

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Placement of Races on Primary Ballots
 RULE NO.: 1S-2.002

PURPOSE AND EFFECT: To establish standards for the order and appearance of races of ballots in elections held by all governing bodies, political subdivisions and municipalities of the State of Florida. The first rule development workshop was held on May 31, 2000 at the Division of Elections, Room 1801, The Capitol, Tallahassee, Florida.

SUBJECT AREA TO BE ADDRESSED: Proposed rule 1S-2.002 will provide standards for the placement of races on ballots in a manner consistent with the requirements of Article VI, section 5(b), Florida Constitution, and section 101.181, Florida Statutes, relating to form of the primary ballot.

SPECIFIC AUTHORITY: 101.015, 101.5609 FS.

LAW IMPLEMENTED: 101.181, 101.5609 FS.

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

TIME AND DATE: 11:00 a.m., June 22, 2000

PLACE: Florida State Association of Supervisors of Elections Conference, Key West Hilton Resort & Marina, 245 Front Street, Key West, Florida, (305)294-4000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Paul Craft, Division of Elections, (850)921-4110

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME, BUT WILL BE DISTRIBUTED AT THE WORKSHOP.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Aquaculture Best Management Practices
 RULE CHAPTER NO.: 5L-3

RULE TITLES: Purpose
 RULE NOS.: 5L-3.001
 Definitions 5L-3.002

Requirement for an Aquaculture Certificate of Registration 5L-3.003

Aquaculture Best Management Practices 5L-3.004

Aquaculture Certificate of Registration 5L-3.005

Minimal Impact Aquaculture Facilities 5L-3.006

Failure to Comply With the Best Management Practices 5L-3.007

Repeal of Aquaculture Interim Measures 5L-3.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish and implement aquaculture best management practices in accordance with Chapter 597, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule establishes the procedures to follow and best management practices to implement by aquaculture producers in order to obtain an aquaculture certificate of registration from the Florida Department of Agriculture and Consumer Services.

SPECIFIC AUTHORITY: 570.07(23), 597.004(2)(b) FS.

LAW IMPLEMENTED: 597.002, 597.003, 597.004 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: Sherman Wilhelm, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone: (850)488-4033

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Advertising Agencies
 RULE NO.: 12A-1.072

PURPOSE AND EFFECT: The purpose of the substantial rewording of Rule 12A-1.072, FAC., is to implement the provisions of s. 1, Chapter 99-269, L.O.F., which created s. 212.08(7)(ccc), F.S., to provide an exemption for the sale of advertising services by an advertising agency to its client, an exemption for certain tangible personal property used in providing those services, and a definition for the term "advertising agency." Section 212.08(7)(ccc), F.S., also provides that promotional goods produced or reproduced for distribution remain subject to sales tax.

The proposed substantial rewording of Rule 12A-1.072, FAC., defines the following terms used to implement the provisions of s. 212.08(7)(ccc), F.S.: "advertising," "advertising agency," "advertising materials," "advertising services," "firm," "acting as agent for its clients pursuant to contract," "primarily engaged in the business of providing advertising materials and services," "promotional goods," and "raw materials." The proposed rule text provides that the sale of advertising services and the charge for advertising materials by an advertising agency to its clients are exempt from sales tax. Examples of sales of advertising materials are provided.

The proposed substantial rewording of Rule 12A-1.072, FAC., provides that an advertising agency may purchase advertising materials exempt from tax by extending an exemption

certificate to its vendor. Guidelines for when the exemption certificate may be executed by the advertising agency, the penalties that may be imposed for the fraudulent issuance of the certificate, and the requirements to maintain an executed certificate are provided. A suggested format for the exemption certificate that contains a listing of items that may be purchased tax exempt is also provided.

This proposed substantial rewording of Rule 12A-1.072, FAC., provides that the creation of advertising materials by the advertising agency for its clients is exempt from sales and use tax. The purchase by an advertising agency of raw materials used to create advertising materials for its clients is subject to tax. The charge by an advertising agency for the development of promotional goods is exempt; however, the charge for producing or reproducing the promotional goods is subject to sales tax. Examples of sales transactions are provided in the proposed substantial rewording. Sales of tangible personal property by advertising agencies to persons other than its clients are subject to tax. The proposed substantial rewording also refers the reader to s. 212.05(1)(h)2., F.S., for the exemption provided for newspaper inserts, and to s. 212.08(7)(w), F.S., for publications that are exempt from sales tax.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the implementation of the provisions of s. 212.08(7)(ccc), F.S., as created by s. 1, Chapter 99-269, L.O.F. The guidelines for implementing s. 212.08(7)(ccc), F.S., provided in the proposed substantial rewording of Rule 12A-1.072, FAC., for advertising agencies will be presented for discussion and the receipt of public comments.

SPECIFIC AUTHORITY: 212.08(7)(ccc), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(16), 212.05(1),(2), 212.06(1), 212.08(7)(v),(ccc) FS.

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

TIME AND DATE: 10:00 a.m., June 29, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Sara Faulkenberry, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-9838

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial Rewording of Rule 12A-1.072 follows. See Florida Administrative Code for present text.)

12A-1.072 Advertising Agencies.

(1) Definitions. The following terms and phrases when used in this rule shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning.

(a) "Advertising" is the expression of an idea created and produced for reproduction and distribution through means such as television, radio, internet, newspapers, newsletters, periodicals, trade journals, publications, books, magazines, standardized outdoor billboards, direct mail, point-of-sale displays, leaflets, brochures, fliers, or package design, and which is designed to promote sales of a particular product or service or to enhance the image of the advertiser. Advertising includes public service messages that are designed to affect the behavior of the public and messages that are political in nature.

(b)1. "Advertising agency" means any firm that is primarily engaged in the business of providing advertising materials and services to clients.

2. Examples.

a. Firms that are primarily engaged in consulting with their clients about marketing and advertising products or services, formulating a marketing plan intended to improve their image, or increase their market share, and executing those plans, are considered to be advertising agencies.

b. Firms that are primarily engaged in the business of printing, imprinting, or reproducing tangible personal property and firms that are primarily engaged in the business of photography or broadcasting are not advertising agencies.

c. Firms that primarily specialize in providing pre-press service(s), such as graphic art, color separations, or velox providers, are not advertising agencies.

d. Firms that primarily provide audio/visual production or recording services are not advertising agencies.

(c) "Firm" means corporation, sole proprietorship, partnership, or limited liability company.

(d) "Primarily engaged in the business of providing advertising materials and services" means more than 50 percent of its gross receipts in the firm's previous tax year were, or in the first tax year are budgeted to be, from receipts for the sale of advertising materials and services to clients. For purposes of determining whether the firm qualifies under this definition, there shall be deducted from gross receipts amounts passed through the agency from its client to a third party for printing, imprinting, reproduction, publishing of tangible personal property or photography, or broadcasting advertisements before applying the 50 percent test.

(e) “Advertising materials” means tangible personal property created during the course of providing advertising services. Examples of advertising materials include: photographs, videos containing images, films containing images, veloxes, galleys, mechanicals, artwork, illustrations, digital audio tapes, analog tapes, compact discs, sketches, layouts, engravings, mats, models, mockups, and digital equipment. “Advertising materials” does not include “raw materials.”

(f) “Raw materials” means materials or media used to create advertising materials. “Raw materials” includes items such as: blank film; blank videotapes; art supplies, such as poster board, paper products, inks, letters, and paints; stock art; stock photography; prerecorded music and sound; props; costumes; and backdrops.

(g) “Advertising services” means services rendered by an advertising agency when designing and/or implementing an advertising campaign to promote a product, service, idea, concept, issue, or the image of a person. This includes services rendered to design and produce advertising materials such as: research; design, layout, preliminary and final art preparation; placing or arranging for advertising; creative consultation, coordination, direction, and supervision; script and copywriting; editing; and account management services. However, if an advertising campaign is planned and prepared, but the client elects not to proceed with the production or placement of the advertising, or the client elects to do its own placement of the advertising with the media, the agency will still be considered to have provided advertising services.

(h) “Promotional goods” means tangible personal property used for promotional purposes. Examples of promotional goods include displays, display containers, exhibits, newspaper inserts, brochures, catalogues, direct mail letters or flats, shirts, hats, pens, pencils, key chains, audio tapes, videotapes, compact discs, business cards, or other printed goods or materials.

(i)1. “Acting as agent for its clients pursuant to a contract.” In order to purchase advertising materials exempt from tax, the advertising agency must document that it is acting as an agent pursuant to a contract. This may be evidenced by:

a. A written contract clearly stating that the advertising agency will act on behalf of a client as agent;

b. Documents, such as invoices and purchase orders by which the agency discloses to its suppliers that it is acting on behalf of a client; or

c. Proof of a course of dealing that would establish an agency relationship, such as being on a retainer paid by the client.

2. When the advertising agency is acting as agent for its clients pursuant to a contract, it may purchase advertising materials tax exempt. When tangible personal property purchased by the advertising agency is depreciated or capitalized for accounting or income tax purposes by the

agency, or the advertising agency makes use of the property for its own account, the tangible personal property is subject to tax.

(2) Sales of Services. The sale of advertising services by an advertising agency is exempt from tax. The professional service fee charged by an advertising agency for services is exempt from tax. An advertising agency’s professional fee includes agency time or hourly charges, retainer fees, agency mark-up on exempt advertising materials, and media commissions.

(3) Sales of Advertising Materials.

(a)1. The charge by an advertising agency to clients for advertising materials is exempt from sales tax. The exemption applies regardless of the advertising agency’s method of billing, whether the contract reflects a lump sum or separately states the costs of exempt advertising materials and other services and professional fees.

2. When an advertising agency sells promotional goods along with exempt items or services, the taxable items must be separately stated in order for the exempt items to receive the exemption.

(b) Example: The advertising agency prepares and prints a brochure for its client. The preparation of the brochure includes the concept development, design and layout, preparation of advertising materials, including photographs, artwork, and mechanicals, and the printing of the copies of the brochure. The advertising agency pays sales tax on all raw materials used in creating advertising materials. The following are examples of the proper tax treatment for each method of contracting with the charges to the client:

1. The advertising agency contract separately itemizes the components of the brochure as: design, advertising materials, and printing. Sales tax is due only on the charge for printing, including any mark-up. The sales tax must be separately stated.

2. The advertising agency contract combines the charges for the design services and advertising materials into a single charge, but separately states the printing charge, including the mark-up. Sales tax is due only on the charge for printing, including the mark-up. The sales tax must be separately stated.

3. The advertising agency contract combines the charges for the design services, advertising materials, and printing in a single charge. Sales tax is due on the lump sum charge to the client. The sales tax must be separately stated.

(4) Purchases of Advertising Materials by the Advertising Agency.

(a) If an advertising agency is under contract to act on behalf of its clients, the advertising agency may purchase advertising materials or advertising services exempt from tax by extending an exemption certificate to the vendor. The exemption certificate does not entitle the advertising agency to purchase raw materials exempt from tax, even when those raw

materials are used to produce advertising materials in-house. A suggested format of the exemption certificate to be issued to the vendor is provided in subsection (10).

(b) Any vendor providing advertising materials to an advertising agency pursuant to this exemption is relieved of the responsibility of collecting tax on the sale of any advertising materials if:

1. the advertising agency presents an exemption certificate certifying the agency's entitlement to the exemption to the vendor; and

2. the vendor retains a copy of a purchaser's exemption certificate from the advertising agency in its records until tax imposed under Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

(c) If it is determined that the advertising agency was not entitled to the exemption, the department shall look only to the advertising agency for any sales tax due on the purchase of advertising materials.

(5) Creation of Advertising Materials by the Advertising Agency. If an advertising agency produces, fabricates, manufactures, or otherwise creates advertising materials in-house for its clients, the sale of such advertising materials to its clients is exempt from sales tax. Further, the advertising agency does not pay use tax on the production, fabrication, or manufacture of such advertising materials used in the performance of advertising services for its clients.

(6) Raw Materials Used in Advertising.

(a) The purchase of raw materials, whether purchased by an advertising agency or by a person who creates advertising materials for sale to an advertising agency, is taxable.

(b) Example: When a photographer purchases film, the film is taxable when purchased by the photographer. However, when the photographer alters the film to create an image and sells the image to an advertising agency, the photographer does not collect tax if the advertising agency issues an exemption certificate to the photographer.

(7) Promotional Goods.

(a) When promotional goods are created by an advertising agency, the charge for development of sample promotional goods is exempt from sales tax, whether produced in-house or purchased from a vendor.

(b)1. When promotional goods are produced or reproduced for distribution, the charge for production or reproduction of the promotional goods is subject to sales tax whether or not the client takes physical possession of the promotional goods produced or reproduced for distribution. The advertising agency must register with the Department of Revenue, and collect and remit tax on the transaction. See Rule 12A-1.060, F.A.C.

2. Example: If an advertising agency uses a printer to produce or reproduce a promotional good, such as a brochure, the advertising agency would extend an exemption certificate to the printer, who would not charge sales tax on the invoice to

the advertising agency. However, the advertising agency would be required to charge sales tax to a client for the production or reproduction costs of the promotional good, including the advertising agency's mark-up for printing. The advertising agency would remit the tax to the Department of Revenue.

(c) Newspaper inserts that are distributed as a component part of a newspaper or magazine may qualify for exemption under s. 212.05(1)(h)2., F.S. Publications that meet the requirements in s. 212.08(7)(w), F.S., are exempt. For guidelines on these specific exemptions, see Rule 12A-1.008, F.A.C.

(8) Billboards. The advertising materials and services used in the creation of billboard concepts and mock-ups by an advertising agency are exempt under these provisions. However, the charge for the production of displays is taxable. See s. 212.031, F.S., for the taxability of the lease or license to use billboards.

(9) Sales of tangible personal property by an advertising agency to persons other than its clients are taxable, unless specifically exempted by other sections of Chapter 212, F.S.

(10) The following is the suggested format of the exemption certificate to be issued to the vendor by the advertising agency when purchasing exempt advertising materials:

SUGGESTED PURCHASER'S EXEMPTION
CERTIFICATE ITEMS SOLD TO ADVERTISING
AGENCIES

(Purchaser's Name)

certifies that the advertising materials, meaning materials created for the purpose of providing advertising services including, but not limited to, photographs, videos containing images, films containing images, veloxes, galleys, mechanicals, artwork, illustrations, digital audio tapes, analog tapes, compact discs, sketches, layouts, engravings, mats, models, mockups, and digital equipment services, purchased on or after _____ (date) are purchased by the advertising agency pursuant to a contract to act as an agent for a client, and that the items are created to provide advertising services.

Purchaser further certifies that the items are not raw materials, and the items are not being purchased to produce advertising materials in-house by the advertising agency. "Raw materials" means materials or media used to create advertising materials. "Raw materials" includes items such as: blank film; blank videotapes; art supplies, such as poster board, paper products, inks, letters, and paints; stock art; stock photography; prerecorded music and sound; props; costumes; and backdrops. The undersigned understands that if such items do not qualify for exemption, the undersigned will be subject to sales and use tax, interest, and penalties. The undersigned further understands that when any person fraudulently, for the purpose of evading tax, issues to a vendor or to any agent of the state a certificate or statement in writing in which he or she claims

exemption from the sales tax, such person, in addition to being liable for payment of the tax plus a mandatory penalty of 200% of the tax, shall be liable for fine and punishment provided by law for conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

_____ (Purchaser's Name – Print or Type)	_____ Florida Sales Tax Number (if applicable)
_____ Signature and Title	_____ Date
_____ Federal Employer Identification Number (F.E.I.) or Social Security Number	_____ Telephone Number

(Form to be retained in vendor's records)

Specific Authority 212.08(7)(ccc), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4)-(16), 212.05(1),(2), 212.06(1), 212.08(7)(v),(ccc), 212.18(2) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 7-20-82, Formerly 12A-1.72, Amended _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: 00-12R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Sovereignty Submerged Lands 18-21
Management

RULE TITLES: RULE NOS.:
Definitions 18-21.003

Applications for Disclaimers, Quitclaim
Deeds or Certificates to Clear Title to
Filled Formerly Sovereignty Lands and for
Disclaimers for Lands Lost Due to Avulsion
or to Reclaim Lands Lost Due to Artificial
Erosion or Artificial Erosion and Avulsion 18-21.019

PURPOSE AND EFFECT: This rule is being amended to: change the rule title to clarify what subjects the rule contains; conform it to case law regarding Butler Act disclaimers by adding bulkheading and permanent improvements as improvements under which lands could be conveyed by the Butler Act; define and interpret what “permanent improvements” means under the Butler Act; add and incorporate by reference all forms of documents to be given by the Board of Trustees to applicants who qualify under this rule; provide standards and criteria for approval or denial of Butler Act applications, Quitclaim Deed applications, and other applications made under this rule; and to change the formula for calculating the consideration for sale of reclaimed lands that were lost due to avulsion or artificial erosion and avulsion as directed by the Board of Trustees at its November 9, 1999 meeting.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will set forth, clarify, and define standards and criteria for eligibility for Board of Trustees Disclaimers, Quitclaim Deeds, Certificates to Clear Title To Filled Formerly Sovereignty Lands, and Disclaimers for lands lost due to avulsion or to reclaim lands lost due to artificial erosion or artificial erosion and avulsion and will provide specific forms of documents for Board of Trustees Disclaimers, Quitclaim Deeds, Certificates to Clear Title To Filled Formerly Sovereignty Lands, and Disclaimers for lands lost due to avulsion or to reclaim lands lost due to artificial erosion or artificial erosion and avulsion.

SPECIFIC AUTHORITY: 253.03 FS.

LAW IMPLEMENTED: 253.03, 253.12, 253.129 FS., Ch. 8531 (1921), Ch. 26776 (1951), Ch. 57-362, Ch. 72-261, Ch. 93-206, Laws of Florida.

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 IS: Scott Woolam, 3900 Commonwealth Blvd., Mail Station 108, Tallahassee, FL 32399-3000, (850)488-8123

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

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Inmate Grievances – General Policy	33-103.001
Inmate Grievances – Terminology and Definitions	33-103.002
Inmate Grievances – Training Requirements	33-103.003
Inmate Grievances – Staff and Inmate Participation	33-103.004
Formal Grievance – Institution or Facility Level	33-103.006
Inmate Grievances – Miscellaneous Provisions	33-103.015
Inmate Grievances – Reprisal	33-103.017

PURPOSE AND EFFECT: The purpose of the proposed rule is to provide definitions of applicable terms and clarify the procedures pertaining to inmate grievances. The effect is to: add definitions of terms, establish forms for implementation of procedures, correct titles, and clarify procedures for amendment of grievances and for the filing of grievances by inmates in special housing units.

SUBJECT AREA TO BE ADDRESSED: Inmate Grievances.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 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 27, 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, Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.001 Inmate Grievances – General Policy.

(1) The purpose of the grievance procedure is to provide an inmate with a channel for the administrative settlement of a grievance. In addition to providing the inmate with the opportunity of having a grievance heard and considered, this procedure will assist the department by providing additional means for internal resolution of problems and improving lines of communication. This procedure will also provide a written record in the event of subsequent judicial or administrative review. The inmate grievance procedure was fully certified by the United States Department of Justice in March, 1992, pursuant to the requirements of Sections 944.09 and 944.331, Florida Statutes.

(2) Each inmate shall be entitled to invoke the grievance procedure regardless of any disciplinary, classification or other administrative action or legislative decision to which the inmate may be subject. Each The institution shall ensure that the grievance mechanism is accessible to impaired and disabled inmates. This may be accomplished by providing assistance through the institution library if requested.

(3) Inmates can file complaints regarding the following matters:

(a) The substance, interpretation, and application of policies, rules, and procedures of the facility and department that affect them personally;

(b) through (d) No change.

(e) Any matter relating to Conditions of care or supervision within the authority of the Florida Department of Corrections, except as noted herein.

(4) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.001, Amended _____.

33-103.002 Inmate Grievances – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the department:

(1) Amendment: where used herein, refers to an addition or change to a previously filed grievance.

(2)(4) Bureau of Inmate Grievance Appeals: The bureau authorized by the secretary to receive, review, investigate, evaluate, and respond to grievance appeals as defined in paragraph (8)(7). The Bureau of Inmate Grievance Appeals is located in the Office of the General Counsel and is managed by the Chief of Inmate Grievance Appeals.

(2) through (3) renumbered (3) through (4) No change.

(5)(4) Formal Grievance: This is a statement of complaint filed at the institutional or facility level with the warden, assistant warden or deputy warden, through the use of the Request for Administrative Remedy or Appeal, Form DC1-303. Form DC1-303 is incorporated by reference in rule 33-103.019. Formal grievances are addressed in rule 33-103.006, Florida Administrative Code.

(6)(5) General Procedure Policy and Practice: Subject matter of a grievance which has a substantial impact on the general inmate population.

(7)(6) Grievance: A written complaint or petition, either informal or formal, by an inmate concerning an incident, procedure policy, or condition within an institution, facility or the Department which affects the inmate complainant personally.

(8)(7) Grievance Appeal or Central Office Review: This is a statement of complaint filed with the Secretary of the Department of Corrections through the use of the Request for Administrative Remedy or Appeal, Form DC1-303. Appeals are addressed in rule 33-103.007, Florida Administrative Code.

(9) Grievance of Reprisal: refers to a grievance submitted by an inmate alleging that staff have or are threatening to take retaliatory action against the inmate for good faith participation in the inmate grievance procedure or for a particular incident.

(10)(8) Informal Grievance: This is an initial statement of complaint filed on an Inmate Request, DC6-236, with the staff member who is responsible in the particular area of the problem, the classification team, the appropriate section head, or other institutional staff. Form DC6-236 is incorporated by reference in rule 33-103.019.

(11) Literature Review Committee: The final reviewing authority for appeals regarding rejected reading material. The committee is composed of the Bureau Chief of Security Operations or his or her representative, the Bureau Chief of Inmate Grievance Appeals or his or her representative, and the Library Services Administrator or his or her representative.

(12) Recipient: A person or office receiving an inmate grievance for processing.

(13)(9) Reviewing Authority: Staff who are authorized to sign grievances as the final authority for review, e.g., warden, assistant warden, or the Secretary's representative.

(a) through (b) No change.

~~(e) Community correctional centers or contract community facilities – the select exempt services staff person who has oversight responsibility of the community correctional center or contract community facility;~~

~~(c)(d) Road prisons, vocational centers, and work camps, community correctional centers, and contract community facilities~~ – warden or assistant warden of the supervising institution.

~~(d)(e)~~ No change.

~~(14)(10)~~ No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History– New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.002, Amended _____.

33-103.003 Inmate Grievances – Training Requirements.

(1) No change.

(2) Inmate Orientation. Through the use of a standardized lesson plan, inmates will receive training in the use of the inmate grievance procedure by institution or facility staff. Inmates shall sign a statement acknowledging receipt of training on the inmate grievance procedure. A copy of this statement shall be placed in the inmate file.

(a) through (b) No change.

(c) The orientation program shall include the following:

1. No change.

2. The written procedure shall be available in any language spoken by a significant proportion of the institution's population, and appropriate provisions shall be made for those speaking other ~~those~~ languages, as well as for the impaired and disabled;

3. through 4. No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History– New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.003, Amended _____.

33-103.004 Inmate Grievances – Staff and Inmate Participation.

(1) Inmate and employee participation in the grievance process will take the form of solicitation of written comments by inmates and employees on selected formal inmate grievances that staff determine will significantly impact the inmate population and which challenge general procedures ~~policy~~ and practices prior to the initial adjudication of the grievance. Each institution shall within 5 calendar days of receipt, post copies of this type of formal grievance on inmate and employee bulletin boards, circulate among all inmates in all disciplinary, administrative, and close management areas, including all inmates under sentence of death. These grievances shall be posted and circulated without identification of individual names of identifying facts. Written comments must be received in the office of the reviewing authority as defined in 33-103.002(9)(a) through (d) within 5 calendar days from the date of posting in order to receive consideration. With the exception of submitting written comments, no inmate or

employee who appears to be involved in the matter shall participate in any capacity in the final resolution of a grievance.

(2) Inmates and employees have the opportunity to review the effectiveness and credibility of the department's grievance procedure through the submission of written comments to the reviewing authority as defined in 33-103.002(9)(a) through (d). The reviewing authority as defined in 33-103.002(9)(a) through (d) shall review and respond to written comments received and institute procedural changes as appropriate. Comments received relating to this rule that are outside the decision making authority of the reviewing authority as defined in 33-103.002(9)(a) through (d) shall be forwarded to the Office of the General Counsel ~~Bureau of Legal Services~~ for review and appropriate action. If the comments or complaint focuses on the implementation of the rule at a particular institution, the reviewing authority as defined in 33-103.002(9)(a) through (d) has the authority to make necessary changes in this implementation consistent with the rule. If the comments or complaint deal with the content of the rule itself and the only way a change could be effected would be to change the rule, then it needs to be forwarded to the Office of the General Counsel ~~Bureau of Legal Services~~. The Office of the General Counsel ~~Bureau of Legal Services~~ shall review the complaint to see if there appears to be a problem with the rule itself. If changes are necessary, the Office of the General Counsel ~~Bureau of Legal Services~~ coordinates the rule promulgation process. The warden shall receive a response and in turn advise the employee or inmate.

(3) through (4) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History– New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.004, Amended _____.

33-103.006 Formal Grievance – Institution or Facility Level.

(1) When an inmate decides to file a formal grievance, he shall do so by completing Form DC1-303, Request for Administrative Remedy or Appeal and filing within the time limits set forth in 33-103.011.

(a) No change.

~~(b) In community correctional centers and contract facilities, the form shall be sent to the select exempt services staff person who has oversight responsibility of the community correctional center or contract facility as defined in 33-103.002(9)(e).~~

~~(b)(e)~~ In road prisons, vocational centers, and work camps, community correctional centers and contract facilities the form shall be sent to the warden or assistant warden of the supervising institution.

(2) Procedural Requirements.

(a) through (i) No change.

(j) If the inmate is filing an amendment to a previously filed grievance or appeal, the inmate shall clearly state this at the beginning of PART A of the Request for Administrative Remedy or Appeal grievance Form (DC1-303). Amendments are to be filed only regarding issues unknown or unavailable to the inmate at the time of filing the original grievance and must be submitted within a reasonable time frame of knowledge of the new information.

(3) through (8) No change.

(9) If an inmate is in a special housing unit and wants to file a grievance he shall submit the grievance to designated staff who shall be responsible for distribution of the grievance. The designated staff person shall complete Part "C" of the DC1-303 form by entering the inmate's committed name, DC number, institution, date of receipt, and sign as the recipient. If the staff person is not the institutional grievance coordinator he shall not read or classify the grievance.

~~(10)~~(9) No change.

Specific Authority 20.351, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.006, Amended _____.

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) No change.

(2) Form ~~DC6-236 DC3-005~~, Inmate Request, shall be available as a minimum from the institutional library, classification department, classification staff, and the housing officer of any living unit. Form DC1-303, Request For Administrative Remedy or Appeal, shall be available as a minimum from the institutional library, classification department, classification staff, and the housing officer of any housing location confinement unit.

(3) The warden, assistant warden or deputy warden ~~or circuit administrator~~ is authorized to designate other staff to receive, review, and investigate any grievance of an institutional nature. The warden ~~or circuit administrator~~ is authorized to designate the assistant warden or deputy warden ~~or deputy circuit administrator~~ to grant and implement relief as approved by the warden ~~or warden or circuit administrator~~, except as to grievances involving discipline, medical grievances, grievances alleging violation of the Americans with Disabilities Act, grievances challenging placement in close management, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature that are filed directly with the warden ~~or circuit administrator~~. For grievances filed directly with the warden ~~or circuit administrator~~, the decision to approve, return, or deny the grievance shall be made by the warden ~~or reviewing authority~~.

(4) No change.

(5) The response to an informal grievance and a formal grievance shall include the following statement, or one similar in content and intent if the grievance is denied: You may obtain further administrative review of your complaint by obtaining

form DC1-303, Request for Administrative Remedy or Appeal, completing the form, providing attachments as required, and forwarding your complaint to the warden, assistant warden, deputy warden or the Bureau of Inmate Grievance Appeals.

(6) No change.

(7) Writing paper and writing utensils shall be provided to those inmates who have insufficient ~~no~~ funds in their accounts if such are needed to prepare the grievance or grievance appeal. These supplies shall be available from the areas where the grievance forms are available as set forth in 33-103.015(2).

(8) through (11) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 1-29-92, 9-3-92, 12-22-92, 7-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended _____.

33-103.017 Inmate Grievances – Reprisal.

(1) No action shall be taken against an inmate as the result of the submission of a grievance or appeal. Good faith use of or good faith participation in the grievance process shall not result in ~~formal or informal~~ reprisal against the inmate.

(2) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 12-22-92, 4-10-95, Formerly 33-29.016, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Youthful Offender – Definitions	33-506.100
Youthful Offender Program Participation	33-506.106

PURPOSE AND EFFECT: The purpose of the proposed rule is to provide definitions of applicable terms and clarify the conditions of and procedures relating to participation in youthful offender programs. The effect is to: define applicable terms, correct titles, clarify conditions entitling a youthful offender to consideration for modification of sentence, establishing criteria rendering a youthful offender ineligible for consideration, and clarifying procedures for screening of youthful offenders for sentence modification.

SUBJECT AREA TO BE ADDRESSED: Youthful Offenders.

SPECIFIC AUTHORITY: 944.09, 958.11 FS.

LAW IMPLEMENTED: 944.09, 958.11, 958.12 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 28, 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 Lysten Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-506.100 Youthful Offenders – Definitions.

(1) Central Office Screening Team – refers to the team located in the central office, chaired by the Chief of Classification and Central Records and consisting of one additional representative from the Bureau of Classification and Central Records, an individual designated by the Assistant Secretary for the Office of Programs Services, and a representative from the Office of Community Corrections. The purpose of this team is to review recommendations for sentence modification and to submit their findings to the Deputy Director of Institutions for final approval or disapproval.

(2) Classification Committee – refers to a team consisting of the inmate’s classification specialist and a representative from security and programs. The team members develop the offender management plan, monitor the inmate’s progress, determine the inmate’s eligibility for sentence modification and make recommendations as necessary in accordance with the rules.

(3) Extended Day Program – refers to a 16 hour daytime program at youthful offender institutions that is designed to provide at least 12 hours of activities. The program is structured to include work assignments, educational (vocational and academic) programs, counseling, behavior modification, systematic discipline and other programmatic opportunities that will reduce inmate idleness and enhance the young offender’s chance at becoming a law abiding citizen upon re-entry into the community.

(4) Inmate Management Plan – refers to the individualized plan developed on each inmate based upon information collected from various risk and needs assessments and team decisions. The plan is used to make priority program or work placement recommendations, develop objectives and set timelines for accomplishments.

(5) Release Management Plan – refers to a report prepared by probation and parole office staff outlining information relative to the inmate’s proposed employment, residence, family ties or support system, financial resources and other resources available to the inmate upon release.

(6) Sentence Modification – refers to an alteration or amendment by the court of the original sentence. The modification reduces the time to be served and imposes a term of probation, community control or other community sanctions, which, when added to the term of incarceration, will not exceed the length of the sentence originally imposed by the court.

(7) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden classification supervisor and chief of security that is

responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

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

Specific Authority 944.09, 958.11 FS. Law Implemented 944.09, 958.11 FS. History–New _____.

33-506.106 Youthful Offender Program Participation.

(1) Each youthful offender institution shall provide a programmatically diversified extended day of 12 hours of required inmate participation six days a week, contingent upon available resources.

(2) The schedule of events shall be developed by each warden and approved by the regional director and the ~~Office Chief of the Bureau of Classification and Central Records Program Services.~~

(3) Successful participation in all phases of the youthful offender extended day program and successful completion of the inmate management plan and reclassification as minimum custody by a youthful offender inmate will result in an evaluation by the institutional classification team to determine the inmate’s eligibility for a recommendation to the court for a modification of sentence at any time prior to the scheduled expiration of sentence as provided in s. 958.04(2)(d), F.S.

(a) Youthful offenders with one or more of the following shall be ineligible for consideration of a sentence modification recommendation to the court:

1. Conviction for murder, attempted murder, or any offense resulting in death;

2. Conviction for sexual battery pursuant to s. 794.011, F.S.;

3. Conviction for kidnapping pursuant to s. 787.01, F.S.;

4. Conviction for car-jacking pursuant to s. 812.133, F.S.;

5. Conviction for domestic violence pursuant to s. 741.28, F.S.;

6. Conviction for home invasion robbery pursuant to s. 812.135, F.S.;

7. Sentenced as a habitual offender pursuant to s. 775.084, F.S.; or

8. Currently serving the mandatory portion of a sentence pursuant to s. 775.082, F.S.

(b)(~~a~~) After the youthful offender has successfully participated in the youthful offender program, a complete evaluation of the case shall be initiated. The evaluations shall include the following areas:

1. Disciplinary record;

2. Gain time earned, forfeited or withheld and reasons for the action taken;

3. Academic and vocational accomplishments;

4. Work assignments which would assist the youthful offender in obtaining future employment;
5. Counseling programs;
6. Substance abuse programs;
7. Other programs specifically recommended for the youthful offender; and
8. ~~Verified R~~ release placement plan verified by probation and parole office staff which will should include proposed residence, and employment, family ties or support systems, financial resources, other resources available to the inmate and any recommendation for continued treatment.
9. Nature of offense and length of sentence.

~~(c)(b)~~ The evaluation of the youthful offender's eligibility for a modification of sentence shall be coordinated by the institutional classification staff and incorporated into a complete progress report. The completed progress report shall be reviewed and signed by the institutional classification team and a representative of the state classification office warden who shall indicate his approval or disapproval of the recommendation based upon the evaluation prepared by the classification staff.

~~(d)(e)~~ Upon the approval of the ICT and SCO warden, the recommendation for sentence modification shall be forwarded to the Chief of the Bureau of Classification and Central Records Program Services for review by the central office screening team who shall review the recommendation. If approved by the central office screening team the recommendation will be forwarded to the Deputy Director of the Office of Institutions (classification) for review. If he concurs with the decision for sentence modification. If the Chief of the Bureau of Classification Program Services approves the recommendation, he shall transmit forward a recommendation to the sentencing court for consideration. If the Deputy Director does not concur with the decision for sentence modification, the Chief of Classification will notify the institutional classification team at the facility where the inmate is housed. The ICT will notify the inmate of the decision.

Specific Authority 958.11(1) FS. Law Implemented 958.11, 958.12 FS. History—New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: RULE NO.:

Noticed General Permit for Temporary Agricultural Activities 40E-400.470

PURPOSE AND EFFECT: To create a streamlined noticed general environmental resource permit for single-season agricultural projects. The rule proposes to limit agricultural activities to horticultural, seasonal crops that are harvested in one growing season. The rule also proposes that the noticed general permit is valid only for the defined agricultural

activities that are located in existing improved or semi-improved pastures or fields that have been cultivated within the last five years.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will develop specific permitting criteria for the construction and operation of a surface water management system serving seasonal, horticultural crops.

SPECIFIC AUTHORITY: 120.536(1), 120.54, 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 120.60, 373.118, 373.119, 373.413, 373.416, 373.418, 373.423 FS.

PREVIOUS RULE DEVELOPMENT WORKSHOPS were held on May 15, 18, and 22, 2000 in Homestead, Okeechobee, and Clewiston, respectively in order to receive public comments. Notice of Rule Development for the May 15, 18, and 22, 2000 workshops was published in Vol. 26, No. 17 of the April 28, 2000 issue of this publication. The proposed rule was amended in response to comments received. A list of best management practices is added. The amended proposed rule text is set forth below.

ADDITIONAL RULE DEVELOPMENT WORKSHOPS WILL NOT BE HELD UNLESS REQUESTED WITHIN 14 DAYS OF PUBLICATION OF THIS NOTICE. IF AN ADDITIONAL RULE DEVELOPMENT WORKSHOP IS REQUESTED AND NOT DEEMED UNNECESSARY BY THE DISTRICT, THE TIME, DATE AND PLACE OF THE WORKSHOP WILL BE NOTICED IN THIS PUBLICATION.

THE PERSON TO BE CONTACTED REQUESTING AN ADDITIONAL WORKSHOP IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MS 1410, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320 or via email at pbell@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-400.470 Noticed General Permit for Temporary Agricultural Activities.

(1) A noticed general permit is hereby granted to any property owner for temporary agricultural activities, provided all the following criteria are met:

(a) The permittee must satisfy and comply with the general and specific conditions set forth in Rule 40E-400.215, F.A.C.:

(b) Agricultural activities shall be horticultural and limited to seasonal crops. Seasonal crops are harvested in one growing season, which shall not exceed one year;

(c) This permit is valid only for activities in existing improved or semi-improved pastures or fields that have been cultivated within the last five years. For purposes of this section, improved or semi-improved pastures are lands that have been cleared of native plants by mechanical means;

(d) For purposes of this section, the project area and scope is defined as both farmed and detention areas. In order to qualify for a permit under this section, the project area shall not exceed 320 contiguous acres;

(e) The project outfall structure must be located more than one mile from Outstanding Florida Waters;

(f) No works or farming activities shall occur within 50 feet of a wetland as defined in Section 373.019(22), Florida Statutes. If wetlands are located within the project area, a minimum fifty-foot undisturbed buffer must be maintained around the wetland;

(g) Pump rates shall not exceed a volume of two inches per day at a rate of 37.7 gallons per minute per acre of farmed area. Pump on/off elevations shall be within 2.5 feet of natural ground within the farmed area. All surface water discharges shall be into detention areas;

(h) Water levels in the detention areas shall not exceed a depth of 1.5 feet above natural ground within the detention area;

(i) Water quality and attenuation requirements shall be met by establishing detention areas at a minimum of fifteen percent of the farmed area;

(j) If wetlands are located within a detention area, then the control elevation of the detention area shall be set at the wetland edge elevation. If no wetlands are located within a detention area, then the control elevation shall be set at natural ground elevation;

(k) Control structures and setbacks shall be sized according to the following list depending on the project size:

<u>Project Size</u>	<u>Minimum Setback between Project Edge and Property Boundary Line Control Structure</u>	
<u>0-25 acres</u>	<u>100 feet</u>	<u>6" riser and 12" pipe equivalent</u>
<u>26-65 acres</u>	<u>100 feet</u>	<u>12" riser and 12" pipe equivalent</u>
<u>66-105 acres</u>	<u>150 feet</u>	<u>18" riser and 18" pipe equivalent</u>
<u>106-145 acres</u>	<u>150 feet</u>	<u>24" riser and 24" pipe equivalent</u>
<u>146-185 acres</u>	<u>150 feet</u>	<u>30" riser and 30" pipe equivalent</u>
<u>186-225 acres</u>	<u>200 feet</u>	<u>36" riser and 36" pipe equivalent</u>
<u>226-265 acres</u>	<u>200 feet</u>	<u>42" riser and 42" pipe equivalent</u>
<u>266-305 acres</u>	<u>300 feet</u>	<u>48" riser and 48" pipe equivalent</u>
<u>306-320 acres</u>	<u>300 feet</u>	<u>54" riser and 54" pipe equivalent;</u>

(l) Discharges shall be to the existing pre-project surface water conveyance pathway. Existing sheetflow, if any, shall be maintained through the use of a spreader swale;

(m) Detention area dikes shall be constructed with a top elevation of 3.5 feet above the control elevation with a minimum five-foot top width and 2:1 side slopes;

(n) Internal farm ditches shall be no deeper than three feet below natural ground elevation (excluding sump areas for pump placement which shall not be deeper than six feet below natural ground elevation);

(o) External perimeter berms of the farmed areas shall not exceed two feet in height;

(p) Farming areas must be laid out in a manner that will not block or impede off-site flows;

(q) Access to the fields shall be accomplished by existing roads. Roads into or on the project are not part of this authorization.

(2) As a minimum requirement, the applicant must submit a best management plan that addresses sediment control, soil erosion, nutrients, pesticides, herbicides, suspended solids at points of discharge and other agricultural practices appropriate to crop and site conditions. At a minimum, the applicant must choose a total of 8 of the following best management practices, 4 of which must be chosen from letters (a) through (j).

(a) An Integrated Nutrient and Pest Management program;

(b) Application equipment shall be properly calibrated and in good repair;

(c) Pesticides and fertilizers shall be stored in a secure, contained location, protected from rainfall. Fertilizers and pesticides shall not be stored together;

(d) All mixing and loading operations shall be conducted away from wells, ditches and wetlands;

(e) Pesticide containers shall be rinsed as soon as they are empty. Containers shall be disposed of in accordance with directions on the label;

(f) Equipment shall be utilized that directs chemicals only to a designated target area. Overspray or application into ditches and wetland buffer areas shall be avoided;

(g) Spills shall be cleaned up as soon as possible;

(h) Equipment shall be cleaned and rinsed away from ditches and wetland buffers;

(i) Slow release fertilizer shall be utilized;

(j) A soil or leaf analysis shall be utilized to determine fertilizer application requirements;

(k) Seed and mulch or use other methods to stabilize the disturbed areas outside of the planted area within 7 days from the completion of planting;

(l) Provide stilling/settling basin at the pump discharge point;

(m) Install silt fences around wetland buffer areas prior to construction;

(n) Install silt fences, hay bales or equivalent downstream of outfall structure;

(o) Provide containment for all fuel tanks located on site;

(p) Provide containment for all permanently placed engines located on site.

(3) The duration of this permit shall not exceed two years. No more than one year of the permit duration shall be dedicated to the planting and harvesting of crops. The remainder of the duration of the permit must be dedicated to fallow time. At the end of the growing season specified in the permit, all works shall be removed from the site and the site

returned to the condition that existed prior to permit issuance. The site shall remain fallow the following year. Within 30 days of the permit expiration, the permittee shall provide written notification to the District that the project has been restored to conditions that existed prior to permit issuance.

(4) The District reserves the right to inspect the site for consistency with the plans and requirements during the growing season and after the site has been restored to conditions that existed prior to permit issuance.

(5) This permit does not provide authorization to use water or constitute a permit under Part II of Chapter 373, F.S., Rules 40E-2 or 40E-20, F.A.C.

(6) It is recommended that the permittee consult the USDA Farm Service Agency regarding the applicability of the National Food Security Act, USCA, Title 16 § 3821, to the temporary agricultural activities.

Specific Authority 120.536(1), 120.54, 373.044, 373.113, 373.118 FS. Law Implemented 120.60, 373.118, 373.119, 373.413, 373.416, 373.418, 373.423 FS. History—New

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE CHAPTER TITLE: Medical Directors
RULE CHAPTER NO.: 59A-4

PURPOSE AND EFFECT: The Agency proposes to establish a rule consistent with the provisions of s. 400.141(2), Florida Statutes, that became effective July 1, 1999. The legislation provides for specific criteria for the appointment of a medical director.

SUBJECT AREA TO BE ADDRESSED: Specific criteria for the appointment of a medical director.

SPECIFIC AUTHORITY: 400.141 FS.

LAW IMPLEMENTED: 400.141(2) FS.

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

TIME AND DATE: 10:00 a.m., June 28, 2000

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room E, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Richard Kelly, Agency for Health Care Administration, Long-Term Care Unit, 2727 Mahan Drive, Suite 228, Tallahassee, Florida or call (850)488-5861

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Licensing Procedure for Manager’s License
RULE NO.: 61-20.001

PURPOSE AND EFFECT: The Regulatory Council proposes to discuss this rule to determine if changes are necessary to implement precensure education requirements.

SUBJECT AREA TO BE ADDRESSED: Licensing procedure for manager’s license.

SPECIFIC AUTHORITY: 468.433 FS.

LAW IMPLEMENTED: 120.60, 468.432, 468.433, 468.435 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: 10:30 a.m., July 14, 2000

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLES: Continuing Education Renewal Requirements
RULE NOS.: 61-20.508

Continuing Education Provider Approval 61-20.5081

Continuing Education Course Approval 61-20.5082

PURPOSE AND EFFECT: The Regulatory Council proposes to discuss these rules to determine if changes are necessary to conform with the Department’s continuing education rules.

SUBJECT AREA TO BE ADDRESSED: Continuing education for renewal requirements, provider approval and course approval.

SPECIFIC AUTHORITY: 468.4315(2), 468.433, 468.4336, 468.4337 FS.

LAW IMPLEMENTED: 468.433, 468.4336, 468.4337 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: 10:30 a.m., July 14, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Examination and Reexamination
 RULE NO.: 61G4-16.009
 PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address examination and reexamination criteria.
 SUBJECT AREA TO BE ADDRESSED: Examination and reexamination.
 SPECIFIC AUTHORITY: 455.217(2), 455.219(1), 489.108, 489.129(2) FS.
 LAW IMPLEMENTED: 455.217, 489.109, 489.111 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: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61G4-16.009 Examination and Reexamination.
- (1)(a) No change.
- (b) Reexamination.

1. A candidate ~~An applicant~~ who fails any of the tests referenced to ~~in paragraph (1)(a) or~~ in Rule 61G4-16.001, FAC., above shall be required to pay the reexamination fee as set forth in paragraph (3)(c) below. A candidate who does not appear for a scheduled test shall be considered to have failed that test.

2. A candidate ~~An applicant~~ shall be required to retake only the tests on which he or she failed to achieve a passing score. However, a candidate ~~an applicant~~ must pass all tests within three attempts of said tests; after which time all past test scores of the candidate ~~applicant~~ shall be considered invalid and he or she shall be required to make an original application and pay all appropriate fees. All three attempts must be completed within a three hundred sixty-five (365) day period. A candidate ~~An applicant~~ may avail himself or herself of a

maximum of three (3) examination attempts within a three hundred sixty-five (365) day period. ~~This section shall have no effect upon the application requirements set forth in Rule 61G4-12.009 and 16.002, Florida Administrative Code.~~

3. A candidate ~~An applicant~~ who fails the examination in whole or in part on his or her first or second attempt may submit an application to retake the certification examination to the Department's Bureau of Testing no less than forty-five (45) days prior to the administration of the examination the candidate ~~applicant~~ wishes to take provided he or she pays all appropriate fees as set forth in paragraph (3) below.

(2) Manner of Application for Examination and Scheduling. An original application for examination must be received by the Department Board office at least ninety (90) calendar days prior to the administration of the examination the applicant wishes to take. The current and complete examination application submitted must be accompanied by the submission of two recent photographs of the applicant (said photos to be no older than twelve (12) months and 1 1/2 x 1 1/2 inches in size).

(a) In order to schedule an examination date, candidates shall be required to contact the Department's Bureau of Testing within thirty (30) days of the date in their "original date of confirmation letter."

(b) Failure of any candidate to contact the Department's Bureau of Testing within thirty (30) days of the date in his/her "original date of confirmation letter" shall result in forfeiture of all fees and shall count as one of the three attempts candidates are allowed per year. The candidate shall be required to file a new application and pay all necessary fees.

(c) Candidates shall have six (6) months from the date in their "original date of confirmation letter" during which they must sit for the examination.

(d) Failure of any candidate to sit for the examination within six (6) months from the date in his/her "original date of confirmation letter" shall result in forfeiture of all fees and the candidate shall be required to make an original application and pay all necessary fees.

(3) through (4) No change.

Specific Authority 455.217(2), 455.219(1), 489.108, 489.129(2) FS. Law Implemented 455.217, 489.109, 489.111 FS. History—New 2-25-93, Formerly 21E-16.009, Amended 10-17-93, 7-20-94, 11-25-97, 9-15-99, 4-26-00, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NUMBER: 00-15R

RULE CHAPTER TITLE: State Revolving Fund Loan Program
 RULE CHAPTER NO.: 62-503

PURPOSE AND EFFECT: The rule revision to be developed would enable the funding of additional wastewater management systems under the State Revolving Fund Loan Program for wastewater facilities and clarify program requirements and forms. The Program provides financial assistance in the form of low-interest loans to local

governments for planning, design, construction, and technical services associated with construction and start-up of wastewater management systems. The additional projects would be funded by loans from future repayments of existing wastewater state revolving fund loans. The program is authorized by Section 403.1835, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: State Revolving Loan Fund Program Rules for loans for wastewater facilities.

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

SPECIFIC AUTHORITY: 403.1835 FS.

LAW IMPLEMENTED: 403.1835 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Don Berryhill, Bureau of Water Facilities Funding, MS #3505, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Acupuncture Certification Examination

RULE NO.: 64B2-11.013

PURPOSE AND EFFECT: The Board proposes to amend this rule to add the word "chiropractic" to subsection (4) to identify the licensure examination.

SUBJECT AREA TO BE ADDRESSED: Licensure examination.

SPECIFIC AUTHORITY: 455.574(1)(b),(5), 460.405 FS.

LAW IMPLEMENTED: 455.574(1)(b),(5), 460.406(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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B2-11.013 Acupuncture Certification Examination.
- (1) through (3) No change.

(4) Passage of the acupuncture certification examination shall not grant any applicant the right to practice chiropractic or acupuncture without passing the chiropractic licensure examination.

(5) No change.

Specific Authority 455.574(1)(b),(5), 460.405 FS. Law Implemented 455.574(1)(b),(5), 460.406(3) FS. History--New 10-6-86, Amended 1-28-87, 5-10-87, 8-7-88, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.013, 61F2-11.013, 59N-11.013, Amended 2-15-98,_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Clinical Laboratory Personnel

RULE NO.: 64B3-2.002

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Clinical Laboratory Personnel.

SPECIFIC AUTHORITY:483.805(4), 483.811(4) FS.

LAW IMPLEMENTED: 483.803, 483.811(3),(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-2.002 Clinical Laboratory Personnel.

(1) through (3) No change.

(4) Technician means a person qualified as a technician pursuant to the Board's rules who practices the profession and may perform tests classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under direct supervision of a licensed technologist, supervisor, or director unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein and the requirements contained in Rule 64B3-5.004(5) under ~~direct supervision~~ and fulfills the responsibilities specified in Rule 64B3-5.004(7).

(5) through (7) No change.

Specific Authority 483.805(4), 483.811(4) FS. Law Implemented 483.035(1), 483.803, 483.811(3),(4) FS. History--New 11-4-93, Formerly 61F3-2.002, Amended 11-21-94, 7-12-95, 5-15-96, Formerly 59O-2.002, Amended 3-19-98, 12-13-98,_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Technologist
 RULE NO.: 64B3-5.003

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address additional educational requirements to be qualified as a technologist.

SUBJECT AREA TO BE ADDRESSED: Technologist.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.11(2), 483.815, 483.823 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: 9:00 a.m., July 27, 2000

PLACE: Marriott North, 6650 N. Andrews Ave., Ft. Lauderdale, Florida 33309

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.003 Technologist.

(1) Technologist Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to Rule 64B3-6.002(6). All associate degrees used to qualify shall include, at a minimum, 60 semester hours of academic credit including eight (8) semester hours each of academic biological and chemical science. Applicants for technologist licensure in the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, radioassay, histocompatibility, blood banking and blood gas analysis shall have four (4) hours of Board approved HIV/AIDS continuing education and at a minimum have one of the following:

(a) through (j) No change.

(k) Individuals with a baccalaureate degree in a chemical or biological science, Florida licensure as a technician and proof of completion of an accredited and/or Board approved clinical laboratory training program at the technician level, may qualify for a technologist license.

(2) through (6) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.11(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 590-5.003, Amended 5-26-98, 1-11-99, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Technician
 RULE NO.: 64B3-5.004

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Clinical Laboratory Personnel.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.004 Technician.

(1) through (5) No change.

(6) Responsibilities of Technicians. The technician shall:

(a) Perform tests classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under direct supervision of a licensed technologist, supervisor, or director unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein and the requirements contained in Rule 64B3-5.004(5) perform procedures under direct supervision.

(b) through (f) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.004, Amended 5-26-98, 9-20-98, 9-20-98, 1-11-99, 8-31-99, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: Licensure Examinations
 RULE NOS.: 64B3-7.001
 Examination Failure 64B3-7.004

PURPOSE AND EFFECT: The Board proposes to update the existing rule texts.

SUBJECT AREA TO BE ADDRESSED: Licensure Examinations; Examination Failure.

SPECIFIC AUTHORITY: 455.574, 483.809(2) FS.

LAW IMPLEMENTED: 455.574, 483.809(2) 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: 9:00 a.m., July 27, 2000

PLACE: Mariott North, 6650 N. Andrews Ave., Ft. Lauderdale, Florida 33309

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-7.001 Licensure Examinations.

The Board specifies that the licensure examinations, beginning with the Fall of 2000 ~~Fall of 1999~~, shall consist of the following:

(1) For licensure as a director qualifying pursuant to Rule 64B3-5.007, a supervision and administration ~~an administrative and supervision~~ examination covering the subject matter of 64B3-3.003(7) ~~the Clinical Laboratory Director examination administered by the National Certification Agency for Clinical Laboratory Personnel (NCA)~~ and pursuant to Section 455.574(1)(c), F.S., one of the following:

(a) No change.

(b) In the specialty of serology/immunology, the examination in clinical immunology prepared by the American Board of Medical Laboratory Immunology.

(c) through (g) No change.

(2) through (4) No change.

(5) For licensure as a Supervisor qualifying pursuant to 64B3-5.002:

(a) When the applicant is licensed in a specialty as a technologist by examination, administration and supervision examinations covering the subject matter in Rule 64B3-3.003(7). The applicant will be licensed as a supervisor in the speciality (ies) on their technologist licenses upon passing the administration and supervision examination. The Supervision and Administration examination shall be administered in house by the Department and/or the following Board approved national examinations:

1. The Diplomat in Laboratory Management examination on general supervision administered by the American Society of Clinical Pathologists.

2. The Specialist in Blood Banking administered by the American Society of Clinical Pathologists for Blood Banking and Immunochemistry.

3. The Specialist in Cytotechnology administered by the American Society of Clinical Pathologists for licensure by endorsement as a supervisor in Cytology.

4. The Specialist in Chemistry administered by the American Society of Clinical Pathologists for licensure by endorsement for supervisors in Clinical Chemistry.

5. The Specialist in Hematology administered by the American Society of Clinical Pathologists for licensure by endorsement for supervisors in Hematology.

6. The Clinical Laboratory Supervisor administered by the National Certification Agency for Clinical Laboratory Personnel (NCA).

(b) When the applicant is not licensed as a technologist, an administration and supervision examination covering the subject matter in Rule 64B3-3.003(7) and an examination in one or more of the specialties specified in Rule 64B3-7.001(6). The applicant shall be licensed as a supervisor in the appropriate specialty upon passing the examination in administration and supervision and one or more of the specialties. The Supervision and Administration examination shall be administered in house by the Department and/or the following Board approved national examinations:

1. The Diplomat in Laboratory Management examination on general supervision administered by the American Society of Clinical Pathologists.

2. The Specialist in Blood Banking administered by the American Society of Clinical Pathologists for Blood Banking and Immunochemistry.

3. The Specialist in Cytology administered by the American Society of Clinical Pathologists for Cytology supervisors.

4. The Specialist in Chemistry administered by the American Society of Clinical Pathologists for licensure by endorsement for supervisors in Clinical Chemistry.

5. The Specialist in Hematology administered by the American Society of Clinical Pathologists for licensure by endorsement for supervisors in Hematology.

6. The Clinical Laboratory Supervisor administered by the National Certification Agency for Clinical Laboratory Personnel (NCA).

(c) A licensed supervisor may add a specialty by passing one of the specialty examinations specified in Subsection (6) below.

(6) For licensure as a Technologist:

(a) A state ~~A~~ examination in one or more of the following specialties: microbiology, serology/immunology, clinical chemistry, hematology, immunochemistry, blood banking/immunochemistry, ~~and~~ histology, or examinations prepared by the American Medical Society of Clinical Pathologists, the American Medical Technologists (AMT), or the National Certification Agency for Clinical Laboratory Personnel (NCA).

(b) through (g) No change.

~~(h) A candidate may choose to take one of the generalist medical technologist examinations administered by the American Society of Clinical Pathologists (ASCP), the National Certification Agency for Medical Laboratory Personnel (NCA), or American Medical Technologists (AMT). Upon passage the applicant shall be licensed as a technologist in microbiology, serology/immunology, clinical chemistry, hematology and immunoematology.~~

(7) through (8)(c) No change.

~~(d) There shall be no examination for cytology technicians. The applicant shall be licensed as a Technician in cytology based upon education and training only.~~

~~(d)(e) There is no not technician level radioassay, blood banking, blood gas analysis, cytology, histocompatibility or cytogenetics examination.~~

Specific Authority 455.574, 483.809(2) FS. Law Implemented 455.574, 483.809(2) FS. History--New 5-12-93, Formerly 21KK-7.001, 61F3-7.001, Amended 12-5-95, Formerly 59O-7.001, Amended 3-19-98, 6-23-98, 7-1-99, _____.

64B3-7.004 Examination Failure.

A candidate for licensure who, upon sitting for the licensure examinations, fails to pass one of the examinations shall be only required to retake and pass the examination or examinations failed upon meeting the following requirements:

(1) through (3) No change.

(4) If a candidate fails to pass the examination after the candidate's third attempt to do so, the applicant shall not reapply to take the examination until the applicant has satisfactorily completed laboratory theory and clinical retraining or 25 additional hours of continuing education.

Specific Authority 455.574, 483.809(2) FS. Law Implemented 455.574, 483.809(2) FS. History--New 12-5-95, Formerly 59O-7.004, Amended 3-19-98, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: _____ RULE NO.:

Renewal of Clinical Laboratory Personnel Continuing Education Provider License 64B3-8.004

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Renewal of Clinical Laboratory Personnel Continuing Education Provider License.

SPECIFIC AUTHORITY: 455.564, 483.807(1), 483.821 FS.

LAW IMPLEMENTED: 455.564, 483.807, 483.821 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: 9:00 a.m., July 27, 2000

PLACE: Marriott North, 6650 N. Andrews Ave., Ft. Lauderdale, Florida 33309

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-8.004 Renewal of Clinical Laboratory Personnel Continuing Education Provider License.

(1) through (3) No change.

~~(4) Providers of multiple continuing education courses shall be authorized by the Board to submit only sample course offerings identified by the Board.~~

Specific Authority 455.564, 483.807(1), 483.821 FS. Law Implemented 455.564, 483.807, 483.821 FS. History--New 2-22-94, Formerly 61F3-8.004, Amended 12-3-96, Formerly 59O-8.004, Amended 12-21-99, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: _____ RULE NO.:

Scope of Practice Relative to Specialty of Licensure 64B3-10.005

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Scope of Practice Relative to Specialty of Licensure.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 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: 9:00 a.m., July 27, 2000

PLACE: Marriott North, 6650 N. Andrews Ave., Ft. Lauderdale, Florida 33309

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

The following rules are not intended to prevent collection and storage of specimens or the performance of manual pretesting procedures by persons who are exempt by statute or statutorily authorized within their scope of practice. Clinical laboratory personnel qualified as a physician director, a licensed director,

supervisor, technologist or technician in the specialty or specialties indicated can perform testing identified as being within the specialty. For the purpose of defining the specialties, Health Care Financing Administration's Common Procedure Coding System (HCFACPCS) shall be used as a supplemental guide for assigning tests to specific specialties. Tests which are not yet classified shall be assigned by the Board upon review.

(1) through (3) No change.

(4) The purpose of the specialty of serology/immunology is to detect and quantitate antibodies to infectious agents as well as microbial and non-microbial antigens. The specialty encompasses all the serological techniques (except those specific to immunohematology) used to detect the interaction of antigens with antibodies for evaluation of the consequences of the immune response.

(a) Individuals licensed in serology/immunology as the basis for practice in histocompatibility before January 26, 1999 may retain their licenses in serology/immunology, but must apply for licenses in histocompatibility on or before December 31, 2001. These individuals will be issued licenses in histocompatibility based upon experience meeting CLIA educational requirements in place at the time of licensure and previous successful completion of the Board approved examination in serology/immunology without being required to successfully complete the Board approved examination in histocompatibility. If these individuals fail to apply for licenses in histocompatibility by the December 31, 2001 deadline, they will be required to apply for licenses in histocompatibility and successfully pass the Board approved examination in histocompatibility and meet all of the current education, training, and work experience requirements for licensure in histocompatibility.

(b) Individuals licensed in serology/immunology as the basis for practice in histocompatibility on or after January 26, 1999, must apply for a license in histocompatibility and successfully pass the Board approved examination in histocompatibility on or before June 30, 2002.

(c) After June 30, 2002, individuals wishing to practice in the specialty of histocompatibility must apply for a license in histocompatibility and successfully pass the Board approved examination in histocompatibility.

(d) Trainees for histocompatibility must be currently licensed as technologists or technicians in either serology/immunology or immunohematology and will be registered to train for one year. Once the trainees complete their Board approved one year training program, they must apply for licensure by endorsement and will receive temporary licenses, if eligible.

(5) through (12) No change.

(13) The purpose of the specialty of cytogenetics is to determine the presence or absence of quantitative (numerical) and qualitative (structural) chromosome abnormalities relating to constitutional and acquired disorders. Individuals licensed in

the specialty of cytogenetics are authorized to perform tests for peripheral blood, amniocytes, chorionic villi, fibroblasts, bone marrow, solid tumors, pleural effusions, lymphoblastoid cell lines, mosaicism, identification of marker chromosomes and de novo additional materials, chromosome breakages, SCE, fragile X and other fragile sites, FISH, chromosome specific painting probes, alphoid probes, disease and region specific cosmid probes, probe preparation and labeling, G-banding, high resolution G-banding, Q-banding, C-banding, NOR-staining, R-banding, distamycin/DAPI staining, replication studies for X-inactivation, and replication timing analysis for autosomal regions. Laboratory personnel providing counseling associated with the results of cytogenetics testing shall be licensed in cytogenetics at the director level.

(14) The purpose of the specialty of molecular genetics is to detect inheritable disease-related genotypes, mutations, or phenotypes for clinical purposes using procedures for the analysis of mutations and alleles for: alpha antitrypsin deficiency, Angelman/Prader-Willi Syndrome, Bone Marrow Graft testing, Canavan Disease, Cancer, Charcot-Marie-Tooth Disease, Congenital Adrenal Hyperplasia, Cystic Fibrosis, Duchenne/Becker, Muscular Dystrophy, Familial Hypercholesterolemia, Fetal sex, Fragile X Syndrome, Galactosemia, Gaucher disease, HLA, Hemophilia A & B, Huntington disease, Marfan syndrome, MCAD deficiency, MEA I/II, Mitochondrial DNA, Myotonic dystrophy, Neurofibromatosis Type I, Ornithine Transcarbamylase deficiency, Paternity testing, Phenylketonuria, Polycystic kidney disease, Sickle Cell disease, Spinal muscular atrophy, Tay-Sachs disease, alpha and beta Thalassemia, and unipaternal disomy DNA, RNA and protein. ~~Molecular genetics also encompasses predicting risk of disease; identifying carriers; prenatal, newborn and carrier screening; and establishing prenatal and clinical diagnosis or prognosis.~~

(15) The purpose of the specialty of histocompatibility is to insure the best possible results of the determination of tissue compatibility, prevent transmitted infections, and to investigate and evaluate post-transplant problems. The specialty encompasses blood typing, HLA typing, HLA antibody screening, disease marker. Cluster Designation specific to tissue compatibility, flow cytometry, crossmatching, HLA antibody identification, lymphocyte immunophenotyping, immunosuppressive drug assays, allogenic, isogenic and autologous bone marrow processing and storage, mixed lymphocyte culture, and stem cell culture.

(a) Individuals licensed in serology/immunology as the basis for practice in histocompatibility before January 26, 1999 may retain their licenses in serology/immunology, but must apply for licenses in histocompatibility on or before December 31, 2001. These individuals will be issued licenses in histocompatibility based upon experience meeting CLIA educational requirements in place at the time of licensure and

previous successful completion of the Board approved examination in serology/immunology without being required to successfully complete the Board approved examination in histocompatibility. If these individuals fail to apply for licenses in histocompatibility by the December 31, 2001 deadline, they will be required to apply for licenses in histocompatibility and successfully pass the Board approved examination in histocompatibility and meet the current education, training, and work experience requirements.

(b) Individuals licensed in serology/immunology as the basis for practice in histocompatibility on or after January 26, 1999, must apply for a license in histocompatibility and successfully pass the Board approved examination in histocompatibility on or before June 30, 2002.

(c) After June 30, 2002, individuals wishing to practice in the specialty of histocompatibility must apply for a license in histocompatibility and successfully pass the Board approved examination in histocompatibility.

(d) Trainees for histocompatibility must be currently licensed as technologists or technicians in either serology/immunology or immunohematology and will be registered to train for one year. Once the trainees complete their Board approved one year training program, they must apply for licensure by endorsement and will receive temporary licenses if eligible.

(16) In the specialties of clinical chemistry, hematology, immunohematology, microbiology and serology/immunology, clinical laboratory personnel licensed at the technician level may perform testing identified within the scope of each specialty in Rule 64B3-10.005(3)-(5), F.A.C., in any specialty for which they hold licensure if the tests are classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under the direct supervision of a licensed technologist, supervisor, or director unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein and the requirements contained in Rule 64B3-5.004(5) provided such testing is performed under direct supervision. Individuals performing highly complex testing as defined in 42 CFR 493.10 and 493.17, regardless of specialty, shall meet the qualifications and/or exemptions provided in 42 CFR 493.1489.

(17) through (18) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.813, 483.823, 483.825 FS. History—New 2-7-95, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 590-10.005, Amended 3-19-98, 1-28-99, 11-24-99,_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Continuing Education
 PURPOSE AND EFFECT: The purpose of the development is to provide procedures relating to continuing education.

RULE NO.: 64B3-11.001

SUBJECT AREA TO BE ADDRESSED: Scope of Practice Relative to Specialty of Licensure.

SPECIFIC AUTHORITY: 455.564, 483.821 FS.

LAW IMPLEMENTED: 455.564, 483.821 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: 9:00 a.m., July 27, 2000

PLACE: Marriott North, 6650 N. Andrews Ave., Ft. Lauderdale, Florida 33309

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-11.001 Continuing Education.

(1) In order to renew a clinical laboratory personnel license, a minimum of 24 contact hours of continuing education shall be earned during each biennium including a minimum of one (1) contact hour for each of the categories in which the individual is licensed and one (1) contact hour of continuing education on HIV/AIDS. Directors and supervisors are required to obtain one (1) contact hour of continuing education in administration and supervision. As part of the minimum of 24 contact hours of continuing education, each licensee shall be required to take a one (1) hour course on Florida laws and rules governing clinical laboratory personnel or attend a public meeting of the full Board at which disciplinary actions are addressed. A telephone conference call meeting of the Board will not satisfy this requirement.

(2) through (8) No change.

Specific Authority 455.564, 483.821 FS. Law Implemented 455.564, 483.821 FS. History—New 2-22-94, Amended 7-13-94, Formerly 61F3-11.001, Amended 12-11-94, 3-28-95, 12-4-95, 7-1-97, Formerly 590-11.001, Amended 3-19-98, 12-13-99,_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Provider Approval Procedures
 PURPOSE AND EFFECT: The purpose for the rule development is to provide procedures within.
 SUBJECT AREA TO BE ADDRESSED: Provider Approval Procedures.
 SPECIFIC AUTHORITY: 455.564, 483.821 FS.
 LAW IMPLEMENTED: 455.564, 483.821 FS.

RULE NO.: 64B3-11.004

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: 9:00 a.m., July 27, 2000

PLACE: Marriott North, 6650 N. Andrews Ave., Ft. Lauderdale, Florida 33309

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-11.004 Provider Approval Procedures.

The provider seeking approval:

(1) through (5) No change.

(6) Shall be granted authority to give continuing education programs without prior Board approval and without submitting courses for Board approval once they are granted provider approval status. ~~by meeting one of the following requirements:~~

~~(a) Be a national organization and a Board approved provider.~~

~~(b) Be a regionally accredited college or university as provided in Rule 64B3-11.011(6), F.A.C.~~

~~(c) Be a laboratory instrument corporation or vendor and a board approved provider.~~

(7) No change.

Specific Authority 455.564, 483.807(1), 483.821 FS. Law Implemented 455.564, 483.807, 483.821 FS. History—New 2-22-94, Formerly 61F3-11.004, Amended 12-4-95, Formerly 59O-11.004, Amended 4-9-00, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Responsibilities of Technicians

RULE NO.: 64B3-13.004

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Responsibilities of Technicians.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.800, 483.813, 483.823, 483.825 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-13.004 Responsibilities of Technicians.

(1) The technician shall:

~~(a) Perform tests classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under the direct supervision of a licensed technologist, supervisor, or director unless the technician meets the minimum qualifications set forth in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein and the requirement contained in Rule 64B3-5.004(5). Perform testing only when under direct supervision of a licensed technologist, supervisor or director except when provided otherwise by rule of the Board.~~

(b) No change.

~~(c) Not perform any test designated as highly complex as defined in 42 CFR 493.10 and 493.17 incorporated by reference unless directly supervised by a licensed technologist, licensed supervisor or director.~~

~~(c)(d)~~ Perform only those tests authorized by the director.

~~(d)(e)~~ Follow the clinical laboratory's procedures for specimen handling and processing, test analyses, reporting and maintaining records of patient test results.

~~(e)(f)~~ Notify a licensed technologist or supervisor whenever test systems are not within the clinical laboratory's defined acceptable levels of performance.

~~(f)(g)~~ Participate in proficiency testing samples and ensure that these samples are tested in the same manner as patient specimens.

~~(g)(h)~~ Adhere to the clinical laboratory's quality control policies and document quality control activities, instrument and procedural calibrations and maintenance performed.

~~(h)(i)~~ Be capable of identifying problems that may adversely affect test performance or reporting of test results and immediately notify a licensed technologist or supervisor.

~~(i)(j)~~ Document all corrective actions taken when test systems deviate from the clinical laboratory's established performance specifications.

~~(j)(k)~~ Follow the directives of directors, supervisors or technologists while exercising their duties and responsibilities.

~~(l) Shall not perform clinical laboratory testing classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference, unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference.~~

~~(m) In the specialty of Cytology, in addition to the above responsibilities, the technician shall:~~

- ~~1. Perform only preparatory work and shall not screen any cytological smears.~~
- ~~2. Perform preparatory work only under direct supervision.~~

Specific Authority 483.805(4) FS. Law Implemented 483.800, 483.813, 483.823, 483.825 FS. History—New 12-6-94, Amended 3-28-95, 7-12-95, Formerly 590-13.004, Amended 1-27-00, _____.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

Division of Insurance Fraud

RULE TITLES:	RULE NOS.:
Purpose and Scope	4K-1.001
Application Process	4K-1.002
Review Process and Reward Criteria	4K-1.003
Reward Disbursement	4K-1.004

PURPOSE AND EFFECT: The proposed rule establishes the Anti-Fraud Program including an application, approval, and disbursement process.

SUMMARY: The Anti-Fraud Reward Program is established to pay rewards of up to \$25,000 to persons responsible for providing information leading to the arrest and conviction of persons committing complex and organized crime investigated by the Division of Insurance Fraud.

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

Any person who wishes to provide information regarding the statement 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: 626.9892(1) FS.

LAW IMPLEMENTED: 626.9892 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: 3:00 p.m., July 7, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: L. Dave Dempsey, Division of Insurance Fraud, Department of Insurance

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)922-3100, Ext. 4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

4K-1.001 Purpose and Scope.

The purpose of this rule chapter is to implement the provisions of Section 626.9892, F.S., to establish an Anti-Fraud Reward Program.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History—New _____.

4K-1.002 Application Process.

(1) Intake Documentation. The “Anti-Fraud Reward Applicant” is a person who calls or writes the Division of Insurance Fraud with information related to an alleged crime involving insurance fraud. Department of Insurance employees, licensed insurance companies, insurance agents and other entities licensed under the Florida Insurance Code and their employees are not eligible to participate in the Anti-Fraud Reward Program.

(a) A Division of Insurance Fraud hotline operator answering calls from the Anti-Fraud Reward Applicant will fill out a “Hotline Anti-Fraud Reward Sheet” which details the information provided by the Anti-Fraud Reward Applicant. The hotline operator will allow the Anti-Fraud Reward Applicant to give their information anonymously if requested. The written information will be processed in the same manner as information received by a telephone call.

(b) The Division of Insurance Fraud intake operator will assign a “Control Number” which is automatically generated by the entry of the data into a special Fraud Busters database. A control number will be assigned to every reward program call.

(c) If the Anti-Fraud Reward Applicant has not disclosed his or her name or other identifying information and has requested to remain anonymous, the Hotline supervisor or designee will give the Anti-Fraud Reward Applicant instructions and a control number or code regarding a “Call back schedule”, which simply tells the Anti-Fraud Reward Applicant what date, in monthly increments to call the supervisor back. This procedure will ensure that the anonymous caller can be notified when the case has reached a disposition.

(d) Information received in any Division of Fraud office located in the State can be nominated for the reward program, by notifying the hotline supervisor to generate the control number.

(2) Case Evaluation and Tracking.

(a) A Division of Insurance Fraud field Lieutenant will review the information and determine if the opening of a criminal case is warranted.

(b) Information resulting in an open case will be evaluated by the Lieutenant for the purpose of determining if the case fits the criteria for Major Case/Complex Case or Organized Crime as described in Rule 4K-1.003, F.A.C. The Lieutenant will document the results of the evaluation in the case-opening document for use in determining reward value. In the event no case is opened, the hotline supervisor will be notified by the field supervisor for documentation in the Reward Program's database.

(3) Case Disposition.

A case originating from information received from an Anti-Fraud Reward Program Applicant will be assigned by the Lieutenant to an investigator. Investigations which are declined will not be considered for reward. Investigations which are accepted will be considered for reward provided they are selected for prosecution.

Specific Authority 624.308, 626.9892 FS. Law Implemented 119.07, 624.305, 624.307, 626.989, 626.9892 FS. History—New _____.

4K-1.003 Review Process and Reward Criteria.

(1) All fraud program information resulting in arrest and prosecution will be treated as an "Application for Reward".

(2) Applications will be reviewed by a seven person "Review Committee", consisting of each of the three chapter presidents of the Florida Association of Special Investigation Units or their designee, three Division of Insurance Fraud Regional Captains, and the Division of Insurance Fraud Director or designee.

(3) The review committee will meet quarterly, or as needed to review the applications for reward, to recommend to the Insurance Commissioner if a reward should be given, and to determine the amount of the reward.

(4) Rewards of up to \$25,000 may be awarded regardless of the number of persons arrested and convicted in connection with the investigation.

(5) A single reward amount will be granted per investigation, although this amount can be split between multiple Anti-Fraud Reward Applicants.

(6) The criteria for evaluating the application is based on information submitted to the Division of Insurance Fraud after October 1, 1999, leading to the arrest and conviction of persons committing a complex or organized crime investigated by the Division of Insurance Fraud, arising out of a violation of Sections 440.105, 624.15, 626.9541, 626.989, or 817.234, F.S.

(7) Conviction as used in this rule means a judicial finding of guilt; a judicial finding of guilt in which adjudication is withheld; judicial acceptance of a negotiated plea; or judicial acceptance of a nolo contendere plea.

(8) "Complex Crime" as used in this rule means those cases meeting the Division of Insurance Fraud's "Major Case" definition, which involves one or more of the following characteristics:

(a) Multiple defendants is defined as five or more defendants.

(b) Criminal activity occurring in more than one jurisdiction, whether or not the case is accepted by the Statewide Prosecutor or U.S. Attorney.

(c) A case involving an aggregate value of loss over \$250,000.

(d) A case involving detailed records which require substantial analysis.

(e) Multiple victims or witnesses which includes cases where investigators other than the lead investigator may take witness statements.

(f) Specialized undercover investigations which may operate for more than one month.

(g) Task force operations involving agencies in addition to the Division of Insurance Fraud.

(h) Cases which are prosecuted in federal court.

(i) Insolvency investigations.

(j) Unauthorized entity investigations resulting in an arrest.

(9) Organized Crime means a systematic or on going course of activity involving at least two incidents of criminal conduct, involving violations of the listed offenses in 4K-1.003(8), F.A.C.

(10) Rewards shall be paid pursuant to the following schedule:

(a) A reward of up to \$25,000 may be granted for theft or fraud valued at \$1,000,000 or more.

(b) A reward of up to \$10,000 may be granted for theft or fraud valued at \$100,000 but less than \$1,000,000.

(c) A reward of up to \$5,000 may be granted for theft or fraud valued at \$20,000 but less than \$100,000.

(d) A reward of up to \$1,000 may be granted for theft or fraud valued less than \$20,000 but at least \$5,000.

(11) Actual monetary loss is not required for the information to result in a reward, however verification of the appraised value of the property involved will be a determining factor.

(12) Determination of the value of the property involved can be calculated from the value of the loss prevented or avoided; the value of the loss claimed or reported; or the value of the loss obtained or endeavored to be obtained.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History—New _____.

4K-1.004 Reward Disbursement.

(1) When a determination has been made by the Insurance Commissioner that a reward should be issued, the Anti-Fraud Reward Applicant will receive a check from the Department of Insurance and Treasurer Revolving Travel Reimbursement Trust Fund. The reward will be presented by a supervisor and at least one investigator as a witness from the Division of Insurance Fraud. At the time the Anti-Fraud Reward Applicant is given the reward he or she will be given a written notice explaining his or her responsibility to report this reward to the Internal Revenue Service.

(2) In the event the Anti-Fraud Reward Applicant wishes to remain anonymous, a supervisor and an investigator within the Division of Insurance Fraud will receive the check from the Department of Insurance and Treasurer Revolving Travel Reimbursement Fund and will negotiate the check for cash which will in turn be paid to the anonymous Anti-Fraud Reward Applicant. At the time the anonymous Anti-Fraud Reward Applicant is given the reward he or she will be given a written notice explaining his or her responsibility to report this reward to the Internal Revenue Service.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Sills, Insurance Fraud, Department of Insurance
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ron Poindexter, Division Director, Insurance Frauds, Department of Insurance
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 24, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Articulation Between Universities, Community Colleges, and School Districts

RULE NO.: 6A-10.024

PURPOSE AND EFFECT: The purpose of this amendment is to reflect changes in Section 240.115, Florida Statutes, made by the Legislature. Included in these changes was a requirement for the Articulation Agreement embodied in Rule 6A-10.024, FAC., to govern the articulation of applied technology diploma program graduates into associate degree programs.

SUMMARY: This amendment defines the Applied Technology Diploma, gives admission requirements, describes who may offer the programs, indicates required faculty credentials and requires that the information related to the guaranteed transfer will be documented and maintained in the Statewide Articulation Manual and in the Vocational Education Program Courses Standards.

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), 240.115(1) FS.

LAW IMPLEMENTED: 228.093(3)(d), 229.053(2)(c), 229.551(1)(f), 229.555(2), 229.814(5), 240.115, 240.116, 240.013 FS.

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

TIME AND DATE: 9:00 a.m., July 11, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nate Johnson, Office of Articulation, Department of Education, 325 West Gaines Street, Room 401, Tallahassee, Florida 32399, (850)922-0344

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.024 Articulation Between Universities, Community Colleges, and School Districts.

(1) through (6) No change.

(7) The Applied Technology Diploma (ATD) consists of a course of study that is part of an associate in science (A.S.) Or an associate in applied science degree (A.A.S.), is less than sixty (60) credit hours, is approximately fifty (50) percent of the technical component (non-general education), and leads to employment in a specific occupation. An applied technology diploma program may consist of either vocational credit or college credit.

(a) Students must have a high school diploma or the equivalent to be admitted to an applied technology diploma program. Within six (6) weeks of entry, students must be tested pursuant to Rule 6A-10.040, FAC., and, if below minimum standards for completion from the program as defined in the program standards document adopted in Rule 6A-6.0571, FAC., must receive remedial instruction. The minimum standards must be at least the equivalent of a score of ten (10) on all sections of any basic skills test approved in Rule 6A-10.040, FAC. Students must successfully complete all remedial instruction before completing the Applied Technology Diploma.

(b) Community colleges may offer either college or vocational credit toward the applied technology diploma. Vocational-technical centers may offer only vocational credits.

(c) All faculty providing instruction must have at least an associate degree in the specific instructional program area or meet the criteria for "exceptional cases" as defined by the Southern Association of Schools and Colleges.

(d) The information related to the guaranteed transfer of credit between an applied technology diploma program and associate in science or an associate in applied science degree must be documented and maintained in the Statewide Articulation Manual and the Vocational Education Program Courses Standards, which is incorporated by reference in Rule 6A-6.0571, FAC. The Statewide Articulation Manual and the Vocational Education Program Courses Standards shall include the following:

- 1. The total number of clock or credit hours within the program.
- 2. The associate degree into which the applied technology diploma is guaranteed to transfer.
- 3. The number of college credit hours guaranteed to transfer.
- 4. An effective date.

(e) The transfer of the applied technology diploma to an associate degree is guaranteed for a period of three (3) years following the date of the award of the applied technology diploma.

(f) Applied technology diploma students entering an associate degree program shall meet the admissions standards stipulated in Section 240.321, Florida Statutes. Additional admissions requirements for limited access programs may be established by the community college boards of trustees.

(7) through (21) renumbered (8) through (22) No change.

Specific Authority 229.053(1), 240.115(1) FS. Law Implemented 228.093(3)(d), 229.053(2)(c), 229.551(1)(f), 229.555(2), 229.814(5), 240.115, 240.116, 246.013 FS. History—New 5-5-75, Amended 10-7-75, 6-8-76, 8-22-77, 12-26-77, 3-28-78, 5-10-78, 7-2-79, 2-27-80, 5-27-81, 1-6-83, 4-5-83, 6-28-83, 1-9-85, Formerly 6A-10.24, Amended 8-4-86, 5-18-88, 5-29-90, 7-30-91, 10-4-93, 5-3-94, 1-2-95, 9-30-96, 6-15-99, 12-13-99,

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, 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 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 1999

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE CHAPTER TITLE: Commission for the Transportation Disadvantaged

RULE CHAPTER NO.: 41-2

RULE TITLES: Definitions

RULE NOS.: 41-2.002

Transportation Disadvantaged Trust Fund Grants Program

41-2.013
41-2.014

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend the existing rules that describe the policies and procedures for the implementation of the emergency fund and the distribution of moneys from the Transportation Disadvantaged Trust Fund.

SUMMARY: The amendments to the existing rule alter the policies and procedures for the implementation of the emergency fund and the distribution of moneys from the Transportation Disadvantaged Trust Fund. A rule development workshop was advertised on January 7, 2000. A rule development workshop was conducted on January 26, 2000, at the Commission for the Transportation Disadvantaged, Rhyne Building, 2740 Centerview Road, Tallahassee, Florida. Based upon the workshop and written comments, no changes to the proposed rule were made.

SPECIFIC AUTHORITY: 120.536(2) FS.

LAW IMPLEMENTED: Chapter 427 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The estimated regulatory cost will be minimal, if any.

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.

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., July 7, 2000

PLACE: Suite 1A, Rhyne Building, 2740 Centerview Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Jo Ann Hutchinson, Executive Director, Commission for the Transportation Disadvantaged, Mail Station 49, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)488-6036

THE FULL TEXT OF THE PROPOSED RULES IS:

41-2.002 Definitions.

For purposes of this rule chapter, the following definitions will apply:

(1) through (5) No change.

(6) "Emergency" means a sudden unexpected happening or occurrence or an unforeseen combination of circumstances, any occurrence, or threat thereof, whether accidental, natural or caused by man, in war or in peace, demanding immediate action, which results or may result in substantial denial of transportation services to a designated service area for the transportation disadvantaged population.

(7) "Emergency & Reserve Fund" means transportation disadvantaged trust fund monies set aside to address emergency or other authorized situations and which can be

utilized by direct contract, without competitive bidding, between the Commission and an entity to handle transportation services ~~during a time of emergency.~~

Specific Authority 427.013(9) FS. Law Implemented 427.011-.017 FS. History—New 5-2-90, Amended 6-17-92, 1-4-94, 7-11-95, 5-1-96, 10-1-96, 3-10-98,_____.

41-2.013 Transportation Disadvantaged Trust Fund.

(1)(a) The Commission shall annually evaluate and determine each year's distribution of the Transportation Disadvantaged Trust Fund. Funds available through the Transportation Disadvantaged Trust Fund for non-sponsored transportation services and planning activities shall be applied only after all other potential funding sources have been used and eliminated. Grant funds shall not be used to supplant or replace funding of transportation disadvantaged services which are currently funded to a recipient by any federal, state, or local governmental agency.

Monitoring of this mandate will be accomplished as needed by the Commission and all agencies funding transportation disadvantaged services.

The use of minority-owned businesses is encouraged, utilizing the most recent certified companies published by the Department of Management Services.

(2) Funds deposited and appropriated into the Trust Fund will be utilized for:

~~(a)(1) Commission administrative and operating expenses, including financial assistance, through a grant agreement, to designated official planning agencies to assist the Commission in implementing the program in each local area. The Commission shall request budget authority to establish a reserve fund to be used when estimated revenues are not collected and for an emergency fund to be used for transportation disadvantaged services in times of natural disasters, discontinuance of services or as otherwise directed by Commission for the Florida Transportation Disadvantaged 'Emergency Fund' Directives, dated July 1997, incorporated herein by reference.~~

~~(b)(2) A Grants Program to provide for the funding of non-sponsored trips, including the purchase of capital equipment.~~

~~(c) An Emergency & Reserve Fund as further described in subsection (3).~~

(3) The Commission hereby establishes an emergency fund to be used for transportation disadvantaged services in times of natural disasters or as otherwise directed by Commission and a reserve fund to be used when a community transportation coordinator experiences short-term financial difficulties. Emergency and reserve fund criteria and procedures are provided in the 'Emergency & Reserve Fund' Directives, dated June 1999, which are incorporated herein by reference.

Specific Authority 427.013(9) FS. Law Implemented 427.013, 427.0159, 427.016 FS. History—New 5-2-90, Amended 6-17-92, 1-5-93, 6-26-94, 7-11-95, 3-10-98,_____.

41-2.014 Grants Program.

(1) Eligible Applicants. Grant funds will be allocated annually to the following entities:

(a) Community Transportation Coordinators who have an executed Memorandum of Agreement.

(b) Metropolitan Planning Organizations or Designated Official Planning Agencies approved by the Commission.

(2) Types of Grants.

(a) Trip and Equipment Related. Trip and equipment related grant funds may be used for the provision of non-sponsored transportation disadvantaged services and for the purchase of capital equipment to be used for services provided to the transportation disadvantaged. Capital equipment expenditures will be limited to no more than 25% of the Commission participation and the required match.

(b) Planning Related. Planning related grant funds may be used by an eligible Metropolitan Planning Organization or Designated Official Planning Agency to assist the Commission in their responsibilities at the local level as identified in Chapter 427, Florida Statutes, including support to the local Coordinating Board ~~and capital equipment limited to no more than 15% of the Commission participation.~~

(3) Match Requirement. Eligible grant recipients for the trip and equipment grants only, must provide at least 10% of the total project cost as a local match. The match must be cash generated from local sources, except voluntary dollar collections. Voluntary dollar collections will be matched with in-kind sources.

(4) Distribution of Grant Funds. On or about December 15 of each year, the Commission shall allocate a portion identified as the Grants Program of the Transportation Disadvantaged Trust Fund in the following manner:

(a) An annual amount of ~~\$1,372,060~~ \$1,331,060 of the Grants Program shall be designated for planning grants to assist the Commission with implementation and maintenance of the program at the local level.

(b) The voluntary dollar collections will be returned to the county where said funds were collected. The voluntary dollar collections shall be designated for additional trips at the local level.

(c) The remaining portion of funds, except as specified in Rule Section 41-2.014(4)(b), will be appropriated for the Grants Program and designated for trip and equipment related grants, subject to limitations of Rule Section 41-2.014(1)(a) and (2)(a).

(5) Distribution of Trip and Equipment Related Grant Funds. Each eligible applicant's allocation will be determined for the county or counties within the designated service area for which the applicant provides coordinated transportation disadvantaged services.

(a) In order to maintain system and service stability, the Commission's Fiscal Year 93/94 Allocation of Trip and Equipment Grant Funds, dated 12/93, incorporated herein by reference, shall be the base allocation for each subsequent year's distribution for trip and equipment related grant funds. No county shall receive less than the base allocation unless the Commission's five year cash-flow forecast falls below the Fiscal Year 93/94 levels allocated to the trip and equipment grant related program.

(b) If the level of funding available for distribution to the trip and equipment grant program falls below the base as stated in Rule Section 41-2.014(5)(a), a proportionate adjustment to the base allocation will be made. Such adjustment will be based on the five year cash-flow forecast of the Commission and each county's share of the Fiscal Year ~~99/00~~ 93/94 trip and equipment related grant allocation.

(c) Allocation of additional trip and equipment grant funds above the amount used in the base allocation will be allocated to eligible applicants based on a comparative ranking of all eligible applicants in each of the following four categories:

1. The applicant's total county area in square miles as a percentage of the total square miles of all eligible applicants.
2. Total system passenger trips provided as a percentage of all eligible applicant trips reported.
3. Total system vehicle miles traveled as a percentage of all eligible applicants vehicle miles traveled and reported.
4. Total county population as a percentage of the total population of all eligible applicants.

(d) Each category will represent one fourth of the trip related grant funds.

(e) The latest required operational statistics report which is submitted by September 15 of each year will be used for obtaining the applicant's coordinated vehicle miles and coordinated passenger trips data. For purpose of this section, coordinated vehicle miles or passenger trips shall not include those services provided through an approved transportation alternative.

(6) Distribution of Planning Related Grants. Planning related grant funds will be apportioned for distribution to the planning agencies as follows:

(a) 25% of the planning allocation shall be divided into shares equal to the percentage of population each county has relative to the total state population, with each planning agency receiving a share for each county within its jurisdiction;

(b) 75% of the planning allocation shall be divided into shares equal to the number of counties ~~coordinating boards~~ throughout the state, with each planning agency receiving no more than one share for each county ~~coordinating board~~ within its jurisdiction. Eligible applicants not requiring the total amount of funding available may recommend to the Coordinating Board that any excess funds be allocated to the Community Transportation Coordinator for additional non-sponsored trip needs. The Commission shall reallocate any

eligible excess funds to that particular county or service area's normal allocation. A local cash match of at least 10% shall be required to obtain this additional allocation.

(7) All grant applicants will provide their request for funds to the Commission no later than October 1 each year, unless otherwise approved by the Commission.

(8) Prioritization of Non-sponsored Transportation Services. The Community Transportation Coordinator, with approval of the Coordinating Board, shall have the authority to prioritize trips for non-sponsored transportation disadvantaged services which are purchased with Transportation Disadvantaged Trust Funds. Any prioritization of trips or eligibility criteria which is developed shall consider all of the following criteria:

- (a) Cost Effectiveness and Efficiency
- (b) Purpose of Trip
- (c) Unmet Needs
- (d) Available Resources

Specific Authority 427.013(9) FS. Law Implemented 427.013, 427.0159, 427.016 FS. History--New 5-2-90, Amended 6-17-92, 7-21-93, 6-26-94, 10-1-96, 3-10-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jo Ann Hutchinson, Executive Director, Commission for the Transportation Disadvantaged

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Peter Gianino, Chair, Commission for the Transportation Disadvantaged

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2000

DEPARTMENT OF ELDER AFFAIRS

Emergency Home Energy Assistance

RULE TITLES:	RULE NOS.:
Purpose and Legal Base	58E-1.001
Referral Services	58E-1.002
Household Composition	58E-1.003
Eligibility Factors Other Than Income	58E-1.004
Determination of Eligibility Based on Income	58E-1.005
Income	58E-1.006
Verification	58E-1.007
Program Administration	58E-1.008
Eligible Activities	58E-1.009
Ineligible Activities	58E-1.010
Amount of Assistance	58E-1.011

PURPOSE AND EFFECT: This repeals all rules within Chapter 58E-1, FAC., Emergency Home Energy Assistance for the Elderly Program (EHEAP). The rules are no longer necessary. Due to time constraints, identical repeals originally noticed on February 11, 2000, were withdrawn and this is a renewal notice for repeal.

SUMMARY: Subsection 409.508(4), F.S., is the specific statutory authority vested in the Department of Community Affairs for rule-making relating to the low-income energy assistance program, of which EHEAP is a part. The Department of Elder Affairs administers EHEAP through an inter-agency agreement with the DCA in accordance with federal rules and regulations which govern the program. EHEAP rules were transferred to the Department of Elder Affairs from the former Department of Health and Rehabilitative Services by ch. 91-115(10), General Laws of Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 409.508(4) FS.

LAW IMPLEMENTED: 409.508 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., Monday, July 10, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE FULL TEXT OF THE PROPOSED RULES IS:

58E-1.001 Purpose and Legal Base.

Specific Authority 409.508(4), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 409.026, 409.508, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla. History—New 5-1-86, Amended 3-6-91, Formerly 10C-31.001, Amended 3-28-95, Repealed.

58E-1.002 Referral Services.

Specific Authority 409.508(4), 430.08 FS. Law Implemented 409.026, 409.508, 430.03(6) FS. History—New 5-1-86, Formerly 10C-31.002, Amended 3-28-95, Repealed.

58E-1.003 Household Composition.

Specific Authority 409.508(4), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 409.026, 409.508, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla. History—New 5-1-86, Amended 3-6-91, Formerly 10C-31.003, Amended 3-28-95, Repealed.

58E-1.004 Eligibility Factors Other Than Income.

Specific Authority 409.508(4), 430.08 FS., ch. 91-115, Laws of Fla. Law Implemented 409.026, 409.508, 430.03(6) FS. History—New 5-1-86, Formerly 10C-31.004, Amended 3-28-95, Repealed.

58E-1.005 Determination of Eligibility Based on Income.

Specific Authority 409.508(4), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 409.026, 409.508, 430.03(6) FS. History—New 5-1-86, Formerly 10C-31.005, Repromulgated 3-28-95, Repealed.

58E-1.006 Income.

Specific Authority 409.508(4), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 409.026, 409.508, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla. History—New 5-1-86, Formerly 10C-31.006, Repromulgated 3-28-95, Repealed.

58E-1.007 Verification.

Specific Authority 409.508(4), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 409.026, 409.508, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla. History—New 5-1-86, Amended 3-6-91, Formerly 10C-31.007, Amended 3-28-95, Repealed.

58E-1.008 Program Administration.

Specific Authority 409.508(4), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 409.026, 409.508, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla. History—New 5-1-86, Amended 3-6-91, Formerly 10C-31.008, Amended 3-28-95, Repealed.

58E-1.009 Eligible Activities.

Specific Authority 409.508(4), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 409.026, 409.508, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla. History—New 5-1-86, Formerly 10C-31.009, Amended 3-28-95, Repealed.

58E-1.010 Ineligible Activities.

Specific Authority 409.508(4), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 409.026, 409.508, 430.03(6) FS. History—New 5-1-86, Formerly 10C-31.010, Repromulgated 3-28-95, Repealed.

58E-1.011 Amount of Assistance.

Specific Authority 409.508(4), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 409.026, 409.508, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla. History—New 5-1-86, Amended 3-6-91, Formerly 10C-31.011, Amended 3-28-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Campbell, General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Gema Hernandez, Secretary, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: RULE NO.:

Notice of Mailing Address and 61G17-1.019
Places of Practice

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule addressing the notice of mailing addresses and places of practice.

SUMMARY: The Board deems it necessary to establish rules for updating and keeping current the mailing address and place of practice address of licensees holding a certificate of authorization.

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: 455.275 FS.

LAW IMPLEMENTED: 455.275 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-1.019 Notice of Mailing Address and Places of Practice.

(1) It shall be the duty and sole responsibility of each licensee and each corporation or partnership holding a certificate of authorization issued pursuant Section 472.021, F.S. to provide written notification to the Department of the licensee's or certificate of authorization holder's current mailing address and place of practice. Each licensee and certificate of authorization holder shall also provide written notification to the Department of any changes to the mailing address or any additions to or deletion from the reported place of practice within thirty (30) days after the occurrence of the change, addition, or deletion. It is requested that all licensees and corporation or partnership holding a certificate of authorization issued pursuant Section 472.021, F.S. provide the Department with their e-mail address when possible.

(2) The term "mailing address" shall mean the address at which the licensee and certificate of authorization holder wishes to receive all official communications, notifications, and correspondence from the Board or the Department through United States Postal Service delivery or for service of process.

(3) For licensees, the term "place of practice" shall mean the address of the primary location at which the licensee holds himself or herself out as qualified to engage in the practice of professional surveying and mapping.

(4) For each certificate of authorization holder, the term "place of practice" shall mean the address of the primary location where the certificate of authorization holder offers professional surveying and mapping services.

Specific Authority 455.275 FS. Law Implemented 455.275 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-02R

RULE CHAPTER TITLE: Stationary Sources – Preconstruction Review

RULE TITLE: Sulfur Storage and Handling Facilities

PURPOSE AND EFFECT: In amendments that became effective on March 13, 1996, certain existing provisions of Rule 62-210.400, FAC., were moved into Rule 62-212.600, FAC., while the remainder of Rule 62-210.400, FAC., was repealed. An unintended consequence of that rulemaking was to change the substantive effect of some of those existing provisions. The Department is proposing amendments to Rule 62-212.600, FAC., to restore, as nearly as possible, the original language of the aforementioned rules as they were adopted by Florida's Environmental Regulation Commission on February 27, 1985.

SUMMARY: Rule 62-212.600(3), FAC., is amended to restore language similar to that previously found at Rules 62-210.400(2)(b) and (c), FAC., and Rule 62-210.400(4)(a), FAC. In addition, the rule is amended to correct technical errors related to the determination of particle size distributions that resulted from the 1996 rulemaking.

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 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, 403.087 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.0872, 403.814 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: 1:30 p.m., Thursday, July 13, 2000

PLACE: Douglas Building, First Floor, Conference Room A, 3900 Commonwealth Blvd., Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Larry George, Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9555

THE FULL TEXT OF THE PROPOSED RULE IS:

62-212.600 Sulfur Storage and Handling Facilities.

(1) through (2) No change.

(3) Emission Estimates.

(a) For any of the purposes for which emission estimates may be used, the Department shall accept emission estimates other than those obtained by the procedures referenced or specified in this rule, if such estimates are based on emissions test data or ambient air quality test data obtained for a similar facility, and the permit applicant demonstrates to the Department that such emission estimates characterize the probable emissions that would result from the operation of the facility to which the estimates would apply. Appropriate emission estimates shall be provided for both the maximum annual average and maximum daily (24 hour) case.

(b) Nothing in this rule shall be construed to prevent the Department from using or requiring the use of the best available data to estimate the probable emissions from any emissions unit or to relieve the applicant from complying with all applicable emission limiting standards or other applicable provisions of the air pollution rules of the Department.

(c)(a) Except as otherwise provided in this rule, the particulate matter emission factor equations published by the U.S. Environmental Protection Agency in Section 11.2 13.2, Compilation of Air Pollution Emission Factors, AP-42, 3rd 5th Edition, Supplement No. 14 Volume I, May 1983 January 1995, shall be used to estimate the sulfur particulate emissions from solid sulfur storage and handling facilities. The emission factors referenced above shall be used to estimate the emitted sulfur particulate that would be measured by a high volume air sampler as specified in the reference sampling method for total suspended particulate.

(d)(b) All emissions estimates generated pursuant to this rule shall be supported by data that explain the basis for selecting the variables in the emission factor equations (e.g. moisture content, silt content, ambient wind speed, etc.). The emission factor variables shall be selected to represent the probable conditions for each operation under normal operating conditions. The silt content data used in the referenced

equations (minus 200 mesh U. S. screen) shall be based on or represent data obtained by dry sieving. The dry sieving shall be performed in accordance with methods specified in Rule 62-212.600(3)(c)(a), F.A.C., except that sieving shall not be performed for more than 40 minutes. Drying of the solid sulfur prior to sieving shall be performed at a temperature of 75 +/- 5 degrees C. Appropriate values shall be selected to estimate both the maximum annual average and maximum daily (24 hour) average emission rates for each emissions unit within the facility.

(e)(e) Sulfur Deposition Rate Emission Factors. The emission factors used to calculate the probable elemental sulfur deposition rates resulting from the operation of a sulfur storage or handling facility shall be estimated using the following procedure:

1. Solid Sulfur Storage and Handling Facility Deposition Emission Factors.

a. through b. No change.

c. Using the particle size distribution table below equation in Rule 62-212.600(3)(e)4., F.A.C., and the estimated weight of all particles emitted to the atmosphere, calculate the weight of particles in each of the size ranges to be used in the deposition calculations.

Size Distribution of Total Particles Emitted During the Uncontrolled Handling of Solid Sulfur

(Percent by Weight Less than the Stated Aerodynamic Diameter)

<u>Particle Diameter*(microns)</u>	<u>Percent by Weight Less Than</u>
300	99.9
200	97.0
100	83.5
75	74.0
50	63.5
30	48.0
10	24.0
2.5	7.5

*Use linear interpolation to calculate the weight percent less than or greater than a specific diameter value that is between two of the listed values.

2. Molten Sulfur Storage and Handling Facility Deposition Emission Factors.

a. through b. No change.

c. Using the particle size distribution equation in Rule 62-212.600(3)(e)4., F.A.C., and the weight of all particles emitted to the atmosphere, calculate the weight of particles in each of the size ranges to be used in the deposition calculations.

3. No change.

4. For calculating the deposition rates, determine the representative weight of the particles emitted to the atmosphere in each interval as specified above and assume that all particles within each selected interval have a particle diameter equal to the mass mean diameter of the range. The mass mean diameter is given by:

$$d = [(d_2^3 + d_1^2 d_2 + d_1 d_2^2 + d_1^3)]^{1/3}$$

where: d₁ is the lower bound of the particle size interval and d₂ is the upper bound of the particle size interval.

~~The particle size distribution equation is given by:~~

~~$$D = 236.4e^{-0.0423W}$$~~

~~where: D is the particle size diameter (microns) and W is the weight percent greater than stated size.~~

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.540, 17-212.600, Amended 11-23-94, 1-1-96, 3-13-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Howard L. Rhodes, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, Deputy Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 17, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-08R

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Drinking Water Standards, 62-550
Monitoring, and Reporting

RULE TITLES: RULE NOS.:
Definitions for Public Water Systems 62-550.200

Primary Drinking Water Standards Maximum Contaminant Levels 62-550.310

General Requirements for Unregulated Contaminants 62-550.400

Group I Unregulated Organic Contaminants 62-550.405

Group II Unregulated Organic Contaminants 62-550.410

Group III Unregulated Organic Contaminants 62-550.415

General Monitoring Requirements for Contaminants 62-550.500

Nitrate and Nitrite Monitoring Requirements 62-550.512

Physical Characteristics Monitoring Requirements 62-550.517

Microbiological Monitoring Requirements Unregulated Contaminants 62-550.518

Monitoring Requirements 62-550.521

Approved Laboratories and Analytical Methods for Public Water Systems 62-550.550

Public Water System Monitoring Information and Monitoring Schedule 62-550.590

Reporting Requirements for Public Water Systems 62-550.730

Control of Lead and Copper 62-550.800

Consumer Confidence Report 62-550.824

PURPOSE, EFFECT AND SUMMARY: The proposed amendments adopt by reference the Federal Lead and Copper Rule Minor Revisions, as published in the Federal Register, Vol. 65, No. 8, Wednesday, January 12, 2000, pp. 1950-2014, and the Analytical Methods for Chemical and Microbiological Contaminants Rule Revisions, as published in the Federal Register, Vol. 64, No. 8, Wednesday, December 1, 1999, pp. 67450-67467. Also, the amendments repeal the state requirement to monitor for unregulated contaminants in response to a rule published in the Federal Register, Vol. 64, No. 180, Friday, September 17, 1999, pp. 50556-50620. Finally, the amendments revise the definitions of “non-community water system” and “public water system” and add a definition for “transient non-community water system” to conform to the U.S. Environmental Protection Agency’s definitions contained in 40 CFR 141.2.

SPECIFIC AUTHORITY: 403.853(3), 403.861(9),(16),(17) FS.

LAW IMPLEMENTED 403.852(12),(13), 403.853, 403.853(1),(3),(7), 403.859(1), 403.861(16),(17), 403.8615, 403.862 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, FLORIDA STATUTES.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Michael D. LeRoy, P.E., Department of Environmental Protection, 2600 Blair Stone Road, MS 3520, Tallahassee, Florida 32399-2400

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-550.200 Definitions for Public Water Systems.

For the purpose of this chapter and chapters 62-555 and 62-560, F.A.C., the following words, phrases, or terms shall have the following meaning:

(1) through (52) No change.

(53) “NON-COMMUNITY WATER SYSTEM” means a public water system that is not a community water system. A non-community water system is either a “transient non-community water system” (TWS) or a “non-transient non-community water system” (NTNCWS). (Effective date August 1, 2000.) See the Code of Federal Regulations (C.F.R.),

~~title 40, part 141, section 2 which provides piped water for human consumption to at least 15 service connections or which serves at least 25 individuals at least 60 days out of the year but which is not a community water system. NOTE: The difference between community water systems and non-community water systems is that the former serves inhabitants whereas the latter serves transients or non-residents who otherwise do not inhabit the building served by the system. Other public water systems are addressed in Chapter 64E-8, F.A.C.~~

(54) through (60) No change.

~~(61) "PUBLIC WATER SYSTEM" or "PWS" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any "special irrigation district." A public water system is either a "community water system" or a "non-community water system." See the Code of Federal Regulations (C.F.R.), title 40, part 141, section 2. (Effective date August 1, 2000) that provides piped water to the public for human consumption, if it has at least fifteen service connections or regularly serves at least twenty-five individuals daily at least 60 days out of the year. Such terms include: 1) any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system; and 2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is a "community water system," a "non-community water system," or a "non-transient non-community water system".~~

(62) through (79) No change.

~~(80) "TRANSIENT NON-COMMUNITY WATER SYSTEM" or "TWS" means a non-community water system that does not regularly serve at least 25 of the same persons over six months per year. See the Code of Federal Regulations (C.F.R.), title 40, part 141, section 2. (Effective date August 1, 2000)~~

(80) through (83) renumbered (81) through (84) No change.

~~(85)(84) "WAIVER" means approval from the Department for reduction of chlorination, elimination of disinfection requirements or certified water plant operator requirements for transient non-community or non-transient non-community water systems using only ground water not~~

~~under the direct influence of surface water, or the reduction of the monitoring requirements for organic contaminants listed in Rules 62-550.310(2)(a) and (b) and (e), F.A.C.~~

(85) through (86) renumbered (86) through (87) No change.

~~Specific Authority 403.861(9) FS. Law Implemented 403.853, 403.8615, 403.862 FS. History-New 11-9-77, Amended 1-13-81, 11-19-87, Formerly 17-22.103, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, Formerly 17-550.200, Amended 9-7-94, 12-9-96, 9-22-99, _____.~~

62-550.310 Primary Drinking Water Standards Maximum Contaminant Levels.

(These standards may also apply as ground water quality standards as referenced in Chapter 62-520, F.A.C.)

(1) INORGANICS – Except for nitrate and nitrite, which apply to all public water systems, this subsection applies to community water systems and non-transient non-community water systems only.

(a) No change.

(b) The maximum contaminant level for nitrate (as N) applicable to transient non-community water systems is 10 milligrams per liter. The Department or Approved County Health Department shall allow a contaminant level for nitrate (as N) of up to 20 milligrams per liter upon a showing by the supplier of water that the following conditions are met:

1. through (2) No change.

(3) MICROBIOLOGICAL – This subsection applies to all public water systems. Monitoring requirements to demonstrate compliance with this subsection are defined in Rule 62-550.518, F.A.C.

(a) through (b) No change.

(c) A public water system shall determine compliance with the maximum contaminant level for total coliforms in paragraphs (a) and (b) or this subsection for each month (or quarter for transient non-community water systems which serve 1,000 or fewer persons) in which it is required to monitor for total coliforms.

(4) No change.

~~Specific Authority 403.861(9) FS. Law Implemented 403.852(12), 403.853(1) FS. History-New 11-19-87, Formerly 17-22.210, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, 1-26-93, 7-4-93, Formerly 17-550.310, Amended 9-7-94, _____.~~

62-550.400 General Requirements for Unregulated Contaminants.

All community and non-transient non-community water systems shall monitor for ~~the~~ unregulated contaminants when and as directed by the U.S. Environmental Protection Agency. (Effective date August 1, 2000) listed in Rules 62-550.405 and 62-550.410 F.A.C.

~~Specific Authority 403.861(9),(16),(17) FS. Law Implemented 403.853(1),(3),(7) FS. History-New 1-18-89, Amended 5-7-90, 1-1-93, Formerly 17-550.400, Amended _____.~~

62-550.405 Group I Unregulated Organic Contaminants.

Specific Authority 403.861(9) FS. Law Implemented 403.853(1),(3), 403.861(16),(17) FS. History--New 1-1-93, Amended 1-26-93, Formerly 17-550.405, Amended 9-7-94, Repealed.

62-550.410 Group II Unregulated Organic Contaminants.

Specific Authority 403.861(9) FS. Law Implemented 403.853(1),(3), 403.861(16),(17) FS. History--Formerly 17-550.310(8), Amended 1-1-93, 1-26-93, 7-4-93, Formerly 17-550.410, Amended 9-7-94, Repealed.

62-550.415 Group III Unregulated Organic Contaminants.

Specific Authority 403.861(9) FS. Law Implemented 403.853(1),(3), 403.861(16),(17) FS. History--New 9-7-94, Repealed.

62-550.500 General Monitoring Requirements for Contaminants.

These general requirements shall apply unless other monitoring is required for a specific contaminant as specified in Rules 62-550.510 through 62-550.540, F.A.C.

(1) No change.

(2) Monitoring Frequencies. Table 5 & summarizes the monitoring frequencies for each group of contaminants.

(3) Monitoring Schedule. Each public water system shall monitor at the time designated by this part during each compliance cycle and compliance period. Table 6 9 summarizes when each public water system shall perform its monitoring.

(a) through (e) No change.

(f) Upon request, small community systems and non-transient non-community systems shall be approved to monitor during earlier compliance periods than required by Table 6 9.

(4) through (5) No change.

(6) Confirmation Samples. The system shall take confirmation samples whenever a sample exceeds the maximum contaminant level for nitrate or nitrite, or whenever an unregulated contaminant ~~listed in Rule 62-550.405, 62-550.410, or 62-550.415, F.A.C.,~~ is detected. However, a system may take confirmation samples for other contaminants. If confirmation samples are taken, the results shall be averaged with the first sampling results and the average used for the compliance determination as specified by subsection (7) (9) below. Confirmation samples shall be collected at the same sampling point as soon as possible after the initial sample was taken, but not to exceed two weeks. The Department shall delete results of obvious sampling errors from this calculation.

(7) through (10) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.853(1),(3), 403.859(1), 403.861(16),(17) FS. History--New 11-19-87, Formerly 17-22.300, Amended 1-18-89, 5-7-90, 1-1-93, 1-26-93, 7-4-93, Formerly 17-550.500, Amended 9-7-94, _____.

62-550.512 Nitrate and Nitrite Monitoring Requirements.

All public water systems shall monitor to determine compliance with the maximum contaminant levels for nitrate and nitrite specified in Rule 62-550.310(1)(a), F.A.C.

(1) No change.

(2) Each transient non-community water system shall monitor annually. The monitoring frequency for any transient non-community water system shall be quarterly for at least one year following any one sample in which the concentration of nitrite is greater than or equal to 50 percent of the maximum contaminant level as specified in Table 1, and which requirement is set out in Table 5 &. Both tables are incorporated herein and appear at the end of this chapter. The system may return to annual monitoring when the running annual average is less than the maximum contaminant level.

(3) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History--New 1-1-93, Amended 7-4-93, Formerly 17-550.512, Amended 9-7-94, 2-7-95, _____.

62-550.517 Physical Characteristics Monitoring Requirements.

(1) All community, non-transient non-community, and transient non-community public water systems that use any surface water sources, or ground water sources under the direct influence of surface water, shall monitor for turbidity pursuant to Rule 62-550.560, F.A.C.

(2) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History--New 1-1-93, Amended 7-4-93, Formerly 17-550.517, Amended 9-7-94, _____.

62-550.518 Microbiological Monitoring Requirements.

(1) No change.

(2) Total coliform samples shall be taken at regular intervals and in numbers proportionate to the population served by the system. Community water systems, non-transient non-community water systems, transient non-community water systems that use surface water, and transient non-community water systems that serve more than 1,000 persons per day during any one month shall take monthly samples. In addition, a minimum of one representative raw water sample per month shall be taken. In no event shall the number of distribution samples be less than as set forth below:

(3) A transient non-community water system that serves 1,000 or fewer persons shall monitor at the rate of two samples in each calendar quarter during which the system provides water to the public. In addition, a minimum of one raw sample shall be collected per quarter.

(4) through (7) No change.

(8) Repeat monitoring.

(a) If a routine sample is total coliform-positive, the public water system shall collect a set of repeat samples within 24 hours of being notified of the positive result. The system shall collect all repeat samples on the same day. A system that collects monthly routine distribution samples shall collect no fewer than three repeat samples for each total coliform-positive sample found. A transient non-community water system that

serves 1,000 or fewer persons shall collect no fewer than four repeat samples for each total coliform-positive sample found. The Department shall extend the 24-hour limit on a case-by-case basis if the system has a logistical problem that is beyond its control in collecting the repeat samples within 24 hours. If an extension is granted, the Department shall specify how much time the system has to collect the repeat samples.

(b) through (12) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3),(7), 403.861(16),(17) FS. History—New 1-1-93, Amended 7-4-93, Formerly 17-550.518, Amended 9-7-94, 2-7-95,_____.

62-550.521 Unregulated Contaminants Monitoring Requirements.

~~(1) Monitoring for the Group I Unregulated Organic Contaminants listed in Rule 62-550.405, F.A.C., shall be conducted by each community and non-transient non-community water system. Such systems shall take four consecutive quarterly samples at each sampling point and report the results to the Department. Samples shall be taken pursuant to Rule 62-550.500(3)(c), F.A.C., and Table 9. Repeat monitoring in future years is not required. Systems which have previously monitored for these contaminants may use those results to satisfy this requirement.~~

~~(2) Monitoring for the Group II Unregulated Organic Contaminants listed in Rule 62-550.410, F.A.C., shall be conducted by each community and non-transient non-community water system. Such systems shall take one sample during each compliance period at each sampling point for the listed contaminants and report the results to the Department. Samples shall be taken pursuant to Rule 62-550.500(3)(c), F.A.C., and Table 9.~~

~~(3) Monitoring for the Group III Unregulated Organic Contaminants listed in Rule 62-550.415, F.A.C., shall be conducted by each community and non-transient non-community water system. Such systems shall take one sample at each sampling point and report the results to the Department. Samples shall be taken pursuant to Rule 62-550.500(3)(c), F.A.C., and Table 9. Repeat monitoring in future years is not required. Systems which have previously monitored for these contaminants may use those results to satisfy this requirement.~~

~~(4) Instead of performing the monitoring required by this section, a community water system or non-transient non-community water system serving fewer than 150 service connections and fewer than 350 persons may send a letter to the Department stating that the system is available for sampling. This letter shall be sent to the Department by January 1, 1994 for community systems and by January 1, 1995 for non-transient non-community systems. Normally, these small systems will not be required to monitor for unregulated contaminants, and they shall not send such samples to the Department unless requested to do so by the Department.~~

(5) If a sample analysis shows the presence of an unregulated contaminant, the supplier of water shall take a confirmation sample in accordance with Rule 62-550.500(6), F.A.C., and notify the Department within seven days after the result of the confirmation sample is received. If the presence of the contaminant is determined by the State Health Officer and the Department to constitute an unreasonable risk to health, corrective action, including additional monitoring, shall be taken by the supplier of water as approved by the Department, pursuant to Rule 62-560.700, F.A.C., based on the potential health risks of the contaminant level, the estimated time needed to take corrective action, and any other data known to the Department.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3), 403.861(16),(17) FS. History—New 1-1-93, Amended 7-4-93, Formerly 17-550.521, Amended 9-7-94, 2-7-95,_____.

62-550.550 Approved Laboratories and Analytical Methods for Public Water Systems.

(1) To determine compliance with Rules 62-550.310, 62-550.320, and 62-550.800, 62-550.510 through 62-550.540, F.A.C., samples for compliance monitoring are acceptable only if they have been analyzed by a laboratory approved by the Department of Health, ~~in accordance with Chapter 10D-41, F.A.C.~~ The approved analytical methods shall be used and are contained in the Code of Federal Regulations (C.F.R.) title 40, part 141, sections 21, 23, 24, 25, 27, 74, 89, and 131 (1999); in 40 C.F.R. part 143, section 4 (1999); and on pages 67450 through 67467 of the December 1, 1999 Federal Register, and are adopted and incorporated by reference. (Effective date August 1, 2000) ~~The use of an alternative analytical technique shall not decrease the monitoring frequency required in this Part.~~ Use of an alternative analytical technique requires written permission from the Department and U.S. Environmental Protection Agency of Health Rehabilitative Services, pursuant to Chapter 10D-41, F.A.C.

(2) Measurements for residual disinfectant concentration, and field measurements of dissolved oxygen, conductivity, temperature, alkalinity, calcium, orthophosphate, turbidity, silica, bromide, total organic carbon, specific ultraviolet absorbance, and pH may be performed by any supplier of water in accordance with the appropriate methodology referenced above in Standard Methods for the Examination of Water and Wastewater, 16th Edition, which is hereby incorporated by reference. (Effective date August 1, 2000) ~~The measurement for turbidity may be performed by any supplier of water in accordance with the Nephelometric Method in Standard Methods for the Examination of Water and Wastewater, 16th Edition. However, for surface water systems, measurements for pH, temperature, turbidity, and residual disinfectant concentrations~~ Such measurements shall be conducted by any authorized representative of the supplier of water under the supervision of a drinking water plant operator

~~certified under Chapter 62-602, F.A.C.~~ The State may take and analyze samples and use the results to determine compliance with the applicable requirements of this Chapter.

(3) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3), 403.861(16),(17) FS. History–New 11-19-87, Formerly 17-22.350, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, 1-26-93, Formerly 17-550.550, Amended 9-7-94, 2-7-95, _____.

62-550.590 Public Water System Monitoring Information and Monitoring Schedule.

(1) Table 5 8 summarizes the base monitoring frequencies which apply to public water systems in determining compliance with the rules set forth in this Part.

(2) Table 6 9 contains the monitoring schedule that all public water systems shall follow.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1),(3), 403.861(16),(17) FS. History–New 1-18-89, Amended 1-3-91, 1-1-93, Formerly 17-550.590, Amended 9-7-94, _____.

62-550.730 Reporting Requirements for Public Water Systems.

Suppliers of water and DOH certified laboratories shall report as follows:

(1) Suppliers of water.

(a) No change.

(b) The supplier of water shall use the approved DEP computer format for reporting all water analysis results, available from the Department's Drinking Water Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The supplier of water shall completely fill out the analysis forms in non-erasable ink, ~~or~~ on a typewriter, or using a computer generated format and shall include, at a minimum the following information:

1. through 4. No change.

5. Type of water system. The sample form shall clearly show if the water system is a community, transient non-community, or non-transient non-community, ~~or other public water system.~~

6. through (5) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.852(12),(13), 403.853(3), 403.861(16),(17) FS. History–New 11-19-87, Formerly 17-22.830, Amended 1-18-89, 1-3-91, 1-1-93, Formerly 17-550.730, Amended 9-7-94, 2-7-95, 12-9-96, _____.

62-550.800 Control of Lead and Copper.

In addition to the requirements of this chapter, the standards and criteria contained in the Code of Federal Regulations (C.F.R.), title 40, part 141, sections 80 through 91, ~~(1999)~~ (1995), and changes to those sections as published on pages 1950 through 2015 of the January 12, 2000 Federal Register. are adopted by reference and enforceable under this rule. (Effective date August 1, 2000)

Specific Authority 403.861(9) FS. Law Implemented 403.853 FS. History–New 12-9-96, Amended _____.

62-550.824 Consumer Confidence Reports.

These rules are intended to implement the National Primary Drinking Water Regulations that require community water systems to prepare and provide to their customers annual consumer confidence reports on the quality of the water delivered by the systems. In addition to the requirements of this rule, the standards and criteria contained in the following regulations are adopted by reference and enforceable under this rule: Code of Federal Regulations (CFR), Title 40, Part 141, Subpart O, Sections 151 and 153 through 155, the Appendices to Subpart O, the amendments to Subpart O (1998 *Federal Register*, pages 44526-44536 and pages 69475 and 69516), and the corrections to the Code of Federal Regulations (CFR), Title 40, Part 141, Subpart O (1999 *Federal Register*, pages 34732-34733).

(1) Additional Report Content Requirements. In addition to the requirements of 40 CFR 141.153, the following requirements shall apply:

(a) through (c) No change.

(d) Unregulated Contaminants. Systems shall report analytical results when there are detections of unregulated contaminants ~~Listed in Rules 62-550.521(1),(2), and (3), F.A.C., when monitoring is performed to comply with the requirements of these rules.~~

(e) through (3) No change.

Specific Authority 403.861(9),(16),(17) FS. Law Implemented 403.853(3),(4) FS. History–New 9-22-99, Amended _____.

TABLE 5
GROUP I UNREGULATED ORGANIC CONTAMINANTS

FEDERAL CONTAMINANT ID NUMBER	CONTAMINANT & CAS NUMBER*
2066	3-Hydroxycarbofuran (16655-82-6)
2047	Aldicarb (116-06-3)
2044	Aldicarb sulfone (1646-88-4)
2043	Aldicarb sulfoxide (1646-87-3)
2356	Aldrin (309-00-2)
2076	Butachlor (23184-66-9)
2021	Carbaryl (63-25-2)
2440	Dicamba (1918-00-9)
2364	Dieldrin (60-57-1)
2022	Methomyl (16752-77-5)
2045	Metolachlor (51218-45-2)
2595	Metribuzin (21087-69-9)
2077	Propachlor (1918-16-7)

*CAS NUMBER = Chemical Abstract System Number

TABLE 6
GROUP II UNREGULATED ORGANIC CONTAMINANTS

FEDERAL CONTAMINANT ID NUMBER	CONTAMINANT & CAS NUMBER*
2410	1,1-dichloropropylene (563-58-6)
2978	1,1-dichloroethane (75-34-3)
2986	1,1,1,2-tetrachloroethane (630-20-6)
2988	1,1,2,2-tetrachloroethane (79-34-6)
2414	1,2,3-trichloropropane (96-18-4)
2412	1,3-dichloropropane (142-28-9)
2413	1,3-dichloropropene (542-75-6)
2416	2,2-dichloropropane (594-20-7)
2993	Bromobenzene (108-86-1)
2943	Bromodichloromethane (75-27-4)
2942	Bromoform (75-25-2)
2214	Bromomethane (74-83-9)
2216	Chloroethane (75-00-3)
2941	Chloroform (67-66-3)
2210	Chloromethane (74-87-3)
2944	Dibromochloromethane (124-48-1)
2408	Dibromomethane (74-95-3)
2212	Dichlorodifluoromethane (75-71-8)
2967	m-dichlorobenzene (541-73-1)
2251	Methyl tert-butyl ether (MTBE) (1634-04-4)
2965	o-chlorotoluene (95-49-8)
2966	p-chlorotoluene (106-43-4)
2218	Trichlorofluoromethane (75-69-4)

* CAS NUMBER = Chemical Abstract System Number

TABLE 7
GROUP III UNREGULATED ORGANIC CONTAMINANTS

FEDERAL CONTAMINANT ID NUMBER	CONTAMINANT & CAS NUMBER*
9112	2-methyl-4,6-dinitrophenol (534-52-1)
9108	2-chlorophenol (95-57-8)
2270	2,4-dinitrotoluene (121-14-2)
9116	2,4,6-trichlorophenol (88-06-2)
2294	Butyl benzyl phthalate (85-68-7)
2290	Di-n-butylphthalate (84-74-2)
2284	Diethylphthalate (84-66-2)
2282	Dimethylphthalate (131-11-3)
9089	Dioctylphthalate (117-84-0)
2262	Isophorone (78-59-1)
9115	Phenol (108-95-2)

* CAS NUMBER = Chemical Abstract System Number

INSERT TABLE
62-550 – 1 OF 4

INSERT TABLE
62-550 – 2 OF 4

INSERT TABLE
62-550 – 3 OF 4

INSERT TABLE
62-550 – 4 OF 4

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Change of Status Fee

RULE NO.: 64B3-9.013

PURPOSE AND EFFECT: The Board is repealing the rule.

SUMMARY: The rule is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 483.807(1), 455.711(5), 483.819(1) FS.

LAW IMPLEMENTED: 483.807(1), 455.711(5), 483.819(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-9.013 Change of Status Fee.

Specific Authority 483.807(1), 455.711(5), 483.819(1) FS. Law Implemented 483.807(1), 455.711(5), 483.819(1) FS. History—New 4-9-00, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2000

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

RULE NO.: 64B10-14.004

PURPOSE AND EFFECT: The Board has determined that amendments are necessary to update the rule text.

SUMMARY: The Board has determined that a substantial rewording of this rule is necessary to update the rule text with regards to the disciplinary guidelines; the range of penalties; and the aggravating and mitigating circumstances.

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), 468.1685(1) FS.

LAW IMPLEMENTED: 455.627, 468.1685(4),(5),(6) 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: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B10-14.004 follows: See Florida Administrative Code for present text)

64B10-14.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating Chapter 468, Part II, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 468. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapter 468, Part II, or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, reprimand, or probation which may be included in the final penalty at the Board's discretion.

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

	<u>Minimum</u>	<u>Maximum</u>
<u>(a) Violation of 468.1745(1)(a), (b),(c) or (e), 468.1755(1)(a), F.S., unlicensed practice by an applicant for licensure.</u>		
<u>First Offense:</u>	<u>reprimand and \$500 fine</u>	<u>probation and \$500 fine</u>
<u>Second Offense:</u>	<u>probation and \$1000 fine</u>	<u>denial/ revocation and \$1000 fine</u>

(b) Giving false or forged evidence to obtain a license. (468.1745(1)(d), 468.1755(1)(a), F.S.)

<u>First Offense:</u>	<u>probation and \$500 fine</u>	<u>denial/ revocation \$500 fine</u>
<u>Second Offense:</u>	<u>6 months suspension followed by probation and \$1000</u>	<u>denial/ revocation and \$1000 fine</u>

(c) Knowingly employ unlicensed persons. (455.624(1)(j), 468.1745(1)(f), 468.1755(1)(a), F.S.)

<u>First Offense:</u>	<u>reprimand and \$500 fine</u>	<u>probation and \$500 fine</u>
<u>Second Offense:</u>	<u>probation and \$500 fine</u>	<u>6 month suspension followed by probation and \$1000 fine</u>
<u>Third Offense:</u>	<u>6 months suspension followed by probation and \$1000</u>	<u>revocation and \$1000 fine</u>

(d) Knowingly conceal violations of this act. (468.1745(1)(g), 468.1755(1)(a), F.S.)

<u>First Offense:</u>	<u>\$500 fine</u>	<u>\$1000 fine</u>
<u>Second Offense:</u>	<u>\$1000 fine</u>	<u>probation and \$1000 fine</u>
<u>Third Offense:</u>	<u>probation and \$1000 fine</u>	<u>1 year suspension followed by probation and \$1000 fine</u>

(e) Attempting to procure license by bribery, fraudulent misrepresentation or error of the Department or Board. (455.624(1)(h), 468.1755(1)(b), F.S.)

<u>First Offense:</u>	<u>probation and \$500 fine</u>	<u>denial/ revocation \$500 fine</u>
<u>Second Offense:</u>	<u>6 months suspension followed by probation and \$1000 fine</u>	<u>denial/ revocation and \$1000 fine</u>

(f) License disciplined by another jurisdiction. (455.624(1)(f), 468.1755(1)(c), F.S.)

Same penalty as imposed by other jurisdiction, if consistent with Florida law and these guidelines for similar cases

(g) Criminal conviction relating to practice or ability to practice nursing home administration. (455.624(1)(c), 468.1755(1)(d), F.S.)

<u>First Offense:</u>	<u>reprimand and \$1000 fine</u>	<u>1 year suspension followed by probation and \$1000 fine/ denial</u>
<u>Second Offense:</u>	<u>1 year suspension followed by probation and \$1000 fine</u>	<u>revocation and \$1000 fine</u>

(h) Knowingly making or filing false report. (455.624(1)(l), 468.1755(1)(e), F.S.)

<u>First Offense:</u>	<u>reprimand and \$1000 fine</u>	<u>1 year suspension followed by probation and \$1000 fine/ denial</u>
<u>Second Offense:</u>	<u>1 year suspension followed by probation and \$1000 fine</u>	<u>revocation and \$1000 fine</u>

(i) Fraudulent, false, deceptive or misleading advertising. (468.1755(1)(f), F.S.)

<u>First Offense:</u>	<u>reprimand \$500 fine</u>	<u>\$500 fine</u>
<u>Second Offense:</u>	<u>\$500 fine</u>	<u>\$1000 fine</u>
<u>Third Offense:</u>	<u>reprimand and \$1000 fine</u>	<u>probation and \$1000 fine</u>

(j) Fraud or deceit in the practice of nursing home administration. (468.1755(1)(g), F.S.)

<u>First Offense:</u>	<u>reprimand and \$1000 fine</u>	<u>1 year suspension followed by probation and \$1000 fine</u>
<u>Second Offense:</u>	<u>1 year suspension followed by probation and \$1000 fine</u>	<u>revocation and \$1000 fine</u>

(k) Negligence or incompetence in the practice of nursing home administration. (468.1755(1)(g), F.S.)

<u>First Offense:</u>	<u>reprimand and \$1000 fine</u>	<u>1 year suspension followed by probation and \$1000 fine</u>
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<p><u>Second Offense:</u></p> <p>(l) <u>Misconduct in the practice of nursing home administration including but not limited to: trust fund violations, Medicaid/insurance fraud, exploitation of a patient, and undue influence of a patient. (468.1755(1)(g), F.S.)</u></p> <p><u>First Offense:</u></p> <p><u>Second Offense:</u></p> <p>(m) <u>Violation of previous disciplinary order or subpoena issued by the Board or Department. (455.624(1)(q), 468.1755(1)(i), F.S.)</u></p> <p><u>First Offense:</u></p> <p><u>Second Offense:</u></p> <p>(n) <u>Practice on a revoked license. (468.1755(1)(j), F.S.)</u></p> <p><u>First Offense:</u></p> <p><u>Second Offense:</u></p> <p>(o) <u>Practice on a suspended license. (468.1755(1)(j), F.S.)</u></p> <p><u>First Offense:</u></p> <p><u>Second Offense:</u></p>	<p><u>1 year suspension followed by probation and \$1000 fine</u></p> <p><u>reprimand and \$1000 fine</u></p> <p><u>1 year suspension followed by probation and \$1000 fine</u></p> <p><u>\$1000 fine</u></p> <p><u>6 months suspension followed by probation and \$1000 fine</u></p> <p><u>\$500 fine</u></p> <p><u>\$500 and denial of future applications</u></p> <p><u>\$1000 fine</u></p> <p><u>6 months suspension followed by probation and \$1000 fine</u></p> <p><u>6 months suspension followed by probation and \$1000 fine</u></p>	<p><u>revocation and \$1000 fine</u></p> <p><u>1 year suspension followed by probation and \$1000 fine</u></p> <p><u>6 months suspension followed by probation and \$1000 fine</u></p> <p><u>6 months suspension followed by probation and \$1000 fine</u></p> <p><u>1000 fine</u></p> <p><u>\$1000 fine and denial of future applications</u></p> <p><u>6 months suspension followed by probation and \$1000 fine</u></p> <p><u>revocation and \$1000 fine</u></p>	<p>(p) <u>Practice on an inactive license. (468.1755(1)(j), F.S.)</u></p> <p><u>First Offense:</u></p> <p><u>Second Offense:</u></p> <p>(q) <u>Repeatedly acting inconsistently with health, safety and welfare of patients. (468.1755(1)(k), F.S.)</u></p> <p><u>First Offense:</u></p> <p><u>Second Offense:</u></p> <p>(r) <u>Inability to practice with skill and safety due to mental or physical impairment. (468.1755(1)(l), F.S.)</u></p> <p><u>First Offense:</u></p> <p><u>Second Offense:</u></p> <p><u>Third Offense:</u></p>	<p><u>\$1000 fine</u></p> <p><u>6 months suspension followed by probation and \$1000 fine</u></p> <p><u>6 months suspension followed by probation and \$1000 fine</u></p> <p><u>reprimand and \$1000 fine</u></p> <p><u>1 year suspension followed by probation and \$1000 fine</u></p> <p><u>1 year suspension followed by probation and \$1000 fine</u></p> <p><u>probation and \$500 fine</u></p> <p><u>probation and \$1000 fine</u></p> <p><u>probation and \$1000 fine</u></p> <p><u>suspension until licensee can demonstrate to the Board that he/she is able to practice with reasonable skill and safety and \$500 fine</u></p> <p><u>suspension until licensee can demonstrate to the Board that he/she is able to practice with reasonable skill and safety and \$1000 fine</u></p> <p><u>suspension until licensee can demonstrate to the Board that he/she is able to practice with reasonable skill and safety and \$1000 fine</u></p> <p><u>suspension until licensee can demonstrate to the Board that he/she is able to practice with reasonable skill and safety and \$1000 fine</u></p> <p><u>suspension until licensee can demonstrate to the Board that he/she is able to practice with reasonable skill and safety and \$1000 fine</u></p>	<p><u>6 months suspension followed by probation and \$1000 fine</u></p> <p><u>revocation and \$1000 fine</u></p> <p><u>1 year suspension followed by probation and \$1000 fine</u></p> <p><u>revocation and \$1000 fine</u></p> <p><u>suspension until the licensee can demonstrate to the Board that he/she is able to practice with reasonable skill and safety and \$500 fine</u></p> <p><u>suspension until the licensee can demonstrate to the Board that he/she is able to practice with reasonable skill and safety and \$1000 fine</u></p> <p><u>revocation and \$1000 fine</u></p> <p><u>revocation and \$1000 fine</u></p>
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(s) Willful or repeated violation of laws and rules governing nursing homes.
(468.1755(1)(m), F.S.)

First Offense: reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine

Second Offense: 1 year suspension followed by probation and \$1000 fine \$1000 fine revocation and \$1000 fine

(t) Payment for solicitation or procurement of nursing home usage.
(468.1755(1)(n), F.S.)

First Offense: reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine

Second Offense: 1 year suspension followed by probation and \$1000 fine revocation and \$1000 fine

(u) Willfully permitting unauthorized disclosure of patient information.
(468.1755(1)(o), F.S.)

First Offense: reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine

Second Offense: 1 year suspension followed by probation and \$1000 fine revocation and \$1000 fine

(v) Discrimination to staff or patients.
(468.1755(1)(p), F.S.)

First Offense: reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine

Second Offense: 1 year suspension followed by probation and \$1000 fine revocation and \$1000 fine

(w) Practice on a delinquent license. (468.1755(1)(j), F.S.)

First Offense: \$1000 fine 6 months suspension followed by probation and \$1000 fine

Second Offense: 6 months suspension followed by probation and \$1000 fine revocation and \$1000 fine

(x) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.
(455.624(1)(a), F.S.)

First Offense: reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine

Second Offense: 1 year suspension followed by probation and \$1000 fine revocation and \$1000 fine

(y) Intentionally violating any rule adopted by the Board or the Department, as appropriate.
(455.624(1)(b), F.S.)

First Offense: \$1000 fine 6 months suspension followed by probation and \$1000 fine

Second Offense: 6 months suspension followed by probation and \$1000 fine revocation and \$1000 fine

(z) Failing to comply with the educational course requirements for human immunodeficiency virus, acquired immune deficiency syndrome, or end of life and palliative health care.
(455.624(1)(e), F.S.)

First Offense: \$750 fine \$1000 fine

Second Offense: probation and \$750 fine probation and \$1000 fine

Third Offense: probation and \$1000 fine 6 months suspension followed by probation and \$1000 fine

(aa) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the Department against another licensee. (455.624(1)(g), F.S.)

First Offense: reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine/ denial

Second Offense: 1 year suspension followed by probation and \$1000 fine revocation and \$1000 fine

(bb) Failing to report to the Department any person who the licensee knows is in violation of Chapter 455, F.S., the chapter regulating the alleged violator, or the rules of the Department or the Board. (455.624(1)(i), F.S.)

First Offense: reprimand \$500 fine

Second Offense: \$500 fine

Third Offense: \$1000 fine

probation and \$500 fine

probation and \$750 fine

probation and \$1000 fine

(cc) Aiding, assisting, procuring, or advising any unlicensed person or entity to practice a profession contrary to Chapter 455, F.S., the chapter regulating the profession, or the rules of the Department or the Board. (455.624(1)(j), F.S.)

First Offense: reprimand and \$500 fine probation and \$500 fine

Second Offense: probation and \$500 fine 6 months suspension followed by probation and \$1000 fine

Third Offense: 6 months suspension followed by probation and \$1000 fine revocation and \$1000 fine

(dd) Failing to perform any statutory or legal obligation placed upon the licensee. (455.624(1)(k), F.S.)

First Offense: reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine/ denial

Second Offense: 1 year suspension followed by probation and \$1000 fine revocation and \$1000 fine

(ee) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (455.624(1)(m), F.S.)

First Offense: reprimand and \$1000 fine 1 year suspension followed by probation and \$1000 fine

Second Offense: 1 year suspension followed by probation and \$1000 fine revocation and \$1000 fine

(ff) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. (455.624(1)(o), F.S.)

First Offense: reprimand and \$500 fine probation and \$500 fine

Second Offense: probation and \$1000 fine revocation and \$1000 fine

(gg) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them. (455.624(1)(p), F.S.)

First Offense: reprimand and \$500 fine probation and \$500 fine

Second Offense: probation and \$1000 fine revocation and \$1000 fine

(hh) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (455.624(1)(r), F.S.)

First Offense: reprimand and \$1000 fine 6 months suspension followed by probation and \$1000 fine

Second Offense: 6 months suspension followed by probation and \$1000 fine revocation and \$1000 fine

(ii) Engaging or attempting to engage a patient in verbal or physical sexual activity. (455.624(u), F.S.)

First Offense: probation and \$1000 fine 1 year suspension followed by probation and \$1000 fine

Second Offense: 1 year suspension followed by probation and \$1000 fine revocation and \$1000 fine

(jj) Failing to report to the Board within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. (455.624(w), F.S.)

First Offense: reprimand and \$500 fine \$750 fine

Second Offense: \$750 fine \$1000 fine

Third Offense: \$1000 fine probation and \$1000 fine

(kk) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers for the solicitation of the people involved in the accidents. (455.624(x), F.S.)

First Offense: reprimand \$500 fine

Second Offense: \$500 fine \$1000 fine

Third Offense: reprimand and \$1000 fine probation and \$1000 fine

(3)(a) The Board shall be entitled to deviate from the foregoing guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence, presented to the Board prior to the imposition of a final penalty at informal hearing. If a formal hearing is held, any aggravating or mitigating factors must be submitted to the hearing officer at formal hearing. At the final hearing, the Board will not hear additional aggravating or mitigating evidence.

(b) Circumstances which shall be considered for purposes of mitigation or aggravation of penalty shall include the following:

1. The severity of the offense.
2. The danger to the public.
3. The number of repetitions of offenses.

4. Previous disciplinary action against the licensee in this or any other jurisdiction.

5. The length of time the licensee has practiced.

6. The actual damage, physical or otherwise, caused by the violation.

7. The deterrent effect of the penalty imposed.

8. The effect of the penalty upon the licensee's livelihood.

9. Any efforts at rehabilitation.

10. Attempts by the licensee to correct or stop violations, or refusal by the licensee to correct or stop violations.

11. Any other mitigating or aggravating circumstances.

(4) The Board may impose one or more of the following penalties, listed in increasing order of severity:

(a) Fine not to exceed \$1000 for each separate count or offense.

(b) Reprimand.

(c) Probation, with terms including but not limited to: reports from the licensee, and his employer, supervision of practice by the Board or another licensee, continuing education courses, personal appearances before the Board, and counseling or treatment.

(d) Suspension.

(e) Revocation.

Specific Authority 468.1685(1), 455.627(1) FS. Law Implemented 455.624, 455.627, 468.1685(4),(5),(6), 468.1755(1)(a),(j) FS. History—New 11-23-86, Amended 4-22-87, Formerly 21Z-14.004, 61G12-14.004, 59T-14.004, Amended 10-12-97.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 12, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE:

RULE NO.:

Citations

64B10-14.006

PURPOSE AND EFFECT: The Board has determined that amendments are necessary to update the rule text.

SUMMARY: The Board has determined that amendments are necessary in order to lower the fine for failure to provide all the documentation for continuing education hours and to lower the fine for only having a partial amount of the required documentation for continuing education. In addition, a new subsection (3)(f) is being added to notify licensees of the penalty amount to be assessed for failure to report a crime for which the licensee was involved in, regardless of adjudication.

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), 468.1685(1) FS.

LAW IMPLEMENTED: 455.627, 468.1685(4),(5),(6) 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: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-14.006 Citations.

(1) through (2) No change.

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

(a) No change.

(b) Falsely certifying compliance with continuing education hours required for renewal of licensure or certification. If the individual has no documentation, the fine shall be \$500 ~~\$1,000~~. If the individual has some documentation, the penalty is \$25 per missing hour, to a maximum of \$500 ~~\$1,000~~. For failing to provide documentation of the HIV/AIDS course, the fine shall be \$100.00. All missing CEUs shall be made up within six months of the date the citation becomes a Final Order.

(c) through (e) No change.

(f) Failing to report to the Board within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. The fine shall be \$500.

(4) through (5) No change.

Specific Authority 455.617, 455.621 FS. Law Implemented 455.617 FS. History—New 3-1-92, Formerly 21Z-14.006, 61G12-14.006, Amended 7-21-97, Formerly 59T-14.006, Amended 5-15-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 12, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 21, 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Eligibility Determination Process

RULE NO.: 65A-1.205

PURPOSE AND EFFECT: These rule amendments implement revised procedures for the department's processing of disability determinations for Medicaid eligibility.

SUMMARY: These rule amendments implement unusual circumstances for processing Medicaid disability-related applications and set forth criteria for expedited processing of Medicaid disability-related applications.

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: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

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

TIME AND DATE: 2:00 p.m., July 5, 2000

PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Public Assistance Policy, Legal Base Unit, 1317 Winewood Boulevard, Building 3, Room 412-D, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.205 Eligibility Determination Process.

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

(c) Time standards for processing applications vary by public assistance program. The time standard begins with the date on which the department or an outpost site receives a signed and dated application and ends with the date on which benefits are made available or a determination of ineligibility is made. For the Medicaid program, the time standard ends on the date an eligibility notice is mailed. Applications must be processed and determinations of eligibility or ineligibility made within the following time frames:

	Application Processing Time Standards
Program	
Expedited Food Stamps	7 days
Food Stamps	30 days
Temporary Cash Assistance	
Refugee Assistance <u>and</u> ; Child In Care, Related Medical Assistance	45 days
<u>Family-Related Medical Assistance</u>	<u>45 days</u>
Medical Assistance Programs Related to Supplemental Security Income policies, State Funded Programs, and Qualified Medicare Beneficiaries without disability	45 days
Medical Assistance Programs Related to Supplemental Security Income policies, State Funded Programs, Qualified Medicare Beneficiaries and Working Disabled with disability	90 days

All days counted after the date of application are calendar days. Applicant delay days do not count in determining non-compliance with the time standard. See sub-paragraph (e) of this rule. Information provided on form CF-ES 2930, Screening for Expedited Medicaid Appointments, 11/99 (incorporated by reference) will be used in determining expedited processing of Medicaid disability-related applications.

(d) No change.

(e) There are situations of non-agency processing delays due to unusual circumstances for Medicaid disability-related applications. Unusual circumstances that might affect the timely processing of Medicaid applications are determined and documented in accordance with 42 CFR subpart 435.911 and include applicant delay, physician delay and emergency delay as defined below. Unusual circumstances are considered non-agency processing delays and the calendar time passing during such delay(s) is not counted as part of the 90-day time standard for determining the timeliness of Medicaid eligibility decisions based on disability.

1. Applicant delay is defined as the time attributed to the applicant who fails to keep any scheduled appointment or to provide requested and required eligibility information. Applicant delay begins: the date the applicant does not attend an agency scheduled appointment with either the agency or health professionals and ends the date the applicant attends that appointment as rescheduled; or, the date the applicant does not bring requested and required information to the initial interview and ends the date that information is supplied to the agency. Requested and required information is as indicated in the brochure, CF/PI 165-107, Notification of Disability Information and Request, 11/99 (incorporated by reference).

2. Physician delay is defined as the time attributed to a physician when medical evidence or a medical examination is requested and is not provided timely. Physician delay begins: ten days after an initial request by the agency for medical

evidence from the applicant's medical source and ends the date the agency receives complete medical evidence from the medical source that is responsive to the agency's request; or, fourteen days after a medical examination is requested by the agency and ends the date the agency receives the complete medical examination results.

3. Emergency delay is defined as time attributed to other situations beyond the agency's control. These delays are situations such as disasters, unexpected office closure(s) and systems inaccessibility or unavailability. Emergency delay begins with the date such an event occurs and ends the day the agency is able to resume application processing.

(f) Copies of the brochure CF/PI 165-107 and the form CF-ES 2930 may be obtained from the Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Building 3, Room 412, Tallahassee, Florida 32399-0700.

(2) through (6) No change.

Specific Authority 409.919, 414.45 FS. Law Implemented 414.095, 414.31, 409.903, 409.904, 409.919, 410.033 FS. History--New 4-9-92, Amended 11-22-93, 8-3-94, Formerly 10C-1.205, Amended 11-30-98.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney McInnis, Management Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2000

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Florida Waterfowl Stamp Design Contest

RULE NO.: 68A-28.002

PURPOSE AND EFFECT: The purpose of the proposed rule is to delete the rule. The result should cause no adverse effect to the participants since the language contained in the rule will be provided in the packets mailed to the participants each year.

SUMMARY: The language contained in this rule provides instruction and direction to the participants of the contest. This change eliminates costs associated with administrative changes through a rule process and allows flexibility in the future.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING ON THE PROPOSED RULE WILL BE HELD DURING ITS NEXT REGULARLY SCHEDULED PUBLIC MEETING.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-28.002 Florida Waterfowl Stamp Design Contest.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-84, Formerly 39-28.02, Amended 6-15-87, 8-18-88, 4-11-90, 4-14-92, 7-1-94, Formerly 39-28.002, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas J. Wright

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 24, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Florida Wild Turkey Stamp Design Contest RULE NO.: 68A-28.003

PURPOSE AND EFFECT: The purpose of this rule change is to delete the rule. The result should cause no adverse effect to the participants since the language contained in the rule will be provided in the packets mailed to the participants each year.

SUMMARY: The language contained in this rule provides instruction and direction to the participants of the contest. This change eliminates costs associated with administrative changes through a rule process and allows flexibility in the future.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING ON THE PROPOSED RULE WILL BE HELD DURING ITS NEXT REGULARLY SCHEDULED PUBLIC MEETING.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-28.003 Florida Wild Turkey Stamp Design Contest.

Specific Authority Art. IV, Sec.9, Fla. Const. Law Implemented Art. IV, Sec.9, Fla. Const. History--New 6-15-87, Amended 8-18-88, 4-11-90, 4-14-92, 7-1-94, 3-30-95, Formerly 39-28.003, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas J. Wright

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 24, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2000

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5C-26	Disease Vector Control
RULE NOS.:	RULE TITLES:
5C-26.001	Definitions
5C-26.002	Restrictions on Importation of Animals
5C-26.003	Animals from Outside the Continental United States Where a Foreign Animal Disease or Vector is Present
5C-26.004	Materials

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in the Florida Administrative Weekly, Vol. 26, No. 10, dated March 10, 2000, and changes noticed in Vol. 26, No. 15, dated April 14, 2000, has been withdrawn.

REGIONAL TRANSPORTATION AUTHORITIES

Tri-County Commuter Rail Authority

RULE NOS.:	RULE TITLES:
30C-2.001	General Provisions
30C-2.002	Organization
30C-2.0021	Definitions
30C-2.003	Source Selection and Contract Formation and Administration
30C-2.009	Debarment and Suspension Procedures
30C-2.010	Vendor Protest Procedures
30C-2.011	Solicitation or Awards in Violation of Law or Rules and Regulations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 4, January 28, 2000, issue of the Florida Administrative Weekly.

30C-2.001 General Provisions.

(1)(a) Promulgation: Pursuant to the authority granted by the Legislature which enacted Chapter 343, F.S. (1989) creating the Tri-County Commuter Rail Authority, an agency of the State of Florida, the procurement rules and regulations set forth herein have been promulgated and approved by the Board of the Tri-County Commuter Rail Authority (hereinafter the "TCRA").

(b) Short Title: These rules and regulations shall be known and may be cited as the "Procurement Code of the Tri-County Commuter Rail Authority."

(2) Purposes, Rules of Construction.

(a) Interpretation: This Code shall be construed and applied to promote its underlying purposes and policies.

(b) Purposes and Policies: The underlying purposes of this Code are to provide the TCRA a unified purchasing system, with centralized responsibility allowing for the processing of some work by delegation. This Code simplifies, clarifies, and modernizes the rules and regulations governing the procurement of the TCRA while allowing the continued development of procurement policies and practices. This Code provides for increased economy in procurement activities, and enables the TCRA to maximize to the fullest extent practicable, the purchasing value of public funds by fostering effective broad based competition within the free enterprise system, while ensuring fair and equitable treatment of all persons who deal with TCRA. This Code provide safeguards for the maintenance of the quality and integrity of procurement by the TCRA. It is also intended to provide for increased public confidence in the procedures followed by public procurement.

(3) Supplementary General Principles of Law Applicable: The principles of law and equity, including laws relative to ethics, and laws relative to capacity to contract, agency, fraud, misrepresentation, duress, coercion, mistake, or bankruptcy shall supplement the provisions of this Code.

(4) Requirement of Good Faith: This Code requires all parties involved in the negotiation, development, performance, or administration of TCRA contracts to act in good faith.

(5) Open Competition Required: All procurement transactions will be conducted in a manner providing full and open competition. Some of the situations considered to be restrictive of competition include, but are not limited to:

(a) Unreasonable requirements placed on firms in order for them to qualify to do business;

(b) Unnecessary experience and excessive bonding requirements;

(c) Non competitive pricing practices between firms or between affiliated companies;

(d) Noncompetitive award to any person or firm on retainer contracts;

(e) Organizational conflicts of interest: An organizational conflict of interest means that because of other activities, relationships, or contracts, a contractor is unable, or potentially unable, to render impartial assistance or advice to TCRA; a contractor's objectivity in performing the contract work is or might be otherwise impaired; or a contractor has an unfair competitive advantage;

(f) The specification of only a brand name product without listing its salient characteristics and not allowing an equal product to be offered; and

(g) Any arbitrary action in the procurement process.

(6) Application of This Code.

(a) General Application: This Code applies only to contracts solicited or entered into after the effective date of this Code unless the parties agree to its application to a contract solicited or entered into prior to the effective date.

(b) Application to Procurement: This Code shall apply to every procurement of the TCRA irrespective of the source of the funds, including federal assistance monies, except as otherwise specified in Section 8 of this Rule; except that this Code shall not apply to either grants or contracts between the TCRA and other governments. It shall also apply to the disposal of TCRA supplies. Nothing in this Code shall prevent any governmental body or political subdivision from complying with the terms and conditions of any grant, gift, bequest, or cooperative agreement.

(c) Revenue Contracts: This Code applies to any revenue contract whose primary purpose is to either generate revenues in connection with a transit-related activity, or to create business opportunities utilizing a Federal Transit Administration-funded asset.

(7) Determinations. Written determinations required by this Code shall be retained in the appropriate official contract file of the Contracts Administration and Procurement Department.

(8) Exemptions: The procurement of the following supplies and services are exempted from this Code:

(a) Real property, abstract of titles for real property, title insurance for real property, and other related costs of acquisition of real property. The acquisition of real property utilizing Federal Transit Administration funds must comply with all Federal requirements governing such acquisition.

(b) Purchase between governments and/or nonprofit organizations.

(c) Dues and memberships.

(d) Subscriptions.

(e) Legal services.

(9) Joint Participation Agreements with the Florida Department of Transportation (the "Department").

(a) Except as otherwise authorized in writing by the Florida Department of Transportation, the TCRA shall not execute any contract or obligate itself in any manner requiring the disbursement of Department joint participation funds, including consultant or construction contracts or amendments thereto, with any third party with respect to a TCRA project without the written concurrence of the Department. ~~Failure to obtain such concurrence shall be sufficient cause for nonpayment by the Department. The Department specifically reserves unto itself the right to review the qualifications of any consultant or contractor and to approve or disapprove the employment of the same.~~

(b) Any purchases of capital equipment or expenditure for the construction and equipping of facilities which require the disbursement of the Department's funds, shall be submitted for written approval by the Department with all appropriate plans and specifications covering the project.

(c) A TCRA contract requiring the disbursement of Department funds is considered approved if:

1. The Department's representative on the TCRA Board is present when the contract is approved and votes for contract approval or does not vote.

2. The Department's representative on the TCRA Board is not present when the contract is approved, and does not object to the approval of the agenda item of the Board by submitting a written objection.

(10) Interlocal Financing Agreements: All contracts entered into by the TCRA shall conform to the specific requirements mandated by Interlocal Financing Agreements entered into by the TCRA, the Florida Department of Transportation, and Dade, Broward and Palm Beach Counties.

(11) Law and Grant Requirements: In any situation where compliance with this Code will place the TCRA in conflict with state or federal law or the terms of any grant, the TCRA shall comply with such federal or state law, grant requirements,

or authorized regulations which are mandatorily applicable and which are either not reflected in this Code or are contrary to provisions of this Code.

(12) Standards of Conduct and Conflict of Interest Policies.

(a) TCRA Board members and staff of TCRA shall be governed by the policy of the State of Florida set forth in Section 112.311 of the Florida Statutes.

(b) TCRA Board members and staff of TCRA shall be governed by the appropriate standards of conduct set forth in Section 112.313 of the Florida Statutes.

(c) TCRA Board members shall be governed by the appropriate provisions of Section 112.3143 of the Florida Statutes governing voting conflicts.

(d) TCRA Board members and staff of TCRA shall be governed by the appropriate provisions of Section 112.3144 of the Florida Statutes governing full and public disclosure of financial interests.

(e) TCRA Board members and staff of TCRA shall be governed by the appropriate provisions of Section 112.3148 governing reporting and prohibited receipt of certain gifts by procurement employees.

(f) Staff of TCRA shall be governed by the appropriate provisions of Section 112.3185 concerning contractual services.

(g) TCRA Board members and staff of TCRA shall be governed by the penalty provisions of Section 112.317 of the Florida Statutes for any violation of the statutory provisions listed above.

Specific Authority ~~420.53(1)(b);~~ 343.54(1)(b),(3)(i) FS. Law Implemented 343.54(3)(d),(e),(i),(k),(m),(n),(p) FS. History--New 7-5-95, Amended

30C-2.002 Organization.

(1) Authority of TCRA Board. Except as otherwise provided in this Code, all rights, powers, duties and authorities relating to the procurement of supplies, services and construction are vested in or exercised by the Board of the Tri-County Commuter Rail Agency.

(2) Approval Authority for Procurement Actions and Contracts

(a) The TCRA Board must approve the following:

1. All engineering or construction services contracts, task orders and work orders of over \$100,000.

2. All other contracts, task orders and work orders of over \$25,000.

3. Single change orders to engineering or construction services contracts approved by the Board with a value of more than \$100,000 or over 10% of the value of the contract, whichever is less.

4. Single change orders to all other contracts approved by the Board with a value of more than \$25,000 or over 10% of the value of the contract, whichever is less.

5. All additional change orders to engineering or construction services contracts approved by the Board after the accumulation of change orders with a total value of more than \$100,000 or over 10% of the value of the contract, whichever is less.

6. All additional change orders to all other contracts approved by the Board after the accumulation of change orders with a total value of more than \$25,000 or over 10% of the value of the contract, whichever is less.

7. Single change orders to engineering or construction services contracts approved by the Executive Director with a value of more than \$10,000; and all additional change orders to engineering or construction services contracts approved by the Executive Director after the accumulation of change orders with a total value of more than \$10,000.

8. Single change orders to all other contracts approved by the Executive Director with a value of more than \$2,500; and all additional change orders to contracts approved by the Executive Director after the accumulation of change orders with a total value of more than \$2,500.

(b) The Executive Director must approve the following:

1. All engineering or construction services contracts, task orders and work orders of less than or equal to \$100,000.

2. All other contracts, task orders and work orders of over \$10,000 and less than or equal to \$25,000.

3. Single change orders to engineering or construction services contracts approved by the Board with a value of up to \$100,000 or up to 10% of the value of the contract, whichever is less.

4. Single change orders to all other contracts approved by the Board with a value of up to \$25,000 or up to 10% of the value of the contract, whichever is less.

5. Cumulative change orders to engineering or construction services contracts approved by the Board with a value of up to \$100,000 or up to 10% of the value of the contract, whichever is less.

6. Cumulative change orders to all other contracts approved by the Board with a value of up to \$25,000 or up to 10% of the value of the contract, whichever is less.

7. Single change orders to engineering or construction services contracts approved by the Executive Director with a value of up to \$10,000; and all additional change orders to engineering or construction services contracts approved by the Executive Director after the accumulation of change orders with a total value of up to \$10,000.

8. Single change orders to all other contracts approved by the Executive Director with a value of up to \$2,500; and all additional change orders to contracts approved by the Executive Director after the accumulation of change orders with a total value of up to \$2,500.

9. Single change orders to contracts approved by the Director of Contract Administration and Procurement of over 10% of the value of the contract; and all additional change

orders to contracts approved by the Director of Contract Administration and Procurement after the accumulation of change orders with a total value of more than 10% of the value of the contract.

10. All contracts for professional services and for the purchase of computer, communications and electronic equipment of \$25,000 or less.

(c) Except as provided in subsection (b)(10), the Director of Contracts Administration and Procurement must approve the following:

1. All contracts, work orders and task orders of \$10,000 or less, and all Micro-Purchases.

2. Change orders to contracts approved by the Director of Contract Administration and Procurement with a value of 10% or less of the contract.

(3) Delegation of Authority to Executive Director: Except as otherwise provided in this Code, all rights, powers, duties and authorities relating to the procurement of supplies, services and construction vested in the TCRA Board are hereby delegated to the Executive Director of the TCRA. The Executive Director is specifically authorized to delegate the approval authority set forth in subsection (2)(b) of this Rule to the Deputy Executive Director.

(4) Specific Authority of the Executive Director.

(a) The Executive Director shall promulgate and issue Procurement Procedures to implement and augment the provisions of this Code subject to approval by the Board.

~~(b) The Executive Director shall promulgate and issue a Quality Assurance/Quality Control (QA/QC) Handbook.~~

~~(b)(e)~~ The Executive Director is authorized to ~~may either~~ participate in, sponsor, conduct, or administer agreements with one or more public procurement units for the procurement of any supplies, services, or construction with one or more public procurement units (i.e., any City, Town, and any other subdivision of the state located within Dade, Broward and Palm Beach counties or a public agency of any such subdivision, public authority, educational, health, or any other institution, and any other entity which expends public funds for the procurement of supplies, services, and construction). Such ~~will may~~ include ~~but is not limited to~~ joint or multiple party contracts between public procurement units and open-end contracts which are made available to public procurement units. The actual award shall be made by the TCRA through a contract entered into by TCRA and the contractor.

~~(c)(d)~~ The Executive Director is expressly authorized to purchase from contracts generated by the State of Florida as well as units of the Federal Government as permitted by Federal law and regulation. Such purchases are to be in accordance with the terms and conditions of the contract between TCRA and the contractor.

~~(d)(e)~~ The Executive Director may sell to, acquire from, or use any supplies or services belonging to a local public procurement unit or external procurement activity with the

award made by the TCRA through a contract between TCRA and the local public procurement unit or an external contractor. Where a local public procurement unit or external procurement activity administer a cooperative purchase activity complying with the general requirements of this Code, TCRA's participation in such a purchase shall be deemed to have complied with this Code. Any controversies concerning the award or procession of a contract which has been entered into on a cooperative basis shall be remedied under the rules and regulations of the entity advertising the contract.

(e)(f) The Executive Director shall have the authority to enter into a procurement unit agree to such an award of their contract and the procurement was accomplished under an open and free competitive bid system. The actual award of such a contract shall be made under the provisions contained in this Procurement Code for the award of contracts by the TCRA, and TCRA shall enter into a contract with the vendor.

(5) Delegation of Authority to Director of Contract Administration and Procurement.

Except as other wise provided in this Code, all rights, powers, duties and authorities relating to the procurement of supplies, services and construction vested in the Executive Director of the TCRA are hereby delegated to the Director of Contract Administration and Procurement as more fully set out in Section 6. below.

(6) Specific Authority of the Director of Contract Administration and Procurement.

(a) Contracting Officer. The Director of Contract Administration and Procurement (hereinafter "Director") serves as the Principal Contracting Officer of the TCRA. The Director may delegate this authority only with the written approval of the Executive Director.

(b) Operational Procedures. The Director may adopt operational procedures covering the internal function of Purchasing Activities and, as provided above, delegate rights, powers, and authority to subordinate contract and procurement specialists.

(c) Duties. Except as otherwise specifically provided in this Code, the Director shall:

1. Procure or supervise the procurement of all supplies, services and construction for the Board of the TCRA.

2. The Director may purchase directly, without bid or quotations, from State, county or local contracts when the contract expressly permits, or if the awarding jurisdiction and the vendor agree to allow the TCRA to purchase therefrom. ~~If Federal funds are used for such purchases, the requirements and standards of the current version of Federal Transit Administration Circular 4220.1 apply to such purchases.~~

3. Transfer or sell surplus supplies or property (i.e., those supplies no longer having any use to TCRA, including, but not limited to, obsolete or scrap material and nonexpendable supplies that have completed their useful life cycle) in accordance with the provisions of Sections 274.05 and 388.323

of the Florida Statutes to other governmental agencies or to the public by sealed bids, public auction, trade equipment on new purchases, or dispose of property in any other method consistent with the laws of Florida and other applicable laws and regulations. No employee of the Department having direct control of the supplies or handling the disposition of the supplies shall be entitled to purchase any such supplies.

~~4. Follow programs for the inspection, testing and acceptance of supplies or services in accordance with TCRA QA/QC procedures as set forth in TCRA's Quality Assurance Handbook.~~

~~4.5.~~ Relocate excess supplies within the TCRA.

~~5.6.~~ Cooperate with all public agencies and the auditors in the preparation of statistical data concerning the procurement usage and disposition of all supplies, services, and construction. All using divisions shall furnish such reports as the Director may require concerning user needs and stock on hand.

~~6.7.~~ Establish a Contractor performance rating system for use in eliminating those vendors who fail to perform or perform unsatisfactorily in accordance with TCRA's Suspension and Debarment Procedures set out in TCRA's Procurement Procedures. Such rating system may also be used for Contractor evaluation and awarding of contracts in accordance with Rule 30C-2.003, subsection (9)(g).

(7) Duties of General Counsel. The General Counsel shall serve as legal counsel and provide legal services as requested. General Counsel shall review all contracts to be approved by the Board or Executive Director before such documents are executed.

(8) Contract Administration.

(a) Review of Contracts. The Director of Contracts Administration and Procurement shall review all contracts prior to execution.

(b) Contract Administrator. After the award of any contract, the Contract Administrator will ensure that both the TCRA and the Contractor are in compliance with all terms and conditions of the contract, including maintaining current insurance certificates. The TCRA will maintain a written record of performance for each contract, including adherence to delivery requirements and specifications. ~~Performance of the contractor will be evaluated by the Project Manager utilizing TCRA's QA/QC procedures as set forth in TCRA's Quality Assurance Handbook.~~

(c) Contract Performance. In cases where the Contractor does not adhere to delivery and specifications, or is in technical breach of a contract, the TCRA must attempt to rectify the situation with the Contractor and maintain written records of these attempts.

(d) Breach of Contract. In cases where the Contract Administrator is unable to rectify a breach of contract with the Contractor, the matter shall be turned over to the Director along with all the documents for resolution. Resolution will

~~may include but is not limited to:~~ cancellation of the contract; suspension or debarment; ~~or and~~ institution, through General Counsel, of appropriate legal action.

Specific Authority ~~420.52(4)(b); 343.54(1)(b);(3)(i)~~ FS. Law Implemented 343.54(1)(b),(3)(i) FS. History—New 7-5-95, Amended _____.

30C-2.0021 Definitions.

(1) The words defined in this Rule shall apply to both this Code and the TCRA's Procurement Procedures and shall have the meanings set forth below whenever they appear in this Code and/or the Procedures, unless:

(a) Context Determines Definition. The context in which they are used clearly requires a different meaning; or

(b) Definition Prescribed. A different definition is prescribed for a particular provision.

(2) Definitions.

(a) Business means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

(b) Contract means all types of binding agreements, regardless of what they may be called, for the procurement or disposal of supplies, services or construction.

(c) Contractor means any person having a contract with the TCRA.

(d) Contract Administrator means the individual in the Contracts Administration & Procurement Department who has the responsibility to ensure that the provisions of each contract are complied with by both the TCRA and the Contractor.

(e) Construction means the process of building, altering, repairing, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property owned or under the control of the TCRA. It does not include the routine operation, repair, or maintenance of existing structures, buildings, or other real property.

(f) Mandatory Bid Amount means the dollar amount at which the formal bid process is required. The Mandatory Bid Amount is \$25,000.

(g) May denotes the permissive.

(h) Must denotes the imperative.

(i) Person means any business, corporation, partnership, individual, union, committee, club, organization, or group of individuals.

(j) Procurement means buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services, or construction. It also includes all functions that pertain to the obtaining of any supply, service, or construction, including description of requirements, selection and solicitation of sources, preparation and award of contracts and all phases of contract administration.

(k) Project Manager means the individual having the responsibility to oversee and manage the day to day activities of a contract.

(l) Regulation means a governmental body's statement, having general or particular applicability and future effect, designed to implement, interpret, or prescribe law or policy, or describe organization, procedure, practice or requirements.

(m) Services means the furnishing of labor, time, and effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements but shall include both professional and general services.

(n) Shall denotes the imperative.

(o) Should denotes the permissive.

(p) Specifications means any description of the physical or functional characteristics or of the nature of a supply, service or construction item. It may include a description of any requirement for inspecting, testing or preparing a supply, service or construction item for delivery. Specifications may also contain provisions for inclusion of factors which will lead to the ultimate calculation of lowest total cost.

(q) Supplies means all property, including but not limited to equipment, materials, printing, and insurance, excluding real property.

Specific Authority 343.54(1)(b) FS. Law Implemented 343.54 FS. History—New _____.

30C-2.003 Source Selection and Contract Formation and Administration.

(1) Types of Contracts Allowable.

(a) Except as provided in this section, any type of contract which will promote the best interest of the TCRA may be used. A type of contract other than firm, fixed price may be used only when a determination is made by the Director that such contract is likely to be less costly than the firm, fixed price contract or that it is impractical to obtain the supplies, services or construction required by the firm, fixed price contracting method.

(b) A firm-fixed price contract establishes a price that is not subject to any adjustment on the basis of the contractor's cost experience in performing the contract.

(c) A cost-reimbursement contract is one in which the contractor is paid its reasonable, allocable and allowable costs of performance regardless of whether the work is completed.

(d) A time and material contract can be used only:

1. After a determination by the Director that no other type of contract is suitable; and

2. If the contract specifies a ceiling price that the contractor shall not exceed except at its own risk.

(e) Cost plus percentage of cost contracts are prohibited.

(f) Task Order contracts are used for similar type work. The contract is a competitively bid, firm fixed price indefinite quantity contract, against which TCRA issues Task Orders as specific needs arise.

(g) Work Order contracts are used for professional services procured under the procedures set forth in Section (11) of this Rule; and are cost plus fixed fee contracts against which TCRA issues Works Orders as specific needs arise.

(2) Specific Period: A contract for supplies or services may be entered into for any time period not to exceed five (5) years including options. Options are permitted provided the extensions, if any, are included in the solicitation.

(3) Methods of Source Selection: All contracts shall be solicited in accordance with the provisions of this Rule.

(4) Amendments and Change Orders.

(a) An amendment is any change to a contract, task order, or work order for any professional services including all architectural and engineering services that alters the terms and conditions of the original document; or provides for a change in the scope or requirements of the original document beyond what is specifically allowed by the original document. Amendments are formal changes that must be approved at the same signature authority level as the original document.

(b) The TCRA shall have the right, based on a clause contained in each contract for construction or the delivery of goods and services other than those listed in subsection (a) above, to issue a change order to correct errors, omissions, or discrepancies; to cover acceptable overruns; to expand or reduce the scope of the contract; or to direct other changes in contract execution to meet unforeseen field, regulatory or market conditions. All change orders must be approved in advance in accordance with the value of the change order or the calculated value of the time extension. In addition, TCRA shall have the unilateral right, based on a clause contained in each contract, to issue an immediate change order and negotiate cost and price for time and materials after the issuance of the change order.

(c) All amendments and change orders shall be submitted to the Director complete with explanations and back up information and, when applicable, a detailed breakdown of charges for review and/or recommendation of approval.

(d) Emergency Amendments and Change Orders.

1. Types of Emergency Amendments Change Orders: Any situation that necessitates immediate action on the part of the Project Manager and the Contractor to eliminate danger to public safety, to prevent unnecessary or incorrect work, to authorize work that must be done in a logical sequence, or to eliminate a delay that may significantly increase the cost of the project shall be authorized by an emergency amendment or change order as appropriate.

2. Approval of Emergency Amendments and Change Orders: All emergency amendments and change orders shall be approved by the Director and must be reported to the Board if the amount of the emergency amendment or change order exceeds the amount of change order authority delegated to the Executive Director, as soon after the authorization is given as practical.

3. Audit Trail: All emergency amendments and change orders must contain the reason for the emergency; and provide an audit trail sufficient to verify the reasonableness of the prices charged in the amendment or change order.

(e) Verification of Amendments and Change Orders: The Director will verify all non-emergency amendments and change orders as to the:

1. Appropriateness of the modification of the contract and unreasonableness of a separate bid for the item under consideration.

2. The methods of calculating the amount of the amendment or change order are in conformance with the terms of the contract.

(5) Blanket Purchase Orders.

(a) The Director will ~~may~~ issue a blanket purchase order based, if possible, on competitive quotations to procure items on an as-needed basis provided the aggregate amount is below the Mandatory Bid Amount and the order is not issued for over a twelve month period of time.

(b) The Director will ~~may~~ issue a purchase order for any amount to encumber funds from which the TCRA may order items covered by blanket purchase orders.

(6) Procurement by Micro-Purchases.

(a) Procurement by micro-purchases are those purchases which do not exceed \$2,500.

(b) TCRA will attempt to distribute micro-purchases equitably among qualified suppliers in the Dade, Palm Beach, and Broward County area.

(7) Small Purchases.

Small Purchase procedures can be used for procurement of goods or services, excluding architectural and engineering services, valued at less than the Mandatory Bid Amount and of public works/construction projects valued at less than the Mandatory Bid Amount.

(8) Formal Competitive Procurement Process.

Formal competitive procurement procedures are used for procurement of goods or services valued at greater than the Mandatory Bid Amount and all public works/construction projects valued at greater than the Mandatory Bid Amount. The three types of competitive procurement are the Invitation to Bid, the Request for Proposals, and the Letter of Interest process.

(9) Competitive Sealed Bidding.

(a) Conditions for Use.

1. The Invitation to Bid (ITB) competitive procurement process is used for all public works/construction projects (except as provided in Section (15) of this Rule), and, if appropriate, purchases of goods and services whose cumulative value will exceed the Mandatory Bid Amount. The ITB process is coordinated by the Director.

2. The ITB method of procurement is employed when all of the following apply:

- a. A complete, adequate and realistic specification or purchase description is available;
- b. Two or more responsible suppliers are willing and able to compete effectively for the contract;
- c. The procurement lends itself to a firm-fixed price contract, and selection of the successful bidder can be made on the basis of price; and
- d. No discussion with bidders is needed.

(b) Public Notice.

A notice of an Invitation for Bid (ITB) will be prepared by the Director, and will be advertised as a public notice and must be published in a newspaper of general circulation; and in the Florida Administrative Weekly or in the Florida on-line Vendor Bid System in sufficient time prior to the date set for bid closing. The notice must include the following minimum information:

1. A general description of the services or goods to be purchased.
2. Where to acquire an ITB and associated documents.
3. The location, day and time of the Pre-Bid Conference.
4. The location, last day and hour bids will be accepted (deadline.)
5. Bid Acceptance Period.
6. Whether Federal funds are being used for the procurement.

(c) Receipt of Bids.

Bids shall be submitted so as to be received at the location and manner designated in the invitation for bids not later than the exact time set for the receipt of bids. Except as provided in this subsection, bids received after this time for any reason shall not be considered and returned to the bidder. A bid will not be considered late if a bid is submitted via U.S. Postal Service Express Mail Next Day Service or a commercial express mail service and the bidder provides written documentation showing that the bid package was dispatched at the place of mailing two working days prior to the date set for bid opening. The timeliness of bids is the sole responsibility of the bidder.

(d) Withdrawal of Bids.

Any bidder may withdraw their bid, either personally or by written request, received by TCRA, at any time prior to the time fixed for the receipt of the bids. Negligence on the part of bidders in preparing their bid confers no right of withdrawal of their bid after such bid has been opened. No bid may be withdrawn for a period of at least 180 days following bid opening.

(e) Bid Opening.

1. The Director shall decide when the time set for bid opening has arrived and shall so declare to those present.
2. All bids received in accordance with the time set for receipt shall be publicly opened and when practical, read aloud by the Director to the persons present. The bids received shall

be recorded. If it is impractical to read the entire bid, as where many items are involved, the total amount of the bid shall be read.

(f) Determination of Responsiveness.

1. Any bid which fails to conform to the essential requirements of the invitation for bids, such as specifications, delivery schedule, warranty, or the required bid documents, shall be rejected as non-responsive.

2. A bid shall be rejected when the bidder imposes conditions which modify requirements of the invitation for bids. Bids ~~will may~~ be rejected in cases ~~including but not limited to~~ in which the bidder:

- a. Attempts to protect himself against future changes in conditions such as increased costs, if a total price to TCRA cannot be determined for bid evaluation.
- b. Fails to state a price and in lieu thereof states that price shall be "price in effect at time of delivery."
- c. States a price but qualifies such price as being subject to "price in effect at time of delivery."
- d. Where not authorized by the invitation for bid, conditions or qualifies the bid by stipulating that the bid is to be considered only if, prior to date of award, bidder received (or does not receive) award under a separate procurement.
- e. Limits rights of TCRA under any contract clause.
- f. Fails to comply with all of the requirements of the ITB.

3. A bid ~~will may~~ be rejected if a bid bond is required and a bidder fails to furnish it in accordance with the requirement of the invitation for bids.

4. The originals of all rejected bids, and any written findings with respect to such rejections, shall be preserved in the file relating to the procurement.

5. After submitting a bid, if a bidder transfers all of his assets or that part of his assets related to the bid during the period between the bid opening and the award, the TCRA ~~will may~~ accept or reject the bid ~~at its sole discretion~~.

(g) Determination of Responsibility.

1. Bidders ~~shall may be asked to~~ provide the Director with any information required to determine the responsibility of the bidder.

2. Before awarding the contract, TCRA shall determine that a prospective contractor is responsible and that prices are reasonable. A responsible prospective contractor is one who meets the standards set forth below:

- a. Has adequate financial resources, or the ability to obtain such resources as required during performance of the contract.
- b. Is able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing business commitments.
- c. Has a satisfactory record of performance. In determining a satisfactory record of performance, the following criteria will be evaluated: contractor integrity; compliance with public policy as determined by the

contractor's conformance to Equal Employment Opportunity requirements and attainment of Disadvantaged Business Enterprise goals; achievement of a work record without disbarment or suspension; schedule compliance; budgetary compliance; and adherence to technical and financial resource requirements. ~~Contractors who are, or have been seriously deficient in current or recent contract performance, when the number of contracts and the extent of deficiency of each are considered.~~ Documented past unsatisfactory performance will ordinarily be sufficient to justify a finding of non-responsibility.

d. Is otherwise qualified and eligible to receive an award under applicable laws and regulations.

e. Has the necessary organization, experience, operational controls, and technical skills, or the ability to obtain them.

f. Has the necessary production, construction, and technical equipment and facilities, or the ability to obtain them.

3. Evaluation of the responsibility of prospective contractors shall may be made based upon the following sources:

a. A list of debarred, suspended or ineligible firms or individuals.

b. The prospective contractor's bids and proposals, replies to questionnaires, financial data such as balance sheets, profits and loss statements, cash forecasts, and financial histories of the contractor and affiliated concerns, current and past production records, lists of tools, equipment, and facilities, written statements or commitments concerning financial assistance and subcontracting arrangements.

c. Publications, including credit ratings, trade and financial journals, and business directories and registers may also be used.

d. References such as suppliers, subcontractors, customers of the prospective contractor, banks and financial institutions, commercial credit agencies, other government agencies, purchasing and trade associations, and better business bureaus and chamber of commerce.

e. Documented past performance on contracts with TCRA.

(h) Award of the Contract.

1. Unless all bids are rejected, award shall be by written notice, within the time for acceptance specified in the bid or extension thereof, to the responsible and responsive bidder whose bid, conforming with all the material terms and conditions of the ITB, is the lowest price.

2. Prior to an award being made to other than the lowest bidder, the lowest bidder will be notified in writing by TCRA of any evidence reflecting upon the responsibility of the bidder and affording the bidder the opportunity to rebut such evidence and present evidence of qualifications to perform the contract.

3. Award shall be made by mail or personal delivery to the successful bidder of a notice of award and the proper contract documents. TCRA will finalize the execution of the contract and send a copy to the successful bidder.

4. A contract will may be awarded with a provision for upward or downward price adjustment provided that this allowance was part of the original bid solicitation, and the adjustments are based on a nationally recognized or published index ~~or other criterion acceptable to the Director.~~

(10) Invitation for Revised Bids After Unsatisfactory Initial ITB.

(a) Conditions for Use: An invitation for revised bids will may be used if, after initial bids have been opened, all bids are rejected; if all initial bids submitted result in bid prices in excess of the funds available for the purchase; or if the Director determines that all prices received in response to the initial ITB are unreasonable as to one or more of the requirements and that:

1. There are no additional funds available to permit an award to the responsible bidder submitting the most favorable bid; or

2. Any delay resulting from a resolicitation under revised specifications or quantities under competitive sealed bidding would be fiscally disadvantageous or would not otherwise be in the best interest of TCRA.

(b) Discussions: Discussions will be held with all responsive and responsible bidders who submitted bids in response to the initial ITB. These discussions will address revised specifications and/or revised quantities. All bidders shall be accorded fair and equal treatment with respect to any discussions.

(c) Invitation for Revised Bids.

An invitation for revised bids based on revised specifications or quantities shall be issued as promptly as possible to only those bidders submitting responsive and responsible bids in the initial ITB process. The invitation for revised bids shall provide for a prompt response to the revised requirements.

(d) Award.

An award shall be made upon the basis of the lowest bid price submitted by a responsive and responsible bidder.

(11) Request for Proposal (RFP) Process.

(a) Conditions for Use.

1. The Request for Proposals (RFP) competitive procurement process is used in procurement when: a complete, adequate and realistic specification or purchase description allowing for competition primarily on the basis of price alone may not be available; the contract award amount, whether a firm-fixed price or some type of cost reimbursement contract, can only be determined on the basis of costs of the contractor derived from a negotiation process; discussions or negotiations may be needed to address technical requirements as well as proposed cost or price aspects of the offeror's proposal; and an opportunity can be given to revise proposals and to submit a final proposal at the completion of the discussion phase of the process as determined by the Director, conditions are not practical, advantageous nor appropriate for the use of an ITB. The RFP process is coordinated by the Director.

2. The RFP process is a competitive negotiated procurement process that requires evaluation of offeror's proposed costs and understanding of the contract performance requirements in accordance with established evaluation criteria. The competitive negotiated procurement process does not require award to the lowest offeror. An RFP generally includes:

- a. Project and agency background.
- b. Purpose of the engagement.
- c. General firm qualifications desired.
- d. Scope of work or description of the goods to be procured.
- e. Project schedule.
- f. Proposal requirements.
- g. Criteria for selection.
- h. Payment terms.

(b) Public Notice: A notice of an RFP will be prepared by the Director, will be advertised as a public notice, and must be published in a newspaper of general circulation; and in the Florida Administrative Weekly or in the Florida on-line Vendor Bid System in sufficient time prior to the date set for proposal receipt. The notice must include the following minimum information:

1. A general description of the services or goods to be purchased.
2. Where to acquire an RFP and associated documents.
3. The location, day and time of the Pre-Proposal Conference.
4. The location, last day and hour proposals will be accepted (deadline).
5. Whether Federal funds are being used for the procurement.

(c) Receipt of Proposals: Proposals shall be submitted so as to be received at the location and manner designated in the RFP not later than the exact time set for the receipt of proposals. Except as provided in this subsection, proposals received after this time for any reason shall not be considered and returned to the proposer. A proposal will not be considered late if it is received at the location for receipt of proposals after the time set if the proposal is submitted via U.S. Postal Service Express Mail Next Day Service or a commercial express mail services and the proposer provides written documentation showing that the proposal package was dispatched at the place of mailing two working days prior to the date set for receipt of proposals. The only acceptable evidence to establish the time of receipt at TCRA's offices is the time/date stamp of TCRA which shall be placed on the proposal wrapper immediately upon receipt. A TCRA staff person receiving the proposal shall sign the exterior of the proposal package to verify the date and time received and person receiving the proposal. The timeliness of proposals is the sole responsibility of the proposer.

(d) Evaluation of Proposals: All proposals received shall be evaluated by an Evaluation and Selection Committee in accordance with the procedures set forth in Chapter III of TCRA's Procurement Procedures.

(e) Discussions.

1. Discussions are not required to be conducted with any offeror provided:

- a. The solicitation did not commit in advance to discussions or notified all offerors that award might be made without discussion; and the award is in fact made without any written or oral discussion with any proposer;
- b. The procurement is for supplies for which prices or rates are fixed by law and regulation;
- c. The time for delivery will not permit discussions; or
- d. The procurement is for a product and, due to the existence of adequate competition or accurate prior cost experience, it can be clearly demonstrated that acceptance of an initial proposal would result in a fair and reasonable price.

(2) If discussions are conducted with one offeror, discussions must be conducted with all offerors within the competitive range.

(a) through (e) No change.

(f) Award After Discussions.

Upon completion of discussions, TCRA ~~will~~ ~~may~~ make a selection for contract award in accordance ~~according~~ with subsection (11)(h) without requesting Best and Final Offers if it has determined that the highest rated proposer has the ability to perform under the terms and conditions of a proposed contract, that the price offered by the proposer is advantageous to TCRA, and that the proposer has the financial and technical resources necessary to perform the contract.

(g) Request for Best and Final Offer.

1. If, upon completion of discussions, TCRA does not make a selection for contract award, TCRA will issue to all proposers within the competitive range a request for a final supplement denominated the "Best and Final Offer" (BAFO). Oral requests for BAFOs shall be confirmed in writing. Best and Final Offers must be submitted in accordance with written procedures received from TCRA.

2. Such requests shall advise proposers:

- a. That negotiations are being concluded;
- b. That proposers are being asked for their "best and final" offer, not merely to confirm or reconfirm prior offers; and
- c. That any revision or modification of proposals must be submitted by the date specified.

3. Following the review of the BAFOs by the Evaluation and Selection Committee, the Director shall consolidate the cost and technical evaluations and all score sheets along with their comments and recommendations. After reviewing the evaluations and recommendation made by the Evaluation and Selection Committee, the Director shall make a determination of the recommendation for contract award.

(h) Award of the Contract.

After evaluation of proposals in accordance with the criteria set forth in the RFP, the contract shall be awarded to the offeror of the proposal most advantageous to the TCRA, price and other factors considered.

(12) Procurement of Professional, Architectural, Engineering, Testing, Landscape Architectural, and Land Surveying Services.

(a) Conditions for Use: Each time TCRA procures professional services for architecture, professional engineering, landscaping architecture or registered land surveyor services for a project where the basic construction cost of which is estimated by the TCRA to be in excess of the threshold amount of Category FIVE articulated in Florida Statute 287.017 or for a planning or study activity when the fee for professional services is in excess of the Category TWO amount articulated in Florida Statute 287.017, ("CCNA Project") TCRA shall comply with the rules for solicitation of services procedures contained herein ~~except that geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.~~

(b) Letters of Interest Solicitation: Each time TCRA is to procure professional services on a CCNA Project, a request for Letters of Interest will be sent to all appropriate firms in TCRA's Vendor Database. This method, where price cannot be used as an evaluation factor and negotiations are conducted with only the most qualified, can only be used in procurement of the above services. This method of procurement cannot be used to obtain other types of services even though a firm that provides the above types of services are also potential sources to perform other services. If sufficient qualified firms are available, Letters of Interest should be sent to a minimum of three (3) firms. Such request for Letters of Interest will request them to:

1. Express their interest in obtaining the particular job.

2. State the staff and background proposed for the particular project including, if applicable, joint ventures, minority participation and whether the firm is a certified minority business enterprise as defined in the Florida Small and Minority Business Assistance Act.

3. Express the fee structure including a breakdown of estimated amounts for the completion of each section of the project. This fee structure is to be submitted in a separate envelope marked as containing the fee structure. If inadequate information is available for the firms to provide a breakdown of estimated cost, the salary structure, multiplier, and a not to exceed amount will be provided in the fee portion of the response. This fee proposal will may be required to be submitted with the submission of the Letter of Interest for an individual job or will may be required at short listing if Letters of Interest are requested for multiple jobs.

(c) Advertisement for CCNA: The TCRA shall advertise at least once in a paper of general circulation within Dade, Broward and Palm Beach Counties advising all interested firms of the CCNA Project and requesting Letters of Interest to be submitted. The public notice shall include a general description of the CCNA project and shall indicate how interested consultants may apply for consideration.

(d) Review of Qualifications: All qualifications and submittals of those firms responding with a Letter of Interest shall be reviewed and evaluated by an Evaluation and Selection Committee in accordance with the procedures set forth in Chapter III of TCRA's Procurement Procedures.

(e) Short List: The Evaluation and Selection Committee shall reduce the number of firms (short list) to at least three for further discussions. In short listing the firms, the Committee shall attempt to select the best qualified firms to render the solicited service for the particular project without considering price or opening the fee submitted by each firm with their letter of interest. A determination should be made that each firm is fully qualified to render the required service. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm. Such firm must be certified by TCRA to be qualified pursuant to law and the regulation of TCRA.

(f) Discussions: The Evaluation and Selection Committee will may request presentations from the firms and discuss the proposals with the firms when a presentation will afford TCRA to better ascertain qualifications of the proposer, the technical requirements of the proposal, or the prices proposed. The requirements of presentations or discussion will be the same for each firm short listed.

(g) Ranking of Firms: The voting members of the Evaluation and Selection Committee, after discussions and/or presentations by each short listed firm, will vote on the final ranking. The ranking of firms shall indicate the Committee's view of the firm that will best serve the interest of the TCRA with factors considered such as the ability of professional personnel; whether a firm is a certified minority business enterprise, litigation history, past performance; willingness to meet time and budget requirements; location; recent, current, and a projected workload of the firm; and the volume of work previously awarded to each firm by the TCRA.

(h) Ranking Reported to the Board: On completion of the selection process, the Committee shall report the ranking of the firms to the Director who shall immediately advise the members of the Board in writing of the three or more firms selected and their ranking in order of preference.

(i) Negotiations: Upon approval by the Board of the three highest rated firms, the Director shall open the fee proposal of the highest ranked firm and attempt to negotiate a contract with the highest ranked firm to perform services at a compensation which is determined to be fair, competitive and reasonable. If the Director is unable to negotiate a satisfactory contract with

the firm obtaining the highest ranking, negotiations with that firm shall be formally terminated. The Director then shall undertake negotiations with the second ranked firm. If these negotiations also prove unsatisfactory, negotiations shall again be terminated and the Director will negotiate, in turn, with each firm in accordance with their ranking by the committee, until an agreement is reached or the short list is exhausted. When a short list is exhausted, a new solicitation for Letters of Interest in accordance with the provision of this subsection must be initiated.

(j) Compensation: TCRA shall negotiate a contract with the most qualified firm for professional services at compensation which TCRA determines is fair, competitive, and reasonable. In making such determination, TCRA shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity.

(k) Truth in Negotiation Certificate: On any lump-sum or cost-plus-a-fixed-fee professional service contract over the threshold amount of Category FOUR articulated at Florida Statute 287.017, TCRA shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that wage rates and other factual costs supporting the compensation are accurate, complete, and current at the time of contracting. Any professional contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the TCRA determines the contract price was increased due to inaccurate, incomplete or non-current wage rates and other factual unit costs. Any such contract adjustments can only be made within one year following the end of the contract.

(l) Award of Contract: At the successful conclusion of negotiations, a contract will may be presented to the Board for award. The Board will review the selection process and reject all proposals if it determines such rejection is consistent with the provisions of this Rule is in the best interests of TCRA.

(m) Contractor Responsibility: The contractor is responsible for the professional quality, technical accuracy and coordination of all services under the contract. The contractor shall may be liable to TCRA for costs resulting from errors or deficiencies in design furnished under the terms of the A/E contract.

(n) Contingent Fee Disclosure.

1. Each contract entered into by the TCRA for professional services shall contain the following prohibition against contingent fees:

"The architect (or registered surveyor and mapper or professional engineer, as applicable) warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for the architect (or registered surveyor and mapper or professional engineer, as applicable) to solicit or secure this agreement and that he or she

has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the architect (or registered surveyor and mapper, or professional engineer, as applicable) any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award or making of this agreement."

2. For the breach or violation of this provision, TCRA shall have the right to terminate the agreement without liability ~~at its discretion~~ and to deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift, or consideration.

(o) Testing Services: Professional Testing Services covered under CCNA will may be purchased by the establishment of a Rotating List for purchases above or below the Mandatory Bid Amount. The award must be made by the Board and the contracts signed by the Chair, the Executive Director, General Counsel, Director, and the Contractor.

(13) Sole Source Procurement.

(a) A sole source procurement is a purchase accomplished through solicitation or acceptance of a proposal or bid from only one source; or, if after solicitation of a number of sources competition is determined inadequate. A sole source purchase must be documented as to the reasons why only one supplier is acceptable. This documentation is normally furnished by the originating department and verified by the Director. The Executive Director is responsible for making the final determination on sole source procurements.

(b) A contract amendment or change order that is not within the scope of the original contract is considered a sole source procurement.

(c) Sole source procurement may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals and at least one of the following circumstances applies:

(1) The item is available only from a single source;

(2) The public exigency or emergency (i.e., a threat to public health, welfare, safety, property or other substantial loss to the TCRA, or a situation requiring immediate action by the TCRA, as determined by the TCRA) for the requirement will not permit a delay resulting from competitive solicitation;

(3) FTA authorizes noncompetitive negotiations;

(4) After solicitation of a number of sources, competition is determined inadequate; or

(5) The item is an associated capital maintenance item as defined in 49 U.S.C. § 5307(a)(1) as "equipment, tires, tubes, and material, each costing at least .5 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment, tires, tubes, and material are to be used" and the item is that is procured directly from the original manufacturer or supplier of the item to be replaced. The grantee must first certify in writing to FTA: (i) that such

manufacturer or supplier is the only source for such item; and (ii) that the price of such item is no higher than the price paid for such item by like customers.

(d) A cost analysis, i.e., verifying the proposed cost data, the projections of the date, and the evaluation of the specific elements of costs and profit, is required.

(e) The Director shall conduct negotiations, as appropriate, as to price, delivery, and terms.

(14) Two Step Procurement Process.

(a) Two step procurement combines elements of sealed bidding and competitive negotiation.

(b) Step One is the issuance of a Request for Technical Proposals (RFTP). Proposers are required to submit technical proposals, unpriced, specifying their capability of meeting TCRA's requirements for the procurement in question. Proposals will be evaluated, in accordance with the criteria published in the RFTP to determine whether they are technically acceptable. The determination of technical acceptability may be made by TCRA on the basis of the proposals as submitted, or pursuant to discussions with any or all proposers for purposes of clarifying technical requirements and submittals.

(c) Step Two is the issuance of an Invitation to Bid (ITB) to those proposers determined under Step One to have submitted technically acceptable proposals. Award will be made to the lowest responsible and responsive bidder, selected from among those proposers requested to submit bids.

(15) Design-Build Procurement.

(a) A design-build contract is a single contract with a single contractor for the design and construction of a public construction project.

(b) The design criteria package must be prepared. The purpose of the design criterion package is to furnish sufficient information so as to permit potential contractors to prepare a bid or a response. The package must include performance-based criteria for the project. The design criteria package must be prepared and sealed by a design criteria professional employed by or retained by TCRA.

(c) Design-build contracts will be solicited by the use of a competitive proposal selection process as described in Section (11) of this Rule; or by the use of a bidding process as described in Section (9) of this Rule; or by the use of a two-step procurement process as described in Section (14) of this Rule; or by the use of a qualifications-based selection process pursuant to the provisions of Section (12) of this Rule only if the majority of the work contemplated is to be conducted by an architect, professional engineer, landscaping architect or registered land surveyor.

(d) The selected firm must establish a guaranteed maximum price and a guaranteed completion date.

(e) If the qualifications-based selection process is utilized, during the selection of the design-build firm, a licensed design professional appropriate to the project will serve as the TCRA's representative.

(f) Procedures for the use of a competitive proposal selection process must include the following:

1. The preparation of a design criteria package for the design and construction of the project.

2. The qualification and selection of no fewer than three design-build firms as the most qualified, based on the qualifications, availability, and past work of the firms, including the partners or members thereof.

3. The criteria, procedures, and standards for the evaluation of design-build contract proposals, based on price, technical, and design aspects of the project, weighted for each specific project.

4. The solicitation of competitive proposals, pursuant to a design criteria package, from those qualified design-build firms and the evaluation of the responses submitted by those firms based on the evaluation criteria and procedures established prior to the solicitation of competitive proposals.

(g) The employed or retained design-criteria professional will assist in:

1. The evaluation of the responses submitted by the design-build firm.

2. The supervision or approval of the detailed working drawings of the project.

3. The evaluation of the compliance of the project construction with design criteria package prepared by the design-criteria professional.

Specific Authority ~~420.53(1)(b); 343.54(1)(b),(3)(i) FS. Law Implemented 343.54(1)(b),(3)(i) FS. History—New 7-5-95, Amended _____.~~

30C-2.009 Debarment and Suspension Procedures.

(1) Authority: After thirty (30) days reasonable notice to the person involved and a hearing before the Director ~~reasonable opportunity for that person to be heard~~, the Director, after consultation with the Office of General Counsel, shall have authority to debar a person for cause from consideration for award of future contracts. The debarment shall be for a period commensurate with the seriousness of the cause(s), and no more than generally not to exceed three (3) years. If suspension precedes a debarment, the suspension period shall be considered in determining the debarment period. Where the offense is willful or egregious, a longer term of debarment ~~will may~~ be imposed, up to a period of five (5) years ~~an indefinite period~~. The Director shall also have the authority to suspend a person from consideration for award of contracts if there is probable cause for debarment as provided in Paragraph (2) of this rule. The suspension shall not be for a period exceeding three (3) months.

(2) Cause for Debarment. The causes for debarment include the following:

(a) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.

(b) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a contractor.

(c) Conviction under state or Federal antitrust statutes arising out of the submission of bids or proposals.

(d) Violation of contract provisions as set forth below, ~~of a character which is regarded by the Director to be so serious as to justify debarment action.~~

1. Deliberate failure without good cause to perform in accordance with specifications or within the time limit provided in the contract; or

2. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts: provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.

(e) Refutation of an offer by failure to provide bonds, insurance or other required certificates within the time period set forth in contract documents ~~a reasonable time period.~~

(f) Refusal to accept a purchase order, agreement, or contract, or to perform thereon provided such order was issued timely and in conformance with the offer received.

(g) Presence of principals or corporate officers in the business of concern, who were principals within another business at the time when the other business was suspended within the last three years under the provisions of this subsection.

(h) Violation of the ethical standards for public business as set forth in Florida Statutes ~~as set forth in state law.~~

(i) Unilateral withdrawal of a bid before one hundred eighty (180) days have elapsed from the date of bid opening or a time specified in the ITB.

~~(j) Any other cause the Director determines to be so serious and compelling as to affect responsibility as a TCRA contractor including debarment by another governmental entity for any cause listed in this Code.~~

(3) Decision: The Director shall issue a written decision to debar or suspend. The decision shall:

(a) State the reason for the action taken; and

(b) Inform the debarred or suspended person of his rights to appear before the Board of the TCRA.

(4) Notice of Decision: A copy of the decision for the debarment or suspension shall be mailed or otherwise furnished immediately to the debarred or suspended person and any other party intervening.

(5) Hearing Procedure for Debarment, Suspension of Vendors, and Determination of the Director. See Chapter 28-106, F.A.C.

(a) Right of Appeal: Any person dissatisfied or aggrieved with the notification of the Director's determination regarding the resolution of a protested solicitation or proposed award or a determination to debar or suspend must, within ten (10) calendar days of such notification, appeal said determination to the TCRA in accordance with the procedures contained in this subsection.

(b) Hearing Date: Within ten (10) calendar days from the receipt of the notice of appeal, the TCRA shall schedule a hearing at the next regularly scheduled meeting of the Board, at which time the person shall be given the opportunity to demonstrate why the decision of the Director should be overturned.

(c) Hearing Procedure: The procedure for any hearing required by this article shall be:

1. The TCRA shall cause to be served upon the person a notice of hearing, stating the time and place of the hearing. The notice of hearing shall be sent by certified mail, return receipt requested, to the mailing address of the vendor.

2. The person shall have the right to be represented by counsel, to call and examine witnesses, to introduce exhibits, to examine opposing witnesses on any relevant matter, even though the matter was covered under direct examination, and to impeach any witness regardless of which party first called him to testify.

3. In any hearing before the Board, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial in the courts of Florida.

4. Within thirty (30) calendar days from the hearing, the Board shall complete and submit to the Director and the person requesting said hearing a final order consisting of the findings of fact and conclusions of law as to the granting or denial of the appeal.

5. All persons must comply with this procedure before challenging the decision pursuant to any other procedure.

(6) Reinstatement.

(a) Grounds: Request for reinstatement shall be made in writing based upon the following:

1. Discovery of new and material evidence not previously available;

2. Dismissal of the indictment or reversal of the conviction;

3. Bona fide change in ownership or management sufficient to justify a finding of present responsibility.

(b) Procedures: The request for reinstatement shall be forwarded by the Director to the TCRA Board for a determination on reinstatement. The determination of whether to reinstate shall be based on the written submission of evidence, without further hearing. Upon consideration of the written submission and any response from the Director, the TCRA Board shall make a determination whether or not reinstatement is warranted under the standards set forth above.

Specific Authority 343.54(1)(b) FS. Law Implemented 343.54 FS. History—New _____.

30C-2.010 Vendor Protest Procedures.

(1) Notice: The TCRA shall provide notice of its decision or intended decision concerning solicitations or contract awards by certified United States mail, return receipt requested. The notice shall contain the following statement: "Failure to file a protest within the time prescribed in § 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

(2) Filing of Protest. See Chapter 28-110, F.A.C.

(a) Protests must be filed with:

Tri-County Commuter Rail Authority

800 N. W. 33rd Street

Suite 100

Pompano Beach, Florida 33064

All protests must be received at the TCRA address listed above during normal office hours of 8:00 a.m. to 5:00 p.m., Eastern Standard or Daylight Time. Failure to file a notice of protest or failure to file a formal written protest as provided in subsections (b) and (c) shall constitute a waiver of proceedings. The formal written protest shall state with particularity the facts and law upon which the protest is based.

(b) With respect to a protest of the specifications contained in an ITB or in an RFP, the notice of protest shall be filed in writing within 72 hours after the receipt of notice of the project plans and specifications or intended project plans and specifications in an ITB or RFP, and the formal written protest shall be filed within 10 days after the date the notice of protest is filed.

(c) Any person who is affected adversely by TCRA's decision or intended decision concerning a solicitation or contract award shall file with the TCRA a notice of protest in writing within 72 hours after receipt of TCRA's written notice of TCRA's decision or intended decision, and shall file a formal written protest within 10 days after the date the notice of protest is filed.

(3) Receipt of Protest: Upon receipt of the formal written protest which has been timely filed, TCRA shall stop the solicitation process or the contract award process until the subject of the protest is resolved by TCRA final action, unless the Director sets forth in writing particular fact and

circumstances which require the continuance of the solicitation process or the contract award process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare.

(4) Resolved Protest: The TCRA on its own initiative or upon the request of a protester, shall provide an opportunity to resolve the protest by mutual agreement between the parties within seven days, excluding Saturdays, Sundays, and legal holidays, of receipt of a formal written protest.

(5) Unresolved Protest. If the subject of a protest is not resolved by mutual agreement within seven days, excluding Saturdays, Sundays, and legal holidays, of receipt of the formal written protest, and if there is not a disputed issue of material fact, an informal proceeding shall be conducted pursuant to § 120.57(2), F.S. and Part III, Chapter 28-106, F.A.C. Such informal proceeding shall be conducted whenever the substantial interests of a party is determined by a TCRA decision and there exists no disputed issue of material fact. It is not necessary that such party's affected interest relate to a solicitation or contract award decision by TCRA. The Director shall conduct the informal hearing as follows:

TCRA shall give reasonable notice to:

(a) Affected parties of the action by TCRA of its decision or refusal to take action together with a summary of the factual, legal and policy grounds therefore;

(b) Provide the affected persons or their counsel an opportunity at a convenient time and place to present to TCRA or a TCRA representative designated as a hearing officer, written or oral evidence in opposition to the TCRA's action or the refusal to act, or a written statement challenging the grounds upon which the TCRA has chosen to justify its action or inaction;

(c) If the objections of the persons or parties are overruled, a written record should be provided within seven days consisting of:

1. The notice and summary of grounds;
2. Evidence received or considered;
3. All written statements by persons and parties;
4. Any decisions overruling objections;
5. All matters placed on the record after an *ex parte* communication; and
6. The official transcript.

(6) Referral of Protest: If the subject of a protest is not resolved by a mutual agreement within seven days, excluding Saturdays, Sundays, and legal holidays, of receipt of the formal written protest, and if there is a disputed issue of material fact, TCRA shall refer the protest to the Florida Division of Administrative Hearings for proceedings consistent with § 120.57(1), Florida Statutes. TCRA shall refer any protest where the substantial interest of party is determined by TCRA action and ~~there~~ ~~three~~ is a disputed issue of material fact to the Division of Administrative Hearings for proceedings consistent with 120.57(1), Florida Statutes.

(7) Protest to Federal Transit Administration.

(a) A protester adversely affected by a final protest decision of TCRA may submit a protest to the Federal Transit Administration (FTA) in accordance with the provisions of FTA Circular 4220.1, as currently in effect as of the date of TCRA's decision on the protest.

(b) Under the provision of the FTA Circular, FTA will only review protests regarding the alleged failure of TCRA to have written protest procedures or the alleged failure to have followed such protest procedures or the alleged failure to review a complaint or protest.

(c) In accordance with the FTA Circular, such protest must be filed no later than 5 days after the protester knew or should have known of TCRA's alleged failure listed above.

(d) Under the following conditions, TCRA may proceed with the procurement in spite of a pending protest to the FTA:

1. The items to be procured are urgently required;
2. Delivery or performance will be unduly delayed by failure to make the award promptly; or
3. Failure to make prompt award will otherwise cause undue harm to TCRA or the Federal Government.

Specific Authority ~~420.53(1)(b);~~ 343.54(1)(b),(3)(i) FS. Law Implemented 343.54(1)(b),(3)(i) FS. History--New 7-5-95, Amended _____.

30C-2.011 Solicitation or Awards in Violation of Law or Rules and Regulations.

(1) Applicability of this Rule: The provisions of this Rule apply where it is determined administratively or upon administrative or judicial review that a solicitation, proposed award, or award of a contract is in violation of law or rules and regulations. If the violation occurs prior to the award, the award shall be canceled or revised to comply with the law. Additional provisions regarding solicitations or awards in violation of law or rules and regulations are contained elsewhere in this Procurement Code.

(2) Remedies After an Award: If after an award it is determined that a solicitation of award of a contract was in violation of this Code or procedures of the TCRA, then:

(a) Good Faith of Vendor: If the person awarded the contract has not acted fraudulently or in bad faith:

1. The contract ~~will~~ ~~may~~ be ratified and affirmed, provided it is determined that doing so is in the best interest of the TCRA; or
2. The contract ~~will~~ ~~may~~ be terminated in a manner designed to eliminate any damages to the contractor.

(b) Bad Faith of Vendor: If the person awarded the contract has acted fraudulently or in bad faith:

1. The contract ~~will~~ ~~may~~ be declared null and void; or
2. The contract ~~will~~ ~~may~~ be ratified and affirmed if such action is consistent with the provisions of this rule. Such action does not prejudice the TCRA's rights to such damages as are ~~may~~ be appropriate.

Specific Authority ~~420.53(1)(b);~~ 343.54(1)(b),(3)(i) FS. Law Implemented 343.54(1)(b),(3)(i) FS. History--New 7-5-95, Amended _____.

DEPARTMENT OF ELDER AFFAIRS

Emergency Home Energy Assistance

RULE NOS.:	RULE TITLES:
58E-1.001	Purpose and Legal Base
58E-1.002	Referral Services
58E-1.003	Household Composition
58E-1.004	Eligibility Factors Other Than Income
58E-1.005	Determination of Eligibility Based on Income
58E-1.006	Income
58E-1.007	Verification
58E-1.008	Program Administration
58E-1.009	Eligible Activities
58E-1.010	Ineligible Activities
58E-1.011	Amount of Assistance

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule repeals, as noticed in Vol. 26, No. 6, February 11, 2000, Florida Administrative Weekly have been withdrawn due to time constraints.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.:	RULE TITLE:
61G17-1.0051	Probable Cause Panel

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 9, March 3, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee, and from the board meeting held May 19, 2000. Subsection (2) has been changed to read as follows:

(2) The chair shall appoint two members to serve on the probable cause panel, one of which must be either a present or former surveyor and mapper member of the Board. The other member shall be a present or former consumer member of the Board if one is available and willing to serve. However, the probable cause panel must, at all times, contain a present board member. Nothing herein shall be construed to limit to one the number of surveyor and mapper past Board members that the chair may appoint to the probable cause panel if there are more than two members appointed to that panel by the chair.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.:	RULE TITLES:
61G17-4.001	Requirements
61G17-4.004	Grading

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 9, March 3, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee, and from the board meeting held May 19, 2000.

Rule 61G17-4.001, Subsection (3) has been changed to read as follows:

(3) Except as provided by NCEES testing requirements, examinations are open book, that is, the use of notes, reference books, and slide rule, is permitted. Programmable and non-programmable calculators are permitted so long as they are: hand-held, silent, battery-operated or solar powered, non-printing, self-contained, and without auxiliary memory capabilities, video screens, or peripheral equipment. All such materials including pens and pencils are to be furnished by the applicant. Applicants should come equipped with ordinary drawing instruments.

Rule 61G17-4.004, Subsection (1) has been changed to read as follows:

(1) The Principles and Practice Examination and the Fundamentals Examination contain machine graded, multiple choice questions developed by the NCEES. The minimum score necessary for passing the Principles and Practice Examination and the Fundamentals Examination shall be set by NCEES through the use of a Modified Angoff Method for determining the minimally acceptable raw score necessary to pass the examination. The passing score shall be established by NCEES.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.:	RULE TITLES:
61G17-5.0031	Continuing Education Credit for Biennial Renewal
61G17-5.0043	Obligations of Continuing Education Providers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 9, March 3, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee, and from the board meeting held May 19, 2000.

Rule 61G17-5.0031 has been changed as follows:

1) Subsection (1)(a):

(1)(a) At least six (6) of the twenty-four (24) credits must be obtained by completing an approved provider's course or seminar on Florida's minimum technical standards or an approved provider's course or seminar on Florida's laws affecting the practice of surveying and mapping. The licensee shall rotate completion of these courses or seminars so that, for one biennium, the licensee completes a course or seminar on minimum technical standards and, for the next biennium, the licensee completes a course or seminar on laws affecting the practice of surveying and mapping.

2) Subsection (5) shall be deleted in its entirety.

Rule 61G17-5.0043, Subsection (6) has been changed to read:

(6) Notify the Board within thirty (30) days of any change in the address or telephone number of the provider;

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.:	RULE TITLE:
61G17-8.0011	Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 9, March 3, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee, and from the board meeting held May 19, 2000. Subsection (13) has been changed to read as follows:

(13) The examination review fee shall be based on the actual cost incurred by the Department to provide examination review.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program Office

RULE NO.: 65A-4.101
RULE TITLE: WAGES Early Exit Diversion Program
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as noticed in the Florida Administrative Weekly, Vol. 26, No. 7, February 18, 2000, has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: Replacement of Obsolete Emergency Rules
RULE NO.: 53ER00-26
SUMMARY OF THE RULE: This emergency rule is replacing an emergency rule determined to be invalid, and therefore obsolete, and is also replacing other emergency rules that are unnecessary or obsolete.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-26 Replacement of Obsolete Emergency Rules.

The following Department of the Lottery emergency rules relating to Lottery procedures and games are obsolete. Emergency rule 53ER99-48 was declared invalid in DOAH Case No. 99-4431RE. Emergency rules 53ER99-1, 53ER99-14, 53ER99-18, 53ER99-25, 53ER99-38, 53ER99-55, 53ER99-62, and 53ER99-63 are obsolete because the games have concluded or the emergency rule provisions have been adopted by permanent rule provisions.

Specific Authority 24.109(1) FS. Law Implemented 24.109(1), 120.74(1)(c) FS. History--New 5-25-00. Replaces 53ER99-1, 53ER99-14, 53ER99-18, 53ER99-25, 53ER99-38, 53ER99-48, 53ER99-55, 53ER99-62, 53ER99-63, FAC.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.
EFFECTIVE DATE: May 25, 2000

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 303 Specifics
RULE NO.: 53ER00-27
SUMMARY OF THE RULE: Instant Game Number 303 Specifics, "WINNER'S CIRCLE," will be sold by Florida Lottery retailers on a date to be determined by the Secretary of

the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-27 Instant Game 303 Specifics.

(1) Name of Game. Instant Game Number 303 "WINNER'S CIRCLE."

(2) Price. WINNER'S CIRCLE tickets sell for \$2.00 per ticket.

(3) WINNER'S CIRCLE 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 WINNER'S CIRCLE Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), FAC. In the event a dispute arises as to the validity of any WINNER'S CIRCLE Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR HORSE NUMBERS" play symbols and play symbol captions in WINNER'S CIRCLE are as follows:

INSERT SYMBOLS

(5) The "WINNING HORSE NUMBERS" play symbols and play symbol captions in WINNER'S CIRCLE are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions in WINNER'S CIRCLE are as follows:

INSERT SYMBOLS

(7) The "BONUS SPOT" play symbols and play symbols captions in WINNER'S CIRCLE are as follows:

INSERT SYMBOLS

(8) The legends in "WINNER'S CIRCLE" are as follows:

INSERT SYMBOLS

(9) Determination of Prize Winners. The holder of a ticket having a number in the "YOUR HORSE NUMBERS" play area that matches any number in the "WINNING HORSE NUMBERS" play area shall be entitled to the corresponding prize amount shown for that number, or if "TICKET" is shown as the corresponding prize, shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00. The cash prize amounts which may appear in the play area are: \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$1,000 and \$10,000.

(10) The holder of a ticket having a "\$\$" symbol in the "BONUS SPOT" play area shall be entitled to a prize of \$10.

(11) The value, number of prizes, and odds of winning in Instant Game Number 303 are as follows:

IF YOUR HORSE NUMBERS
MATCH ANY WINNING
HORSE NUMBERS OR GET
A "\$\$" SYMBOL IN THE WINNER'S
CIRCLE BONUS SPOT WIN \$10

WITH PRIZES OF:	WIN	NUMBER IN 63 POOLS OF 120,000 TICKETS PER POOL	ODDS
TICKET	\$2 TICKET	907,200	1 in 8.33
\$2	\$2	352,800	1 in 21.43
\$2 x 2	\$4	302,400	1 in 25.00
\$2 + \$3	\$5	201,600	1 in 37.50
\$5	\$5	100,800	1 in 75.00
\$2 x 3 + \$2 x 2	\$10	100,800	1 in 75.00
\$5 x 2	\$10	50,400	1 in 150.00
\$10 Autowin	\$10	50,400	1 in 150.00
\$20	\$20	50,400	1 in 150.00
\$2 x 5 + \$5 x 2	\$20	50,400	1 in 150.00
\$5 x 10	\$50	1,575	1 in 4,800.00
\$10 + \$10 + \$10 + \$10 + \$10	\$50	1,575	1 in 4,800.00
\$25 x 2	\$50	945	1 in 8,000.00
\$50	\$50	945	1 in 8,000.00
\$10 x 10	\$100	504	1 in 15,000.00
\$25 + \$25 + \$25 + \$25	\$100	441	1 in 17,142.86
\$50 x 2	\$100	378	1 in 20,000.00
\$25 x 10	\$250	63	1 in 120,000.00
\$50 + \$50 + \$50 + \$50 + \$50	\$250	63	1 in 120,000.00
\$100 x 10	\$1,000	15	1 in 504,000.00
\$1,000	\$1,000	15	1 in 504,000.00
\$1,000 x 10	\$10,000	4	1 in 1,890,000.00
\$10,000	\$10,000	4	1 in 1,890,000.00

(12) The over-all odds of winning any prize in Instant Game Number 303 are 1 in 3.48.

(13) For reorders of Instant Game Number 303, 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 5-25-00.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: May 25, 2000

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation (hereafter the "Department") has denied an Emergency Petition for Variance or Waiver (hereafter the "Petition") from Ronald Hare. The Petition was filed on February 16, 2000, seeking a variance from or waiver of the provisions of Rule 14-96, Florida Administrative Code, which regulates driveway connections to the state highway system. By the Petition, Mr. Hare sought to have access directly to State Highway A1A and requested that the Department grant a variance from or waive portions of Rule 14-96, Florida Administrative Code. The original notice of the Petition was published on March 3, 2000, in Vol. 26, No. 9, of the Florida Administrative Weekly.

The Department denied the Petition on May 22, 2000. The basis for the denial was that the Petition did not demonstrate a proper basis for granting a variance or waiver from Rule 14-96.009, Florida Administrative Code.

A copy of the denial may be obtained from: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458.

For additional information, contact: Robert Downie, Assistant General Counsel, (850)414-5265.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that BellSouth Public Communications, Inc.'s petition for exemption of Rule 25-24.515(13), Florida Administrative Code, filed February 21, 2000, in Docket No. 000213-TC was approved by the Commission at its April 18, 2000 Agenda Conference. Order No. PSC-00-0897-PAA-TC, issued May 5, 2000 memorialized the decision. The rule requires that pay telephones must allow incoming calls. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on March 10, 2000.

A copy of the Order can be obtained from either the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on May 23, 2000, a petition from W.R. Grace & Co – Conn., seeking a waiver of rule 62-761, Florida Administrative Code, for AST storage tank systems. The petition has been assigned OGC case number 00-1101.

Copies may be received from, and written comments submitted to: Inguna Varslavane-Callahan, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that it has received a petition, filed on May 15, 2000 from Timothy Spruill, Ed.D. seeking a waiver of Rule 64B19-11.003(5), Florida Administrative Code, as it applies to Petitioner. The Board will address this matter at its regularly scheduled board meeting which will be held June 30, 2000 at 9:00 a.m., at Embassy Suites, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555.

Comments on this petition should be filed with Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

Notice of correction is hereby given that the State of Florida, Department of Health, Bureau of Emergency Medical Services, received a Petition for Variance or Waiver on April 27, 2000 from Alachua County, Florida. This petition was originally published in the Florida Administrative Weekly on May 12, 2000.

Applicable Rule: Section 64E-2.030(1), FAC.

Requested Action: To grant a variance or waiver to the deadline for filing their grant application; accept the signed and completed Assurance Form as complete and timely; and grant Petitioner an extension of time to file a petition for administrative hearing to contest the denial of the grant application, or otherwise toll the deadline to file such a petition.

Any interested person or agency may submit written comments on this petition until close of business May 26, 2000. Comments on or requests for copies of the petition must be addressed to: Ms. Pam Lesley, Sr. Management Analyst, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738. P. O. X00699

**Section VI
Notices of Meetings, Workshops and Public Hearings**

DEPARTMENT OF STATE

The **Florida Folklife Council** announces a public meeting to which all persons are invited.

DATE and TIME: Monday, June 26, 2000, 10:00 a.m.

PLACE: Pioneer Settlement, Blountstown, Florida

PURPOSE: This is the quarterly meeting to conduct business and review Florida Folk Festival Procedures.

A copy of the agenda may be obtained by writing: Florida Folklife Council, Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)487-2333.

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 of 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.

DEPARTMENT OF LEGAL AFFAIRS

The Research Committee of the **Florida Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: July 6, 2000, 10:30 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF BANKING AND FINANCE

The Florida **Board of Funeral and Cemetery Services** announces a public Rules Committee Meeting and all persons are invited to attend.

DATE AND TIME: July 17, 2000, 10:00 a.m. – 5:00 p.m.

PLACE: Hotel Royal Plaza, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL 32830-2203

PURPOSE: Regular Rules Committee Business.

To obtain further information contact: Gladys Hennen, Administrative Assistant II, Division of Securities and Finance, 101 East Gaines St., Fletcher Bldg., Room 624P, Tallahassee, FL 32399-0350, telephone number (850)410-9847.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Gladys Hennen, (850)410-9847, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Gladys Hennen via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The Florida **Board of Funeral and Cemetery Services** announces a public Board Meeting and all persons are invited to attend.

DATE AND TIME: July 18, 2000, 10:00 a.m. – 5:00 p.m.

PLACE: Hotel Royal Plaza, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL 32830-2203

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, the person will need a record of the proceedings, and for such purpose the person 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.

To obtain further information contact: Gladys Hennen, Administrative Assistant II, Division of Securities and Finance, 101 East Gaines St., Fletcher Bldg., Room 624P, Tallahassee, FL 32399-0350, telephone number (850)410-9847.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Gladys Hennen, (850)410-9847, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Gladys Hennen via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The Florida **Board of Funeral and Cemetery Services** announces a public telephone conference Board Meeting and all persons are invited to attend.

DATE AND TIME: June 21, 2000, 10:00 a.m. – 12:00 Noon

PLACE: Telephone conference

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, the person will need a record of the proceedings, and for such

purpose the person 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.

To obtain further information on how to participate contact: Gladys Hennen, Administrative Assistant II, Division of Securities and Finance, 101 East Gaines St., Fletcher Bldg., Room 624P, Tallahassee, FL 32399-0350, telephone number (850)410-9847. An agenda will be available seven days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Gladys Hennen, (850)410-9847, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Gladys Hennen via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services, Division of Forestry (DOF)** and the Pine Log State Forest Management Plan Advisory Group announce two public meetings and a public hearing to which all persons are invited. PUBLIC MEETING – Pine Log State Forest Management Plan Advisory Group

DATE AND TIME: Thursday, June 22, 2000, 6:00 p.m.

PURPOSE: To allow the Pine Log State Forest Management Plan Advisory Group to prepare for a public hearing the evening of June 22, 2000, and provide recommendations to the DOF to help in preparation of a management plan for the Pine Log State Forest.

PUBLIC HEARING

DATE AND TIME: Thursday, June 22, 2000, 7:00 p.m.

PURPOSE: To solicit public comments on management of the Pine Log State Forest. Comments may be presented orally or in writing at the hearing. Written comments may also be submitted to the DOF's Chipola River District Office, 715 W. 15th Street, Panama City, FL 32401, to the attention of Tom Beitzel and should be mailed so as to arrive at the District Office by the date of the public hearing.

PUBLIC MEETING – Pine Log State Forest Management Plan Advisory Group

DATE AND TIME: Friday, June 23, 2000, 9:30 a.m.

PURPOSE: To allow the Pine Log State Forest Management Plan Advisory Group to review comments from the public hearing of June 22, 2000 and provide recommendations to the DOF to help in preparation of a management plan for the Pine Log State Forest.

PLACE: Town of Ebro Community Center, 6629 Dogtrack Road (Hwy 79), Ebro, Florida

Copies of a working draft on the plan are available by contacting the Chipola River District Office in writing at the above address or by telephone at (850)747-5639.

Special accommodations for persons with disabling condition should be requested in writing at least 48 hours in advance of these proceedings. Any request for special accommodations can be made by writing the DOF's Chipola River District Office at the above listed address.

You are hereby notified in accordance with Chapter 286.0105, Florida Statutes, should you decide to appeal any decision made as a result of, or take exception to any findings of fact with respect to any matter considered at the hearing and meeting referred to above, you may need to ensure that a verbatim record of the proceedings is made. Such record shall include the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF EDUCATION

The **Board of Regents** announces a public meeting of the Leadership Board for Applied Research and Public Service to which all persons are invited:

DATE AND TIME: June 21, 2000, 2:00 p.m. – 4:00 p.m.

PLACE: Florida Education Center, Turlington Building, Room 1704, 325 West Gaines Street, Tallahassee, Florida 32399-1950

GENERAL SUBJECT MATTER TO BE CONSIDERED: On-going projects of the Leadership Board for Applied Research and Public Service.

A copy of the agenda may be obtained by contacting: Carolyn Renfroe, (850)645-4965.

Any person requiring a special accommodation to participate in the meeting because of a disability should contact Carolyn Renfroe, (850)645-4965, at least five (5) business days in advance to make appropriate arrangements.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a meeting of the Affordable Housing Study Commission to which all interested persons are invited.

DATES AND TIMES: June 20, 2000, 1:30 p.m. – 6:00 p.m.; June 21, 2000, 8:30 a.m. – 3:30 p.m. (times are subject to change)

PLACE: Sheraton Suites, 4400 West Cypress Street, Tampa, Florida 33607

PURPOSE: The Commission is charged with developing recommendations to the Governor and Legislature to address the state's acute need for housing for very low-, low- and moderate-income households. At this meeting the Commission will continue on a strategic plan for the state to ensure that decent, affordable housing is available for all residents by the year 2010.

Any person requiring special accommodation due to disability or physical impairment should contact Roshunda Rumph, (850)922-1609, at least five calendar days prior to the meeting. People who are hearing impaired should contact Ms. Muller using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained from: Roshunda Rumph, The Affordable Housing Study Commission, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)922-1609.

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 using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a public hearing to which all interested parties are invited.

DATE AND TIME: Friday, July 7, 2000, 2:00 p.m.

PLACE: Indian River County Administration Building, Conference Room A, 1840 25th Street, Vero Beach, Florida

PURPOSE: The Department of Community Affairs (DCA) is seeking public or nonprofit entities to administer the Weatherization Assistance Program and related programs in

Indian River County. Entities interested in contracting with DCA to provide these services should be present at this public hearing in order to be informed of the qualifications and application requirements. Selection of an entity will be based on the entities' experience and performance in weatherization or housing renovation activities and in assisting low-income persons in the area to be served, and on their capacity to undertake a timely and effective weatherization program. Preferences will be given to any Community Action Agency, other public or nonprofit entity which has, or is currently administering, an effective DCA funded Weatherization Assistance Program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; and (4) the ability of the entity to secure volunteers, training participants, and public service employment workers. Since no more than one entity will be funded in the county, the entity must be capable and willing to provide services to all eligible low-income citizens in the geographic area.

ACTIONS TO BE TAKEN: The DCA will review all comments received at the public hearing, the submitted applications, and make a decision regarding each entity's eligibility to provide Weatherization Assistance Program services to Indian River County. Recommendations will then be prepared by the DCA staff for those selected entities for subsequent consideration and approval or disapproval by the Secretary of the DCA.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to: Norm Gempel, Planning Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. The telephone number is (850)488-7541, or Fax (850)488-2488.

APPEALS INFORMATION: If a person desires to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a formal record of the proceeding and, for such purposes, he or she may need to ensure that a verbatim record of the proceeding is made and which record includes the testimony and evidence upon which the appeal is to be made.

Anyone who wants a copy of the agenda or additional information on this hearing may write or call: Mr. Norm Gempel, Planning Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or Fax (850)488-2488.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to 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) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District 4 announces a public hearing to which all persons are invited.

DATE AND TIME: July 13, 2000, 7:30 p.m.

PLACE: Fort Lauderdale Airport Hilton, 1870 Griffin Road, Dania Beach, 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 ID Number 403635 1, Federal Project ID Number 0651-550-I, otherwise known as the Fort Lauderdale-Hollywood International Airport Terminal Access Roadway Improvements. The limits of the project corridor are along US 1 (S.R. 5) from I-595 (S.R. 862) to Griffin Road (S.R. 818) in Broward County, 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 (954)777-4633 or Toll Free 1(800)930-3368, Extension 4633 or TDD 1(800)955-8771.

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: Mr. James Scully, P.E., Project Manager, Florida Department of Transportation, District 4, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATES AND TIMES: June 20, 2000, 1:00 p.m., Annual Reorganizational Meeting; June 20, 2000, 1:30 p.m., Committee Meetings; June 21, 2000, 9:00 a.m., Regular Monthly Meeting

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Reorganization; Regular monthly meeting.

A copy of the agenda may be obtained by contacting: Florida Department of Citrus, Attention: Executive Office, P. O. Box 148, Lakeland, Florida 33802.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (941)499-2510.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 21, 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 an emergency oral argument and workshop in the following docket, which may be attended by one or more Commissioners and to which all parties of record and interested persons are invited.

Docket No. 990649-TP – Investigation into Pricing of Unbundled Network Elements

DATE AND TIMES: Friday, June 2, 2000, Workshop, 9:30 a.m. – 11:30 a.m.; Emergency oral argument, 1:30 p.m. – 4:00 p.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: The purpose of the workshop is to provide a forum for discussing concerns and difficulties identified regarding BellSouth's cost model. An agenda for the workshop will be made available prior to this workshop.

The purpose of the oral argument is to allow parties to present argument regarding the Joint Motion for Extension of Time to File Testimony. If responses to the Motion for Continuance are filed prior to the scheduled oral argument, this Motion will also be addressed.

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

For additional information contact: Wayne Knight, Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, or telephone (850)413-6232.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor** announces Board Meeting/Workshop of the Florida Black Business Investment Board and the Support Corporation which are scheduled as follow. All interested persons are invited.

DATE AND TIME: June 29, 2000, 8:00 a.m. – 5:00 p.m.

PLACE: DoubleTree Hotel, 101 S. Adams Street, Tallahassee, FL

PURPOSE: To further discuss the Board's business plan to identify areas for future Board priorities and approve actions taken by the Executive Director and Chairman under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, 1711 South Gadsden Street, Tallahassee, FL 32301, Telephone (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meeting, please notify the FBBIB office at (850)487-4850, at least seven (7) days prior to the meetings. If you are hearing or speech impaired, please contact the Office of the Governor by using the Citizen Service Office at (850)488-4441.

REGIONAL PLANNING COUNCILS

The **Central Florida Regional Planning Council** announces a public meeting of the Transportation Disadvantaged Joint CTC/Plan Development Committee, to which all persons are invited.

DATE AND TIME: Wednesday, June 21, 2000, 9:30 a.m.

PLACE: Highlands County Agri-Civic Center, Conf. Room III, 4509 West George Boulevard, Sebring, Florida

PURPOSE: Review Draft Transportation Disadvantaged Service Plan.

To receive information regarding the agenda or if there are any questions contact: Marcia Staszko, (941)534-7130, Ext. 103. In accordance with the American with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the date given on the notice.

The **Treasure Coast Regional Planning Council** announces the following public meeting:

MEETING: Treasure Coast Regional Planning Council.

DATE AND TIME: June 16, 2000, 9:30 a.m.

PLACE: Palm Beach County Building, Jane M. Thompson Memorial Chamber, 6th Floor, 301 N. Olive Avenue, West Palm Beach, Florida 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Regional Planning Council.

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 matters considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purposed, 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.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces a series of telephone conferences of its Fraud Committee to discuss general issues.

DATES AND TIME: Friday, June 16, 2000; Friday, June 23, 2000; Friday, June 30, 2000; Friday, July 7, 2000; Friday, July 14, 2000, 8:30 a.m.

PLACE: Call (850)487-2613 for instruction on participation

PURPOSE: The purpose of the meetings is to discuss issues of interest to the Fraud Committee.

For further information about this telephone conference, contact: Julie Douthit, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, telephone number (850)487-2613, two days prior to the date of the conference call.

In the event time and/or date changes, notice of change will be posted on meeting notice bulletin board at 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152. You may call (850)487-2613.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least five business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact Becky Thomas using the Florida Dual Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces a Premiums and Benefits Committee meeting to which the public is invited.

DATE AND TIME: Thursday, June 22, 2000, 1:00 p.m. – 5:00 p.m.

PLACE: Baptist Medical Center, DuPont Auditorium, 800 Prudential Drive, Jacksonville, Florida

PURPOSE: The purpose is to discuss issues of interest to the committee.

For further information about this telephone conference, contact: Julie Douthit, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, telephone number (850)487-2613, two days prior to the date of the meeting.

In the event meeting time and/or place changes, notice of change will be posted on meeting notice bulletin board at 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152. You may call (850)487-2613.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact Becky Thomas using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces a public workshop on the proposed St. Andrew Bay Watershed Surface Water Improvement and Management (SWIM) Plan to which all interested parties are invited.

DATE AND TIME: June 19, 2000, 6:00 p.m.

PLACE: Gulf Coast Community College, Student Union Building Classroom 243, Panama City, FL

PURPOSE: To obtain public input concerning the proposed St. Andrew Bay Watershed SWIM Plan.

The draft St. Andrew Bay Watershed SWIM Plan is available for review at the Bay County Library in Panama City, the Panama City Beach Library, the Parker Public Library, the Port St. Joe Library, the Springfield Library, the Jackson County Public Library in Marianna, the Lynn Haven Public Library,

the Gulf Coast Community College Learning Resource Center, and the NFWFMD Library. The draft SWIM plan may also be found on Internet at:

<http://www.state.fl.us/nwfwmd/pubs/publist.htm>.

Further information may be obtained by contacting: Paul Thorpe, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999.

Provisions will be made to accommodate the handicapped provided the District is given at least 72 hours advanced notice.

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: June 22, 2000, 10:30 a.m. and 12:30 p.m. (EDT)

PURPOSE: Administration, Budget and Finance, Personnel and District Lands Committee meetings. To discuss District issues.

DATE AND TIME: June 22, 2000, 1:00 p.m. (EDT)

PURPOSE: Governing Board Meeting. To consider District business.

DATE AND TIME: June 22, 2000, 1:15 p.m. (EDT)

PURPOSE: Public Hearing on Regulatory Matters. To consider regulatory matters.

DATE AND TIME: June 22, 2000, 1:30 p.m. (EDT)

PURPOSE: Public Hearing on Land Acquisition Matters. To consider land acquisition matters.

PLACE: District headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, FL

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at www.state.fl.us/nwfwmd).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

NOTICE OF CORRECTION – The **St. Johns River Water Management District** advertised a Southern Region Recreation Advisory Council meeting that was published in Florida Administrative Weekly on June 2, 2000 that had an incorrect address listed for the meeting place.

The Southern Region Recreation Advisory Council meeting scheduled for:

DATE AND TIME: June 15, 2000, 3:00 p.m. – 5:00 p.m.

PLACE: Commission Chambers, Indian River County Commission Building, 1840 25th Street, Vero Beach, FL

PURPOSE: To discuss recreation on District lands in the Southern Region.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

If, due to disability, you require a special accommodation to participate in this public meeting, contact Linda Lorenzen, (904)329-4262 or (904)329-4450 (TDD) at least five work days before the date of the meeting.

NOTICE OF CORRECTION – The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, June 26, 2000, 2:00 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.

The **South Florida Water Management District** announces a public hearing under Sections 373.59 and 373.139, Florida Statutes, to which all interested persons are invited:

DATE AND TIME: July 13, 2000, 8:50 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: The acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan, which lands are further described as follows:

Part of the 8.5 Square Mile Area project comprised of three parcels referred to as SFWMD Tract Nos. GE-318-976, GE-316-916 and GE-316-973 consisting of approximately 11.44 acres and lying in Sections 11, 21 and 28, Township 55 South, Range 38 East in Miami-Dade County, Florida.

Part of the East Coast Buffer project comprised of one parcel referred to as SFWMD Tract No. W9-201-058 consisting of approximately 10.0 acres and lying in Section 23, Township 50 South, Range 39 East in Broward County, Florida.

Part of the East Coast Buffer project comprised of one parcel referred to as SFWMD Tract No. W9-201-053 consisting of approximately 30.0 acres and lying in Section 23, Township 50 South, Range 39 East in Broward County, Florida.

Part of the East Coast Buffer project comprised of one parcel referred to as SFWMD Tract No. W9-100-085 consisting of approximately 626.97 acres and lying in Sections 12 and 13, Township 46 South, Range 39 East in Palm Beach County, Florida.

Part of the Water Conservation Area project comprised of one parcel referred to as SFWMD Tract No. 27-100-038 consisting of approximately 20.0 acres and lying in Section 30, Township 52 South, Range 37 East in Miami-Dade County, Florida.

Part of the Ten Mile Creek project comprised of two parcels referred to as SFWMD Tract Nos. GI-100-002 and GI-100-012 consisting of approximately 200.0 acres and lying in Sections 25 and 36, Township 35 South, Range 39 East in St. Lucie County, Florida.

Part of the Ten Mile Creek project comprised of one parcel referred to as SFWMD Tract No. GI-100-013 consisting of approximately 8.0 acres and lying in Section 25, 26, 35 and 36, Township 35 South, Range 39 East in St. Lucie County, Florida.

Part of the West Palm Beach Field Station-Operations Center project comprised of one parcel referred to as SFWMD Tract No. GK-100-002 consisting of approximately .67 acres and lying in Section 31, Township 43 South, Range 42 East in Palm Beach County, Florida.

Part of the Kissimmee River Restoration project comprised of two parcels referred to as SFWMD Tract Nos. 19-103-436 and 19-103-437 consisting of approximately 321.68 acres and lying in Sections 15, 16, 21 and 22, Township 36 South, Range 33 East in Okeechobee County, Florida.

Authorize a resolution to the Department of Environmental Protection requesting reimbursement for the acquisition and associated costs for land interests acquired for the Lake Okeechobee Storage and Treatment Component of the Comprehensive Review Study of the Central and Southern Florida project.

Part of the Kissimmee Chain of Lakes project comprised of one parcel referred to as SFWMD Tract No. 18-114-002 consisting of approximately 0.19 acres and lying in Section 12, Township 29 South, Range 29 East in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of two parcels referred to as SFWMD Tract Nos. 18-001-050 and 18-001-051 consisting of approximately 0.739 acres in fee and 2.291 acres in perpetual easement and lying in Section 3, Township 31 South, Range 31 East in Polk County, Florida.

Part of the CREW project comprised of six parcels referred to as SFWMD Tract Nos. 09-005-140, 09-004-143, 09-005-169, 09-003-295, 09-003-559 and 09-003-748 consisting of approximately 26.0 acres and lying in Section 26, 27 and 33, Township 47 South, Range 26 East, Lee County, Florida.

Part of the L-31N project comprised of one parcel referred to as SFWMD Tract No. B7-100-157 consisting of approximately 10.0 acres and lying in Section 8, Township 56 South, Range 38 East, Miami-Dade County, Florida.

Additional information concerning specific parcels or interests can be obtained from: Blair R. LittleJohn, III, South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680, telephone (561)686-8800.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

For additional information, please contact: Blair R. LittleJohn, III, Director, Real Estate Division, (561)682-6842.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a WAGES Subcommittee meeting of the Finance, Auditing and Program Performance (FAPP) Committee to which all persons are invited.

DATE AND TIME: Friday, June 16, 2000, 9:00 a.m. – completion

PLACE: Teleconference meeting (850)410-0966 or Suncom 210-0966

PURPOSE: To review and make a recommendation for the award of the one-time WAGES/Transportation Support Grant for WAGES related trips and/or capital equipment. Recommendations will be forwarded to the full Commission.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Erin Schepers at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Full Commission Meeting to which all persons are invited.

DATE AND TIME: Friday, June 16, 2000, 11:00 a.m. – completion

PLACE: Teleconference meeting (850)410-0966 or Suncom 210-0966

PURPOSE: To adopt subcommittee recommendations for the award of the one-time WAGES/Transportation Support Grant for WAGES related trips and/or capital equipment.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Erin Schepers at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Conference Planning and Awards Committee meeting to which all persons are invited.

DATE AND TIME: Friday, June 23, 2000, 9:00 a.m. – completion

PLACE: 2740 Centerview Drive, Rhyne Building, Suite 1A, Tallahassee, Florida, (850)488-6036

PURPOSE: To discuss the 2000 TD Conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Erin Schepers at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Health Care Risk Manager Advisory Council to which all interested parties are invited.

DATE AND TIME: Friday June 23, 2000, 9:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 1, Office of Plans and Construction Conference Room, Tallahassee, Florida 32308, (850)487-1709

PURPOSE: To study and make recommendations on issues related to criteria for licensure as Health Care Risk Managers and related topics.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Susan Buchan, (850)921-4314, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Susan Buchan, Agency for Health Care Administration, Division of Managed Care and Health Quality, Office of Risk Management, 2727 Mahan Drive, Tallahassee, Florida 32308.

DEPARTMENT OF MANAGEMENT SERVICES

The **State of Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: June 19-20, 2000, 8:30 a.m.

PLACE: Cedars Executive Center, 2639 North Monroe Street, Bldg. B, Room 220, Tallahassee, Florida

PURPOSE: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by writing: State Retirement Commission, 2424 Allen Road, Suite 230, Tallahassee, Florida 32312 or by telephoning (850)487-2410.

A party who decided to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence.

Persons requiring accommodation because of a physical, visual, auditory or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIME: June 28, 2000, 9:00 a.m. and 11:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, FL 32301, (850)413-0623

PURPOSE: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Cathleen O'Dowd, Lead Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, FL 32399-2202, or by phone at (850)413-0623.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or

meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Board of Pilot Commissioners** announces a Conference Call meeting to discuss deputy advancements to which all persons are invited.

DATE AND TIME: June 20, 2000, 4:00 p.m. Eastern Standard Time

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399-0773, Access Phone (850)488-5778, Suncom 278-5778

PURPOSE: Deputy Advancements.

A copy of the agenda may be obtained by writing: Board of Pilot Commissioners, 1940 North Monroe Street, Suite 60, Tallahassee, FL 32399-0773.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons requiring special accommodations due to disability or physical impairment should contact Juanita Chastain, Board of Pilot Commissioners, (850)487-7991, at least five working days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Building Code Administrators and Inspectors Board** announces an Official Board Meeting via telephone conference call to which all interested persons are invited.

DATE AND TIME: June 22, 2000, 10:00 a.m. (EST)

PLACE: Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board Office, 1940 North Monroe Street, Tallahassee, FL 32399-2211, Access Number (850)488-5776 or Suncom 278-5776

PURPOSE: Official Board Meeting.

If any person decides to appeal any decision made by the Building Code Administrators and Inspectors Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information contact: Florida Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2211.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Amy Bennett, Building Code Administrators and Inspectors Board, at least five calendar days prior to the meeting. If you

are hearing or speech impaired, please call Amy Bennett using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a two-day meeting of the 303(d) List Methodology Technical Advisory Committee to which all interested persons are invited.

DATES AND TIME: Wednesday, June 21, 2000, 9:00 a.m., through Thursday, June 22, 2000, 4:30 p.m.

PLACE: Sandpiper Beach Resort, 6000 Gulf Boulevard, St. Petersburg Beach, Florida 33706

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss development of a methodology and rule to identify impaired waters for inclusion on the state's 303(d) list pursuant to section 403.067, Florida Statutes and Section 303(d) of the Federal Clean Water Act.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Services Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

A copy of the agenda for the meeting may be obtained by writing to: Mr. Jan Mandrup-Poulsen, Department of Environmental Protection, 2600 Blair Stone Road, Water Quality Assessment Section, MS #3555, Tallahassee, Florida 32399-2400 or by calling him at (850)921-9488.

The **Department of Environmental Protection** announces two public workshops to which all persons are invited.

DATES AND TIME: Wednesday, June 21, 2000, 9:00 a.m.; Thursday July 27, 2000, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Twin Towers Office Complex, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

PURPOSE: These workshops are intended to receive comments on proposed revisions to the Department's Standard Operating Procedures for Field and Laboratory Operations. The Department proposes to eliminate all laboratory procedures from this document and emphasize field procedures. These workshops will focus only on field operations. These proposed changes are intended to be incorporated into future amendments to Chapter 62-160, FAC. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel

Services Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by contacting: Tjuni Bouie, Department of Environmental Protection, Environmental Assessment Section, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, (850)488-2796.

The **Department of Environmental Protection** announces a public meeting to which all interested persons are invited to discuss policy issues related to the development of a methodology to identify impaired waters for listing on the State's 303(d) list.

DATE AND TIME: Friday, June 23, 2000, 9:00 a.m. – 4:30 p.m.

PLACE: Sandpiper Beach Resort, 6000 Gulf Boulevard, St. Petersburg Beach, Florida 33706

PURPOSE: To receive public input and discuss policy-related issues related to the development of the methodology to identify impaired waters for inclusion on the State's 303(d) list pursuant to Section 403.067, Florida Statutes and Section 303(d) of the Federal Clean Water Act.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

A copy of the agenda for the meeting may be obtained by writing to: Mr. Jan Mandrup-Poulsen, Department of Environmental Protection, 2600 Blair Stone Road, Water Quality Assessment Section, MS #3555, Tallahassee, Florida 32399-2400 or by calling him at (850)921-9488.

The **Department of Environmental Protection**, Division of Air Resources Management announces a public workshop (40 CFR 51.102 hearing) to which all persons are invited.

DATE AND TIME: July 13, 2000, 1:15 p.m.

PLACE: Douglas Building, First Floor, Conference Room B, 3900 Commonwealth Blvd., Tallahassee, Florida

PURPOSE: The Department will hear comments on its proposal to submit to the U.S. Environmental Protection Agency, as a proposed revision to the State Implementation Plan (SIP), a set of amendments to rule Chapter 62-212, FAC. The rule amendments, if approved by the Secretary and adopted by the Department, would correct errors that were made in a 1996 reorganization of the Department's rules. Specifically, in amendments that became effective on March 13, 1996, certain existing provisions of Rule 62-210.400, FAC., were moved into Rule 62-212.600, FAC., while the remainder of Rule 62-210.400, FAC., was repealed. An

unintended consequence of that rulemaking was to change the substantive effect of some of those existing provisions. The Department is proposing amendments to Rule 62-212.600, FAC., to restore, as nearly as possible, the original language of the aforementioned rules as they were adopted by Florida's Environmental Regulation Commission on February 27, 1985.

A copy of the workshop agenda and proposed SIP revision may be obtained by writing: Ms. Sandy Ladner, Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Mail Station #5500, Tallahassee, Florida 32399-2400, or by calling (850)921-9590.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Services Specialist, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The Florida **Department of Environmental Protection**, **Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, June 20, 2000, 7:00 p.m. (EDT)

PLACE: Branford High School, Auditorium (Just off State Road 247), Branford, Florida 32008

PURPOSE: To receive comments regarding management and land uses for Peacock Springs State Recreation Area before the development of a management plan for the park.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing to the Department of Environmental Protection, Division of Recreation and Parks, District 2 Administration, 4801 Southeast 17th Street, Gainesville, Florida 32641-9299.

The Florida **Department of Environmental Protection**, **Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, June 20, 2000, 7:00 p.m. (CDT)

PLACE: Old City Hall, Council Chambers, 600 Alabama Street, Milton, Florida 32570

PURPOSE: To receive comments regarding management and land uses for Blackwater River Heritage State Trail before the development of a management plan for the park.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing to the Department of Environmental

Protection, Division of Recreation and Parks, District 1 Administration, 4620 State Park Lane, Panama City, Florida 32408.

DEPARTMENT OF HEALTH

The **Board of Clinical Laboratory Personnel** will hold a telephone conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Friday, June 16, 2000, 11:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257 at Meet Me Number (850)414-0647

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 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the 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 the 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 to: Sherra Causey, Board of Clinical Laboratory Personnel, 2020 Capital Circle, Southeast, Bin #C07, Tallahassee, Florida 32399-3257.

The Florida **Board of Medicine**, Probable Cause Panel (South), announces a Meeting.

DATE AND TIME: June 16, 2000, 2:00 p.m.

PLACE: Airport Hilton, 1870 Griffin Road, Dania Beach, Florida 33004, (954)920-3300

PURPOSE: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229,

Tallahassee, Florida 32317-4229, Telephone (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Department of Health, Board of Nursing** will hold the following meetings to which all persons are invited.

South Probable Cause Panel

DATES AND TIME: June 29, 2000; July 20, 2000; August 31, 2000; Sept. 21, 2000; Oct. 19, 2000; Nov. 16, 2000; Dec. 14, 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 to: 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.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces a Community-Based Care Finance Project Team Meeting, all persons are invited.

DATE AND TIME: June 14, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Tampa International Airport, Marriott Event Center, Tampa, Florida

PURPOSE: Discussion/Coordination of Community-Based Care finance project team work products.

Contact the Sarasota YMCA, (941)366-3881, Attention: Chris Card or Liz Grasso, for more information.

The Florida **Department of Children and Family Services** announces an Integration Project Team Meeting, all persons are invited.

DATE AND TIME: June 15, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Tampa International Airport, Marriott Event Center, Tampa, FL

PURPOSE: Discussion/Coordination of the Community-Based Care Integration Project Team work products.

Please contact Susan Howell, Community-Based Care Unit, (850)487-1987, for more information.

The **Child Care Executive Partnership Board** would like to announce its meeting to all who would like to attend.

DATE AND TIME: Friday, June 16, 2000, 10:00 a.m. – 3:00 p.m.

PLACE: Doubletree Hotel, Tallahassee, FL

The **Human Rights Advocacy Committee**, District 15 announces a public meeting to which all persons are invited.

DATE AND TIME: June 20, 2000, 9:30 a.m. (EDT)

PLACE: Clem C. Benton Regional Service Center, 337 North 4th Street, Room 104, Fort Pierce, Florida 34950

A copy of the agenda may be obtained by contacting: Pearlle Clark, HRAC Liaison, (561)467-4176.

The **Florida Commission on Mental Health and Substance Abuse** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, June 23, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Room 110, Senate Office Building, 404 S. Monroe St., Tallahassee, Florida

PURPOSE: This meeting's focus will be mental health and substance abuse in older adults. The agenda will also relate to the functioning, staffing, financing, quality and effectiveness of Florida's mental health and substance abuse system. Public testimony will be taken from 9:30 a.m. – 10:30 a.m.

Written testimony about older adult and/or mental health and substance abuse issues may be sent to: Dr. Nancy Bell, Executive Director, 13301 Bruce B. Downs Blvd., Tampa, FL 33612-3807.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in the meeting should contact Sandra Charles prior to the meeting at the address above or telephone (813)974-2751, or call via the Florida Relay Service (813)974-4522 (TDD).

A copy of the agenda may be obtained by calling (813)974-2751.

The **Department of Children and Family Services**, District 12, Human Rights Advocacy Committee announces a public meeting to which all persons are invited.

DATE AND TIME: June 28, 2000, 9:30 a.m.

PLACE: Department of Children and Family Services, 1340 S. Woodland Blvd., Suite 310, DeLand, 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.: Rafael Bello).

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.), please notify Rafael Bello, (904)254-3711, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting of the Corporation, to which all interested persons are invited:

DATE AND TIME: Thursday, June 22, 2000, 2:00 p.m.

PLACE: World Golf Village Resort Hotel, 500 South Legacy Trail, St. Augustine, Florida 32092, Phone (904)940-8000

PURPOSE: To conduct a meeting of the Corporation's SAIL, HOME Rental and Housing Credit Combined Cycle Committee to address possible changes to the 2001 SAIL/HOME/HC Application and corresponding changes to Rule 67-48, Florida Administrative Code. The Committee will also consider public comment previously provided at the April 12, 2000 Rule Development Workshop and the Combined Cycle Committee meeting held May 11, 2000.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Debbie L. Moran, Business Process Analyst, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a public meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee

Guarantee Committee

Professional Services Selection Committee

Board Workshop/Meeting

DATE AND TIME: June 23, 2000, 9:00 a.m.

PLACE: World Golf Village Resort Hotel, 500 South Legacy Trail, St. Augustine, Florida 32092, Phone (904)940-8000

PURPOSE:

1. Consider, review, and/or approve recommendations made by the Fiscal Committee.
2. Consider, review, and/or approve recommendations made by the Guarantee Program Committee.
3. Consider, review, and/or approve recommendations made by the Professional Services Selection Committee.

4. Consider, review, and/or approve recommendations made by the Executive Committee.
5. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds on upcoming multifamily issues.
6. Consider financing and inducement resolutions for various multifamily developments, under any multifamily program, including the ranking of projects.
7. Consider approval of trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
8. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
9. Consider adopting resolutions authoring negotiated or competitive sale of bonds on various single-family and multifamily issues.
10. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
11. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
12. Consider and adopt targeting for use of the 1998 Multifamily Tax Exempt Bond Allocation.
13. Consideration of approval of underwriters for inclusion on approved master list and teams.
14. Consideration of all necessary actions with regard to the HOME Rental Program.
15. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
16. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
17. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
18. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
19. Consideration of all necessary actions with regard to the Home Ownership Programs.
20. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.

A copy of the agenda may be obtained by contacting: Debbie L. Moran, Business Process Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, phone number (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Debbie L. Moran, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting.

If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a series of public workshops concerning the spiny lobster (crawfish) fishery, to which all interested persons are invited:

DATE AND TIME: June 19, 2000, 2:00 p.m. – 4:00 p.m.

PLACE: Harvey Government Center, 1200 Truman Avenue, Key West, Florida

DATE AND TIME: June 20, 2000, 1:00 p.m. – 3:00 p.m.

PLACE: Monroe County Public Library, Mile Marker 81.5, U.S. Highway No. 1 (Florida Bay side), Islamorada, Florida

DATE AND TIME: June 21, 2000, 1:00 p.m. – 3:00 p.m.

PLACE: Phichol Williams Community Center, 951 S. W. 4th Street, Homestead, Florida

PURPOSE: The purpose of these workshops is to receive public input regarding a number of issues pertaining to the spiny lobster (crawfish) fishery. These issues include, but are not limited to, the possession of sub-legal size lobsters (shorts) as trap attractants, trap specifications relating to wire reinforcement, pulling of traps belonging to others, derelict traps and trap certificate transfer within the immediate family.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information contact: Dr. Russell Nelson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

ENTERPRISE FLORIDA

The **Enterprise Florida, Inc.** announces public meetings to which all persons are invited:

DATE AND TIME: Monday, June 12, 2000, 10:00 a.m. – 3:00 p.m.

PLACE: Florida State University, Center Club, 5th and 6th Floors, Doak Campbell Stadium, Tallahassee, Florida

DATE AND TIME: Wednesday, June 14, 2000, 10:00 a.m. – 3:00 p.m.

PLACE: Florida International University, North Campus, Kovens Conference Center, 3000 N. E. 151 Street, North Miami, Florida

DATE AND TIME: Thursday, June 15, 2000, 10:00 a.m. – 3:00 p.m.

PLACE: Valencia Community College, East Campus, Performing Arts Center, 701 N. Econlockhatchee Trail, Orlando, Florida

DATE AND TIME: Thursday, June 22, 2000, 10:00 a.m. – 3:00 p.m.

PLACE: University of South Florida, University Lecture Hall – Russell M. Cooper Hall (CPR 115, 124, 127), 4202 E. Fowler Avenue, Tampa, Florida

DATE AND TIME: Friday, June 23, 2000, 10:00 a.m. – 3:00 p.m.

PLACE: Three Oaks University Center, 20991 Three Oaks Parkway, Estero, Florida

DATE AND TIME: Thursday, June 29, 2000, 10:00 a.m. – 3:00 p.m.

PLACE: Florida Community College at Jacksonville, Deerwood Center, 9911 Old Baymeadows Road, Jacksonville, Florida

DATE AND TIME: Friday, June 30, 2000, 10:00 a.m. – 3:00 p.m.

PLACE: Joint Campus Okaloosa, Walton Community College and University of North Florida, Building 8, Auditorium, 1170 Martin Luther King Boulevard, Ft. Walton Beach, Florida

MEETING: Statewide Strategic Plan for Economic Development (Plan)

PURPOSE: Opportunity for public participation in the development of the Plan.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)316-4726, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

WORKFORCE DEVELOPMENT BOARD

The **Workforce Development Board** in Tallahassee, Florida announces a public meeting to which all persons are invited:

MEETING: Workforce Development Board of Directors Meeting.

DATE AND TIME: Wednesday, June 21, 2000, 9:00 a.m. – 12:30 p.m.

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, FL 32301, (850)224-5000

PURPOSE: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (407)316-4717, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FLORIDA ASSOCIATION OF COURT CLERKS

The Investment Advisory Board for the **Florida Local Government Investment Trust** announce a public meeting to which all persons are invited.

DATE AND TIME: June 21, 2000, 10:00 a.m.

PLACE: Peabody Hotel, Discovery Room, 9801 International Drive, Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting the Trust's Administrator, FACC Service Corporation, (850)921-0808.

FLORIDA RESIDENTIAL PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION

The **Florida Residential Property and Casualty Joint Underwriting Association** announces a meeting of its Board of Governors to be held on:

DATE AND TIME: Monday, June 26, 2000, 9:00 a.m. (EDT)

PLACE: The Hyatt Regency Orlando International Airport Orlando, 9300 Airport Blvd., Orlando, FL, (407)825-1234

PURPOSE: Items of discussion include, but are not limited to, the number of JUA service companies and update on depopulation programs.

For additional information, please call 1(800)807-7647, Extension 3761.

FLORIDA CORRECTIONS ACCREDITATION COMMISSION

The **Florida Corrections Accreditation Commission** announces a public meeting to which all interested person are invited.

DATE AND TIME: Tuesday, June 27, 2000, 1:30 p.m.

PLACE: Holiday Inn West, 7417 N. W. 8th Avenue, Gainesville, Florida

PURPOSE: Regular Commission Meeting for General Business. The primary purpose of the Commission is to improve the delivery of correctional services through a voluntary accreditation program based on Florida law and practices.

A copy of the agenda may be obtained by writing: Florida Corrections Accreditation Commission, 8700 Citizen Drive, New Port Richey, FL 34654-5501, (Attn.: Captain Kim Bogart) or by calling (727)844-7733.

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office** announces a quarterly meeting of the Board of Governors to which all interested parties are invited:

DATE AND TIME: Wednesday, July 19, 2000, 2:00 p.m.
 PLACE: Boca Raton Resort and Club, 501 E. Camino Real, Boca Raton, FL
 PURPOSE: General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to: Kristen DeVitto, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Kristen a week prior to the meeting at (850)224-7676, Ext. 16.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received an Amended Petition for Declaratory Statement on May 25, 2000, from Raymond E. Wendle, Jr., Wendle Sheet Metal, Inc., with regards to requirements for permitting of a mechanical system, specifically a hood system, pursuant to Section 553.79(6)(e), Florida Statutes. It has been assigned the number DCA00-DEC-051.

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 a Declaratory Statement on May 30, 2000, from Central Florida Plumbing, Heating, Cooling Contractors in Maitland, Florida. It has been assigned the number DCA00-DEC-203. This request presents the following issue: Whether or not §504.8, Standard Plumbing Code (1997 Edition), requires water heater safety pans when water heaters are located on the ground floor of a structure or in a garage.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Florida Building Commission, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Psychology has received a Petition for Declaratory Statement of Florida Statute 490.003(4) and Rule 64B19-18.004, Florida Administrative Code. The Petition was filed May 15, 2000, by Lisa G. Bridgewater, Ph.D., P. A., Laura C. Hohnacker, Ph.D., P. A. and Carol A. Wartenberg, Ph.D., P. A. Petitioners request a declaratory statement from the Board in regards to their providing career exploration services to individuals via the internet through the use of the world wide web.

The Board will address this matter at its regularly scheduled board meeting which will be held June 30, 2000, 9:00 a.m., at Embassy Suites, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555.

A copy of the Petition for Declaratory Statement may be obtained by writing: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Bin #05, Tallahassee, Florida 32399-3255.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NOTICE IS HEREBY GIVEN by the Department of the Lottery that emergency rule 53ER99-48, *Florida Lottery Prize Payment Option Election*, has been declared invalid in National Association of Lottery Purchasers, Inc. v. State of Florida, Department of the Lottery, DOAH Case No. 99-4431RE (March 10, 2000).

A copy of the final order may be obtained by writing: Agency Clerk, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32301.

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

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

A meeting to review and evaluate proposals received in response to Request for Proposals (RFP) #2000-19, Development of a Science Assessment, will be held:

DATES AND TIME: June 19-21, 2000, 9:00 a.m. – 4:30 p.m.

PLACE: Turlington Building, Room 1706, Tallahassee, FL

To obtain additional information and request an agenda for this meeting, please contact Dr. Judith Keck by calling (850)488-8198.

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 01L-8, W/O 99064250, Renovate Room 234, Bryan Hall, estimated budget: \$200,000-\$230,000, to be opened July 6, 2000, 1:30 p.m., local time, in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Demolition of existing raised platforms, carrels, carpeting, entrance doors and side lites, existing high interior windows, mechanical ductwork, and electrical fixtures. New construction generally consist of new metal stud walls with veneer plaster board, new floor finishes, new suspended ceilings, new doors and frames, new HVAC ductwork, modifications to the existing fire sprinkler HVAC system, new lighting, receptacles and data conduit system. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, Telephone (352)392-1331. A Non-mandatory Pre-bid Meeting will be held June 13, 2000, 1:30 p.m. in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing, (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303 within three (3) days of the event.

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 01L-9, W/O 088638, Library West, Connection to Campus Chilled Water, estimated budget: \$230,000-\$270,000, to be opened July 6, 2000, 3:30 p.m., local time, in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Provide new chilled water building pumps, piping, controls, electrical service, etc. to connect building to existing campus chilled water system. Perform installation while existing system remains in service until it becomes absolutely necessary to disconnect for new installation.

Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, Telephone (352)392-1331. A Non-mandatory Pre-bid Meeting will be held June 12, 2000, 10:00 a.m., in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing, (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

NOTICE TO PROFESSIONAL CONSULTANTS

This notice is being published in accordance with the guidelines set forth in the World Trade Organization Government Procurement Agreement. The University of Florida, on behalf of the Board of Regents, a public corporation of the State of Florida, hereby notifies all interested parties that the contract for the following project has been awarded within the past 72 days:

Project Number: BR-103

Project Name: Hume Residence Hall

Type of Service: Architectural/Engineering Services

Date of Award: May 19, 2000

Name and Address of

Successful Firm:

Ponikvar & Associates, Inc.
5700 S. W. 34th Street, Suite 1307
Gainesville, Florida 32608

NOTICE TO DESIGN/BUILDERS

Florida Atlantic University announces that Design/Build services will be required for the project listed below:

Project No. BR-664. Project and Location: Presidents Residence and Events Center, Florida Atlantic University, Boca Raton, Florida. The project consists of the design and construction services for 29,685 GSF of area for a new private residence building for the present and future University Presidents and their families, provide a private office for the President, and provide a meeting and entertaining area for formal and informal functions which the President must host in a public capacity. The estimated construction cost is \$1,865,255.00.

The agreement for design/build services will consist of two parts in accordance with the AIA 191-1996 edition of the Standard Form of Agreements between Owner and the Design/Builder (with appropriate amendments as required to reflect BOR and University interests).

Part One, the design services, includes architectural and engineering design, value engineering, constructability analysis, estimating, and the development of a Guaranteed

Maximum Price (GMP). If the GMP is accepted, Part Two, the Construction Phase, will be implemented. In Part Two of the contract, the Design/Builder becomes the single point of responsibility for the completion of the project. The Design/Builder shall publicly bid trade contracts and ensure the inclusion of Minority Business Enterprises (MBE's), in accordance with the University's requirements. Failure to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the Design/Builder's contract. Selection of finalists for interviews will be made on the basis of the Design/Builder's qualifications, experience, ability to provide service and MBE participation. Finalists will be provided with a copy of the building program and a description of the final interview requirements. The Design/Builder shall become familiar with the standard State University System's Cost Containment Guidelines and the Professional Services Guide prior to the interview. The Selection Committee may reject all proposals and stop the selection process at any time. Firms desiring to provide Design/Build services for the project shall submit a proposal consisting of a letter of interest and a completed Design Build Qualifications Supplement (DBQS) Form. Proposals must not exceed 40 pages, including the DBQS Form and letter of interest. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data may be disqualified. No submittal material will be returned. All applicants must be licensed to practice in the State of Florida at the time of application in their appropriate disciplines, i.e. architect, engineer or contractor. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a design/build team may not submit a proposal for this project if it or any of the team members are on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Design/Build firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. The Design Build Qualifications Supplement Form and the Project Fact Sheet may be obtained by contacting Linda Cassese at the Facilities Planning office. Five (5) bound copies of the required proposal data shall be submitted to:

Florida Atlantic University
Facilities Planning Department
Building T-10
777 Glades Road
Boca Raton, Florida 33431
Telephone (561)297-3141
Fax (561)297-2260

Submittals must be received in the Facilities Planning office by 5:00 p.m. local time on Friday July 7, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

EVALUATION AND TREATMENT CENTER, 2200 N. W. 7TH AVENUE, MIAMI, FLORIDA 33127, TELEPHONE NUMBER IS (305)637-2677.

WATER MANAGEMENT DISTRICTS

INVITATION TO BID

**CHOCTAWHATCHEE – GUM CREEK 2000 SALE
BID NUMBER 00-012**

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids until 2:30 p.m. EDT, Thursday, July 6, 2000, for the sale of approximately 171 acres of loblolly pine timber located in Washington County.

All bids must conform to the instructions in the Invitation to Bid. Interested parties may obtain a copy of the complete bid package at the above address or by calling (850)539-5999.

The opening of the bids is public. Provisions will be made to accommodate the handicapped provided the District is given at least 72 hours advance notice.

All bids must comply with applicable Florida Statutes.

INVITATION TO BID

**ECONFINA – ROLLING PINES PULPWOOD 2000 SALE
BID NUMBER 00-013**

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids until 3:00 p.m. EDT, Thursday, July 6, 2000, for the sale of approximately 295 acres of sand pine located in Washington County.

All bids must conform to the instructions in the Invitation to Bid. Interested parties may obtain a copy of the complete bid package at the above address or by calling (850)539-5999.

The opening of the bids is public. Provisions will be made to accommodate the handicapped provided the District is given at least 72 hours advance notice.

All bids must comply with applicable Florida Statutes.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

INVITATION TO BID

SEALED BIDS ARE SOUGHT TO SECURE THE SERVICES OF BREAD AND BAKED GOODS FOR THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES, DISTRICT ELEVEN, SOUTH FLORIDA EVALUATION AND TREATMENT CENTER. SEALED BIDS WILL BE RECEIVED UNTIL 9:30 A.M. EST., TUESDAY, JUNE 20, 2000. BID CONDITIONS AND SPECIFICATIONS MAY BE OBTAINED FROM EDUARDO HERNANDEZ, PURCHASING DIRECTOR, SOUTH FLORIDA

INVITATION TO BID

SEALED BIDS ARE SOUGHT TO SECURE THE SERVICES OF MILK AND DIARY PRODUCTS FOR THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES, DISTRICT ELEVEN, SOUTH FLORIDA EVALUATION AND TREATMENT CENTER. SEALED BIDS WILL BE RECEIVED UNTIL 9:30 A.M. EST., WEDNESDAY, JUNE 21, 2000. BID CONDITIONS AND SPECIFICATIONS MAY BE OBTAINED FROM EDUARDO HERNANDEZ, PURCHASING DIRECTOR, SOUTH FLORIDA EVALUATION AND TREATMENT CENTER, 2200 N. W. 7TH AVENUE, MIAMI, FLORIDA 33127, TELEPHONE NUMBER IS (305)637-2677.

INVITATION TO BID

SEALED BIDS ARE SOUGHT TO SECURE THE SERVICES OF TRASH COMPACTOR SERVICES FOR THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES, DISTRICT ELEVEN, SOUTH FLORIDA EVALUATION AND TREATMENT CENTER. SEALED BIDS WILL BE RECEIVED UNTIL 11:30 A.M. (EST), THURSDAY, JUNE 22, 2000. BID CONDITIONS AND SPECIFICATIONS MAY BE OBTAINED FROM EDUARDO HERNANDEZ, PURCHASING DIRECTOR, SOUTH FLORIDA EVALUATION AND TREATMENT CENTER, 2200 N. W. 7TH AVENUE, MIAMI, FLORIDA 33127, TELEPHONE NUMBER IS (305)637-2677.

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 RENOVATIONS TO ONE (1) 250,000 GALLON ELEVATED WATER TANK.

BID OPENING DATE AND TIME: JUNE 23, 2000, 2:00 P.M., LOCAL TIME

PLACE: ENGINEERING DEPARTMENT CONFERENCE ROOM, 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 26, 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 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 REPLACEMENT AND RENOVATIONS TO LIGHTING SYSTEM IN BUILDING #19, WAREHOUSE DEPARTMENT.

BID OPENING DATE AND TIME: JUNE 23, 2000, 3:00 P.M., LOCAL TIME

PLACE: ENGINEERING DEPARTMENT CONFERENCE ROOM, 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 BY 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 26, 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 THE 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 BY THE OWNER.

Section XII Miscellaneous

DEPARTMENT OF STATE

The Division of Cultural Affairs announces the following CULTURAL FACILITIES PROGRAM application deadline for projects to be reviewed during the 2001 Legislative session. Matching grants of up to \$500,000 are available to support acquisition, renovation, or new construction of cultural facilities.

APPLICATION DEADLINES:

Technical Eligibility Review: July 10, 2000 (postmark). The application will be reviewed by Division staff for general eligibility requirements only and will not receive a qualitative evaluation of the proposal.

Final Deadline: August 7, 2000 (postmark). Applications postmarked after the August 7, 1999 deadline or personally delivered to the Division offices after the deadline are ineligible.

Grant Period: July 1, 2001 through June 30, 2002.

ELIGIBILITY: All eligible applications shall consist of the following documents and information:

Administrative and Legal: All applicant organizations must:

1. Be a public entity governed by either a municipality or county OR
2. Be a not-for-profit, tax-exempt Florida corporation according to these definitions:
 - a. Incorporated or authorized as a not-for-profit corporation, in good standing, pursuant to Chapter 617, Florida Statutes; *Division staff will verify status with the Division of Corporations both at the time of application and before the release of grant funds.*

- b. Established as a tax-exempt organization as defined in Section 501(c)(3) or 501(c)(4), of the Internal Revenue Code of 1954; and,
 - c. Designated as in compliance with s. 170 of the Internal Revenue Code of 1954.
3. Have satisfied the administrative requirements of previous grants received from the Division.

Program Requirements: All applicants must be able to submit:

- 1. A completed and signed Cultural Facilities Program Application (Form #CA2EO20, eff. 8/2000), and program attachments.
- 2. Documentation of unrestricted ownership of the site and facility, or documentation of undisturbed use of a site and facility for a specific period of time as detailed in the program guidelines. The property owner shall also be eligible for the program.
- 3. An independent certified audit of the applicant's financial records according to the following provisions:
 - a. Not-for-Profit, tax-exempt Florida corporations must submit copies of the applicant organization's independent, certified audit or review for the last completed fiscal year.
 - b. Municipal or county governments shall submit either the audit for the last completed fiscal year, or an internally prepared financial statement of revenue and expenses.
- 4. An 8 1/2" x 11" reduction of current architectural plans.
- 5. Letters of Support: Submit letters or a list of local officials lending support to this project.

The 2001-2002 CULTURAL FACILITIES PROGRAM GUIDELINES AND APPLICATION FORM are available in PDF and MSWord (interactive) formats on the Division's web page at <http://www.dos.state.fl.us/dca>, by calling the Division at (850)487-2980 or in writing at The Division of Cultural Affairs, The Capitol, Tallahassee, FL 32399-0250.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLID 0600-008
 DATE RECEIVED: May 25, 2000
 DEVELOPMENT NAME: MILLENIA PLAZA
 DEVELOPER/AGENT: Southern Land Investors, Ltd.
 DEVELOPMENT TYPE: 28-24.031, FAC.
 COUNTY LOCATION: Orange
 LOCAL GOVERNMENT: Orlando City

AGENCY FOR HEALTH CARE ADMINISTRATION

On May 24, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Frank J. Krumm, M.D., license number ME 0074798. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for nursing home facilities participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for nursing home facilities, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Long-Term Care Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology regarding the following:

- 1. Interim rate adjustments.
- 2. Clarification of the Medicaid Adjustment Rate (MAR).

PROPOSED RATES: Effective July 1, 2000, the proposed rates for Medicaid nursing home reimbursement will be rates resulting from the current methodology used to calculate per diems rates except for the following

- 1. There will be a provision for an interim rate adjustment for the increased costs of general and professional liability insurance when specified requirements are met.
- 2. Only providers being paid a prospective rate under section V.B.6. of the Long-Term Care Reimbursement Plan shall be eligible for the Medicaid Adjustment Rate (MAR).

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid nursing facilities will be rates resulting from the current methodology used to calculate per diems unless:

- 1. The provider receives an interim rate adjustment to reflect increases in the cost of general or professional liability insurance for nursing homes. The requirements to receive an interim rate include at least a 65 percent Medicaid utilization in the most recent cost report submitted to the Agency and at least a 5 percent effect on the total Medicaid per diem due to increase in the costs of general or professional liability insurance for the most recent policy period. This interim rate shall not result in the per diem exceeding the class ceiling.

2. Only providers being paid a prospective rate under section V.B.6. of the long-term care reimbursement plan shall be eligible for the Medicaid Adjustment Rate (MAR).

JUSTIFICATION: The justification for the proposed rate change in number 1 from the methodologies section above is based on the legislative direction provided in Section 8(2)(b) of Senate Bill 2242. Additionally, the justification for number 2 in the methodologies section above is to clarify which providers are eligible for the Medicaid Adjustment Rate (MAR) and is not a change from current methodology.

The Agency is proposing the above rates and changes in methodology, effective July 1, 2000. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Carol Shotwell, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than June 13, 2000.

Copies of the proposed reimbursement plan incorporating the above changes may be obtained by contacting Carol Shotwell, Medicaid Cost Reimbursement Section, at the address above.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for hospital outpatient services.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for hospital outpatient services, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Florida Title XIX Outpatient Hospital Reimbursement Plan (The Plan) to provide for the following:

1. An exemption for teaching, specialty and Community Health Education Program (CHEP) hospitals from the outpatient hospital reimbursement ceilings.

2. A correction related to previous state plan amendment Version VII, September 6, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.

3. The provision for canceling a provider agreement for late filing of a cost report is replaced with language providing for a retroactive recalculation of the reimbursement rate.

PROPOSED RATES: The proposed rates, effective July 1, 2000, for hospital outpatient reimbursement will be rates resulting from the current methodology used to calculate rates, except for:

1. Teaching, specialty, and Community Health Education Program (CHEP) hospitals will be exempt from the outpatient reimbursement ceilings.
2. A correction related to previous state plan amendment Version VII, September 6, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.
3. The provision for canceling a provider agreement for late filing of a cost report is replaced with language providing for a retroactive recalculation of the reimbursement rate.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for outpatient hospital services is based on methodology currently being used for calculating rates, except that, effective July 1, 2000, it will include:

1. Teaching, specialty, and Community Health Education Program (CHEP) hospitals will be exempt from the outpatient reimbursement ceilings.
2. A correction related to previous state plan amendment Version VII, September 6, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.

3. The provision for canceling a provider agreement for late filing of a cost report is replaced with language providing for a retroactive recalculation of the reimbursement rate.

JUSTIFICATION: The justification for the proposed rate change in number 1 from the methodologies section above is based on the legislative direction provided in the 2000-2001 General Appropriations Act, (House Bill 2145) Specific Appropriation 220, and proviso language following that specific appropriation.

The justification for number 2 in the methodologies section above is to provide a correction related to previous state plan amendment Version VII, September 6, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.

The justification for number 3 from the methodologies section above is to amend the policy regarding the impact of filing a cost report late from canceling a provider agreement to providing for a retroactive recalculation of the reimbursement rate.

The Agency is proposing the above rates and changes in methodology effective July 1, 2000. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Carol Shotwell, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than June 13, 2000.

Copies of the proposed reimbursement plan incorporating the above changes may be obtained by contacting Carol Shotwell, Medicaid Cost Reimbursement Section, at the address above.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for Hospital Inpatient Services.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for Hospital Inpatient Services, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Florida Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate the following changes to the reimbursement methodology. Effective July 1, 2000, the Plan will provide for the following:

1. An exemption for teaching, specialty, and Community Hospital Education Program (CHEP) hospitals from the variable costs reimbursement ceilings.
2. Special Medicaid payments to statutory teaching hospitals, children's hospitals, and other hospitals for costs associated with providing inpatient medical education and serving significant numbers of low-income patients.
3. Provide for a children's hospital disproportionate share program.
4. A correction related to previous state plan amendment, Version VXIII, November 10, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.
5. The provisions for canceling a provider agreement for late filing of a cost report to be replaced with language providing for a retroactive recalculation of the reimbursement rate.

PROPOSED RATES: The proposed rates, effective July 1, 2000, for hospital inpatient services will provide for the following:

1. An exemption for teaching, specialty, and Community Hospital Education Program (CHEP) hospitals from the variable costs reimbursement ceilings.
2. Special Medicaid payments to statutory teaching hospitals, children’s hospitals, and other hospitals for costs associated with providing inpatient medical education and serving significant numbers of low-income patients.
3. Provide for a children’s hospital disproportionate share program.
4. A correction related to previous state plan amendment, Version VXIII, November 10, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.
5. The provisions for canceling a provider agreement for late filing of a cost report to be replaced with language providing for a retroactive recalculation of the reimbursement rate.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for inpatient hospital services is based on the methodology currently being used for calculating rates, except that it will include:

- 1) An exemption for teaching, specialty, and Community Hospital Education Program (CHEP) hospitals from the variable cost reimbursement ceilings

- 2) Special Medicaid payments totaling \$144,349,164 will be made to certain hospitals for costs associated with providing inpatient medical education and serving significant numbers of low-income patients. The following amounts shall be paid to teaching and children’s hospitals:

\$2,998,909	All Children’s Hospital
\$87,142,115	Jackson Memorial Hospital
\$1,617,294	Miami Children’s Hospital
\$3,251,838	Mount Sinai Medical Center
\$2,511,252	Orlando Regional Medical Center
\$2,876,386	Shands Hospital-Alachua
\$9,356,836	Tampa General Hospital
\$21,126,584	Shands Hospital-Duval

The remaining funds shall be distributed to hospitals that qualify for the regular disproportionate share hospital program in proportion to each hospital’s payments under the program.

- 3) Provides for payments to hospitals qualifying for the disproportionate share program for children’s hospitals under CS/HB 2339 creating section 409.9119, Florida Statutes.
- 4) A correction related to previous state plan amendment, Version VXIII, November 10, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.

5) The provisions for canceling a provider agreement for late filing of a cost reports is replaced with language providing for a retroactive recalculation of the reimbursement rate.

JUSTIFICATION: The justification for the proposed rate changes in numbers 1, 2, and 3 from the methodologies section above is based on the legislative direction provided in House Bill 2145, General Appropriations Act 2000-2001 and CS/HB 2339 creating the disproportionate share program for children's hospitals.

The justification for the proposed rate change in number 4 from the methodologies section above is to provide a correction related to previous state plan amendment, Version VXIII, November 10, 1999, deleting language regarding the reporting of budgeted data for capital improvements and new, expanded or discontinued services for the purpose of setting reimbursement ceilings and individual hospital rates.

The justification for the proposed rate change in number 5 in the methodologies section above is to amend the policy regarding the impact of filing a cost report late from canceling a provider agreement to providing for a retroactive recalculation of the reimbursement rate.

The Agency is proposing the above rates and changes in methodology, effective July 1, 2000. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Carol Shotwell, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than June 13, 2000.

Copies of the proposed reimbursement plan incorporating the above changes may be obtained by contacting Carol Shotwell, Medicaid Cost Reimbursement Section, at the address above.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN May 22, 2000
 and May 26, 2000

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

5B-2.002	5/23/00	6/12/00	26/13	
5B-2.004	5/23/00	6/12/00	26/13	
5B-2.010	5/23/00	6/12/00	26/13	
5B-3.003	5/23/00	6/12/00	26/13	
5B-3.0038	5/23/00	6/12/00	26/13	
5B-26.007	5/23/00	6/12/00	26/13	
5B-36.005	5/23/00	6/12/00	26/13	
5B-38.006	5/23/00	6/12/00	26/13	
5B-44.008	5/23/00	6/12/00	26/13	
5B-55.006	5/23/00	6/12/00	26/13	
5B-60.004	5/23/00	6/12/00	26/13	
5B-60.006	5/23/00	6/12/00	26/13	
5B-60.007	5/23/00	6/12/00	26/13	
5B-60.009	5/23/00	6/12/00	26/13	
5B-60.011	5/23/00	6/12/00	26/13	
5B-60.015	5/23/00	6/12/00	26/13	
5B-60.016	5/23/00	6/12/00	26/13	

DEPARTMENT OF EDUCATION

6-3.017	5/22/00	6/11/00	26/13	
6-3.029	5/22/00	6/11/00	26/13	

DEPARTMENT OF COMMUNITY AFFAIRS

9-1.001	5/26/00	6/15/00	26/15	
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DEPARTMENT OF CORRECTIONS

33-507.001	5/26/00	6/15/00	26/3	26/8
33-507.002	5/26/00	6/15/00	26/3	
33-507.201	5/26/00	6/15/00	26/3	26/8
33-507.202	5/26/00	6/15/00	26/3	
33-507.401	5/26/00	6/15/00	26/3	26/8

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

40E-0.103	5/23/00	6/12/00	26/10	26/17
40E-0.105	5/23/00	6/12/00	26/10	
40E-0.108	5/23/00	6/12/00	26/10	
40E-0.109	5/23/00	6/12/00	26/10	
40E-0.111	5/23/00	6/12/00	26/10	
40E-0.113	5/23/00	6/12/00	26/10	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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40E-0.115	5/23/00	6/12/00	26/10	
40E-1.5095	5/23/00	6/12/00	26/10	
40E-1.511	5/23/00	6/12/00	26/10	
40E-1.521	5/23/00	6/12/00	26/10	
40E-1.564	5/23/00	6/12/00	26/10	
40E-1.565	5/23/00	6/12/00	26/10	
40E-1.603	5/23/00	6/12/00	26/10	26/17
40E-1.6058	5/23/00	6/12/00	26/10	
40E-1.6065	5/23/00	6/12/00	26/10	
40E-1.608	5/23/00	6/12/00	26/10	
40E-1.609	5/23/00	6/12/00	26/10	
40E-1.610	5/23/00	6/12/00	26/10	
40E-1.6115	5/23/00	6/12/00	26/10	
40E-1.705	5/23/00	6/12/00	26/10	
40E-3.0511	5/23/00	6/12/00	26/10	
40E-4.311	5/23/00	6/12/00	26/10	
40E-21.275	5/23/00	6/12/00	26/10	

BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

61G8-21.003	5/25/00	6/14/00	26/16	
61G8-22.001	5/25/00	6/14/00	26/16	
61G8-23.002	5/25/00	6/14/00	26/16	
61G8-23.004	5/25/00	6/14/00	26/16	
61G8-24.010	5/25/00	6/14/00	26/16	
61G8-24.021	5/25/00	6/14/00	26/16	
61G8-26.002	5/25/00	6/14/00	26/16	
61G8-31.001	5/25/00	6/14/00	25/37	26/17

Board of Professional Engineers

61G15-22.001	5/24/00	6/13/00	26/15	
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DEPARTMENT OF HEALTH

Board of Dentistry

64B5-2.021	5/23/00	6/12/00	26/15	
64B5-7.006	5/23/00	6/12/00	26/15	
64B5-9.011	5/23/00	6/12/00	26/15	

Board of Optometry

64B13-3.010	5/26/00	6/15/00	26/16	
64B13-18.002	5/26/00	6/15/00	26/16	

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

68D-24.003	5/23/00	6/12/00	26/8	26/15
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