correctional officer shall return with the inmate to the work release center, secure the driver’s license in the control room and provide the classification officer with any paperwork received from DMV for the inmate’s file.

(7) Issuance of WRC Inmate Driver’s Licenses. The correctional officer working in the control room shall issue the license and the keys to the inmate upon departure from the work release center, and shall ensure that the license and the keys are returned to the control room upon the inmate’s return to the work release center at the end of his or her driving duty shift. The correctional officer in control room shall document on the control room log every time a driver’ license and keys are given to and received from an inmate. For security reasons, both items will be stored in the control room when not in use.

(b) The Correctional Officer in the control room will make the appropriate documentation on the Control Room Log, DC6-207, every time a driver’s license and keys are given to and received from an inmate. Form DC6-207 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is _____.

(7) Supervision of WRC Inmate Drivers. A correctional officer sergeant at the work release center will be assigned to ensure the inmate driver fulfills the driving duties in the prescribed manner:

(a) The responsibilities of the assignment will be thoroughly explained to the inmate and the inmate will be required to sign the Inmate Driver Agreement Form, DC6-116.

Form DC6-116 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is _____.

(b) The sergeant shall thoroughly familiarize the inmate with the route(s) he or she is to follow and shall accompany the inmate on his or her first run of the route. If, after one run, the correctional officer sergeant believes the inmate is not familiar enough with the route, the correctional officer sergeant shall continue to accompany the inmate on the route until the inmate is familiar enough with the route to drive it by himself.

(c) The inmate driver is restricted to authorized transportation duties only, shall not be permitted to drive for any non-department business duties, and shall not be required to drive a department vehicle for more than 12 hours per every 24-hour period. Under no circumstances will the inmate be permitted to operate a vehicle outside of the state.

(d) If any inmate is involved in an accident with a department vehicle, the shift supervisor at the work release center will notify the Florida Highway Patrol so that they can investigate the accident. If an inmate driver receives a traffic citation or is involved in an accident, the inmate's driving privileges will be immediately suspended pending a review by the approving authority. Reinstatement as an inmate driver will require written authorization by the approving authority.

(e) The sergeant at the work release center shall review each inmate's driver's license at least quarterly to ensure that the license is still valid and no traffic infractions (citations) have occurred since the inmate was authorized to drive. Should the license be invalid or any new traffic infractions (citations) discovered, notice shall be given to the approving authority who shall reassess the inmate's authorization to drive. The approving authority shall, in writing, advise the correctional officer major or classification officer at the work release center whether the inmate is to remain an inmate driver.

(f) A department vehicle will be assigned to only one inmate at a time. The vehicle will be searched and inspected at the beginning and conclusion of the assigned inmate's driving duty shift and at each intermittent stop at the work release center for contraband and any excess mileage driven by the inmate. The correctional officer searching the vehicle shall document the search on the control room log, Form DC6-207. Any contraband or mileage infractions will be handled through the disciplinary process.

(g) Each time an inmate driver returns to the work release center a correctional officer shall conduct a physical search of the inmate for the detection of contraband and shall document the search on the control room log. An inmate found with contraband will have his or her driving privileges immediately suspended pending review by the approving authority and shall be subject to the disciplinary process.

(8) Driving privileges and restrictions for inmates at major institutions.

(a) Inmates housed at major institutions will not be permitted to operate state vehicles other than farm equipment or other off-highway equipment which does not require a driver's license.

(b) Operation of a farm vehicle or other off-highway equipment must be approved in advance by the warden.

(c) Inmates shall be properly trained prior to using any of the above-listed equipment.

(d) Inmates shall not be authorized to operate farm equipment or other off-highway equipment off institution grounds.

(e) The inmate will only be permitted to have custody of the equipment keys when he or she is operating the machinery and must return the keys to the correctional officer for safe storage upon completion of the job assignment. Under no circumstances will equipment keys be left in the vehicle when not in use or when the vehicle is unattended.

(9) Commercial Vehicle Driving Vocational Program.

(a) In order to qualify for the Commercial Vehicle Driving Vocational Program designed to prepare an inmate for employment as a tractor trailer or truck driver, an inmate must exhibit a safe driving record, be at least 21 years of age, comply with State and Federal licensing requirements, and be otherwise eligible pursuant to paragraph (3) of this rule.

(b) An inmate who does not have a valid Florida Driver's License on file shall be permitted to obtain his driver's license in order to participate in the Commercial Vehicle Driving Vocational Program. The license will be obtained as described in paragraph (6) of this rule. The inmate will be required to purchase the license and Commercial Driver's License (CDL) at his own expense and pay such fees to the DMV Driver's License Office.

(c) Under no circumstances will an inmate be permitted to operate the tractor trailer or truck outside of the state.

(d) An inmate will be authorized to retain his driver's license and CDL on his person only when necessary for that specific part of the program which requires driving. When not in use, the driver's license and the keys to the vehicle shall be returned to the instructor for safe storage. Under no circumstances will an inmate be permitted to complete the field training part of the program that occurs outside the parameters of an institution without proper supervision and the accompaniment of a skilled professional.

Specific Authority 944.09, 945.091 FS. Law Implemented 20.315, 322.03, 322.04, 322.15, 944.09, 945.091 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Stan Czarina

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Michael W. Moore, Secretary
Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLE: Special Management Meal
 RULE NO.: 33-602.223

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct titles of staff responsible for implementing special management meal procedures, to correct addresses, and update forms associated with the rule.

SUMMARY: The proposed rule revises the titles of department staff responsible for implementing procedures relating to special management meals, corrects the address of the Department's central office, corrects reference to Chapter 33, Florida Administrative Code, and provides revised forms used in associated procedures.

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: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

TIME AND DATE: 9:00 a.m., June 20, 2000

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.223 Special Management Meal.

(1) through (3) No change.

(4) Placement on the Special Management Meal.

(a) When any employee observes inmate behavior that he believes meets the criteria for application of the special management meal, the employee shall prepare Form DC6-218 ~~DC3-013~~, Special Management Meal Report, and forward the report to the Chief of security ~~Correctional Officer~~ for review. Form DC6-218 ~~DC3-013~~, Special Management Meal Report, is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel ~~Operations~~, Department of Corrections, 2601 Blair Stone Road ~~1311 Winewood Boulevard~~,

Tallahassee, Florida 32399-2500. If forms are to be mailed, ~~the request must be accompanied by~~ a self-addressed stamped envelope must accompany the request. The effective date of this form is _____ ~~the same as the effective date of this rule~~.

(b) If the Chief of security ~~Correctional Officer~~ determines that the behavior cannot be corrected through routine counseling or by established disciplinary procedures, a discussion shall take place at the inmate's cell between the inmate, the Officer in cCharge, and the reporting officer, if needed. The Officer in cCharge shall complete the discussion section of the report. The Special Management Meal Report shall document the reasons for recommending the special management meal and shall include a summary of the inmate's comments or objections. When an inmate has been recommended for placement on the special management meal, the Chief hHealth oOfficer or other designated health care medical staff member shall indicate on the Special Management Meal Report whether there is any medical reason that would prohibit placing the inmate on special management meal status. When there is a medical problem, the Chief hHealth oOfficer or other designated medical staff member shall ~~then~~ determine whether the inmate can be placed on the special management meal or whether an alternative special meal can be prescribed. No inmate shall be placed on special management meal status without medical approval. The Chief of security Correctional Officer shall then forward the report to the warden for approval.

(c) The warden or duty warden ~~his designee~~ shall approve or disapprove all recommendations for placement on the special management meal based on the criteria set forth in subsection (2) above.

(5) Canteen privileges authorized by 33-602.220(8)(n) ~~(9)(m)~~, 33-602.221(9)(j), and 33-601.803(3)(f) for inmates in administrative confinement, ~~protective confinement~~, and close management status shall be suspended for the duration of the period that an inmate is on special management meal status.

(6) The Chief of security ~~Correctional Officer~~ and a clinical health care person ~~representative of the medical staff~~ shall visit each inmate on special management meal status on a daily basis, except in case of riot or other institutional emergency. The shift supervisor shall act as the chief of security's ~~correctional officer's~~ designee and shall conduct the daily visit in the chief's absence. The purpose of the daily visit is to follow the inmate's progress while on the special management meal and to determine when the inmate should be removed from the special management meal status.

(7) An inmate may be removed from special management meal status at any time based on:

(a) The recommendation of the Chief of security ~~Correctional Officer~~ and the approval of the warden or duty warden; or

(b) Medical reasons as determined by the Chief Health Officer or other designated health care medical staff.

(8) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-11-88, Amended 3-4-92, 5-27-97, 11-25-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Czerniak

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 9, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-09R

RULE CHAPTER TITLE: Surface Water Quality Standards RULE CHAPTER NO.: 62-302

RULE TITLE: Classification of Surface Waters, Usage, Reclassification, Classified Waters RULE NO.: 62-302.400

PURPOSE AND EFFECT: The proposed rule revisions would reclassify Prospect Lake in Broward County from Class I waters to Class III waters. Class III waters have a designated use of "recreation, propagation and maintenance of a healthy, well-balanced population of fish and wildlife" (Rule 62-302.400(1), Florida Administrative Code). If the proposed rule revisions are approved, Class III surface water quality criteria would apply in Prospect Lake.

SUMMARY: On December 29, 1997, the Department received a rulemaking petition from the City of Fort Lauderdale to reclassify Prospect Lake in Broward County from Class I waters to Class III waters. The City seeks reclassification so that Prospect Lake can be connected with an existing canal system in order to enhance ground water recharge in an adjacent wellfield. Reclassification is necessary since water quality in Prospect Lake is not expected to meet Class I water quality criteria (particularly the Total Dissolved Solids criterion) due to the inflow of Class III canal water. Some of the benefits of reclassification include: enhancement of raw water availability, increased wellfield protection from saltwater intrusion and contamination from offsite sources, and support of regional water management strategies of the South Florida Water Management District Lower East Coast Regional Water Supply Plan. A public workshop was held on May 3, 2000 in Fort Lauderdale. Representatives of the City of Fort Lauderdale, Montgomery Watson, Inc. (City of Fort Lauderdale's consultant), and the South Florida Water Management District were the only attendees. No opposition to the proposed reclassification has been expressed to the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Economic Analysis Section of the Florida Department of Environmental Protection (DEP) is preparing a Statement of Estimated Regulatory Cost for Rule 62-302.400, Florida Administrative Code, proposing reclassification of Prospect Lake in Broward County. As of May 10, 2000, DEP has found no regulatory cost being imposed on either the Department, City of Fort Lauderdale, Broward County, the South Florida Water Management District, or any other state, county, or municipal government entity, as a result of the reclassification of Prospect Lake from Class I (Potable Water Supplies) to Class III (Recreation, Propagation of a Healthy, Well-Balanced Population of Fish and Wildlife). The city, which has requested the reclassification, has not used Prospect Lake for potable water since 1973, and has no intention of doing so in the future. Instead, Prospect Lake would be connected to a nearby canal as part of an Aquifer Recharge Facility, as proposed in water supply plans of the South Florida Water Management District. The proposed revision will impose no equipment, administrative, or operating costs on governments, businesses, individuals, or other entities.

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: 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.504, 403.702, 403.708 FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Thursday, June 29, 2000

PLACE: Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

If an Americans With Disabilities Act accommodation is needed to participate in this activity, please contact Linda Harvey at (850)488-2996 or (800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric Shaw, Division of Water Resource Management, Mail Station 3570, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9929

THE FULL TEXT OF THE PROPOSED RULE IS:

62-302.400 Classification of Surface Waters, Usage, Reclassification, Classified Waters.

(1) through (11) No change.

(12) Exceptions to Class III:

(a) No change.

(b) The following listed water bodies are classified as Class I, Class II, or Class V:

1. through 5. No change.

6. Broward County – none.

~~Class I Abandoned Rock Pit – Northeast corner of SR 7 and Prospect Field Road in the S. W. Quarter of Section 7, T49S, R42E.~~

7. through 67. No change.

Specific Authority 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.504, 403.702, 403.708 FS. History—Formerly 28-5.06, 17-3.06, Amended and Renumbered 3-1-79, Amended 1-1-83, 2-1-83, Formerly 17-3.081, Amended 4-25-93, Formerly 17-302.400, Amended 12-26-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby Green, Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Supervised Clinical Experience Defined RULE NO.: 64B1-4.0015

PURPOSE AND EFFECT: The proposed amendments to the current Rule will clarify the definition of supervised clinical experience.

SUMMARY: The proposed amendments to the current Rule will clarify that the requirements specified in subparagraph (4) and (5) of the Rule apply to all remaining hours of supervised clinical experience after the requirements of subparagraphs (2) and (3) have been completed.

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: 457.104 FS.

LAW IMPLEMENTED: 457.105 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: 9:00 a.m., June 2, 2000

PLACE: Embassy Suites Hotel, 555 North Westshore Boulevard, Tampa, Florida 33609

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-4.0015 Supervised Clinical Experience Defined.

For the purposes of Rule 64B1-4.001, the Board defines “supervised clinical experience” as follows:

(1) through (3) No change.

(4) During the remaining ~~final~~ 200 hours of supervised clinical experience, the student must be under the direct or indirect supervision of the supervisor/instructor. Indirect supervision shall mean that the supervisor/instructor is physically present on the premises, so that the supervisor/instructor is immediately available to the student when needed.

(5) During the remaining ~~final~~ 200 hours of supervised clinical experience, the student must diagnose and treat a minimum of 30 different patients.

Specific Authority 457.104, 457.105 FS. Law Implemented 457.105 FS. History—New 11-21-95, Amended 2-19-96, Formerly 59M-4.0015, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Acupuncture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2000

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Laboratory Testing RULE NO.: 64B1-8.006

PURPOSE AND EFFECT: The proposed rule will authorize licensed acupuncturists to order laboratory testing to prevent disease.

SUMMARY: The proposed rule will specify that as a modern oriental medical technique which contributes to disease prevention, licensed acupuncturists may order laboratory testing to prevent disease.

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: 457.102(1), 457.104, 457.1085 FS.

LAW IMPLEMENTED: 457.102(1), 457.1085 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: 9:00 a.m., June 2, 2000

PLACE: Embassy Suites Hotel, 555 North Westshore Boulevard, Tampa, Florida 33609

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-8.006 Laboratory Testing.

As a modern oriental medical technique which contributes to disease prevention, laboratory testing may be ordered by licensees under this chapter.

Specific Authority 457.102(1), 457.104, 457.1085 FS. Law Implemented 457.102(1), 457.1085 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Acupuncture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2000

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B1-9.001

PURPOSE AND EFFECT: The proposed changes to the current Rule will establish disciplinary guidelines for violation of certain parts of Chapters 457 and 455, Part II.

SUMMARY: The proposed amendments to the current Rule will clarify the potential disciplinary punishments which licensees might expect to receive if they are found to have committed any of the violations set forth in the rule.

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: 455.627(1), 457.104 FS.

LAW IMPLEMENTED: 455.627(2),(3), 457.109 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: 9:00 a.m., June 2, 2000

PLACE: Embassy Suites Hotel, 555 North Westshore Boulevard, Tampa, Florida 33609

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-9.001 Disciplinary Guidelines.

(1) When the Board finds any person has committed any of the acts set forth in 455.624(1) or Section 457.109(1), Florida Statutes, it shall issue a final order imposing appropriate penalties as recommended in the following disciplinary guidelines.

(a) Attempting to obtain, obtaining, or renewing a license to practice acupuncture by bribery, or fraudulent misrepresentations, or through an error of the Department or Board. The usual recommended penalty shall be revocation of the license certificate to practice acupuncture.

(b) No change.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, ~~in any jurisdiction~~ of a crime in any jurisdiction which ~~directly~~ relates to the practice of acupuncture or to the ability to practice acupuncture. ~~Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.~~ The usual recommended penalty shall be suspension of the license certificate to practice acupuncture until such time as the licensee certificateholder can, to the Board's satisfaction, demonstrate rehabilitation.

(d) False, deceptive, or misleading advertising or advertising which claims that acupuncture is useful in curing any disease. The usual recommended penalty shall be a reprimand and an administrative fine of up to \$500.00.

(e) Advertising, practicing, or attempting to practice under a name other than one's own. The usual recommended penalty shall be a reprimand and an administrative fine of up to \$500.00.

(f) Failing to report to the Department any person who the licensee knows is in violation of this chapter or of the rules of the Department or Board. The usual recommended penalty shall be a reprimand and an administrative fine of up to \$500.00.

(g) Aiding, assisting, procuring, employing, or advising any unlicensed person to practice acupuncture contrary to Chapter 457 or Chapter 455 Part II this chapter or to a rule of the Department or Board. The usual recommended penalty shall be a six (6) month suspension immediately followed by a six (6) month probation with such terms and conditions as set forth by the Board.

(h) Failing to perform any statutory or legal obligation placed upon a licensed acupuncturist. The usual recommended penalty shall be a reprimand and an administrative fine of up to \$500.00.

(i) Making or filing a report, signed in the capacity of a licensed acupuncturist, which the licensee certificateholder knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. ~~Such reports or records shall include only those which are signed in the capacity as a licensed acupuncturist.~~ The usual recommended penalty shall be a reprimand and an administrative fine of up to \$500.00.

(j) Exercising influence within a patient-acupuncturist relationship for purposes of engaging a patient in sexual activity, or engaging or attempting to engage a patient in verbal or physical sexual activity. ~~A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her acupuncturist.~~ The usual recommended penalty shall be an administrative fine of up to \$1000.00 and a six (6) month suspension immediately followed by a two (2) year probation with such terms and conditions as set forth by the Board.

(k) Making misleading, deceptive, untrue, or fraudulent representations in or related to the practice of acupuncture or employing a trick or scheme in the practice of acupuncture when such scheme or trick fails to conform to the generally prevailing standards of treatment in the community. The usual recommended penalty shall be a reprimand and an administrative fine of up to \$500.00.

(l) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. ~~A solicitation is any communication which directly or indirectly requests an immediate oral response from the recipient.~~ The usual recommended penalty shall be reprimand and an administrative fine of up to \$500.00.

(m) Failing to keep written medical records which are consistent with the practitioner's style of acupuncture justifying the course of treatment of the patient. The usual recommended penalty shall be an administrative fine of up to \$800.00 and a six (6) month probation with such terms and conditions as set forth by the Board.

(n) Exercising influence on the patient to exploit the patient for the financial gain of the licensee or of a third party. The usual recommended penalty shall be an administrative fine of up to \$800.00 and a six (6) month probation with such terms and conditions as set forth by the Board.

(o) Being unable to practice acupuncture with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. The usual recommended penalty shall be suspension of the license to

practice acupuncture until such time as the licensee can, to the Board's satisfaction, demonstrate rehabilitation. ~~Failure of the licensee to demonstrate rehabilitation within four years of the institution of suspension shall result in automatic revocation of the license to practice acupuncture.~~

(p) Gross or repeated malpractice or the failure to practice acupuncture with that level of care, skill, and treatment which is recognized by a reasonably prudent, similar acupuncturist as being acceptable under similar conditions and circumstances. The usual recommended penalty shall be a reprimand and an administrative fine of up to \$800.00.

(q) No change.

(r) Delegating or contracting for professional responsibilities by ~~to~~ a person when the licensee delegating or contracting for such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensee ~~license~~ to perform them. The usual recommended penalty shall be an administrative fine of up to \$500.00 and a six (6) month suspension immediately followed by a six (6) month probation with such terms and conditions as set forth by the Board.

(s) Violating any provision of Chapter 457 or Chapter 455 Part II this chapter, a rule of the Board or Department, or a lawful order of the Board Department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the Department. The usual recommended penalty shall be an administrative fine of up to \$1000.00 and a six (6) month probation with such terms and conditions as set forth by the Board.

(t) Conspiring with another to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services. The usual recommended penalty shall be an administrative fine of up to \$500.00 and a one year probation with such terms and conditions as set forth by the Board.

(u) Fraud or deceit or gross negligence, incompetence, or misconduct in the operation of a tutorial program or a course of study. The usual recommended penalty shall be an administrative fine of up to \$1000.00 and a two year prohibition against the licensee's certificateholder's operation of tutorial programs or courses of study.

(v) Failing to comply with state, county, or municipal regulations or reporting requirements, relating to public health and the control of contagious and infectious diseases. The usual recommended penalty shall be an administrative fine of up to \$1000.00 and a one year probation with such terms and conditions as set forth by the Board.

(w) Failing to comply with any rule of the Board relating to health and safety, including, but not limited to, the sterilization of needles and equipment and the disposal of potentially infectious materials. The usual recommended

penalty shall be an administrative fine of up to \$1000.00 and a one year probation with terms and conditions as set forth by the Board.

(x) Failing to comply with continuing education requirements, including requirements for HIV/AIDS education. The usual recommended penalty shall be an administrative fine of up to \$500.00 and making up all uncompleted continuing education requirements.

(y) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. The usual recommended penalty shall be an administrative fine of up to \$1000.00.

(z) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. The usual recommended penalty shall be an administrative fine of up to \$500.00 and a reprimand.

(aa) Failing to report to the Board in writing with 30 days after the licensee has been convicted or found guilty of, or entered a pleas of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. The usual recommended penalty shall be an administrative fine of up to \$500.00.

(bb) Using information about people involved in a motor vehicle accident which has been derived from accident reports made by law enforcement officers or persons involved in accidents pursuant to Section 316.066, or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports, for the purposes of solicitation of the people involved in such accidents. The usual recommended penalty shall include from a fine of up to \$500.00 to and including suspension of the licensee’s license to practice acupuncture.

(2) through (4) No change.

Specific Authority 455.627(1), 457.104 FS. Law Implemented 455.627(2),(3), 457.109 FS. History–New 12-8-86, Amended 8-6-89, Formerly 21AA-9.001, 61F1-9.001, Amended 11-21-95, Formerly 59M-9.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Acupuncture

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-14.0302 Community College
 Concurrent-Use Articulation
 Agreements

NOTICE OF CONTINUATION

Notice is hereby given that consideration of Rule 6A-14.0302, Community College Concurrent-Use Articulation Agreements, is continued to June 13, 2000, at 9:00 a.m. in Room LL-03, The Capitol, Tallahassee, Florida. The rule was originally published in Vol. 26, No. 14 of the April 7, 2000, Florida Administrative Weekly. In addition to the community colleges and state universities, the independent colleges in Florida are impacted by this proposed rule. The State Association of Independent Colleges and Universities of Florida (ICUF) requested additional time to discuss the rule prior to final action. This was acceptable to the State Board of Community Colleges and the rule is continued at their request.

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-8.011 Policy and Purpose

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to subsection 40D-8.011(1) published in Vol. 24, No. 48, November 25, 1998, issue of the Florida Administrative Weekly on page 6475 through 6476, in accordance with subparagraph 120.54(3)(d)1., F.S.:

40D-8.011 Policy and Purpose.

(1) The purpose of Chapter 40D-8, FAC., is to establish Minimum Flows and Levels at specific locations throughout the District pursuant to Sections 373.042 and 373.0421, F.S., to describe Guidance Levels for lakes, and to describe how the Minimum Flows and Levels will be used by the District.

Minimum Flows and Levels are intended to prevent significant harm to the water resources or ecology of the area as provided in Section 373.042, F.S. In those areas where the Long-term flow or water level is below the Minimum Flow or Level the District will implement a recovery strategy which will be contained within the District's Water Management Plan and, if required by law, portions or all ~~shall~~ may be adopted by rule.

Specific Authority 373.016, 373.023, 373.044, 373.103 FS. Law Implemented 373.026, 373.042, 373.044 FS. History--New 6-7-78, Formerly 16J-8.01, Amended 1-22-79,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-8.041 Minimum Flows
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 25, No. 10, Pages 1007 through 1010 March 12, 1999 of the Florida Administrative Weekly:

40D-8.041 Minimum Flows.

(1) Minimum Flows for the Lower Hillsborough River

(a) For the purposes of Minimum Flows, the Lower Hillsborough River is defined as the River downstream of Fletcher Avenue. A tributary of the Lower Hillsborough River is Sulphur Springs, an artesian spring which enters the River via a short spring run at a point 2.2 miles downstream of the City's dam.

(b) Effective ~~July 1, 2000~~ January 1, 2000, the Minimum Flow for the Lower Hillsborough River shall be at the rate of flow of ten (10) cubic feet per second (cfs) at the base of the dam as measured at the Rowlett Park Drive bridge gauging station. Through December 31, 2007, the City shall be required to supply this Minimum Flow from the Reservoir ~~or other sources~~ when the surface water elevation is above 22.5 NGVD at USGS Gauge 02304500. Because the storage of water within the Reservoir is critical to the public health, safety, and welfare of those dependent on the City potable water supply, this flow requirement may be met by diverting flow from sources other than the City's Reservoir. The City shall provide this flow from sources other than the City's Reservoir, when the surface water elevation is below 22.5 ft. NGVD at USGS Gauge 02304500 and it is feasible to provide the flow without compromising public health, safety or welfare. This Minimum Flow has been determined based on the loss of historical hydrologic functions, the existing changes and structural alterations in and along the river and its water shed pursuant to subsection 373.0421(1), F.S., and the dependence of viable ecological communities downstream of the dam on flows from the Hillsborough River and Sulphur Springs. Following

completion of the District and City study described in Rule 40D-80.073(4)(d), FAC., the Minimum Flow shall be re-established, as necessary, based on the results of the study.

(c) Pursuant to the District priority schedule for establishment of minimum flows and levels required by Section 373.042, F.S., the District will establish a Minimum Flow for Sulphur Springs by December 31, 2001.

Specific Authority 120.54(1), 373.016, 373.023, 373.026, 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.044, 373.0831, 373.086, 373.103, 373.113, ~~373.133, 373.149,~~ 373.171, 373.196, 373.1961, 373.1962 FS. Law Implemented 373.016, 373.023, 373.026, 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.044, 373.0831, 373.086, 373.103, 373.113, 373.171, 373.196, 373.1961, 373.1962, ~~373.339~~ FS. History--Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-80.073 Regulatory Portion of Recovery
 Strategy for Pasco, Northern
 Hillsborough, and Pinellas
 Counties

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 25, No. 10, Pages 1010 through 1013 on March 12, 1999, and amended in Vol. 25, No. 15, Page 1685, April 16, 1999, issues of the Florida Administrative Weekly:

40D-80.073 Regulatory Portion of Recovery Strategy for Pasco, Northern Hillsborough, and Pinellas Counties.

(4) Hillsborough River Strategy

(a) Beginning ~~July 1, 2000~~ January 1, 2000 the Minimum Flow for the Lower Hillsborough River shall be at the rate of flow of 10 cubic feet per second (cfs). The City shall provide measurement of the delivery of water to the base of the dam. The Minimum Flow shall be measured as the net downstream flow at the Rowlett Park Drive bridge gauging station.

1. Through December 31, 2007, the City shall be required to provide the 10 cfs Minimum Flow from the Reservoir ~~or other sources~~ when the surface water elevation is above 22.5 ft. NGVD at USGS Gauge 02304500. The City shall provide this flow from sources other than the City's Reservoir when the surface water elevation is below 22.5 ft. NGVD at USGS Gauge 02304500 and it is feasible to provide the flow without compromising the public health, safety and welfare of the City. Once the City has determined that flow from another source or sources is feasible pursuant to 40D-80.073(4)(b), FAC., below and the evaluation of the source(s) pursuant to 40D-80.073(4)(c), FAC., is complete, such flow shall be supplied when necessary to maintain the Minimum Flow.

2. Beginning January 1, 2008 through December 31, 2009, the City shall meet the Minimum Flow unless flow is not feasible from the other source(s) as set forth in

40D-80.073(4)(b), FAC., below. If flow from these other source(s) ~~is are~~ not feasible, and if the provision of water for Minimum Flow from the City's drinking water supply would compromise the public health, safety, and welfare, the City shall not be required to meet the Minimum Flow until the City can obtain sufficient replacement water or January 1, 2010, whichever occurs first.

3. Beginning January 1, 2010, the City shall meet the Minimum Flow.

(b) By December 31, 2003, the City, with District consideration of financial participation, shall complete a study of the economic and technical feasibility of meeting the Minimum Flow for the Lower Hillsborough River from sources other than the City's Reservoir, including but not limited to Blue Sink, Curiosity Creek watershed, and the Howard F. Curren Advanced Wastewater Treatment Plant. The City shall submit to the District a written report each December 31 through December 31, 2003, on the sources investigated, the results of the investigation, and the City's determination as to the feasibility of each of the sources.

(c) Until the completion of the study under 40D-80.073(4)(d), FAC., ~~The~~ City's implementation of the use of any source other than the City's Reservoir or Sulphur Springs is subject to a coordinated evaluation with the District to determine that its quality is at least equivalent to the water being used from Sulphur Springs. After the study specified in 40D-80.073(4)(d), FAC., below, is completed, the District shall use the findings of that study to evaluate the alternate sources, ~~including Sulphur Springs,~~ for providing the required Minimum Flow.

(d) On or before ~~July 1, 2000, October 1, 1999,~~ the District and the City shall commence a work plan and the subsequent study of the biological communities below the dam, taking into account loss of historical hydrologic functions, water quality, water quantity, and existing changes and structural alterations, to reevaluate the Minimum Flow requirement to maintain the existing biological communities in the Lower Hillsborough River. The study will provide recommendations to enhance or improve the biologic communities below the dam in the Lower Hillsborough River. The study shall include a range of sufficient releases of up to at least 30 cfs of freshwater (less than or equal to 0.5 parts per thousand of salinity) to examine the effects on the biological communities in the Lower Hillsborough River. The study shall be completed by December 31, 2005, ~~unless an extension of time is mutually agreed to by the District and the City.~~ If the study demonstrates the need for revisions to the Minimum Flow for the Lower Hillsborough River established in paragraph 40D-8.041(2)(1), FAC. then the District shall initiate rulemaking within one year of study completion to adopt a revised Minimum Flow considering this study, and the study results on the Minimum Flow requirement shall be binding on the City and the District in any rulemaking proceeding on the revised Minimum Flow.

Specific Authority 120.54(1), 373.0421, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.023, 373.036, 373.0395, 373.042, 373.0421, 373.171 FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-12.001
 RULE TITLE: Grounds for Disciplinary Proceedings

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Architecture and Interior Design hereby gives notice of an additional public hearing on the above-referenced rule to be held on June 8, 2000, at 3:00 p.m., at The Wyndham Casa Marina Resort, 1500 Reynolds Street, Key West, Florida 33040. This additional public hearing is being held in response to comments provided by the staff of the Joint Administrative Procedures Committee. The rule was originally published in Vol. 26, No. 14, of the April 7, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.103
 RULE TITLE: Continuing Education Credits

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. 26, No. 15, April 14, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee. Subsection (6) of the proposed rule shall now read as follows:

(6) A member of the Board of Pharmacy, or a previous member serving on a probable cause panel, may obtain five (5) hours of continuing education in the subject area of risk management for attendance at one Board meeting which disciplinary hearings are conducted, or on one probable cause panel meeting. The maximum CE hours allowable per biennium under this paragraph shall be ten (10).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-38.002	Definitions
67-38.0025	Notice of Funding Availability
67-38.003	Application Procedures
67-38.004	Incomplete Applications and Rejection Criteria
67-38.005	Application Evaluation and Award Guidelines
67-38.007	Terms and Conditions of the Loan Fees
67-38.011	
67-38.012	Sale, Transfer or Conveyance of Development
67-38.015	Disposition of Property Accruing to the Corporation
67-38.017	Application Procedures for Applicants Participating Under 1998 Cycles I and II

NOTICE OF CHANGE

Notice is hereby given that in response to public comments, both oral and written, 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 67-38, Florida Administrative Code as published in Vol. 26, No. 5 of the Florida Administrative Weekly on February 4, 2000, and Notice of Change as published in Vol. 26, No. 17 of the Florida Administrative Weekly on April 28, 2000.

67-38.002 Definitions.

(4) "Applicant" means any unit of government, a local housing authority established pursuant to Chapter 421, a community-based or not-for-profit organization, or a limited partnership if its general partner is a community-based or not-for-profit organization as defined by Chapter 420.523, Florida Statutes, that submits an Application for funding from the Predevelopment Loan Program. "Applicant" includes a sponsor as defined by Section 420.523 of the Florida Statutes.

(21) "Minimum Set-Aside Requirement" means, with respect to PLP,

(a) for rental Developments, a minimum of 60% of the completed housing units must be rented to persons whose income does not exceed 60% of the median income for the area, as determined by HUD, with adjustments for family size; and

(b) ~~for~~ With respect to home ownership Developments, all completed housing units must be sold to persons or households with incomes not exceeding 80% ~~120%~~ of the median annual gross income as established by HUD for households within the

State, the MSA or, if not within the MSA, within the county in which the person or household resides, whichever is greater; ~~or for purposes of the HOME Program, incomes not exceeding 80% of the medium gross income as established by HUD for households within the State, the MSA or, if not within the MSA, within the county in which the person or person resides.~~

67-38.0025 Notice of Funding Availability.

(4) If an Application is submitted and has been determined to meet threshold but no funding is available ~~available lines of credit remain~~, the Applicant shall be placed on a waiting list in an order determined by the date completed Application is submitted to the Corporation. If an Application is submitted and does not meet threshold, the priority of the Application on the waiting list is determined by the date the Application is determined to have met threshold and be deemed complete, not the date the Application was submitted.

67-38.003 Application Procedures.

(8) If the Applicant, any of its principals or Affiliates, including the Developer, are determined by the Corporation to have engaged in fraudulent actions, or to have intentionally misrepresented information in any previous application(s) or other documents submitted to the Corporation, the Applicant, its principals and Affiliates, including the Developer, shall be deemed ineligible to participate in any program administered by the Corporation for two fiscal years beginning on the date the Corporation's Board of Directors approves the disqualification. Such determination shall be either pursuant to a factual hearing before the Board at which the Applicant shall be entitled to present evidence or as a result of a finding by a court of law or recommended order of an administrative law judge.

67-38.004 Incomplete Applications and Rejection Criteria.

(1) Each Application shall be reviewed by the PLP staff to determine that the Application meets threshold and is complete. Complete Applications which have met threshold will be forwarded to the Loan Committee for action pursuant to the requirements specified in this Rule Chapter and the Application. If an Application is determined by staff to be incomplete, or fails threshold, staff shall notify the Applicant in writing of any additional or revised information or material which may be required for Application to be considered complete and meet threshold. Applicant may continue to submit material until Application is complete and meets threshold. ~~Applicant will be contacted and given an opportunity to provide the missing materials.~~ The Application, however, will not be placed in priority order ~~or~~ on a waiting list until such time that all items have been submitted and Application is determined to be complete and threshold has been met.

67-38.005 Application Evaluation and Award Guidelines.

~~(1) After receipt of an Application, staff shall review the Application and make a determination as to whether the Application is complete and meets threshold. If the Application is not complete or does not meet threshold, staff shall notify the Applicant in writing of any additional or revised information or material which may be required for Application to be considered complete and meet threshold. Applicant may continue to submit material until Application is complete and meets threshold.~~

~~(1)(2) After the Application has been reviewed and determined to be complete and have met threshold, using the factors specified in the Application Package and this Rule Chapter, staff shall prepare a recommendation and submit it along with the Application to the Loan Committee which shall confirm or reject the completion and threshold finding of staff.~~

~~(3) No change.~~

~~(4) If the Loan Committee confirms the completeness and threshold finding of staff approves the Application and~~

~~(a) funds are available, Florida Housing shall issue an Invitation to Participate; or~~

~~(b) if funds are not available, Applicant will be placed on a waiting list, based on the date and time an Application was determined to be complete and have met threshold until such time that;~~

~~1. funds are available, at which time the Applicant will be issued an Invitation to Participate, or~~

~~2. Application is withdrawn.~~

67-38.007 Terms and Conditions of the Loan.

~~(3) The Loan shall be non-amortizing and repayment of principal and interest shall be deferred until maturity. The Corporation is authorized to forgive such loan, and thereby make a grant to the Applicant for any monies that are unable to be repaid due to the Applicant's inability to obtain construction or permanent financing for the Development. The Corporation shall not forgive the portion of the loan, if any, which is secured by a mortgage to the extent such loan could be repaid from the sale of the mortgaged property.~~

~~(13) With respect to home ownership Developments, in order to assure that such Developments will serve the target population and maintain the Minimum Set-Aside Requirements, in addition to the execution and recordation of the Land Use Restriction Agreement (LURA) upon initial purchase by the Applicant sale, all deeds conveying title to home ownership units shall contain restrictive covenants, encompassing all of the units in the Development for which the Predevelopment Loan Program funds are being used. The LURA shall reflect the provision that all these the home ownership units must be initially purchased only by persons who do not exceed income limits established in Rule Chapter 67-38.002(21), F.A.C.~~

67-38.011 Fees.

~~(1)(d) A commitment fee of \$600 shall be paid to the Corporation and is due at the time Applicant executes accepts the Invitation to Participate, and an additional \$600 commitment fee shall be paid within 15 days of written notice to Applicant that Development Plan has been approved after approval of the Development Plan and prior to the first draw. In the event even the Development Plan does not receive approval, the \$600 fee paid at the time of acceptance of the Invitation to Participate shall be retained by the Corporation. In the event the Development Plan receives approval and is approved, Applicant is unable to proceed to completion of Predevelopment Loan Program activities or obtain permanent/construction financing, the \$1,200 commitment fee shall be retained by Florida Housing Finance Corporation. In the event the Development Plan is approved and Applicant successfully completes the Predevelopment Loan Program activities and obtains permanent/construction financing, the Applicant's Loan amount due upon closing of the construction/permanent financing will be reduced by \$1,200 reflecting the full commitment fee paid.~~

~~(e) Compliance Monitoring Fees shall be paid for those multifamily Developments which obtain construction/permanent financing from sources other than Florida Housing programs. The total monitoring fee to be paid by the Applicant for the Housing Credit Compliance Period must be submitted to the Corporation at the time of closing of the construction/permanent financing. The total monitoring fee is based upon a quarterly payment stream which shall be discounted at 2.75% for the full Compliance Period to provide a present value to be paid by the Applicant and shall be listed in the Application Package. For those Developments which obtain their construction/permanent financing from Florida Housing Programs, the Compliance Monitoring Fees shall be determined by the requirements of the particular program providing the financing in accordance with the rule chapter governing that particular program.~~

67-38.012 Sale, Transfer or Conveyance of Development.

~~(1) Any sale, conveyance, assignment, or other transfer of or the grant of a security interest in all or any part of the title to a multifamily Development or a single family Development (considered all remaining parcels not previously sold or transferred to an eligible home purchaser) shall be subject to the approval by the Board prior to the sale, transfer or conveyance. The Loan shall be assumable upon sale, transfer or refinancing of the Development if the following conditions are met:~~

~~(a) The proposed transferee is an eligible Applicant;~~

~~(b) The proposed transferee meets all conditions set forth in the original documents evidencing or securing the Loan and assumes all obligations and responsibilities thereunder, including the obligations and restrictions set forth in the Land Use Restriction Agreement; and~~

(c) The proposed transferee receives a favorable recommendation from the Credit Underwriter and approval from the Board.

67-38.015 Disposition of Property Accruing to the Corporation.

(4) Proposals shall be reviewed by Corporation staff. Approval of the Board of Directors shall be required prior to execution of the contract of sale or lease. The disposition price of any real property or portion thereof purchased or developed may not exceed the actual prorated land costs, development costs, accrued taxes, and interest, pursuant to Florida Statutes 420.521-420.529.

67-38.017 Application Procedures for Applicants Participating Under 1998 Cycles I and II.

(1) Participants funded under Cycle I or Cycle II of the 1998 Predevelopment Loan Program, pursuant to Chapter 420 424 of the Florida Statutes, that have not taken final draws on that funding, shall be allowed to apply for funding under this Rule.

(2) To participate these Applicants shall complete and submit Form PLP 2000. Such Applications shall be subject to all provisions of this Rule except that such Applications shall not be subject to the Application fee or review by the Loan Committee but be deemed to have met threshold.

(4) Applicants awarded funding from Cycle I or II of the 1998 Predevelopment Loan Program that propose to develop Farmworker housing shall receive first priority for those proposed Developments. Priority shall then be given to Applicants proposing to develop other Farmworker housing, then to Cycle I and II Applicants proposing to develop other types of eligible housing, and finally to other Applicants proposing to develop other types of eligible housing.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 307 Specifics
RULE NO.: 53ER00-19

SUMMARY OF THE RULE: This emergency rule relates to Florida Lottery Instant Game 307, "BLACK JACK," for which Lottery retailers will begin selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-19 Instant Game 307 Specifics.

(1) Name of Game. Instant Game Number 307, "BLACK JACK."

(2) Price. BLACK JACK tickets sell for \$1.00 per ticket.

(3) BLACK JACK 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 BLACK JACK 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 BLACK JACK Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR HANDS" card play symbols and play symbol captions in BLACK JACK are as follows:

INSERT CARD SYMBOLS

(5) The "PRIZE" play symbols and captions in BLACK JACK are as follows:

INSERT PRIZE SYMBOLS

(6) The "DEALER'S TOTAL" play symbols and captions in BLACK JACK are as follows:

INSERT DEALER SYMBOLS

(7) The legends in BLACK JACK are as follows:

INSERT LEGEND SYMBOLS

(8) Determination of Prize Winners. There are 4 hands on each ticket. The holder of a ticket having two cards exposed in a hand in the "YOUR HANDS" play area, the sum of which is greater than the number exposed in the "DEALER'S TOTAL" play area shall be entitled to the corresponding prize amount shown for that hand, or if TICKET is shown as the corresponding prize, shall be entitled to a prize of a \$1.00 ticket. Prize amounts which may appear in the "PRIZE" play area are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$100, \$1,000 and \$4,000.

(9) The point value assigned to Kings, Queens and Jacks is 10, and the point value assigned to Aces is 11.

(10) Number and Size of Prizes. The value, number of prizes, and odds of winning in Instant Game Number 307 are as follows:

IF YOUR CARDS TOTAL IN A HAND BEATS THE DEALER'S TOTAL WITH PRIZE(S) OF:	WIN	NUMBER IN 42 POOLS OF 240,000 TICKETS PER POOL	ODDS
TICKET	\$1 TICKET	1,209,600	1 in 8.33
\$1	\$1	336,000	1 in 30.00
\$1 + \$1	\$2	336,000	1 in 30.00
\$1 + \$1 + \$1 + \$1	\$4	302,400	1 in 33.33
\$2 + \$2	\$4	134,400	1 in 75.00
\$4	\$4	67,200	1 in 150.00
\$1 + \$2 + \$2 + \$5	\$10	67,200	1 in 150.00
\$10	\$10	67,200	1 in 150.00
\$5 + \$5 + \$5 + \$5	\$20	33,600	1 in 300.00
\$10 + \$10 + \$10 + \$10	\$40	8,400	1 in 1,200.00
\$20 + \$20	\$40	8,400	1 in 1,200.00
\$100 x	\$400	42	1 in 240,000.00
\$1,000 + \$1,000 + \$1,000 +			
\$1,000	\$4,000	5	1 in 2,016,000.00
\$4,000	\$4,000	4	1 in 2,520,000.00

(11) The over-all odds of winning any prize in Instant Game Number 307 are 1 in 3.92.

(12) For reorders of Instant Game Number 307, the value, number of prizes, and odds of winning shall be proportionate to the number of tickets reordered.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History—New 5-17-00.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: May 17, 2000

DEPARTMENT OF THE LOTTERY

RULE TITLE: Minimum Sales Requirements for Retailers

RULE NO.: 53ER00-24

with Integra™, or OmniLink™, or Instant Terminals

SUMMARY OF THE RULE: This emergency rule replaces 53ER00-23 and sets forth the minimum sales requirements, as applicable, for on-line retailers with either an Integra™ or an OmniLink™ terminal and instant-only retailers.

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:

53ER00-24 Minimum Sales Requirements for Retailers with Integra™, or OmniLink™, or Instant Terminals.

(1) Subsection 24.112(1), Florida Statutes, requires that the Lottery specify terms and conditions for contracting with retailers who will best serve the public interest and promote the sale of lottery tickets. Because there is a finite number of lottery terminals available for placement in contracted retail locations throughout the State, Lottery retailers who have been selected for placement of a terminal shall make all reasonable efforts to maximize sales of tickets. Such efforts will result in maximum revenues for Education as well as maximum profits for retailers. The provisions of this rule, as applicable, shall apply to on-line retailers with either an Integra™ or an Omnilink™ terminal and shall apply to instant-only retailers.

(2) Once an on-line retailer has sold tickets for a minimum period of six months, the Lottery, on a monthly basis, will determine a retailer's compliance with the applicable minimum sales requirements set forth in paragraphs (a) and (b) below. This determination will be made by averaging the retailer's on-line sales for a specific number of consecutive Lottery accounting weeks immediately preceding the first of each month. The number of consecutive Lottery accounting weeks averaged shall be determined by the duration of the retailer's on-line ticket sales as follows:

Duration of On-line Retailer Sales:	Number of Consecutive Accounting Weeks Included in Sales Average Calculated Monthly
26-51 weeks	26-51 (running number that increases with the number of weeks the retailer sells on-line tickets)
1 year or greater	52

(a) The minimum sales requirement for a retailer with an Integra™ terminal is as follows:

1. On-line sales must average at least \$1,200 per week, except as provided in subparagraph (2)(a)2., below.

2. If the retailer's combined on-line and instant sales average is at least \$1,700 per week, of which the on-line portion of the sales average is at least \$1,000 per week, the retailer shall be in compliance with the minimum sales requirement.

(b) The minimum sales requirement for an on-line retailer with an OmniLink™ terminal is as follows:

1. On-line sales must average at least \$500 per week, except as provided in subparagraph (2)(b) 2., below.

2. If the retailer's combined on-line and instant sales average is at least \$800 per week, of which the on-line portion of the sales average is at least \$400 per week, the retailer shall be in compliance with the minimum sales requirement.

(c) An on-line retailer who does not meet the applicable minimum sales requirements set forth above, shall be subject to replacement of the existing on-line terminal with a type of terminal that is more consistent with the retailer's volume of sales (either an OmniLink™ or OmniPoint™ terminal, as applicable), or shall be subject to removal of the on-line terminal from its place of business and termination of the retailer contract pursuant to 53ER94-60(2)(f), F.A.C.

(3) Once an instant-only retailer has sold tickets for a minimum period of six months, the Lottery, on a monthly basis, will determine an instant-only retailer's compliance with the minimum sales requirement of an average of at least \$75 per week. This determination will be made by averaging the retailer's instant ticket sales for a specific number of consecutive Lottery accounting weeks immediately preceding the first of each month. The number of consecutive Lottery accounting weeks included in the average is determined by the duration of the retailer's instant ticket sales as follows:

<u>Duration of Instant Retailer Sales</u>	<u>Number of Consecutive Accounting Weeks Included in Sales Average Calculated Monthly</u>
<u>26-51 weeks</u>	<u>26-51 (running number that increases with the number of weeks the retailer sells instant tickets)</u>
<u>1 year or greater</u>	<u>52</u>

If an instant-only retailer does not meet the minimum sales requirement, the retailer shall be subject to removal of the terminal from its place of business and termination of its retailer contract pursuant to 53ER94-60(2)(f), F.A.C.

(4) In deciding whether or not to remove a terminal from one location for placement in another retail location with higher sales potential, the Lottery will consider the public's convenience (whether the terminal is in a remote location or whether there are other terminals available within a reasonable distance); whether there are extenuating circumstances that have adversely impacted sales volume (for example, the retailer's business is seasonal; road construction has caused a temporary decrease in normal sales volume; or other factors that are temporary in nature); the impact, if any, on the status of a corporate (multi-location) retailer if a terminal is removed from one of the corporate's retail locations; and the impact, if any, on the overall level of participation of small and minority businesses as Lottery retailers.

(5) This emergency rule replaces 53ER00-23, F.A.C.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112(2) FS. History—New 5-17-00. Replaces 53ER00-23.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: May 17, 2000

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on May 5, 2000, the South Florida Water Management District (SFWMD) has received a petition for waiver for Florida Department of Transportation for utilization of works or land of the SFWMD known as the C-6 Canal, Miami-Dade County. The petition seeks temporary relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which provides for minimum requirements for new bridges with regards to low member elevation, clearance above the optimum water surface, 25 foot clear center span opening, and 20 foot approach within the District's rights of way. A copy of the petition may be obtained from Juli Triola at (561)682-6268 or e-mail at jtriola@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Attn.: Juli Triola, Office of Counsel.

NOTICE IS HEREBY GIVEN that on May 5, 2000, the South Florida Water Management District (SFWMD) has received a petition for waiver Florida Power and Light Company for utilization of works or land of the SFWMD known as the Hillsboro Canal, Broward and Palm Beach Counties. The petition seeks temporary relief from the Rule 40E-6.011(4),(5) and (6), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which requires minimum forty foot setback requirement from the top of bank within the District's rights of way.

A copy of the petition may be obtained from Juli Triola at (561)682-6268 or e-mail at jtriola@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Attn.: Juli Triola, Office of Counsel.

NOTICE IS HEREBY GIVEN that on April 26, 2000, the South Florida Water Management District (SFWMD) has received a petition for waiver from Hugh L. Wood, Jr. for utilization of works or land of the SFWMD known as the C-100A Canal, Miami-Dade County. The petition seeks temporary relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which prohibits above ground facilities within forty feet of top of bank within the District's rights of way.

A copy of the petition may be obtained from Juli Triola at (561)682-6268 or e-mail at jtriola@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Attn.: Juli Triola, Office of Counsel.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection gives notice of its intent to issue Variance Number 04-157038-002-EV, to Florida Gas Transmission Company for temporary relief from section 62-4.244(5)(c), Florida Administrative Code, which specifies that in no case shall the boundary of a dredge and fill mixing zone be more than 150 meters downstream in flowing streams or 150 meters in radius in other bodies of water. The variance will allow temporary mixing zones of 800 meters in four (4) Group II surface waters and four (4) Group III wetlands.

The variance is associated with Environmental Resource permit No. 04-157038-001-EI and Variance No. 04-157038-003EV for the construction of a mainline loop on an existing natural gas pipeline system located in Bradford County. The project will cross Class III waters.

RIGHTS OF AFFECTED PARTIES

Under this intent to issue, the variance is hereby granted subject to the applicant's compliance with any requirement to publish notice of this intent in a newspaper of general circulation and the Florida Administrative Weekly and to provide proof of such publication in accordance with section 50.051 of the Florida Statutes. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the

Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be issued as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the permit has been delivered.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Mediation may also be pursued as specified below.

Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes, must be filed within 21 days of publication of the notice or within 21 days of receipt of this written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing or pursue mediation as provided below within the appropriate time period shall constitute a waiver of those rights.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301. Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

In addition to petitioning for an administrative hearing, any person who has previously filed a petition for an administrative hearing may pursue mediation. If a written mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing) is filed with the Department within 10 days after the deadline for filing a petition for an administrative hearing, the time limitations imposed by sections 120.569 and 120.57 shall be tolled to allow mediation to proceed. The agreement must contain all the information required by rule 28-106.404. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the deadline noted above. Pursuing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.

Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. As noted above, persons seeking to protect their substantial interests that would be affected by such a final decision modified through mediation must file their petitions within 21 days of receipt or publication of this notice as provided above, or they shall be deemed to have waived their right to a proceeding under sections 120.569 and 120.57. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

This intent to issue a variance constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department. The applicant, or any party within the meaning of section 373.114(1)(a) or 373.4275 of the Florida Statutes, may also seek appellate review of the order before the Land and Water Adjudicatory Commission under section 373.114(1) or 373.4275 of the Florida Statutes. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

The Department of Environmental Protection gives notice of its intent to issue Variance Number 04-157038-003-EV, to Florida Gas Transmission Company for temporary relief from section 62-302.530(70), Florida Administrative Code, which specifies that turbidity shall not exceed 29 Nephelometric Turbidity Units (NTUs) above natural background. The variance will elevated turbidity levels not to exceed 1,000 NTUs above natural background for a period more than 12 consecutive hours in any given day at the end of an expanded mixing zone in four (4) Group II surface waters and four (4) Group III wetlands.

The variance is associated with Environmental Resource permit No. 04-157038-001-EI and Variance No. 04-157038-002-EV for the construction of a mainline loop on an existing natural gas pipeline system located in Bradford County. The project will cross Class III waters.

RIGHTS OF AFFECTED PARTIES

Under this intent to issue, the variance is hereby granted subject to the applicant's compliance with any requirement to publish notice of this intent in a newspaper of general circulation and the Florida Administrative Weekly and to provide proof of such publication in accordance with section 50.051 of the Florida Statutes. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be issued as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time has expired and until the permit has been delivered.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Mediation may also be pursued as specified below.

Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a

motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes, must be filed within 21 days of publication of the notice or within 21 days of receipt of this written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing or pursue mediation as provided below within the appropriate time period shall constitute a waiver of those rights.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301. Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

In addition to petitioning for an administrative hearing, any person who has previously filed a petition for an administrative hearing may pursue mediation. If a written mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing) is filed with the Department within 10 days after the deadline for filing a petition for an administrative hearing, the time limitations imposed by sections 120.569 and 120.57 shall be tolled to allow mediation to proceed. The agreement must contain all the information required by rule 28-106.404. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the deadline noted above. Pursuing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.

Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. As noted above, persons seeking to protect their substantial interests that would be affected by such a final decision modified through mediation must file their petitions within 21 days of receipt or publication of this notice as provided above, or they shall be deemed to have waived their right to a proceeding under sections 120.569 and 120.57. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

This intent to issue a variance constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must

be filed within 30 days from the date when the order is filed with the Clerk of the Department. The applicant, or any party within the meaning of section 373.114(1)(a) or 373.4275 of the Florida Statutes, may also seek appellate review of the order before the Land and Water Adjudicatory Commission under section 373.114(1) or 373.4275 of the Florida Statutes. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

The Department of Environmental Protection gives notice of its intent to issue a joint coastal permit (File No. 0158095-001-JC) to the City of Sarasota, c/o Dennis Daughters, P.E., 1565 First Street, Room 100A, Sarasota, Florida 34236, to construct and maintain a beach nourishment project along 3,600 feet of South Lido Key shoreline (between DEP reference monuments R-38.4 and R-44) in Sarasota County, Section 27, 34 and 35, Township 36 South, Range 17 East; within the Gulf of Mexico, Class III Waters. Approximately 475,000 cubic yards of sand will be dredged from two offshore borrow areas located offshore from DEP reference monument R-34, to construct the beach nourishment project. Subsequent nourishment frequencies have not yet been determined. The Department intends to grant a consent to use sovereign submerged lands for the proposed beach fill area, under Article X, Section 11 of the Florida Constitution, Chapter(s) 253, F.S., Title 18, FAC., and the policies of the Board of Trustees.

The proposed activity also includes consideration of an application for a 10-year sovereign submerged lands public easement (BOT File No. 580220994) containing 91.58 acres or 3,989,233.41 square feet, more or less for the first borrow area and 48.66 acres or 2,119,712.5 square feet, more or less for the second borrow area. The two borrow areas are located about 6.47 (borrow area #4) and 7.61 (borrow area #3) nautical miles offshore from DEP reference monument R-34.

The Department also intends to grant a variance (No. 0158095-002-EV) from the provisions of Rule 62-4.244(5)(c), FAC., to establish a temporary mixing zone greater than 150 meters within an area of Class III waters of the state. The variance will establish a temporary mixing zone, for turbidity at the beach nourishment site extending 300 meters offshore and up to 2,300 meters along shore from the point of sand discharge onto the beach (not to extend into the Sarasota Bay Estuarine System OFW), located in Sarasota County, Section 27, 34 and 35, Township 36 South, Range 17 East; within the Gulf of Mexico, Class III Waters.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with sections 120.569 and 120.57, Florida Statutes. The petition must contain the

information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. Under rule 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with rule 28-106.205, FAC.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(1), FAC., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the

name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301, FAC. Under sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue constitutes an order of the Department. The applicant has the right to seek judicial review of the order under section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department. The applicant, or any party within the meaning of section 373.114(1)(a), F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under section 373.114(1), F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the final order is filed with the Clerk of the Department.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the DEP, Office of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201.

The Department announces receipt of a petition filed pursuant to Section 120.542, Florida Statutes, from Florida Department of Transportation, to obtain a waiver from certain Department

rules from issuing permits for dredging and filling directly in Class II or Class III waters approved for shellfish harvesting. Specifically, the petitioner has requested a waiver from Rule 62-312.080(7), Florida Administrative Code, Standards for Issuance or Denial of a Permit.

The Petition for Waiver is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Northwest District Office 160 Governmental Center, Pensacola, Florida 32501-5794. Requests for copies or inspection should be made to Connie Krystof, Environmental Administrator at the above address.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on May 5, 2000, a petition from Environmental Remediation Consultants, 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 BIO-INTEGRATION[^] to clean up sites with contaminated ground water and soils. The petition has been assigned OGC case number 00-0986.

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 May 9, 2000, a petition from Parsons Engineering, 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. The project is an enhanced reductive dechlorination study using vegetable oil as part of an innovative pilot test at Hangar K, Cape Canaveral Air Force Base, to clean up a 160 acre chlorinated ethene ground water contaminant plume. The petition has been assigned OGC case number 00-1015.

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 Department of Environmental Protection has received a petition pursuant to Section 120.542, Florida Statutes, from Gunster, Yoakley & Stewart, P. A., on behalf of Terremark Fortune House #2, Ltd., for a waiver from Section 62B-33.007(3)(c), Florida Administrative Code, which

requires a proposed one-story restaurant/retail structure, located at ground level below a four-level parking structure, to be elevated on, and securely anchored to, an adequate pile foundation in such a manner as to locate the building support structure above the design breaking wave crests or wave approach as superimposed on the storm surge with dynamic wave setup of a one-hundred-year storm. The petitioner proposes to construct the first habitable floor, restaurant/retail structure, below the design wave associated with a one-hundred-year storm, as cited above.

A copy of the petition can be obtained by contacting Rosaline Beckham at (850)487-1262, Extension 186. The petition for waiver is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 5050 West Tennessee Street, Suite 161B, Tallahassee, Florida 32304. Any comments should be filed in writing with the Department at this address and should be submitted within 14 days of the date of this publication.

DEPARTMENT OF HEALTH

The Board of Osteopathic Medicine hereby gives notice that on April 27, 2000, it received a petition from Fredric M. Davis, D.O., seeking a waiver or variance of Rule 64B15-16.002(4), FAC., pursuant to Section 120.542, F.S. The Petitioner seeks a waiver of the Rule 64B15-16.002(4), with respect to the requirement that an applicant show good cause for having not taken an AOA approved internship. The Board will discuss this matter at its next regularly scheduled meeting to be held on June 10, 2000, at 9:00 a.m. or thereafter, at the Crowne Plaza Hotel, 950 N. W. LeJeune Road, Miami, Florida. Comments on this petition should be filed with Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: William Buckhalt, Executive Director, Board of Osteopathic Medicine, at the above address or telephone (850)487-1574.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Department of State, Division of Historical Resources, Folklife Apprenticeship Advisory Committee announces a meeting to which all interested persons are invited:

DATE AND TIME: Monday, June 5, 2000, 10:30 a.m.

PLACE: Visual Arts Building, Conference Room, University of Central Florida, Orlando, FL 32816

PURPOSE: Review 2000 Folklife Apprenticeship Program Applications.

A copy of the agenda may be obtained by writing: Florida Folklife Programs, Bureau of Historic Preservation, Division of Historical Resources, 500 S. Bronough St., Tallahassee, FL 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

“Pursuant to Chapter 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.”

The Board of Directors of the **Historic Pensacola Preservation Board** announce a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 19, 2000, 12:00 Noon

PLACE: 330 S. Jefferson Street, Pensacola, FL 32501

PURPOSE: General business meeting.

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, 330 S. Jefferson Street, Pensacola, Florida 32501.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

The Board of Directors of **Historic Pensacola, Inc.**, the direct support organization of the Historic Pensacola Preservation Board announce a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 19, 2000, immediately following the meeting of the Historic Pensacola Preservation Board which will begin, 12:00 Noon

PLACE: T. T. Wentworth Museum, 330 S. Jefferson Street, Pensacola, FL 32501

PURPOSE: General business meeting.

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, 330 S. Jefferson Street, Pensacola, Florida 32501.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Commissioner’s Agricultural Water Policy Group Meeting to which all persons are invited:

DATE AND TIME: Friday, June 9, 2000, 9:30 a.m. – 3:00 p.m.

PLACE: Florida Fruit and Vegetable Association, 4401 East Colonial Drive, Board Room, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items for discussion includes the Department of Environmental Protection and Water Management Districts water programs and including updates on ongoing projects.

A copy of the agenda or directions may be obtained by contacting: Bill Bartnick, 3125 Conner Blvd., Mail Stop C-28, Tallahassee, FL 32399-1650, (850)414-1065.

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Seafood and Aquaculture Advisory Committee:

DATE AND TIME: June 8, 2000, 1:00 p.m. – 4:30 p.m.

PLACE: Holiday Inn Beachside, 3842 North Roosevelt Boulevard, Key West, Florida 33040, (305)294-2571

PURPOSE: To identify promotional and educational activities beneficial to the seafood and aquaculture industries.

Anyone requiring assistance due to physical impairment, please contact Tom Thomas, Florida Department of Agriculture and Consumer Services, 2051 East Dirac Drive, Tallahassee, FL 32310, Telephone (850)488-1063, Fax (850)922-3671.

DEPARTMENT OF EDUCATION

The State of Florida, **Education Practices Commission** announces a general business meeting and two public hearings to which all persons are invited.

MEETING: Administrator Hearing

DATE AND TIME: June 8, 2000, 1:00 p.m. or as soon thereafter as can be heard

MEETING: Business Meeting

DATE AND TIME: June 8, 2000, immediately following Administrator Hearing

MEETING: Teacher Hearing

DATE AND TIME: June 9, 2000, 8:30 a.m. or as soon thereafter as can be heard

PLACE: The Embassy Suites, Tampa-Airport/Westshore, 555 N. Westshore Blvd., Tampa, Florida 33609

PURPOSE: A Teacher Hearing Panel, Business Meeting and Administrator Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of administrators and teachers.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, Florida Education Center, 325 W. Gaines Street, Room 224-E, Tallahassee, Florida 32399-0400. SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)488-0547, at least five calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Gulf Coast Community College** District Board of Trustees will hold its monthly meeting as follows.

DATE AND TIME: June 8, 2000, 10:00 a.m., (CDT)

PLACE: Gardner Seminar Room, 5230 West U.S. Highway 98, Panama City, FL

PURPOSE: Regular monthly meeting.

Contact person for the meeting is Dr. Robert L. McSpadden, President.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meetings to which all persons are invited:

The Florida Building Commission, "the COMMISSION"

DATE AND TIME: June 11, 2000, 1:00 p.m. – 5:00 p.m.

Meeting of the Partnership for Building Departments Ad Hoc.

Meeting of the Manufactured/Prototype Buildings Ad Hoc

PLACE: Clarion Plaza Hotel, 9700 International Drive, Orlando, Florida, (407)996-9700

DATE AND TIME: June 12, 2000, 8:00 a.m. – 6:00 p.m.

Meeting of the Product Approval Ad Hoc.

Meeting of the Accessibility Technical Advisory Committee.

Subcommittee on Accessibility Code Review.

Meeting of the Threshold Inspector Certification Committee.

Meeting of the Code Dissemination Ad Hoc.

Meeting of the Joint Building Fire Technical Advisory Committee and the Fire Council

Meeting of the Plumbing Technical Advisory Committee

Meeting of the Plans Review Ad Hoc

DATE AND TIME: June 13, 2000, 8:00 a.m. – 3:00 p.m.

Meeting of the Accessibility Advisory Council. The waiver applications under consideration by the Council include: Liberty Baptist Church, 2451 Dora Avenue, Tavares, Florida; Paradise Beach Resort, 333 South Atlantic Avenue, Daytona Beach, Florida; Grandview Condominium, 100 Monaco Street, Destin, Florida; The Miami Children's Museum, 3205 S. W.

First Avenue, Miami, Florida; Southeast Cutlery, 407 East Prospect Road, Oakland Park, Florida; Westview Terrace, 12501 N. W. 27th Avenue, Miami, Florida; Sacred Heart School, 5752 Blanding Boulevard, Jacksonville, Florida; Cape Canaveral Hospital, 701 West Cocoa Beach Causeway, Cocoa Beach, Florida; Gunther Motors, 1660 South State Road 7, Fort Lauderdale, Florida; Monsignor Edward Pace High School, 15600 N. W. 32nd Avenue, Miami, Florida; North Shore Park Youth Center and Gymnasium, 501 72nd Street, Miami Beach, Florida; Scott Rakow Youth Center, 2700 Sheridan Avenue, Miami Beach, Florida, The Melting Pot, 8810 Twin Lakes Boulevard, Tampa, Florida

Meeting of the Plenary Session of the Commission.

PURPOSE: To adopt the updated workplan; to hold a rule development workshop regarding the criteria for fiscal impact statements; to discuss code transition training requirements; to hear reports from the Manufactured/Prototype Buildings Ad Hoc, the Partnership for Building Departments Ad Hoc, the Plumbing Technical Advisory Committee, the Plans Review Ad Hoc, the Code Dissemination Ad Hoc, the Product Approval Ad Hoc, the Accessibility Technical Advisory Committee, the Joint Building Fire Technical Advisory Committee/Fire Council and the Threshold Inspector Committee; to consider accessibility waiver applications: Liberty Baptist Church, 2451 Dora Avenue, Tavares, Florida; Paradise Beach Resort, 333 South Atlantic Avenue, Daytona Beach, Florida; Grandview Condominium, 100 Monaco Street, Destin, Florida; The Miami Children's Museum, 3205 S. W. First Avenue, Miami, Florida; Southeast Cutlery, 407 East Prospect Road, Oakland Park, Florida; Westview Terrace, 12501 N. W. 27th Avenue, Miami, Florida; Sacred Heart School, 5752 Blanding Boulevard, Jacksonville, Florida; Cape Canaveral Hospital, 701 West Cocoa Beach Causeway, Cocoa Beach, Florida; Gunther Motors, 1660 South State Road 7, Fort Lauderdale, Florida; Monsignor Edward Pace High School, 15600 N. W. 32nd Avenue, Miami, Florida; North Shore Park Youth Center and Gymnasium, 501 72nd Street, Miami Beach, Florida; Scott Rakow Youth Center, 2700 Sheridan Avenue, Miami Beach, Florida; The Melting Pot, 8810 Twin Lakes Boulevard, Tampa, Florida; to consider any accessibility waiver appeals; to provide an update on proposed amendments to the Florida Building Code; and to review assignments for next month.

A copy of the Committee and Commission meeting agendas may be obtained by sending a request in writing: Jean Easom, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and

evidence upon which the appeal is to be based. Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Jean Easom, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Community Affairs** announces the next scheduled conference call meetings of the following workgroups of the Governor's Task Force on Domestic Violence. All interested people are invited to participate.

MEETING: Diversity Workgroup

DATES AND TIMES: June 12, 2000, 10:00 a.m. – 11:30 a.m. (EST); June 19, 2000, 10:00 a.m. (EST)

PLACE: Conference Call (850)487-9580, Suncom 277-9580

SUBJECT: Discussion of Task Force objectives and activities relevant to workgroup responsibilities.

MEETING: Site Visit Workgroup

DATES AND TIMES: July 13, 2000, 2:00 p.m. – 3:30 p.m. (EST); August 10, 2000, 10:00 a.m. – 11:30 a.m. (EST)

PLACE: Conference Call (850)487-9580, Suncom 277-9580

SUBJECT: Discussion of Task Force objectives and activities relevant to workgroup responsibilities.

MEETING: Law Enforcement Workgroup

DATES AND TIMES: June 8, 2000, 1:00 p.m. – 2:30 p.m. (EST); June 13, 2000, 1:00 p.m. – 2:30 p.m. (EST)

PLACE: Conference Call (850)487-9580, Suncom 277-9580

SUBJECT: Discussion of Task Force objectives and activities relevant to workgroup responsibilities.

MEETING: Third Report Review Workgroup

DATE AND TIME: June 7, 2000, 11:00 a.m. – 12:30 p.m. (EST)

PLACE: Conference Call (850)487-9580, Suncom 277-9580

SUBJECT: Discussion of Task Force objectives and activities relevant to workgroup responsibilities.

MEETING: Health Care Workgroup

DATE AND TIME: June 14, 2000, 1:30 p.m. – 3:00 p.m. (EST)

PLACE: Conference Call (850)487-9580, Suncom 277-9580

SUBJECT: Discussion of Task Force objectives and activities relevant to workgroup responsibilities.

To participate in the conference calls simply dial the conference call number at the designated time. First, you will hear a tone and then will be connected to the conference call. Please identify yourself once you are connected. If you do not hear any participants' voices, it simply means no one has called in. Stay on the line to allow others to call in and connect. If you have any trouble, call (850)488-1234 or Suncom

278-1234 and tell the operator the trouble you are experiencing and reference confirmation number 30L0515. This is not a toll-free call.

Further information may be obtained by contacting: Prevention of Domestic and Sexual Violence Section, Florida Department of Community Affairs, (850)921-2168.

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

DATES AND TIMES: June 29, 2000, 1:00 p.m. – 5:00 p.m.; June 30, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: University of South Florida, Center for Urban Transportation Research, 4202 East Fowler Avenue, Room CUT 100, Tampa, Florida 33620-5375

ACTIONS TO BE TAKEN: The CFF will consider the following items:

- 1) Baseline Status Report
- 2) Objectives

APPEAL INFORMATION: 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 TRANSPORTATION

The Florida **Department of Transportation**, District 5 announces a Public Hearing to which all persons are invited.

DATE AND TIME: June 6, 2000, 6:30 p.m. – 7:30 p.m. (CST)

PLACE: Maynard Evans High School, Ninth Grade Center, 2751 North Apopka-Vineland Road, Ocoee (Orange County), Florida 32181

PURPOSE: This Public Hearing will address the reclassification of the existing access management classification from an Access Class 3 to an Access Class 5, per

Rule Chapter 14-97.005, FAC. and FDOT Procedure 525-030-155-c, of SR 438 (Silver Star Road) from Clarke Road to West Princeton Street. An Class 5 could provide an increase in the number of median openings and driveways along the project corridor. The ability to add these additional features are subject to operational and safety conditions.

This Public Hearing is being conducted to give all interested parties an opportunity to comment on the proposed access management reclassification for the above listed project limits on SR 438 (Silver Star Road).

In compliance with the Americans with Disabilities Act, the Department, if requested, will provide special assistance at the information meeting for those persons who are disabled. Those persons requiring special assistance must send written notification at least ten (10) days prior to the information meeting, to the Department's consultant: TEI Engineers & Planners, Attention: Eileen LaSeur, 300 Primera Boulevard, Suite 200, Lake Mary, Florida 32746.

A copy of the agenda may be obtained by writing to the Department's consultant at the address noted above.

The **Department of Transportation**, District 1 announces a public hearing to which all persons are invited:

DATE AND TIME: Tuesday, June 20, 2000, 7:00 p.m.

PLACE: Golden Gate Community Center, 4701 Golden Gate Parkway, Naples, 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 proposed improvements to Interstate 75 at Golden Gate Parkway Interchange, Financial Project Identification Number 200742-1-21-01.

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 Antone Sherrard, (863)519-2304.

Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Bryan Williams, District Environmental Manager, Florida Department of Transportation, District 1, Post Office Box 1249, Bartow, Florida 33831.

The Florida **Department of Transportation**, District 2 announces a Public Hearing to which all persons are invited.

DATE AND TIME: June 20, 2000, 7:00 p.m.

PLACE: Prime F. Osborn, III, Convention Center, 1000 Water Street, Jacksonville, Florida

PURPOSE: This Hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social and economic and

environmental effects of Financial Management Number 217417-1, State Project No. 72999-7291, otherwise known as Jacksonville Multimodal Systems Linkage and Transportation Center in Jacksonville, Duval County, Florida. The proposed improvements involve establishing a multimodal transportation facility at the Prime F. Osborn, III, Convention Center. This facility will be the focal point of the entire transportation system serving the Jacksonville area. It will also tie the transportation system into the major downtown area developments.

Anyone needing project or public hearing information, or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call telephone number (904)752-3300 or 1(800)749-2967.

Special accommodations requested under the Americans with Disabilities Act should be made at least seven days prior to the Public Hearing.

A copy of the agenda may be obtained by writing: Mr. Huey Hawkins, District Secretary, Florida Department of Transportation, District 2, Post Office Box 1089, Lake City, Florida 32056-1089.

The **Department of Transportation**, District Three, announces a public hearing to which all persons are invited.

DATE AND TIME: June 29, 2000, 6:00 p.m.

PLACE: Tallahassee City Commission Chambers, Second Floor, 300 South Adams Street, Tallahassee, Florida

PURPOSE: This hearing is being held to afford interested persons the opportunity to express their views concerning the location; conceptual design; and social, economic and environmental effects of Financial Project Identification Number 219770-1-21-01, Federal Project Number 4286 001 M, otherwise known as the Gaines Street PD&E Study. The limits of the project corridor are from Lake Bradford Road to Monroe Street (US 27), Tallahassee, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call telephone number (850)638-0260, Ext. 523. Special accommodation requests under the Americans With Disabilities Act should be made at least seven working days prior to the public hearing.

This hearing is being held to comply with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended.

A copy of the agenda may be obtained by writing: Regina Battles, District Environmental Management Engineer, Florida Department of Transportation, District 3, P. O. Box 607, Chipley, Florida 32428.

The Florida **Department of Transportation**, District 7 announces a Public Hearing to which all persons are invited.

DATE AND TIME: Thursday, June 15, 2000, 4:30 p.m. – 7:30 p.m. (with formal presentation, 6:00 p.m.)

PLACE: Largo Middle School, Cafeteria, 155 8th Avenue, S. E., Largo, FL 33771

PURPOSE: The Hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Work Program Item Segment Number: 257110 1; FAP No. XA-1394(23); the Study Reevaluation for Ulmerton Road (SR 688) from 119th Street to I-275 in Pinellas County, Florida.

A copy of the agenda may be obtained by writing: Kenneth A. Hartmann, P. E., District Seven, Secretary, Florida Department of Transportation, 11201 N. McKinley Drive, Tampa, Florida 33612-6456.

STATE BOARD OF ADMINISTRATION

The Investment Committee of the **Florida Prepaid College Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Wednesday, June 7, 2000, 10:00 a.m. or soon thereafter

PLACE: 1801 Hermitage Blvd., Hermitage Conference Room, 1st Floor, Tallahassee, Florida 32308

PURPOSE: To conduct the regular business of the Florida Prepaid College Board Investment Committee, 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: Wednesday, June 7, 2000, 11:00 a.m. or soon thereafter

PLACE: 1801 Hermitage Blvd., Hermitage Conference Room, 1st Floor, Tallahassee, Florida 32308

PURPOSE: To conduct the regular business of the Florida Prepaid College 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.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 7, 2000, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

PURPOSE: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, Telephone (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 991534-TP – Request for arbitration concerning complaint of Intermedia Communications, Inc. against BellSouth Telecommunications, Inc. for breach of terms of interconnection agreement under Sections 251 and 252 of the Telecommunications Act of 1996, and request for relief.

DATE AND TIME: June 13, 2000, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To permit parties to present testimony and exhibits relative to the request for arbitration concerning complaint of Intermedia Communications, Inc. against BellSouth Telecommunications, Inc. for breach of terms of interconnection agreement under Sections 251 and 252 of the Telecommunications Act of 1996, and request for relief and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on May 18, 2000. 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, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 991627-WU – Application for rate increase in Polk County by Park Water Company Inc.

DATE AND TIME: Thursday, June 15, 2000, 6:00 p.m.

PLACE: Lake Wales Community Center, 315 North Walker Street, Lake Wales, Florida 33583

PURPOSE: To give customers and other interested persons an opportunity to offer comments on the quality of service the utility provides, the proposed rate increase and to ask questions and comments on other issues.

A copy of the agenda for any meeting may be obtained by writing: Director of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public meeting in the following docket to which all persons are invited.

Docket No. 981147-WS – Investigation into potential overearnings in Highlands County by Highlands Ridge Associates, Inc.

DATE AND TIME: Monday, June 19, 2000, 3:00 p.m.

PLACE: The Grand Ballroom, Highlands Ridge, 3003 E. Fairway Vista Dr., Avon Park, Florida 33825-6001

PURPOSE: To give customers and other interested persons an opportunity to offer comments on the Commission's pending investigation of the utility's earnings, water conservation concerns and to ask questions and comment on other issues.

A copy of the agenda for any meeting may be obtained by writing: Director of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor**, Office of Tourism, Trade and Economic Development announces a public meeting to which all persons are invited.

MEETING: The Florida Economic Summit. (The meeting is free of charge and registration is not required.)

DATE AND TIME: Monday, June 5, 2000, 9:30 a.m. – 1:00 p.m.

PLACE: Room 110, Senate Office Building, 404 South Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Major business climate issues influencing the state's competitive economic future.

For further information contact: Katherine Morrison, Office of Tourism, Trade and Economic Development, The Capitol, Suite 2001, Tallahassee, FL 32399-0001 or by telephone (850)487-2568.

Any person requiring a special accommodation at this meeting because of a disability should contact Katherine Morrison, (850)487-2568, at least seven (7) days prior to the meeting. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Hazardous Materials Response Team** announces a meeting of the Team to which all persons are invited.

DATE AND TIME: June 9, 2000, 10:00 a.m.

PLACE: Progress Corporate Park, One Progress Boulevard, Alachua, Florida

PURPOSE: To conduct an organizational meeting for the newly created Hazmat Team.

Any persons deciding to appeal any decision of the Team with respect to any matter considered at the meeting may need 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.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Wednesday, May 24, 2000, 1:00 p.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: Board Orientation.

Notice is given that two or more members of the Boards of County Commissioners, City/Town Councils/Commission and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meetings to which all persons are invited:

DATE AND TIME: June 1, 2000, 8:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: June 1, 2000, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending personnel, program planning and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: June 1, 2000, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: Monthly 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)363-6350, Extension 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Transportation Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: June 1, 2000, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending transportation issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is given that two or more members of the Boards of County Commissioners, City/Town Councils/Commission and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 7, 2000, 9:30 a.m.

PLACE: Highlands County Health Department, Conference Room, 7205 South George Blvd., Sebring, Florida

PURPOSE: Regular Monthly Meeting of the Council.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The District XI, **Local Emergency Planning Committee**, Training Technical Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 21, 2000, 9:00 a.m. – 10:00 a.m.

PLACE: Fire Fighters Memorial Building, 8000 N. W. 21st Street, Miami, Florida 33126

PURPOSE: To implement FY 1999-00 USDOT HMEP Training Grant funds and to discuss training and planning activities and projects from the conference and preplanning for next year’s training and planning opportunities.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, or by calling (954)985-4416 in Broward, Suncom 473-4416 and 1(800)985-4416, for area codes 305, 561 and 407.

The District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 21, 2000, 10:00 a.m.

PLACE: Fire Fighters Memorial Building, 8000 N. W. 21st Street, Miami, Florida 33126

PURPOSE: To recap the LEPC’s Hazmat 2000 Conference, election of officers and discussion of tabletop exercise.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, or by calling (954)985-4416 in Broward, Suncom 473-4416 and 1(800)985-4416, for area codes 305, 561 and 407.

The **Treasure Coast Regional Planning Council** announces the following public meeting:

MEETING: Treasure Coast Regional Planning Council Resource Committee

DATES AND TIME: June 21, 2000; July 19, 2000; August 16, 2000; September 20, 2000, 10:30 a.m.

PLACE: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Stuart, FL 34996

GENERAL SUBJECT MATTER: To conduct a meeting of the Treasure Coast Regional Planning Council Resource Committee to prepare an evaluation and proposed revisions to the Strategic Regional Policy Plan.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

REGIONAL TRANSPORTATION AUTHORITIES

NOTICE OF CHANGE – The **METROLPLAN ORLANDO** announces two meetings to which all interested persons are invited. This meeting replaces two Board meetings originally scheduled for May 25, 2000 and June 22, 2000 at the Educational Leadership Center. These two meetings are combined and rescheduled to be held:

DATE AND TIME: June 15, 2000, 2:30 p.m.

PLACE: METROPLAN ORLANDO, Board Room, 315 E. Robinson Street, Suite 355, Orlando, FL 3280

PURPOSE: Regular Monthly 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: Carol Frahn, 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 Americans with Disabilities Act Working Group, which is administered by the **Department of Labor and Employment Security, Division of Vocational Rehabilitation** announces a one day Retreat in June of the Americans with Disabilities Act Working Group for the purpose of board member training.

DATE AND TIME: June 23, 2000, 8:00 a.m. – 5:00 p.m.

PLACE: Safety Harbor Resort and Spa, 105 North Bayshore Drive, Safety Harbor, Florida 34695

PURPOSE: To better facilitate the mission of this Working Group.

Should you require accommodations or materials in alternate formats or information please contact: Doris Farmer, (850)487-3424 [Voice or TTY].

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited:

GOVERNING BOARD MEETING

DATE AND TIME: Tuesday, June 13, 2000, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

PURPOSE: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE COMMITTEE MEETING

DATE AND TIME: Wednesday, June 14, 2000, 8:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion of Finance Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Wednesday, June 14, 2000, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion and consideration of District business including regulatory and non-regulatory matters.

PUBLIC HEARING

DATE AND TIME: Wednesday, June 14, 2000, following the Governing Board meeting which begins at 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Reconvene Second Public Hearing regarding the proposed amendments to Section 40C-4.091, FAC. and the Applicant's Handbook: Management and Storage of Surface Waters to revise Figure 12.2.8-1 (St. Johns River Water Management District Drainage Basins) and Appendix M (St. Johns River Water Management District Regional Watersheds for Mitigation Banking). The Governing Board will specifically consider whether to delineate the Lake Jesup area as a nested basin/watershed on the proposed drainage basin and regional watershed maps.

A copy of the agenda for these meetings may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Governing Board Support Specialist.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or

hearing by contacting Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** announces the following public meeting to which all interested persons are invited:

PEACE RIVER BASIN BOARD WORKSHOP

DATE AND TIME: Friday, June 2, 2000, 9:30 a.m. – 12:30 p.m.

PLACE: DeSoto County Administrative Building, 201 East Oak Street, Arcadia, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Policy issues relative to the Board's goals, including prioritization and funding of Basin programs and projects.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 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 meeting to which all interested parties are invited.

AGRICULTURAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, June 6, 2000, 5:30 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Building 1, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business. Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida), or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

DATES AND TIME: June 27, 2000, 9:00 a.m. and may be continued; June 28, 2000, 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 Upper Myakka River Watershed project comprised of three parcels referred to SWF Parcel Nos. 21-598-104C, 105C and 106C to be acquired by conservation easements consisting of approximately 1,135; 478 and 912 acres, respectively. The parcels are located north of U.S. Highway 70 in all or parts of Sections 26, 27, 33, 34 and 35, Township 35 South, Range 21 East in Manatee County, Florida; and

Part of the Lake Manatee Lower Watershed project comprised of one parcel referred to as SWF Parcel No. 21-601-109 A, B and C consisting of approximately 1,764 acres and lying in Sections 14, 15, 22, 23, 26, 27, 28 and 35, Township 34 South, Range 20 East in Manatee County, Florida; and

Part of the Weekiwachee Preserve project comprised of eight parcels referred to as SWF Parcel Nos. 15-773-137, 139, 150, 151, 152, 153, 154 and 155 which range in size from approximately 7± acres to 49± acres. The parcels are generally located west of Shoal Line Boulevard (County Road 597), north and south of Osowaw Boulevard (County Road 595) and east and west of Aripeka Road (County Road 595) in Sections 25, 35, 36, Township 23 South, Range 16 East and Section 31, Township 23 South, Range 17 East, in Hernando 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** pursuant to Rule 28-102.003(3), Fla. Admin. Code announces that an emergency governing board meeting was held to which all interested parties were invited:

DATE AND TIME: May 12, 2000, 5:00 p.m. – 5:45 p.m.

PLACE: SFWMD Headquarters, B-1 Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: The emergency governing board meeting was held to consider a Motion to Vacate an automatic stay of Resolution 00-31 adopted April 25, 2000, caused by the filing of a Notice of Administrative Appeal of the Resolution by Lee County. The Resolution relates to Governing Board policy regarding

the lowering of water levels in Lake Okeechobee. The emergency meeting was held in accordance with the provisions of Rule 28-102.003, Fla. Admin. Code, and was necessary to protect the public health and welfare, the ecology of Lake Okeechobee and the water resource objectives of Chapter 373, Fla. Stat.

PRIOR NOTICE WAS EFFECTUATED BY: Pursuant to Rule 28-102.003(2), Fla. Admin. Code, the SFWMD provided notice of the time, date, place and purpose of the May 12, 2000 emergency governing board meeting via facsimile and/or email to the Sun Sentinel, Palm Beach Post, Stuart News, Associated Press, News Press (Ft. Myers), the Naples Daily News and Channels 5, 12 and 25 airing in the West Palm Beach area and Ch. 10 airing in the Miami and Ft. Lauderdale areas. At the conclusion of the meeting, notice was given via Press Release to all daily and most weekly newspapers located and publishing within the jurisdiction of the SFWMD, all television and most radio stations broadcasting within the jurisdiction of the SFWMD and some environmental entities and other consultants on the same day, May 12, 2000.

ACTIONS TAKEN: At the May 12, 2000 emergency governing board meeting, the Governing Board of the South Florida Water Management District unanimously voted to vacate the Automatic Stay of Resolution No. 00-31. The effect of vacating the Stay is that water continues to be released from Lake Okeechobee pursuant to Resolution No. 00-31.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. The above-identified Governing Board meeting was 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.

The **South Florida Water Management District** announces public meetings to which all interested parties are invited:

DATES AND TIMES: June 6, 2000, 1:00 p.m. – 1:30 p.m.; June 13, 2000, 1:00 p.m. – 1:30 p.m.; June 20, 2000, 1:00 p.m. – 1:30 p.m.; June 27, 2000, 1:00 p.m. – 1:30 p.m.

PLACE: District Headquarters, B-1 Building, Conference Room 3B, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: The Appraisal Review Committee will hold its regular meeting to discuss appraisal issues and, if necessary, select an appraiser from proposals received on upcoming appraisal assignments.

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 Kenneth Daw, Chief Appraiser, (561)682-6737.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, June 26, 2000, 3:00 p.m.

PLACE: Northern Palm Beach County Improvement District Auditorium, 357 Hiatt Drive, Palm Beach Gardens, Florida

PURPOSE: The Loxahatchee River Management Coordinating council will hold its regular meeting to discuss issues that may affect the River.

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 Woodie Van Voorhees, (561)682-6332.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Panel on Excellence in Long-Term Care to which all interested parties are invited.

DATE AND TIME: Wednesday, June 7, 2000, 11:00 a.m.

PLACE: Miami Jewish Home and Hospital, Sands Conference Center, 2nd Floor, Stein Building, 5200 N. E. 2nd Avenue, Miami, FL 33137

PURPOSE: A meeting of the Panel on Excellence in Long-Term Care.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Richard Kelly, (850)488-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Richard Kelly, Agency for Health Care Administration, Bldg. 1, Room 228, 2727 Mahan Drive, Tallahassee, FL 32308.

DEPARTMENT OF MANAGEMENT SERVICES

The **Florida Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Thursday, June 1, 2000, 9:00 a.m.

PLACE: Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303. The meet-me telephone number is (850)921-2470 or Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Sharon Moultry, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, telephone (850)488-7082, Extension 1036.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or 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 based.

SPECIAL ACCOMMODATION: Any person requiring special accommodation because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Extension 1036, at least five calendar days prior to the meeting.

The **Florida Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting will be held:

DATES AND TIMES: Wednesday, June 7, 2000, 10:00 a.m. through Friday, June 9, 2000, 5:00 p.m.

PLACE: Sheraton Yankee Trader Hotel, 321 N. Fort Lauderdale Beach Blvd., Ft. Lauderdale, FL 33304

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be to workshop the 2001 legislative and budget needs of the commission and to discuss general and administrative issues.

A copy of the agenda may be obtained by contacting: Ms. Sharon Moultry, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, telephone (850)488-7082, Extension 1036.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or 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 based.

SPECIAL ACCOMMODATION: Any person requiring special accommodation because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Extension 1036, at least five calendar days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces the following meetings to be conducted by the Florida **Board of Landscape Architecture** (Board):

MEETING: Board

DATE AND TIME: June 22, 2000, 9:00 a.m.

PLACE: The Colony Palm Beach, 155 Hammon Avenue, Palm Beach, FL 33480, Tel. No.: 1(800)521-5525

PURPOSE: To conduct an official meeting of the Board in order to review issues associated with regulation of the landscape architecture profession.

Agenda copies may be obtained by writing: The Board, 1940 North Monroe Street, Tallahassee, FL 32399-0751.

Any person deciding to appeal a decision made with respect to any matter considered at the meeting must ensure a verbatim record of the proceeding is made. Such record must include the testimony and evidence upon which an appeal is to be based.

Any person requiring special accommodations because of a disability or physical impairment should contact Gregory Spence, Regulatory Supervisor, 1940 North Monroe Street, Tallahassee, Florida 32399-0751 or call (850)488-6685, Extension 3, at least forty-eight (48) hours prior to the meeting. Hearing or speech impaired respondents please contact Kari McIlvaine using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Board of Cosmetology** announces a Board Meeting open to the public and all persons are invited to participate.

DATES AND TIMES: Sunday, June 11, 2000, 10:00 a.m.; Monday, June 12, 2000, 9:00 a.m. (if necessary)

PLACE: Four Points Sheraton Hotel, Orlando International Airport, 3835 McCoy Road, Orlando, Florida 32812

PURPOSE: Regular Board Business and Committee Matters.

*A copy of the agenda may be obtained by writing: Board of Cosmetology, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-0790.

*If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting

because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the Florida **Real Estate Commission** announces a meeting. Portions of the probable cause proceedings are not open to the public.

DATE AND TIME: June 20, 2000, 1:30 p.m. or the soonest thereafter

PLACE: Suite 301, North Tower, 400 West Robinson Street, Orlando, Florida

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 9:00 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 by (Voice) and 1(800)955-8771 (TDD).

The Florida **Real Estate Commission** (FREC) announces a meeting to which all persons are invited.

DATE AND TIME: June 21, 2000, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida

PURPOSE: Official business of Commission. Among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, Recovery Fund Claims, education issues, petitions for declaratory statement and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required. Probable Cause Panel(s) may also meet during this session. Portions of the Probable Cause are not open to the public.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, Administration Office, P. O. Box 1900, Orlando, Florida 32802-1900.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the

Division of Real Estate using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Florida Springs Task Force** announces the following public meeting to which all interested parties are invited.

DATE AND TIME: May 31, 2000, 9:30 a.m. – 3:30 p.m.

PLACE: Boulware Spring City Park, Gainesville, Florida

PURPOSE: Florida Springs Task Force: Develop strategy to protect Florida's springs.

For more information please contact: Office of Environmental Services, (850)487-1750.

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: June 5, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: City Hall at St. James Place, Renaissance Room, First Floor, 117 West Duval Street, Jacksonville, FL 32202

For more information please contact: the 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.

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, June 8, 2000, 6:00 p.m.

PLACE: St. Johns County Auditorium, 4020 Lewis Speedway, St. Augustine, Florida 32095

PURPOSE: The eighteen member Management Advisory Group (MAG) for the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) meets regularly on the second Thursday of the third month of each quarter. The MAG is composed of nine citizens, appointed by the three state legislators with overlapping jurisdictions with the reserve boundaries and nine representatives of the local, state and federal government entities with authority and responsibility in the reserve. They are the St. Johns River Water Management District; the Flagler County Board of County Commission; the St. Johns County Board of County Commission; the National Park Service; the Florida Park Service; the Florida Fish and Wildlife Conservation Commission; the St. Augustine Port, Waterway and Beach Authority; the City of St. Augustine; and the Town of Marineland. The MAG will work with the Florida Department of Environmental Protection (DEP) to implement the management plan adopted by the Governor and Cabinet for the GTMNERR.

The meeting agenda will include announcement of new appointments, election of officers, status reports of legislative funding initiatives for GTMNERR and progress reports on a variety of GTMNERR activities.

A copy of the agenda may be obtained by contacting: Mr. Kenneth Berk, GTMNERR, Post Office Box 840069, St. Augustine, Florida 32084-0069, (904)461-4053.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven days prior to the event.

The **Department of Environmental Protection** announces a public workshop to which all persons are invited.

DATE AND TIMES: June 28, 2000, 9:00 a.m. and 11:00 a.m.

PLACE: Room 611, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

PURPOSE: At nine o'clock a.m., to present the Department's recommendations and to receive public comment on the intended use of the Fiscal Year (FY) 2001 Federal Safe Drinking Water Act appropriations and State matching funds. Funds will be used to finance drinking water preconstruction and construction projects through grants and loans under the State Revolving Fund (SRF) program Rule, Chapter 62-552, Florida Administrative Code (FAC). Approximately \$20 million is expected to be available for loans and \$3 million for grants. Workshop topics will include project eligibility, project prioritization, types of assistance available, objectives of the program, program requirements, use of set-aside funds and the proposed project list. At eleven o'clock a.m., to present the Department's recommendations and receive public comment on the intended use of the FY 2001 Federal Clean Water Act appropriations and State matching funds. Funds will be used to finance wastewater preconstruction and construction projects and stormwater construction projects through direct loans under State Revolving Fund Rules, Chapters 62-503 and 62-504, FAC. Approximately \$100 million is expected to be available for loans. Funds will also be used to finance the planning, design and construction of wastewater infrastructure through grants to disadvantaged small communities under Rule 62-505, FAC. Approximately \$2.6 million is expected to be available for grants. Workshop topics will include project eligibility, project prioritization, types of assistance available, source and use of funds and the proposed priority lists of projects.

Copies of the proposed FY 2001 Intended Use Plans may be obtained by contacting: Gary Powell, Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, phone (850)488-8163 or Suncom 278-8163 or e-mail gary.powell@dep.state.fl.us.

If an accommodation for a disability is needed in order to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Human Resource Services, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

The **Department of Environmental Protection** announces a public hearing to be held before the Environmental Regulation Commission to which all interested persons are invited.

DATE AND TIME: June 29, 2000, 9:00 a.m.

PLACE: Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, FL

PURPOSE: To receive testimony and public comment and to take final action on adoption of the fiscal year (FY) 2001 Wastewater State Revolving Fund (WWSRF) priority list in accordance with Florida Administrative Code (FAC) Rule 62-505. Approximately \$2.5 million is expected to be available for grants in aid to qualifying disadvantaged small communities. The Commission may adopt, modify or deny the proposed actions at the hearing. All interested persons will have the opportunity to testify regarding the list and any proposed actions. After the hearing, the Department will file the Final Order for actions taken at the hearing.

A copy of the Final Order will be sent to local governments sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearing or must be filed with the Department's Bureau of Water Facilities Funding, Twin Towers Office Building, Mail Station #3505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, no later than 5:00 p.m. on the first working day after the public hearing.

If an accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Human Resources, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

The **Department of Environmental Protection** announces public hearings to which all interested persons are invited.

DATE AND TIME: June 30, 2000, 2:00 p.m.

PLACE: Room 611, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

PURPOSE: To receive testimony and public comment and to take final action on proposed management of the FY 2000 SRF stormwater loan priority list; on the proposed adoption of the FY 2001 stormwater loan priority list; and on the proposed adoption and management of the FY 2001 wastewater preconstruction and construction loan priority lists. Funds available for management of the FY 2000 (the current fiscal year) stormwater projects are \$11.3 million. Approximately \$120 million is expected to be available for adoption of the FY 2001 priority lists for wastewater and stormwater. The Department may adopt, modify or deny the proposed actions at the hearing. Projects may be added to the wastewater

construction or preconstruction priority list pursuant to Rule 62-503.680, FAC., or to the stormwater construction priority list pursuant to Rule 62-504.680, FAC., if requests and required documentation are approved by the Department by May 26, 2000 and if funds are available. Prior to Department action at the hearings, all interested persons will have the opportunity to testify regarding each of the lists and any proposed actions.

After the hearings, the Department will file the Final Orders for actions taken at the hearings. A copy of the Final Orders will be sent to local governments sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearings or must be filed with the Department's Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, no later than 5:00 p.m. on the first working day after the public hearing.

A copy of the draft priority lists may be obtained by contacting: Gary Powell, Bureau of Water Facilities Funding, the same address, phone (850)488-8163 or Suncom 278-8163 or e-mail gary.powell@dep.state.fl.us.

If an accommodation for a disability is needed in order to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Human Resources at (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

The **Department of Environmental Protection** announces a public hearing to be held before the Environmental Regulation Commission to which all interested persons are invited.

DATE AND TIME: June 29, 2000, 9:00 a.m.

PLACE: Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, FL

PURPOSE: To receive testimony and public comment and to take final action on adoption of the fiscal year (FY) 2001 Drinking Water State Revolving Fund (DWSRF) priority list for grants in accordance with Florida Administrative Code (FAC) Rule 62-552. Modifications to the list may be made if requests and required documentation are received no later than May 26, 2000. The Commission may adopt, modify or deny the proposed actions at the hearing. All interested persons will have the opportunity to testify regarding the list and any proposed actions. After the hearing, the Department will file the Final Order for actions taken at the hearing.

A copy of the Final Order will be sent to local governments sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearing or must be filed with the Department's Bureau of Water Facilities Funding, The Twin Towers Office Building, MS #3505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, no later than 5:00 p.m. on the first working day after the public hearing.

If an accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist, Bureau of Human Resources, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

The **Department of Environmental Protection** announces a public hearing to which all interested persons are invited.

DATE AND TIME: June 30, 2000, 10:00 a.m.

PLACE: Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, FL

PURPOSE: To receive testimony and public comment and to take final action on proposed adoption of the Fiscal Year (FY) 2001 drinking water State Revolving Fund (SRF) priority list for loans. The priority list for grants will have been proposed for adoption at the June 29 hearing held before the Environmental Regulation Commission. Approximately \$20 million is expected to be available for loans. The Department may adopt, modify or deny the proposed actions at the hearing. Projects may be added to the drinking water priority list pursuant to Rule 62-552.680, Florida Administrative Code, if requests and required documentation are received by May 26, 2000. Prior to Department action at the hearing, all interested persons will have the opportunity to testify regarding any proposed actions.

After the hearings, the Department will file the Final Order for actions taken at the hearing. A copy of the Final Order will be sent to local governments sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearing or filed with the Department's Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, no later than 5:00 p.m. on the first working day after the public hearing.

A copy of the draft priority list may be obtained by contacting: Gary Powell, Bureau of Water Facilities Funding, at the same address, or by phone (850)488-8163 or Suncom 278-8163 or by e-mail gary.powell@dep.state.fl.us.

If an accommodation for a disability is needed in order to participate in this activity, please notify the Personnel Services Specialist, Bureau of Human Resources, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

DEPARTMENT OF HEALTH

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces an official Board meeting to be held via telephone conference call. All interested parties are invited to attend the telephone conference call, which is normally open to the public.

DATE AND TIME: June 6, 2000, 9:00 a.m.

PLACE: Telephone Number (850)921-2548

PURPOSE: Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any 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 May 30, 2000.

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a Probable Cause Panel meeting to be held via telephone conference call. Several cases in which a finding of probable cause has already been found will be reconsidered. All interested parties are invited to attend.

DATE AND TIME: Thursday, June 15, 2000, 10:30 a.m.

PLACE: Telephone Number (850)921-6433, Suncom 291-6433

PURPOSE: Probable Cause Panel Meeting and Reconsideration of probable cause cases for Clinical Social Work.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If any person decides to appeal any decision made by the Panel 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 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.

The Florida **Board of Dentistry** will hold a Probable Cause Panel meeting to be held by way of conference telephone:

DATE AND TIME: June 2, 2000, 12:30 p.m. or as soon as all parties are connected

PLACE: Conference Telephone (850)488-0979, hookup at the following location. Office of William H. Buckhalt, Executive Director, 1940 North Monroe Street, Tallahassee, FL

PURPOSE: To review reconsideration cases.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: William H. Buckhalt, Executive Director, Board of Dentistry, 2020 Capital Circle, S. E., BIN #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-6016. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Dentistry** will hold an Exam Committee meeting, if necessary, to which all persons are invited:

DATES AND TIME: June 4-13, 2000, 8:00 a.m. each day
 PLACE: University of Florida, College of Dentistry, 1600 S. W. Archer Road, Gainesville, FL 32610

PURPOSE: To assist in administration of dental and dental hygiene exams.

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 Dentistry, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-6016. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)488-6016, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Linda Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Nursing** announces will hold the following meeting to which all persons are invited. South Probable Cause Panel

DATE AND TIME: May 25, 2000, 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 #3 Building, 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 Nursing** announces will hold the following meeting to which all persons are invited. North Probable Cause Panel

DATE AND TIME: May 27, 2000, 8:30 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 #3 Building, 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 Nursing** announces public meetings to which all interested persons are invited.

MEETING: Continued Competency Taskforce
 DATE AND TIME: Tuesday, June 6, 2000, 4:00 p.m.
 PLACE: Jupiter Beach Resort, 5 North A1A, Jupiter Beach, FL 33427, (561)745-7161

PURPOSE: To discuss procedures for continued competency.
 MEETING: Intervention Project for Nurses Committee Meeting

DATE AND TIME: Wednesday, June 7, 2000, 8:00 a.m.
 PLACE: Jupiter Beach Resort, 5 North A1A, Jupiter Beach, FL 33427, (561)745-7161

PURPOSE: To discuss matters relating to the policies and procedures of the Intervention Project for Nurses.

MEETING: Advanced Registered Nurse Practitioner's Committee Meeting

DATE AND TIME: Wednesday, June 7, 2000, 8:30 a.m.

PLACE: Jupiter Beach Resort, 5 North A1A, Jupiter Beach, FL 33427, (561)745-7161

PURPOSE: To consider applications and review certification of Advanced Registered Nurse Practitioners.

MEETING: Education Committee Meeting

DATE AND TIME: Wednesday, June 7, 2000, 8:30 a.m.

PLACE: Jupiter Beach Resort, 5 North A1A, Jupiter Beach, FL 33427, (561)745-7161

PURPOSE: To consider matters relating to nursing programs and applications for licensure.

MEETING: Continuing Education Committee Meeting.

DATE AND TIME: Wednesday, June 7, 2000, 9:30 a.m.

PLACE: Jupiter Beach Resort, 5 North A1A, Jupiter Beach, FL 33427, (561)745-7161

PURPOSE: To consider continuing education programs and procedures.

MEETING: Practice Committee Meeting

DATE AND TIME: Wednesday, June 7, 2000, beginning at the adjournment of the Board Meeting session

PLACE: Jupiter Beach Resort, 5 North A1A, Jupiter Beach, FL 33427, (561)745-7161

MEETING: Regular Board Meeting

DATES AND TIMES: Wednesday, June 7, 2000, 1:30 p.m.; Thursday, June 8, 2000, 8:30 a.m.; Friday June 9, 2000, 8:30 a.m.

PLACE: Jupiter Beach Resort, 5 North A1A, Jupiter Beach, FL 33427, (561)745-7161

PURPOSE: Rule Hearing/Adoptions; Nursing Education Program Requests and Reports; Advanced Registered Nurse Practitioners Certificates and matters relating advanced nursing practice; Continuing Education matters; Legal and Disciplinary Actions; Licensing Problems, Informal Hearings, Declaratory statements, Correspondence and other miscellaneous matters relating to the practice of nursing.

A copy of the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Florida Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207.

Please Note that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings and for such purpose he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact the Board of Nursing office (904)858-6940, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact

the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Orthotists and Prosthetists** announces a meeting to which all interested persons are invited:

DATE AND TIME: Friday, June 2, 2000, 9:00 a.m.

PLACE: Holiday Inn Select, 5750 T. G. Lee Boulevard, Orlando, Florida, (407)851-6400

PURPOSE: General board business. Substitute board counsel will appear via telephone during the Final Order Action of DOAH Case #99-1428, Alina De Armas v. Department of Health, Board of Orthotists and Prosthetists.

The Florida **Board of Osteopathic Medicine** will hold the following Board meeting to which all persons are invited:

DATES AND TIMES: Friday, June 9, 2000, 6:00 p.m.; Saturday, June 10, 2000, 9:00 a.m.

PLACE: The Crowne Plaza Hotel, 950 LeJeune Road, Miami, FL 33126, (305) 446-9000.

PURPOSE: Regular 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, 4052 Bald Cypress Way, 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 Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson 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 Physical Therapy Practice** announces a conference call to which all persons are invited.

DATE AND TIME: June 8, 2000, 8:30 a.m. or soon thereafter

PLACE: Number – Nonsuncom (850)921-2591, Suncom 291-2591

PURPOSE: Education Committee Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Podiatric Medicine** will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Friday, June 23, 2000, 9:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida, at Meet Me Number (850)921-2470

PURPOSE: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)487-3052, at least 48 hour prior to the meeting. If you are hearing or speech impaired, please call the Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra W. Causey, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

The **Department of Health** announces a meeting of the Research Review and Advisory Committee to which all persons are invited.

DATE AND TIME: June 5, 2000, 10:00 a.m. – 11:00 a.m.

PLACE: This is a conference call meeting. The telephone number is (850)488-5776 or Suncom 278-5776

PURPOSE: Review and consider extending the "Seasonally Inundated Area" study. Also, review and comment on the final draft of the Phase II Addendum of the Florida Keys Onsite Wastewater Nutrient Reduction Systems Demonstration Project.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Water and Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

The **Tobacco-Free Partnership of Bay County** will hold a public meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, June 7, 2000, 4:00 p.m.

PLACE: Bay County Health Dept., 597 West 11th St., Panama City, Florida 32401

PURPOSE: Purpose is to discuss FY 2000-2001 workplan.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Tobacco-Free Partnership, (850)872-4455, Extension 136, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the above number using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Tobacco Prevention Coordinator, Bay County Health Department, 597 West 11th Street, Panama City, Florida 32401.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Statewide Health and Human Services Board** (SHHSB) will hold a conference call on:

DATE AND TIME: Friday, June 2, 2000, 10:00 a.m. – 12:00 Noon

PLACE: The meet me phone number is (850)921-6623 or SunCom 291-6623.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in the conference call should contact Diann Lowery prior to the call at the Department of Children and Family Services, 1317 Winewood Boulevard, Building 1, Room 201D, Tallahassee, FL 32399-0700, Telephone (850)488-4306, SunCom 278-4306 or call via the Florida Relay Services, 1(800)955-8771 (TDD).

The **Department of Children and Family Services**, District 12, Health and Human Services Board, Developmental Services Committee announces a public meeting to which all persons are invited.

DATE AND TIME: June 8, 2000, 9:00 a.m.

PLACE: Department of Children and Family Services, 210 North Palmetto Avenue, Suite 148, Daytona Beach, Florida

PURPOSE: Final Board Meeting.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284 (Attn.: Denise Kelly).

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.), please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The **Department of Children and Family Services**, District 12 announces a public meeting to which all persons are invited.
DATE AND TIME: June 8, 2000, 3:00 p.m.

PLACE: Department of Children and Family Services, 210 North Palmetto Avenue, Suite 148, Daytona Beach, Florida

PURPOSE: To obtain public input regarding the Redesignation of Halifax Behavioral Services as the Children's Baker Act Receiving Facility for District 12.

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.: Donna Franke).

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.), please notify Veda Medlock, (904)254-3744, 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, Health and Human Services Board, Community Services Committee announces a public meeting to which all persons are invited.

DATE AND TIME: June 9, 2000, 10:00 a.m.

PLACE: Department of Children and Family Services, 210 North Palmetto Avenue, Suite 148, Daytona Beach, Florida

PURPOSE: Regular Board Meeting for General Business.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284 (Attn.: Denise Kelly).

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.), please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The **Department of Children and Family Services**, Health and Human Services, Board of District 4 announces the following public meetings to which all persons are invited.

DATE AND TIME: June 8, 2000, 2:00 p.m.

PLACE: Roberts Building Auditorium, 5920 Arlington Expressway, Jacksonville, FL

PURPOSE: Regular Board meeting for general business.

The Health and Human Services Board Committees will meet as follows:

COMMITTEE: Health Committee

DATE AND TIME: June, 20, 2000, 3:00 p.m.

PLACE: Conf. Room 1

COMMITTEE: Children's Committee

DATE AND TIME: June, 8, 2000, 12:30 p.m.

PLACE: Conf. Room 1

COMMITTEE: Adult Committee

DATE AND TIME: June 8, 2000, 12:30 p.m.

PLACE: Conf. Room 1

COMMITTEE: Budget Committee

DATE AND TIME: June 1, 2000, 12:00 p.m.

PLACE: Conf. Room 1

A copy of the agenda may be obtained by writing: Department of Children and Family Services, P. O. Box 2417, Jacksonville, FL 32231-0083 (Attention: Harry Smith).

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify Harry Smith, (904)723-2151, at least 48 hours in advance of the meeting. Hearing impaired please call (904)646-2859 (TDD).

The **Department of Children and Family Developmental Services**, Coalition's Appeals Board Meetings For "A Matter of Choice" In District 1, announces a public meeting to which all persons are invited for Escambia/Santa Rosa Counties:

DATE AND TIME: Saturday, June 10, 2000, 9:00 a.m.

PLACE: The West Florida Medical Center in Community, Rooms A & B, 8333 North Davis Hwy., Pensacola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is brought to you by the developmental services choice and control pilot projects.

The **Department of Children and Family Developmental Services**, Coalition's Appeals Board meetings for "A Matter of Choice" in District 1 also announces a public meeting to which all persons are invited for Walton/Okaloosa Counties:

DATE AND TIME: Thursday, June 15, 2000, 7:00 p.m.

PLACE: The Health Resource Center, 127 A Redstone Ave., Crestview, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is brought to you by the developmental services choice and control pilot projects

A copy of the agenda for both of these meetings may be obtained by contacting: Jim Moody, Sr., Human Service Program Specialist, (850)689-7729.

PINELLAS WAGES COALITION

The **Pinellas WAGES Coalition** announces the following meeting of the Task Force on SB 2050:

DATE AND TIME: May 30, 2000, 9:00 a.m. – 12:00 p.m.

PLACE: Pinellas WAGES Coalition/COPI, 13770 58th Street, North, Suite 304, Clearwater, FL 33760

PURPOSE: To discuss issues pertaining to the Coalition and SB 2050.

Members of the public are invited to attend and to be heard. Agendas can be obtained 7 days in advance of the meeting at 13770 58th Street, North, Suite 304, Clearwater, FL 33760 or by calling (727)507-6197.

Any person wishing to appeal any decision made by the Pinellas WAGES Coalition's Task Force with respect to any matter considered at such meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. The inclusion of this statement does not create or imply a right to appeal any decision made at this meeting if the right to an appeal does not exist as a matter of law or policy.

In accordance with the Americans with Disabilities Act, any person requiring special accommodation to participate in this proceeding is asked to advise the agency sending the notice no later than three working days prior to the proceeding at the address given on the notice, telephone (727)507-6197.

NOTICE OF CHANGE –The Pinellas WAGES Coalition announces the following change in the following Coalition meeting:

DATE AND TIME: June 1, 2000, 9:00 a.m.

PLACE: Please call (727)507-6197 for location

PURPOSE: Special meeting of the Coalition Meeting

ISSUES TO BE DISCUSSED: Coalition Issues; SB 2050; Board Merger.

Members of the public are invited to attend and to be heard. Agendas can be obtained 7 days in advance of the meeting at 13770 58th Street, North, Suite 304, Clearwater, FL 33760 or by calling (727)507-6197.

Any person wishing to appeal any decision made by the Pinellas WAGES Coalition's Committee with respect to any matter considered at such meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. The inclusion of this statement does not create or imply a right to appeal any decision made at this meeting if the right to an appeal does not exist as a matter of law or policy.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the agency sending the notice no later than three working days prior to the proceeding at the address given on the notice, telephone (727)507-6197.

NOTICE OF CHANGE – The Pinellas WAGES Coalition, Committee Meeting announces the following change in the following Finance and Executive Committee meetings:

DATES AND TIME: June 12, 2000; June 19, 2000, 1:00 p.m.

PLACE: 3251 3rd Avenue, North, 300 Plaza, South, St. Petersburg, FL

PURPOSE: Regular meeting of the Finance and Executive Committees and Selection of Audit Firm.

ISSUES TO BE DISCUSSED: All matters relative to the Pinellas WAGES Coalitions' program.

Members of the public are invited to attend and to be heard. Agendas can be obtained 7 days in advance of the meeting at 13770 58th Street, North, Suite 304, Clearwater, FL 33760 or by calling (727)507-6197.

Any person wishing to appeal any decision made by the Pinellas WAGES Coalition's Finance Committee with respect to any matter considered at such meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. The inclusion of this statement does not create or imply a right to appeal any decision made at this meeting if the right to an appeal does not exist as a matter of law or policy.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the agency sending the notice no later than three working days prior to the proceeding at the address given on the notice, telephone (727)507-6197.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces the following meeting to which all persons are invited:

Claim Review Committee

DATES AND TIME: June 7-8, 2000, 8:30 a.m. – 5:00 p.m.

PLACE: Bankers Insurance Company, Tampa, FL

PURPOSE: To review closed claims for discontinued FAJUA Servicing Carrier, Bankers Insurance Company and draft committee report.

Additional information may be obtained from: Lisa Blackwell Stoutamire, FAJUA, 1113 E. Tennessee St., Suite 401, Tallahassee, FL 32308.

TRANSPORTATION AND EXPRESSWAY AUTHORITY MEMBERSHIP OF FLORIDA

The **Transportation and Expressway Authority Membership of Florida, Inc. (TEAMFL)** announces a public meeting to which all persons are invited:

DATE AND TIME: June 7, 2000, 9:00 a.m. – 12:00 Noon

PLACE: Coral Gables City Hall, Commission Chamber, Coral Gables, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

- 1) "MDX – A Can Do Spirit"
- 2) Annual Summary of Focus Sessions

3) Legislative Wrap Up

A copy of the agenda may be obtained by contacting: Robert C. Hartnett, Executive Director, TEAMFL, 2121 Camden Road, Suite B, Orlando, FL 32803, Phone (407)896-0035, Fax (407)897-7012.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: June 14, 2000, 8:00 a.m.

PLACE: Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola, Orlando, Florida

PURPOSE: General Business Meeting.

FLORIDA REHABILITATION ADVISORY COUNCIL

The **Florida Rehabilitation Advisory Council** announces the following meeting:

MEETING: Florida Rehabilitation Council Quarterly Meeting

MEETING: Executive Committee

DATE AND TIME: Wednesday, June 14, 2000, 5:00 p.m. – 7:00 p.m.

PLACE: Hampton Inn, Conference Room, 2979 Apalachee Parkway, Tallahassee, FL

MEETING: Full Council

DATE AND TIME: Thursday, June 15, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Hampton Inn, Conference Room, 2979 Apalachee Parkway, Tallahassee, FL

MEETING: Full Council Meeting

DATE AND TIME: Friday, June 16, 2000, 9:00 a.m. – 12:00 p.m.

PLACE: Hampton Inn, Conference Room, 2979 Apalachee Parkway, Tallahassee, FL

PURPOSE: To conduct a quarterly meeting for the council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Advisory Council, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696, telephone (850)487-3431.

Any interested parties that need further information may contact: Vicki Welch, Extension 150 or her Assistant, Shawnee Sumpter, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Advisory Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Susan Mason, the Council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advise that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes, 286.0105).

FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation** announces a two public meetings, the Strategic Planning Committee Meeting and the Florida Sports Foundation Board of Directors to which all persons are invited.

MEETING: Strategic Planning

DATE AND TIME: Wednesday, June 21, 2000, 12:00 p.m. – 5:00 p.m.

MEETING: Board of Directors

DATE AND TIME: Thursday, June 22, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: Biscayne Bay Marriott Hotel, Miami, Florida

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.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on May 15, 2000, from Bob Hessing, Project Manager, Statewide Plumbing, with regards to the 1997 Standard Plumbing Code, City of Boca Raton Code 19-257(m). This request presents the following issue: Does the City’s amendment to the Standard Plumbing Code pertaining to grease traps violate Chapter 553 and the Standard Plumbing Code, 1997 Edition. It has been assigned the number DCA00-DEC-193.

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.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on May 15, 2000, from Bob Hessing, Project Manager, Statewide Plumbing, with regards to the 1997 Standard Plumbing Code. This request presents the issue of the Building Official's authority to require a permit applicant to provide written statement not specifically identified by the Standard Plumbing Code, 1997 edition. It has been assigned the number DCA00-DEC-192.

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.

NOTICE IS HEREBY GIVEN that the Florida Building Commission issued an Order Dismissing Petition for Declaratory Statement Without Prejudice on May 15, 2000, in response to the February 25, 2000, request for Declaratory Statement received from Raymond E. Wendle, Jr., Wendle Sheet Metal, Inc. The request was assigned the number DCA00-DEC-051.

A copy of the Order Dismissing Petition for Declaratory Statement Without Prejudice may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Motion to Intervene and Notice of Appeal from Kenneth West with regard to a Petition for Rulemaking from Carl Mullings. The Department denied Inmate West's Motion to Intervene in the appeal of Petitioner Mullings' request for rule changes relating to disciplinary hearings.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on May 1, 2000, the Florida Department of Health received a Petition for Declaratory Statement from Kevin T. Wells of the firm of Lobeck and Hanson located at 2033 Main Street, Suite 301,

Sarasota, Florida 34237. The Petition for Declaratory Statement was made on behalf of the Alameda Isles Homeowners Association, Inc. at 1 Alameda Grande, Edgewood, FL 34223. The Petition for Declaratory Statement contends that Alameda Isles Homeowners Association does not meet the definition of a mobile home park as defined in Section 513.01(4), Florida Statutes. Petitioner denies that any remuneration is received by the Association for the accommodation of mobile homes on the property. The Petitioner further asserts that the Association is a cooperative ownership entity as established in Section 719.103, Florida Statutes. Petitioner seeks relief for the mobile home owners from regulation as a mobile home park by the Sarasota County Health Department.

Comments on this Petition for Declaratory Statement shall be filed with Angela Hall, Agency Clerk, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, FL 32399-1703, within 14 days of publication of this notice.

A copy of the Petition may be obtained from: Ken Widergren, MSEH, Bureau of Facility Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710 or by calling Mr. Widergren, (850)245-4277.

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of James G. Schwade, M.D. The Petitioner seeks the Board's interpretation of whether an investment by radiation oncologists and/or surgical oncologists in a company providing certain radiation therapy constitutes a violation section 455.654, F.S. (the Patient Self-Referral Act); section 458.331(1)(i), F.S. (the Anti Fee-Split Law); and section 817.505, F.S. (the Patient Brokering Act).

The Board will consider this petition at its meeting scheduled for June 3, 2000, 2:00 p.m., or as soon thereafter as can be heard, at the Marriott North, 6650 North Andrews Avenue, Ft. Lauderdale, Florida 33309.

Copies of the petition may be obtained by writing: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753.

NOTICE OF CORRECTION – The Board of Nursing hereby gives notice of a correction to the date for consideration of the Petition for Declaratory Statement filed by Gordon D. McClure, Jr., RN, BSN. The Board published notice of receipt of the petition in Vol. 26, No. 19, of the May 12, 2000, Florida Administrative Weekly. The correct date for the meeting of the Nurse Practice Committee is August 16, 2000. The time and place remain as previously published.

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:

Valencia Area condominium Association, Inc. vs. Public Service Commission; Rule No.: 25-6.049(5)(a); Case No.: 00-1752RP

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

Advertisement Requesting Bids
For Furnishing Instructional Materials

Sealed bids, addressed to the Florida Department of Education and marked "Proposals for Furnishing Instructional Materials to the State of Florida" will be received in the offices of the Commissioner of Education not later than 5:00 p.m. (EDT), June 15, 2000.

Bid shall include proposals for furnishing instructional materials effective April 1, 2001 for a period of 3 years in the area of ESE Mathematics, 4 years in the area of Social Studies, 5 years in the area of ESE Sciences, 6 years in the areas of Health Sciences, ESE Health, and Visual Arts, and 8 years for Language Arts and ESOL. A detailed list of needs in these

subjects and the selection criteria may be obtained from the Instructional Materials Office, Room 532, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400. The proposal or bid shall state the lowest wholesale price at which the materials will be furnished f.o.b. to the Florida depository of the bidder.

Official minimum standards and specifications for paper, printing, binding, binderboard and cover fabric have been adopted by the Department of Education and are available for inspection in Room 532, Turlington Building.

Each bidder shall furnish specimen copies of all materials submitted at a time designated by the Department of Education, which specimen copies shall be identical with the copies approved and accepted by the state instructional materials committee and copies furnished to district superintendents as provided in Section 233.18, Florida Statutes.

Contracts must be executed and required bonds submitted within 30 calendar days after receipt of the contract.

The Department of Education reserves the right to reject any or all bids.

Florida Department of Education
Tom Gallagher
Commissioner of Education

ADVERTISEMENT FOR BIDS

SEALED BIDS ARE REQUESTED FROM QUALIFIED GENERAL OR BUILDING CONTRACTORS BY THE FLORIDA SCHOOL FOR THE DEAF AND THE BLIND (FSDB) HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO.: C-0122

PROJECT NAME AND LOCATION: Security Fencing, FSDB, St. Augustine, FL

FOR: The Florida School for the Deaf and the Blind

MINORITY PROGRAM: MBE's are encouraged to participate.

MANDATORY PRE-BID: Thursday, June 1, 2000, 8:30 a.m., local time at the Florida School for the Deaf and the Blind, 207 N. San Marco Ave., Hogel Maintenance Building #27, St. Augustine, FL 32084. Only those General or Building Contractors attending this meeting will be permitted to submit a bid.

PRE-QUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233, for information on prequalification with the Department of Management Services. After the bid opening,

the low bidder must qualify in accordance with Chapter 60D-5.004. A copy of the requirements is included in the Instruction To Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT:

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and a Labor and Material Payment Bond are not required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: June 16, 2000, 2:00 p.m., local time
PLACE: The Florida School for the Deaf and the Blind, Facilities Department, 207 N. San Marco Ave., Building #27, St. Augustine, FL 32084

Prior to the bid opening date bids will be received at The Florida School for the Deaf and the Blind, Facilities Department, Attn.: Mary Rios, 207 N. San Marco Ave., Building #27, St. Augustine, FL 32084. They should be clearly marked on the outside of the envelope "SEALED BID DO NOT OPEN UNTIL JUNE 16, 2000, 2:00 P.M." The project name and number should also be clearly marked on the envelope.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding conditions and contractual Conditions, which may be examined and obtained from the:

ARCHITECT: Roxanne Horvath, AIA, CRG Architects/Planners/Inc., 133 Marine St., Suite 2, St. Augustine, FL 32084, telephone (904)825-1266.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted no later than 4:00 p.m., local time, June 19, 2000 at the location where the bids were opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests

Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with rule 60D-5 by the Owner.

INVITATION TO BID

The School Board of Broward County, Florida
Competitive sealed bids will be received by the Purchasing Department until the date and time shown for the following:

BID NUMBER: 21-027B
BID TITLE: PAPER AND PLASTIC ITEMS FOR CAFETERIAS
DUE DATE AND TIME: June 20, 2000 on or before 2:00 p.m.
LOCATION OF BID OPENING: Purchasing Department, 7720 W. Oakland Park, Boulevard, Suite 323, Sunrise, Florida 33351-6704
CONTRACT TERM: September 1, 2000 through August 31, 2001
ESTIMATED DOLLAR VALUE OF THE BID: \$600,000.00
CONTACT PERSON: Charles V. High, C.P.M., A.P.P.
TELEPHONE NUMBER: (954)765-6107
FAX NUMBER: (954)768-8911
E-MAIL: chigh@purchasing.broward.k12.fl.us
WEBSITE: http://www.browardschools.com
Department: Purchasing

DEPARTMENT OF CORRECTIONS

CONSTRUCTION MANAGEMENT SERVICES

Project Name: Construction Management Services
Project Description: Expansion and Renovation of Various Correctional Institution for Seven Areas.

The Department of Corrections, Bureau of Facilities Services, requests qualifications from CONSTRUCTION MANAGEMENT firms to provide services for various scopes of projects at facilities in specific areas. The construction budgets for the projects are estimated to range from \$200,000 to \$6,000,000. Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations to operate in the State of Florida at the time of application. The areas are:

Ft. Lauderdale area; including Indian River, Okeechobee, St. Lucie, Martin, Palm Beach, Broward, Monroe, Dade counties.
Gainesville area; including Union, Gilchrist, Dixie, Clay, Bradford, St. Johns, Alachua, Levy, Putnam, Flagler counties.
Lake City area; including Hamilton, Taylor, Suwannee, Lafayette, Columbia, Baker, Nassau, Duval counties.
Marianna area; including Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Jackson, Bay counties.

Orlando area; including Marion, Volusia, Citrus, Lake, Hernando, Sumter, Seminole, Orange, Osceola, Brevard counties.

Tallahassee area; including Calhoun, Gadsden, Liberty, Gulf, Franklin, Leon, Wakulla, Jefferson, Madison counties.

Tampa areas; including Counties Served: Pasco, Hillsborough, Pinellas, Polk, Manatee, Hardee, Sarasota, DeSoto, Highlands, Charlotte, Lee, Hendry, Collier, Glades counties.

The selection will be made in accordance with Chapter 60D-5, Florida Administrative Code, and the Request for Qualification procedures and criteria which may be obtained from Steve Watson at the address and phone number below. Certified minority firms will receive five bonus points. One firm will be selected for each area. Firms interested in being considered for these projects are encouraged to attend an information meeting at the Department of Corrections Central Office, 2601 Blair Stone Road, Tallahassee, Florida on June 8, 2000, at 10:00 a.m., eastern standard time.

To be considered, interested firms must submit an application in accordance with the Request for Qualifications by June 20, 2000, at 4:00 p.m., eastern standard time, faxed submissions are not acceptable. Submit copies of your Statement of Qualification to the Department of Corrections, Attn., Steve Watson, Bureau of Facilities Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)487-1330.

The State of Florida's performance and obligation to contract for these services are contingent upon annual appropriations by the Legislature.

WATER MANAGEMENT DISTRICTS

REQUEST FOR PROPOSALS ('RFP')
INTERNAL AUDIT SERVICES
DISTRICT INSPECTOR GENERAL
RFP #00-002

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed proposals, to perform internal audit services in a contractual capacity as the District's Inspector General, until 2:00 p.m. EDT, July 6, 2000.

All proposals must conform to the instructions in the RFP. Interested parties may obtain a copy of the complete RFP package at the above address or by calling (850)539-5999.

The opening of the proposals is public. Provisions will be made to accommodate the handicapped provided the District is given at least 72 hours advance notice.

All proposals must comply with applicable Florida Statutes.

DEPARTMENT OF MANAGEMENT SERVICES

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL OR BUILDING CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF MANAGEMENT SERVICES, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO: MA-99027000

SAMAS CODE: 62-20-2-069001-62050000-00-086924-00

PROJECT NAME AND LOCATION: Fire Station/Medical On-Call facility, Camp Blanding, Starke, Florida

FOR: Department of Military Affairs

MINORITY PROGRAM: An MBE participation goal has been established for this project. The Bidder is required to meet or exceed MBE participation goals or make a good faith effort to contract with certified Minority Business Enterprises. The Bidder is advised to review the contract documents immediately in order to schedule the necessary tasks to accomplish good faith efforts.

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Owner for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233, for information on prequalification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Chapter 60D-5.004. A copy of the requirements is included in the Instruction To Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and a Labor And Material Payment Bond are not required.

A PRE-BID CONFERENCE will be held on June 8, 2000, 10:00 a.m., local time at Post Headquarters Building, Conference Room, Camp Blanding, Starke, Florida.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: June 27, 2000, until 2:00 p.m., local time

PLACE: GEE & JENSON, Engineers-Architects-Planners, Inc., One Harvard Circle, West Palm Beach, FL

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: GEE & JENSON, Engineers-Architects-Planners, Inc., One Harvard Circle, West Palm Beach, Florida 33409, Telephone (561)686-7446

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at 2.00 p.m., local time, July 14, 2000, at the location where the bids were opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

DEPARTMENT OF HEALTH

PALM BEACH COUNTY HEALTH CARE DISTRICT IS SEEKING LETTERS OF INTENT FROM PARTIES INTERESTED IN PURCHASING THE PROPERTY LOCATED AT 200 S. BARFIELD DRIVE, PAHOKEE, FLORIDA (FORMERLY EVERGLADES MEMORIAL HOSPITAL BUILDING).

LETTERS SHOULD BE SENT TO THE ATTENTION OF W. C. BENNETT, C.E.O., HEALTH CARE DISTRICT, 324 DATURA STREET, SUITE 401, WEST PALM BEACH, FLORIDA 33401, NO LATER THAN JUNE 9, 2000.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Request for Responses

The Department of Children and Family Services, District One, is requesting responses to Invitation to Negotiate (ITN) #00-AJ01, which will lead to selection of a provider to act as Lead Agency in assuming provision of/or arranging for the provision of Foster Care and Related Services in Escambia County, Florida as required by Section 409.1671, F.S., Foster Care and Related Services-Privatization.

A Prospective Respondents conference will be held at 1:30 p.m. CDST, June 23, 2000, in Room 502, 160 Governmental Center (Chappie James Building, State Regional Service Center), Pensacola, Florida 32501.

Notice of Intent to Submit a Response to the ITN must be received no later than 5:00 p.m., CDST, June 9, 2000. Such notices should be submitted to:

Walter E. Wooten
District Manager of Administrative Services
Florida Department of Children and Family Services,
District One
160 Governmental Center, Suite 412
Pensacola, Florida 32501

Sealed responses (original and five (5) copies) to the ITN must be received by the Department no later than 5:00 p.m., CDST, August 24, 2000.

Responses should be submitted to:

Walter E. Wooten
District Manager of Administrative Services
Florida Department of Children and Family Services,
District One
160 Governmental Center, Suite 412
Pensacola, Florida 32501

Responses will be opened at 9:00 a.m., CDST, August 25, 2000 in Room 502, 160 Governmental Center (Chappie James Building, State Regional Service Center), Pensacola, Florida 32501.

Copies of the Invitation to Negotiate will be available beginning at 8:01 a.m., CDST, May 26, 2000 from:

Walter E. Wooten
District Manager of Administrative Services
Florida Department of Children and Family Services,
District One
160 Governmental Center, Suite 412
Pensacola, Florida 32501

Please direct all questions to:

Dr. David Robinson
Program Director for Developmental Services
Florida Department of Children and Family Services,
District One
160 Governmental Center, Suite 510
Pensacola, Florida 32501
Phone: (850)595-8344
Fax: (850)595-8406
Suncom Phone: 695-8344
Suncom Fax: 695-8406

Any person with a qualified disability requiring special accommodations at the Prospective Respondents Conference or Response Opening should contact the Department at the above phone number at least five (5) working days prior to the

event. If you are hearing or speech impaired, please contact the Department using the Florida Relay Services which can be reached at 1(800)955-8771(TDD).

Certified Minority Business Enterprises are encouraged to respond to this request.

The Department reserves the right to reject any and all responses or accept minor irregularities in the best interest of the State of Florida.

ADVERTISEMENT FOR BIDS

LEGAL NOTICE IS HEREBY GIVEN THAT SEALED BIDS ARE REQUESTED FROM QUALIFIED BIDDERS, BY THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILY SERVICES, NORTHEAST FLORIDA STATE HOSPITAL, HEREINAFTER REFERRED TO AS THE OWNER, TO PROVIDE ALL EQUIPMENT, LABOR, MATERIALS AND INSURANCE TO SERVICE AND MAINTAIN THE PNEUMATIC COMFORT CONTROLS, HEATING AND AIR CONDITIONING CONTROL SYSTEM.

BID OPENING DATE AND TIME:

JUNE 16, 2000, 2:00 P.M., LOCAL TIME

PLACE: PURCHASING AGENT'S OFFICE, BUILDING #19, NORTHEAST FLORIDA STATE HOSPITAL, S. R. 121 SOUTH, MACCLENNY, FLORIDA

PROPOSAL:

BIDS MUST BE SUBMITTED IN FULL, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS, BIDDING AND SPECIAL CONDITIONS, WHICH MAY BE EXAMINED AND OBTAINED FROM:

PURCHASING AGENT:

ALVIN GRIFFIS, PURCHASING AGENT III, ROUTE 1 BOX 519, S. R. 121 SOUTH, MACCLENNY, FLORIDA 32063-9777, TELEPHONE (904)259-6211, EXT. 1119, FAX (904)259-8497

(NOTE: FAXED QUOTATIONS WILL NOT BE CONSIDERED, SEALED BIDS ONLY.)

THE NORTHEAST FLORIDA STATE HOSPITAL RESERVES THE RIGHT TO REFUSE ANY AND ALL BIDS WHEN IN THE BEST INTEREST OF THE STATE OF FLORIDA.

CONTRACT AWARD:

THE BID TABULATION AND NOTICE OF AWARD WILL BE POSTED JUNE 23, 2000, 2:00 P.M., LOCAL TIME AT THE LOCATION WHERE THE BIDS WERE OPENED. IN THE EVENT THAT THE BID TABULATION AND NOTICE OF AWARD CANNOT BE POSTED IN THIS MANNER, THEN ALL BIDDERS WILL BE NOTIFIED BY CERTIFIED UNITED STATES MAIL, RETURN RECEIPT REQUESTED. IF NO PROTEST IS FILED, THE

CONTRACT WILL BE AWARDED TO THE QUALIFIED, RESPONSIVE LOW BIDDER IN ACCORDANCE WITH RULE 60D-5 BY THE OWNER.

ADVERTISEMENT FOR BIDS

LEGAL NOTICE IS HEREBY GIVEN THAT SEALED BIDS ARE REQUESTED FROM QUALIFIED BIDDERS, BY THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILY SERVICES, NORTHEAST FLORIDA STATE HOSPITAL, HEREINAFTER REFERRED TO AS THE OWNER, TO PROVIDE THE ANNUAL REQUIREMENTS FOR FROZEN JUICES BEGINNING JULY 1, 2000 THROUGH JUNE 30, 2001.

BID OPENING DATE AND TIME:

JUNE 19, 2000, 2:00 P.M., LOCAL TIME

PLACE: PURCHASING AGENT'S OFFICE, BUILDING #19, NORTHEAST FLORIDA STATE HOSPITAL, S. R. 121 SOUTH, MACCLENNY, FLORIDA

PROPOSAL:

BID MUST BE SUBMITTED IN FULL, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS, BIDDING AND SPECIAL CONDITIONS, WHICH MAY BE EXAMINED AND OBTAINED FROM:

PURCHASING AGENT: ALVIN GRIFFIS, PURCHASING AGENT III, ROUTE 1 BOX 519, S. R. 121, SOUTH, MACCLENNY, FLORIDA 32063-9777, TELEPHONE (904)259-6211, EXT. 1119, FAX (904)259-8497.

(NOTE: FAXED QUOTATIONS WILL NOT BE CONSIDERED, SEALED BIDS ONLY.)

THE NORTHEAST FLORIDA STATE HOSPITAL RESERVES THE RIGHT TO REFUSE ANY AND ALL BIDS WHEN IN THE BEST INTEREST OF THE STATE OF FLORIDA.

CONTRACT AWARD:

THE BID TABULATION AND NOTICE OF AWARD WILL BE POSTED JUNE 23, 2000, 2:00 P.M., LOCAL TIME AT THE LOCATION WHERE THE BIDS WERE OPENED. IN THE EVENT THAT THE BID TABULATION AND NOTICE OF AWARD CANNOT BE POSTED IN THIS MANNER, THEN ALL BIDDERS WILL BE NOTIFIED BY CERTIFIED UNITED STATES MAIL, RETURN RECEIPT REQUESTED. IF NO PROTEST IS FILED, THE CONTRACT WILL BE AWARDED TO THE QUALIFIED, RESPONSIVE LOW BIDDER IN ACCORDANCE WITH RULE 60D-5 BY THE OWNER.

ADVERTISEMENT FOR BIDS

LEGAL NOTICE IS HEREBY GIVEN THAT SEALED BIDS ARE REQUESTED FROM QUALIFIED BIDDERS, BY THE STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILY SERVICES, NORTHEAST FLORIDA STATE HOSPITAL, HEREINAFTER

REFERRED TO AS THE OWNER, TO PROVIDE VARIOUS GROCERY ITEMS NEEDED FOR THE PERIOD JULY 1, 2000 THROUGH DECEMBER 31, 2000.

BID OPENING DATE AND TIME:

JUNE 19, 2000, 3:00 P.M., LOCAL TIME

PLACE: PURCHASING AGENT'S OFFICE, BUILDING #19, NORTHEAST FLORIDA STATE HOSPITAL, S.R. 121 SOUTH, MACCLENNY, FLORIDA

PROPOSAL:

BIDS MUST BE SUBMITTED IN FULL, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS, BIDDING AND SPECIAL CONDITIONS, WHICH MAY BE EXAMINED AND OBTAINED FROM:

PURCHASING AGENT:

ALVIN GRIFFIS, PURCHASING AGENT III, ROUTE 1 BOX 519, S. R. 121, SOUTH, MACCLENNY, FLORIDA 32063-9777, TELEPHONE (904)259-6211, EXT. 1119, FAX (904)259-8497

(NOTE: FAXED QUOTATIONS WILL NOT BE CONSIDERED, SEALED BIDS ONLY.)

THE NORTHEAST FLORIDA STATE HOSPITAL RESERVES THE RIGHT TO REFUSE ANY AND ALL BIDS WHEN IN THE BEST INTEREST OF THE STATE OF FLORIDA.

CONTRACT AWARD:

THE BID TABULATION AND NOTICE OF AWARD WILL BE POSTED JUNE 23, 2000, 3:00 P.M., LOCAL TIME AT THE LOCATION WHERE THE BIDS WERE OPENED. IN THE EVENT THAT THE BID TABULATION AND NOTICE OF AWARD CANNOT BE POSTED IN THIS MANNER, THEN ALL BIDDERS WILL BE NOTIFIED BY CERTIFIED UNITED STATES MAIL, RETURN RECEIPT REQUESTED. IF NO PROTEST IS FILED, THE CONTRACT WILL BE AWARDED TO THE QUALIFIED, RESPONSIVE LOW BIDDER IN ACCORDANCE WITH RULE 60D-5 BY THE OWNER.

AREA AGENCY ON AGING FOR NORTH FLORIDA

Request for Information (RFI)

The Area Agency on Aging for North Florida, Inc. Nutrition Program is seeking sources interested in providing pre-plated frozen meals to senior citizens organizations in Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Liberty, Madison, Wakulla and Washington Counties. Prospective sources must be established and have current or previous experience in providing the pre-plated frozen meals to public or private entities. If a contract is awarded for this effort, the Area Agency on Aging for North Florida, Inc. anticipates a duration of not more than one year with two, one-year renewal options pending continued funding availability.

Responsibilities include, but are not limited to:

- utilization of approved kitchen facilities
- employment of qualified staff to oversee facility operation and meal production
- delivery of frozen pre-plated meals to individual sites in the counties listed above
- supplying meals that meet 33 1/3 of the recommended dietary allowances (RDA)
- provision of disposable supplies to delivery sites

Deadline: Written responses to this RFI are due to the Area Agency on Aging for North Florida, Inc. by June 9, 2000. Only written responses will be accepted.

Contact: Area Agency on Aging for North Florida, Inc., Attention: Lisa Bretz, 2639 North Monroe Street, Suite 145-B, Tallahassee, Florida 32303

The responses to this Request for Information (RFI) will be used to identify those organizations that are qualified and interested in providing pre-plated frozen meals for the Area Agency on Aging for North Florida, Inc. Nutrition Programs in Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Liberty, Madison, Wakulla and Washington Counties. The Area Agency on Aging for North Florida, Inc. does not plan to award a contract or pay for information provided as a result of this request. This RFI is a preliminary step to the release of an Invitation to Bid package on June 12, 2000. Receipt of a "no response" by the deadline specified in this Notice shall constitute as a "not interested" response.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

Request for Letters of Interest

The Technological Research and Development Authority (TRDA), an independent special district of the State of Florida invites expressions of interest from individuals to plan, organize and support the fund raising activities of the Florida Technological Research and Development Authority Foundation, Inc. The TRDA is considering the formation of this foundation for the purposes of promoting and supporting the goals, purposes and objects of the TRDA.

Interested persons should have at least a master's degree and a minimum of ten years experience in grant writing and/or fundraising and a proven track record.

Interested persons should submit a letter of interest and statement of qualifications to: Frank Kinney, Executive Director, The Technological Research and Development Authority, 5195 S. Washington Avenue, Titusville, FL 32780. Letters of interest need to be received no later than June 12, 2000.

Information regarding the TRDA may be found at: www.trda.org or by calling the TRDA, (321)269-6330.

MIAMI BRIDGE YOUTH AND FAMILY SERVICES

ADVERTISEMENT FOR COMPETITIVE SEALED BIDS
NATIONAL SCHOOL LUNCH AND BREAKFAST
PROGRAM FOR ALL CATEGORIES OF FOOD; PAPER,
FOAM AND CHEMICALS, ETC.

SEALED BIDS WILL BE ACCEPTED BY THE
PURCHASING DEPARTMENT OF MIAMI BRIDGE
YOUTH AND FAMILY SERVICES, INC. UNTIL 2:00 P.M.,
JUNE 23, 2000, AT THE OFFICE OF THE MIAMI BRIDGE
YOUTH AND FAMILY SERVICES, INC., LOCATED AT
2810 N. W. SOUTH RIVER DRIVE, MIAMI, FL 33125.

PRODUCT SPECIFICATIONS, QUANTITIES AND
SERVICE REQUIREMENTS MAY BE OBTAINED BY
CALLING THE PHONE NUMBER LISTED BELOW AND
REQUESTING A NATIONAL SCHOOL LUNCH AND
BREAKFAST PROGRAM COMPETITIVE SEALED BIDS
PACKET. SEALED BID PACKETS WILL BE MAILED TO
INTENDING BIDDERS. PACKETS WILL INCLUDE
SUBMISSION INSTRUCTIONS.

THE SPONSOR RESERVES THE RIGHT TO REJECT ANY
AND ALL BIDS, WAIVE INFORMALITIES AND TO
ACCEPT THE LOWEST AND/OR BEST BID RESPONSE
IN THE JUDGMENT OF THE SPONSOR'S GOVERNING
BOARD.

ALL QUESTIONS CONCERNING THIS
ADVERTISEMENT SHOULD BE DIRECTED TO:
CONTACT PERSON: CHERYL MARSHBURN; PHONE
NUMBER: (305)242-8219, MAILBOX 3; FAX NUMBER:
(305)242-8222

PUBLICATION DATE: MAY 26, 2000

**GAINESVILLE-ALACHUA COUNTY REGIONAL
AIRPORT AUTHORITY**

REQUEST FOR STATEMENTS OF QUALIFICATIONS
FOR LEGAL SERVICES SOQ #00-010

GENERAL COUNSEL

The Gainesville-Alachua County Regional Airport Authority (GACRAA), a Special District, is soliciting Statements of Qualifications from qualified providers for legal services as General Counsel for the GACRAA. The GACRAA is desirous of retaining the services of attorneys experienced in representing city, county, special districts and other local governmental agencies and who can demonstrate familiarity with legal issues affecting airport operations.

The assigned attorney(s) from the firm must demonstrate substantial involvement in the practice of governmental law, which includes at least five years of actual practice of law. Knowledge of laws and regulations related to airport operations is required.

Requirements and instructions for the submission of Statements of Qualifications may be obtained from the Gainesville Regional Airport Accounting Office, 3880 N. E. 39th Avenue, Suite A, Gainesville, Florida 32609, (352)378-8797.

Sealed Statements of Qualifications are due at 3:00 p.m., local time, June 23, 2000. Any submittals received after the time specified will not be considered.

Qualified Disadvantaged Business Enterprise (DBE) firms, minorities and women are encouraged to submit Statements of Qualifications.

GACRAA reserves the right to reject any or all submittals, received in response to this Request for Statements of Qualification, that are determined not to be in the best interests of the Airport.

**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 application and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., June 16, 2000):

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Fairwinds Credit Union, 3075 N. Alafaya Trail, Orlando, Florida 32826

Expansion Includes: Employees of Colamco, Inc. of Longwood, Florida; Employees of Tire Express Auto Centers of Sanford, Florida; individuals who live or work on the property of the Orlando Partners NTC project (to be renamed by the City of Orlando at a later date); individuals who work in the Roger Center of Fashion Square in Orlando, Florida; employees of Poole & Fuller Environmental Services, Inc. of Winter Park, Florida; members of the East Orange Chamber of Commerce and their employees who live or work in Orlando, Florida; residents of and people working in the cities of Oviedo and Chuluota, Florida.

Received: May 12, 2000

**NOTICE OF CONSIDERATION OF
CEMETERY BYLAWS**

The State of Florida, Board of Funeral and Cemetery Services will address approval of the bylaws of the following cemeteries at the meeting to be held on July 18, 2000 in Orlando, Florida:

CFS Funeral Services, Inc.

d/b/a Evergreen Memorial Gardens – Panama City, Florida

d/b/a Forest Lawn Memorial Cemetery – Panama City, Florida

d/b/a Garden of Memories – Panama City, Florida

Russell Haven of Rest Cemetery, Inc.

Green Cove Springs, Florida

A file pertaining to the above is available for public inspection and copying by any person at the Fletcher Building, 101 East Gaines Street, 6th Floor, Tallahassee, Florida 32399-0350. Comments may be submitted at the above address without requesting a hearing. Those persons whose substantial interests may be determined by these proceedings, including settlements, grants and denials, are advised that they may request a hearing concerning the notice of intent to be conducted in accordance with the provisions of Section 120.569 and 120.57, Florida Statutes and Rule 28-106.104(2), Florida Administrative Code. The petitions for hearing should comply with Rule 28-106.201 and 28-106.301, Florida Administrative Code and must be filed within twenty-one (21) days of publication of this notice. Petitions shall be filed with: Clerk, Division of Finance, Bureau of Funeral and Cemetery Services, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350. In deference to the rights of substantially affected persons, a hearing on these matters will be held at the meeting of the Board of Funeral and Cemetery Services to be held as outlined above. All written comments and requests to address the Board must be received by the Department within fourteen (14) days prior to the meeting.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

**CITRUS CANCKER ERADICATION PROGRAM
MANDATORY GUIDELINES FOR UTILITY/SERVICE
PERSONNEL AND OTHER OPERATORS OF
NON-PRODUCTION VEHICLES AND EQUIPMENT
WORKING IN COMMERCIAL CITRUS GROVES**

1. Avoid contact of personnel and equipment with citrus trees.
2. Allow grove managers to read and report meter readings, when possible.
3. Contact grove manager or owner when possible to determine best entry points for movement of personnel and equipment in groves.

4. Choose entry points and routes which eliminate contact with citrus.
5. Use entry points where decontamination stations are provided by growers.
6. Remove all citrus fruit, leaves and debris from vehicles and equipment prior to leaving the citrus property.
7. Decontaminate all equipment and personnel coming in contact with citrus trees before entering and leaving the property.
8. In areas where utility vehicles and personnel are likely to encounter commercial citrus properties, each vehicle should be equipped with approved means of decontaminating personnel and equipment coming in contact with citrus.
9. Do not transport citrus fruit or other plant parts from property to property.

Following is a list of approved decontamination products. An updated list may be found on the Department of Agriculture website at <http://doacs.state.fl.us/canker> or by calling the Citrus Canker Eradication Helpline at 1(800)850-3781.

PRODUCTS APPROVED FOR DECONTAMINATION

In order to prevent the spread of citrus cancker disease, it is essential that personnel or equipment working in citrus nurseries, groves or near any citrus plants be decontaminated before entering and upon departing any property containing citrus plants, regardless of whether or not an infestation has been proven to exist.

PERSONNEL

Before entering groves or nurseries and upon leaving all workers should disinfect hands and spray clothing, gloves and shoes with one of the following prescribed products in accordance with label directions. Use normal hand washing action for 20 to 30 seconds, paying special attention to fingernails and between fingers. If arms are also washed, more soap and water should be used. Avoid contact with eyes.

- (1) GX-1027 Antimicrobial Soap (Galloway Chemical), Phone (727)531-3375 or 1(800)445-1143.
- (2) Hibiclens (AstraZeneca), Phone 1(800)842-9920.
- (3) Hibistat (AstraZeneca), Phone 1(800)842-9920.
- (4) Canker Guard (Flo Tech, Inc.), Phone 1(800)335-6832

EQUIPMENT

Equipment should be regularly pressure-washed with detergent and inspected for freedom from plant debris and soil residue, then further disinfected with one of the following quaternary ammonium compounds listed below before entering and upon leaving a grove. The undercarriage of the equipment should also be cleaned and disinfected.

(1) Quaternary Ammonium Chloride 'QAC' The use of this compound is recommended for tools and equipment. Do not use on personnel. Apply at 2000 ppm (0.2) QAC solution to all surfaces. The following QAC products are approved for decontamination use:

- A. Section 18 exemption:
- (1) GX 900 (GALLEX 900),
EPA Reg. No. 1839-81-22061
Galloway Chemical Division
PH (727)531-3375 or
1(800)445-1143
 - (2) Process NPD, EPA Reg. No. 1043-90
Calgon-Vestal, (Steris)
PH (314)535-1810
- B. Section 3 registrations:
- (3) CITRA-SOLV,
EPA Reg. No. 10324-72-72160
FLO-TEC Inc.
PH (727)531-8796 or
1(800)335-6832
 - (4) CS-170-C,
EPA Reg. No. 10324-72-44637
Chemical Systems of Florida,
Inc.
PH (407)886-2329
 - (5) CanQuat 110c,
Fresh Mark Corporation
PH (352)429-4171
 - (6) BELQUAT 612,
EPA Reg. No. 10324-72-67829
Bell Chemical Corporation
PH (407)339-2355
 - (7) SAN-O-256,
EPA Reg. No. 10324-72-402
Hill Manufacturing Co., Inc.
PH (404)522-8364 or
1(800)445-5123
 - (8) ZEP X-1400,
EPA Reg. No. 10324-72-1270
ZEP Manufacturing Co.
PH 1(800)313-8439, Ext. 6243

- (9) HC 217,
EPA Reg. No. 10324-72-09365
Holland Chemical
International
PH 1(800)282-7556

OTHER ALTERNATIVES

(2) Household Bleach (Chlorine): A solution for decontamination of tools and equipment can be made using household bleach. Apply 200 ppm to all surfaces to the point of run-off and maintain a pH of 6.0 to 7.5. Most solutions made with 1 ounce of bleach to 1 gallon of water meet this criteria. This solution loses its strength in approximately 2 to 3 days during hot weather months.

(3) Hot Water and Detergent: Wash thoroughly with a hot water and detergent solution, under high pressure, at a minimum of 160 degrees F, covering all surfaces to the point of runoff.

(4) Steam: Apply steam, with minimum temperature of 160 degrees F, to all surfaces. This temperature must be maintained at the point of contact. Note: It has been proven to be extremely difficult to maintain the 160 degree F temperature in actual use. Applying steam with a combination of dry heat in an enclosed chamber has been successful.

DEPARTMENT OF COMMUNITY AFFAIRS

**NOTICE OF APPROVAL FOR
PRESERVATION 2000 FUNDS**

The Florida Communities Trust (Trust) reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program, P56, P7A and P8A funding cycles. The project plans listed below were reviewed in accordance with Rule 9K-4.011, FAC., by the Trust governing body at its May 15, 2000 meeting. The governing body authorized the Chair to execute the agreements for acquisition of the project sites and all other documents necessary to close the projects and release funds as follows:

- Project: 95-063-P56 Malabar Sanctuary Greenway I (Brown, Elder, Hung, Hung)
Grantee: Town of Malabar
Amount of Approved Funds: the lesser of 100% of the final total project costs or \$1,135,248.12
- Project: 96-039-P7A Green Springs (Demetree)
Grantee: Volusia County
Amount of Approved Funds: the lesser of 90% of the final total project costs or \$692,862.07
- Project: 98-001-P8A Peace River Park (Coleman)
Grantee: City of Wauchula
Amount of Approved Funds: the lesser of 100% of the final total project costs or \$348,800.00

Project: 98-045-P8A Haney Creek Watershed Preservation and Greenways (Bridgeton)

Grantee: City of Stuart

Amount of Approved Funds: the lesser of 95% of the final total project costs or \$4,424,625.00

Project: 98-065-P8A Shingle Creek Recreational Preserve (Degtoff)

Grantee: Osceola County – City of Kissimmee

Amount of Approved Funds: the lesser of 88% of the final total project costs or \$4,381,714.00

Project: 98-067-P8A Unit 11 Tract of the Bee Line Corridor Natural Area (Reimbursement)

Grantee: Palm Beach County

Amount of Approved Funds: the lesser of 50% of the final total project costs or \$514,900.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders and to file exceptions to any order or hearing officer’s recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled “Petition for Administrative Proceedings” within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, FAC. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any

defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Kawasaki Motor’s Corp., USA, intends to allow the establishment of Charlotte County Motor Sports, Inc., as a dealership for the sale of Kawasaki motorcycles, at 4656 Tamiami Trail, Port Charlotte (Charlotte County), Florida 33981, on or after July 31, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Charlotte County Motor Sports, Inc. are: dealer operators and principal investors: Brett Helpenstine, 24358 Kingsway Circle, Lake Suzy, Florida 34266, Joseph Lombardo, 6400 Riverside Dr., Punta Gorda, FL 33982, Bruce Laishley, 627 Brindisi Ct., Punta Gorda, FL 33950 and Rick Treworgy, 27495 Cleveland Ave., Punta Gorda, FL 33982.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jim Capps, Regional Sales Manager, Kawasaki Motors Corp., USA, 6110 Boat Rock Blvd., S. W., Atlanta, Georgia 30378.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Suzuki Motor Corporation, intends to allow the establishment of Charlotte County Motorsports, Inc., as a dealership for the sale of Suzuki motorcycles, at 4656 Tamiami Trail, Port Charlotte (Charlotte County), Florida 33980, on or after June 15, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Charlotte County Motorsports, Inc. are: dealer operator and principal investors: Rick Treworgy, 27495 Cleveland Ave., Punta Gorda, FL 33983, Bruce Laishley, 627 Brindisi Court, Punta Gorda, FL 33950, Joseph Lombardo, 6400 Riverside Dr., Punta Gorda, FL 33982, Brett Helpenstine, 24358 Kingsway Cr., Lake Suzy, FL 33950.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tom Decker, Southern Regional Sales Manager, 3075 Chastain Meadows Pkwy., N. W., Marietta, GA 30066.

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, Mitsubishi Fuso Truck of America, Inc., intends to allow the establishment of Diesel Specialists of Orlando, Inc. as a dealership for the sale of Mitsubishi Fuso FE, FG, FH, FK and FM model vehicles, at 487 Thorpe Road, Orlando (Orange County), Florida, on or after June 16, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Diesel Specialists of Orlando, Inc.; are: dealer operators and principal investor: Edward R. Barnhill, Mark Lovell, Ulla Barnhill and Marie Lovell, 13540 Lake Luntz Dr., Winter Garden, FL 34787.

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: Deborah McTyre, Supervisor, Dealer Administration, Mitsubishi Fuso Truck of America, Inc., P. O. Box 464, 100 Center Square Road, Bridgeport, NJ 08014.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Honda Motor Co., Inc., intends to allow the relocation of Lambretta South, Inc. d/b/a Riva Yamaha, as a dealership for the sale of Honda Motorcycle, All Terrain Vehicle and Motor Scooter, from its present location at 4100 North Powerline G4 & 5, Pompano Beach, Florida 33073, to a proposed location at 3671 N. Dixie Highway, Pompano Beach (Broward County), Florida 33064, on or after June 19, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Lambretta South, Inc. d/b/a Riva Yamaha are: dealer operator: Stephen and/or Lynn Bamdas, 3671 N. Dixie Hwy., Pompano Beach, Florida 33064; principal investor(s): Stephen and/or Lynn Bamdas, 3671 N. Dixie Hwy., Pompano Beach, Florida 33064

The notice indicates an intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ray Blank, Vice President, Motorcycle Division, American Honda Motor Co., Inc., 1919 Torrance Boulevard, Torrance, CA 90501-2746.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the State Board of Administration ("the Board") of its estimate of the borrowing capacity and the projected year-end (as of December 31, 2000) fund balance for the Florida Hurricane Catastrophe Fund ("the Fund"), in compliance with the requirements of Section 215.555(4)(c), Florida Statutes. This estimate is as of May, 2000. The current balance of the Fund, as of March 31, 2000 is \$3,099,283,000. The projected year-end balance on December 31, 2000, is estimated to be \$3,640,000,000, assuming no losses to be reimbursed. The Fund's estimated borrowing capacity, defined as the maximum amount which the Board is able to raise through the issuance of revenue bonds under Section 215.555(6), Florida Statutes, pursuant to the upper limitation of \$11 billion in Section 215.555(4), Florida Statutes, is \$7,360,000,000. This estimate is for tax-exempt debt. During the 1999 legislative session, the Legislature enacted changes to Section 215.555, Florida Statutes and provided an upper limit of \$11 billion on the Board's potential liability to reimburse participating insurers for losses sustained by hurricane damage. Therefore, the Board's obligation is to try to raise \$7,360,000,000 rather than the total capacity determined by using all of the available 4 percent emergency assessment capability.

This estimate is based on the Board's good faith assessment of current global market conditions and is net of required debt service reserve funds and the costs of issuing the bonds. These conditions may or may not be the same if and when the Board determines that it is necessary to seek the issuance of revenue bonds. The Board's estimate is also based on projected year-end reimbursement premiums. Emergency assessments are based on data available as of this estimate. This estimate is provided to comply with the requirements of Section 215.555(4)(c), Florida Statutes and should only be relied upon after careful consideration of all relevant assumptions and reservations, including those set forth below.

Assumptions:

1) The Board assumes that both the annual reimbursement premiums and the 4% emergency assessment described in Section 215.555(6)(a)3., Florida Statutes, will be used as the revenue source to service the debt and to provide debt service coverage. Although Section 215.555(6)(a)3., Florida Statutes, also provides for a 2% assessment, any hurricane requiring the Board to issue bonds will necessarily have to be of such a magnitude that it is highly likely that the Governor will have declared a state of emergency and therefore the maximum 4%

assessment will be applicable. Further, receipt of federal assistance is dependent on a declaration of a state of emergency.

2) The debt service coverage ratio is assumed to be 1.76. This means that the revenue stream available to service the debt is 1.76 times the amount actually needed to service the debt. The debt service coverage ratio is sensitive to actual reimbursement premiums collected during the year. Changes in deductible distributions and other factors which impact actual reimbursement premiums may impact the coverage ratio.

3) The Board has assumed interest rates reflecting market conditions on May 9, 2000. Many factors will impact the interest rates which will ultimately be used when the Board determines that bonds must be issued. It is impossible to predict with any certainty what those rates will be.

4) In accordance with the requirements of Section 215.555(6)(a)2., Florida Statutes, the Board has completed the bond validation process. The circuit court hearing held on November 12, 1996, resulted in a favorable ruling. The validation was then immediately appealed to the Florida Supreme Court. The Florida Supreme Court ruled on September 18, 1997, that the bonds are valid.

(5) In response to the private letter ruling request filed in early June, 1997, the Internal Revenue Service ruled that interest on the bonds issued under Section 215.555(6), Florida Statutes, is exempt from federal taxation.

Reservations:

1) Since no bonds have ever been issued on behalf of the Fund, there are a number of uncertainties. Among these are: the financial condition of the insurance industry at the time of a catastrophic loss, the stability of the revenue stream and potential litigation.

3) A more general uncertainty is the condition of the financial markets at the time the bonds are issued and the degree of familiarity of potential investors with the Fund.

4) Another general uncertainty is the ability of the capital markets to absorb a bond issue of this magnitude at the time of the bond issuance.

As of May, 2000, the Board's good faith estimate of its bonding capacity is \$7,360,000,000, to reach the current statutory upper limitation of \$11 billion. The Board recognizes the importance of this estimate and is committed to make every effort to assure its ability to issue up to \$7,360,000,000 in bonds if and when the necessity arises.

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED

RECEIPT OF EXPEDITED APPLICATIONS

The Agency For Health Care Administration received the following Certificate of Need applications for expedited review:

- | | |
|--|----------------------|
| County: Escambia | Service District: 1 |
| Facility/Project: Shared Adult Open Heart Surgery Program | |
| Applicant: West Florida RMC, Inc. and Ft. Walton Beach MC, Inc. | |
| Project Description: Establish a shared adult open heart surgery program between WFRMC & FWBMC | |
| County: Dade | Service District: 11 |
| Facility/Project: The Waterford Convalescent Center | |
| Applicant: Brookwood-Extended Care Ctr. of Hialeah Gardens, LLP | |
| Project Description: cost overrun on CON#7800 | |
| AHCA Purchase Order Number S5900H0396. | |

CERTIFICATE OF NEED

EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

- | | |
|---|----------------------|
| County: Okeechobee | District: 9 |
| ID #: 0000166 | Issue Date: 5/1/2000 |
| Facility/Project: Raulerson Hospital | |
| Applicant: Okeechobee Hospital, Inc. | |
| Project Description: Relocate Nuclear Medicine, Stress Testing and Echocardiography | |
| Proposed Project Cost: \$150,000 | Equipment Cost: |
| County: Lee | District: 8 |
| ID #: 0000167 | Issue Date: 5/1/2000 |
| Facility/Project: Cape Coral Hospital | |
| Applicant: Cape Memorial Hospital, Inc. | |
| Project Description: Minor facility modifications | |
| Proposed Project Cost: \$100,000 | Equipment Cost: |
| County: Pinellas | District: 5 |
| ID #: 0000168 | Issue Date: 5/3/2000 |
| Facility/Project: Mease Hospital Countryside | |
| Applicant: Trustees of Mease Hospital, Inc. | |
| Project Description: Replace and install equipment at the facility's cardiac cath lab | |
| Proposed Project Cost: \$980,500 | Equipment Cost: |

County: Pinellas District: 5
 ID #: 0000169 Issue Date: 5/3/2000
 Facility/Project: Integrated Health Services of Florida at Clearwater
 Applicant: Bethany Living Centers, Ltd.
 Project Description: Pulmonary upgrade and a lightening protection system
 Proposed Project Cost: \$200,000 Equipment Cost:
 County: Brevard District: 7
 ID #: 0000173 Issue Date: 5/8/2000
 Facility/Project: Cape Canaveral Hospital
 Applicant: Cape Canaveral Hospital, Inc.
 Project Description: Renovate the inpatient surgery department
 Proposed Project Cost: \$2,000,000 Equipment Cost:
 County: Broward District: 10
 ID #: 0000174 Issue Date: 5/8/2000
 Facility/Project: Broward General medical Center
 Applicant: North Broward Hospital District
 Project Description: Relocate an existing Renal Dialysis Unit from the 4th to the 3rd floor
 Proposed Project Cost: \$100,000 Equipment Cost:
 County: Lee District: 8
 ID #: 0000175 Issue Date: 5/11/2000
 Facility/Project: Cape Coral Hospital
 Applicant: Cape Memorial Hospital, Inc.
 Project Description: Enclose open air space in Outpt. Diagnostic Ctr. to support leased MRI
 Proposed Project Cost: \$450,000 Equipment Cost:
 County: Broward District: 10
 ID #: 0000176 Issue Date: 5/11/2000
 Facility/Project: Florida Medical Center
 Applicant: FMC Hospital, Ltd.
 Project Description: Renovate the existing Surgical Dept. on the ground floor of the center
 Proposed Project Cost: \$1,450,000 Equipment Cost:
 County: Palm Beach District: 9
 ID #: 0000178 Issue Date: 5/11/2000
 Facility/Project: Boca Raton Community Hospital
 Applicant: Boca Raton Community Hospital, Inc.

Project Description: Expand the existing Radiation Oncology Department
 Proposed Project Cost: \$762,895 Equipment Cost:
 County: Palm Beach District: 9
 ID #: 0000179 Issue Date: 5/11/2000
 Facility/Project: Boca Raton Community Hospital
 Applicant: Boca Raton Community Hospital, Inc.
 Project Description: Renovate & convert existing 9th floor patient rooms for use as private rooms
 Proposed Project Cost: \$1,158,565 Equipment Cost:
 County: Palm Beach District: 9
 ID #: 0000180 Issue Date: 5/11/2000
 Facility/Project: Boca Raton Community Hospital
 Applicant: Boca Raton Community Hospital, Inc.
 Project Description: Renovate the existing Post Anesthesia Unit
 Proposed Project Cost: \$782,200 Equipment Cost:
 County: Hillsborough District: 6
 ID #: 0000183 Issue Date: 5/15/2000
 Facility/Project: Tampa General Hospital
 Applicant: Florida Health Sciences Center, Inc.
 Project Description: Renovation & the conversion of 2 existing radiology equipment rooms
 Proposed Project Cost: \$20,586 Equipment Cost:
 County: Pinellas District: 5
 ID #: 000116A Issue Date: 5/3/2000
 Facility/Project: Northside Hospital
 Applicant: Galencare, Inc.
 Project Description: Expand Emerg. Dept./new kitchen, materials mgt. & endovascular lab
 Proposed Project Cost: \$16,000,000 Equipment Cost:
 County: Orange District: 7
 ID #: 960045A Issue Date: 5/3/2000
 Facility/Project: Winter Garden Health Care and Rehabilitation Center
 Applicant: Beverly Enterprises-FL, d/b/a Beverly-Gulf Coast
 Project Description: Renovate the existing kitchen
 Proposed Project Cost: \$200,000 Equipment Cost:
 County: Duval District: 4

ID #: 9900529A Issue Date: 5/8/2000
 Facility/Project: Beaches Medical Center
 Applicant: Baptist Medical Center of the Beaches, Inc.
 Project Description: Expand the Emergency Department
 Proposed Project Cost: \$2,194,000 Equipment Cost:
 AHCA Purchase Order Number S5900H00396.

estimated at \$8,347,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.
 A full copy of the Florida Finding of No Significant Impact can be obtained by writing: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF AVAILABILITY

The Florida Department of Environmental Protection has determined that construction of improvements at the four Water Reclamation Facilities in the City of St. Petersburg would not adversely affect the environment. The proposed projects are estimated at \$40,000,000. The projects are expected to qualify for State Revolving Fund loans composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

NOTICE OF AVAILABILITY

**FLORIDA FINDING OF NO SIGNIFICANT IMPACT
 STORMWATER MANAGEMENT FACILITIES**

The Florida Department of Environmental Protection has determined that the City of Daytona Beach's proposed Stormwater Project (B-5/B-6 Regional Detention Ponds and South Street Outfall Rehabilitation) will not have a significant adverse impact on the environment. The total project cost is

NOTICE OF AVAILABILITY

FLORIDA FINDING OF NO SIGNIFICANT IMPACT

The Florida Department of Environmental Protection has determined that the proposed construction project for Rock Bluff, Liberty County, Florida, will not adversely affect the environment. The project consists of installing two wells, two raw water pumps, aeration facilities, chlorination facilities, one finished water ground storage tank, one hydro-pneumatic tank, two high service pumps, an auxiliary power generator and a distribution system consisting of about 35 miles of pipes ranging in size from 4 to 12 inches. The total cost of the proposed facilities is estimated at \$3,363,000. The project may qualify for a Drinking Water State Revolving Fund grant and loan composed of federal and state funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing: J. N. Ramaswamy, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400.

NOTICE OF AVAILABILITY

The Florida Department of Environmental Protection has determined that the stormwater facilities improvements for Basin A in the City of Lauderhill would not adversely affect the environment. The proposed project cost is estimated at \$2,150,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Robert H. Ballard, P.E. III, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

DEPARTMENT OF HEALTH

On May 10, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of emergency SUSPENSION with regard to the license of Alan Julian Zukor license number LIC #DN 0008642. Alan Julian Zukor's last known address is 820 Coral Ridge Drive, #301. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 455.621(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN May 8, 2000
 and May 12, 2000

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

3F-6.002	5/9/00	5/29/00	25/35	26/13
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DEPARTMENT OF INSURANCE

Division of Treasury

4C-10.001	5/10/00	5/30/00	26/7	
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DEPARTMENT OF EDUCATION

State Board of Education

6A-10.060	5/9/00	5/29/00	26/12	
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DEPARTMENT OF CITRUS

20-100.004	5/8/00	5/28/00	26/10	
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WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

40D-1.659	5/11/00	5/31/00	26/14	
40D-4.042	5/8/00	5/28/00	26/14	

South Florida Water Management District

40E-4.0415	5/8/00	5/28/00	26/8	
40E-4.051	5/8/00	5/28/00	26/8	
40E-4.0515	5/8/00	5/28/00	26/8	
40E-4.054	5/8/00	5/28/00	26/8	
40E-4.091	5/8/00	5/28/00	26/8	
40E-4.091	5/8/00	5/28/00	26/8	
40E-4.101	5/8/00	5/28/00	26/8	
40E-4.302	5/8/00	5/28/00	26/8	
40E-4.321	5/8/00	5/28/00	26/8	
40E-4.341	5/8/00	5/28/00	26/8	
40E-40.041	5/8/00	5/28/00	26/8	
40E-40.042	5/8/00	5/28/00	26/8	
40E-40.051	5/8/00	5/28/00	26/8	
40E-40.061	5/8/00	5/28/00	26/8	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid Program Office

59G-4.130	5/10/00	5/30/00	26/8	26/14
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

61G4-18.002	5/10/00	5/30/00	26/3	
61G4-18.004	5/10/00	5/30/00	26/3	
61G4-18.007	5/10/00	5/30/00	26/3	

Board of Professional Land Surveyors

61G17-5.0032	5/11/00	5/31/00	26/9	
61G17-5.0041	5/11/00	5/31/00	26/9	
61G17-5.0042	5/11/00	5/31/00	26/9	
61G17-5.0044	5/11/00	5/31/00	26/9	
61G17-5.0045	5/11/00	5/31/00	26/9	

DEPARTMENT OF HEALTH

Board of Chiropractic

64B2-16.0075	5/11/00	5/31/00	26/7	26/15
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Board of Dentistry

64B5-14.003	5/11/00	5/31/00	26/9	
64B5-14.008	5/11/00	5/31/00	26/9	

Board of Medicine

64B8-30.003	5/8/00	5/28/00	26/13	
64B8-51.001	5/8/00	5/28/00	26/13	
64B8-51.002	5/8/00	5/28/00	26/13	

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

65D-16.003	5/10/00	5/30/00	26/6	
65D-16.004	5/10/00	5/30/00	26/6	
65D-16.007	5/10/00	5/30/00	26/6	
65D-16.008	5/10/00	5/30/00	26/6	
65D-16.009	5/10/00	5/30/00	26/6	
65D-16.010	5/10/00	5/30/00	26/6	
65D-16.011	5/10/00	5/30/00	26/6	
65D-16.012	5/10/00	5/30/00	26/6	
65D-16.014	5/10/00	5/30/00	26/6	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-15.061	5/8/00	7/1/00	26/8	26/15
68A-15.062	5/8/00	7/1/00	26/8	26/15
68A-15.065	5/8/00	7/1/00	26/8	26/15
68A-25.032	5/8/00	5/28/00	26/8	26/15

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

64B3-8.002	4/26/00	5/16/00	26/11	
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Board of Medicine

64B8-50.002	4/28/00	5/18/00	26/11	
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Board of Nursing Home Administrators

64B10-11.001	4/25/00	5/15/00	26/11	
64B10-11.002	4/25/00	5/15/00	26/11	
64B10-11.003	4/25/00	5/15/00	26/11	
64B10-11.004	4/25/00	5/15/00	26/11	
64B10-12.0021	4/25/00	5/15/00	26/11	
64B10-13.300	4/25/00	5/15/00	26/11	
64B10-14.0011	4/25/00	5/15/00	26/11	
64B10-14.006	4/25/00	5/15/00	26/11	
64B10-15.001	4/25/00	5/15/00	26/11	
64B10-16.003	4/25/00	5/15/00	26/11	
64B10-16.006	4/25/00	5/15/00	26/11	

THE FOLLOWING LIST OF RULES FILED BETWEEN APRIL 24, 2000 AND APRIL 28, 2000 WAS INADVERTENTLY OMITTED FROM THE MAY 12, 2000 FAW:

DEPARTMENT OF LEGAL AFFAIRS

2-37.010	4/28/00	5/18/00	26/12	
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DEPARTMENT OF EDUCATION

Florida International University

6C8-5.006	4/26/00	5/16/00	Newspaper	
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DEPARTMENT OF CITRUS

20-64.020	4/24/00	5/14/00	25/49	26/13
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Land Surveyors

61G17-1.008	4/27/00	5/17/00	26/9	
61G17-2.003	4/27/00	5/17/00	26/9	
61G17-3.001	4/27/00	5/17/00	26/9	
61G17-3.0021	4/27/00	5/17/00	26/9	
61G17-4.006	4/27/00	5/17/00	26/9	
61G17-6.005	4/28/00	5/18/00	26/9	
61G17-6.0051	4/28/00	5/18/00	26/9	

Board of Orthotists and Prosthetists

64B14-5.002	4/28/00	5/18/00	26/7	26/14
64B14-5.003	4/28/00	5/18/00	26/7	
64B14-5.004	4/28/00	5/18/00	26/7	26/14

Board of Physical Therapy Practice

64B17-5.002	4/28/00	5/18/00	26/11	
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