

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE: Rescheduling Specified Drug Products Containing Hydrocodone as Schedule III Substances
 RULE NO.: 2-40.005

PURPOSE AND EFFECT: In light of recent legislation pursuant to Section 2, Chapter 2000-320, Laws of Florida, scheduled to take effect on October 1, 2000, and pursuant to the authority set forth in Section 893.0355(2), Florida Statutes, the Department proposes the development of a rule to reschedule specified drug products containing Hydrocodone as Schedule III substances.

SUBJECT AREA TO BE ADDRESSED: The rescheduling of specified drug products containing hydrocodone.

SPECIFIC AUTHORITY: 893.0355(2) FS.

LAW IMPLEMENTED: 893.0355 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., September 28, 2000

PLACE: Cabinet Meeting Room, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Edwin A. Bayo, Assistant Attorney General, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2-40.005 Rescheduling Specified Drug Products Containing Hydrocodone as Schedule III Substances.

Pursuant to Sections 893.0355(2) and (4), Florida Statutes, the following drug products containing hydrocodone in combination with the specified additional substances, and in the specified limits are rescheduled as Schedule III substances:

(1) Not more than 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.

Specific Authority 893.0355(2) FS. Law Implemented 893.0355 FS. History—New _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Interest Rate Parity
 RULE NO.: 3D-85.300

PURPOSE AND EFFECT: The purpose of this rule is to clarify the procedure under which a licensee under Chapter 520, F.S., may utilize the interest rate parity provision of Section 687.12, F.S., to charge the interest rate provided by Chapter 516, F.S.

SUBJECT AREA TO BE ADDRESSED: Interest rate parity.

SPECIFIC AUTHORITY: 687.148(2) FS.

LAW IMPLEMENTED: 687.12 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: 10:00 a.m., September 25, 2000

PLACE: Room 547, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-85.300 Interest Rate Parity.

(1) For the purpose of using the interest rate parity provision in Section 687.12, F.S., extensions of credit made by licensees under Chapter 520, F.S., are deemed similar to consumer finance loans authorized by Chapter 516, F.S. Licensees under Chapter 520, F.S., are authorized to charge interest on their extensions of credit to any person, firm, or corporation, at the interest rates permitted by Chapter 516, F.S.

(2) Licensees under Chapter 520, F.S., who utilize the interest rates permitted by Chapter 516, F.S.:

(a) Shall be governed by the same amount, term, possible charges, rebate requirements, and restrictions that govern loans under Chapter 516, F.S., including Sections 516.02(2)(a)-(c), 516.02(3)-(4), 516.031, 516.035, 516.17, 516.19, 516.21, 516.31, and 516.36, F.S.

(b) Shall not be subject to the licenses, examinations, regulations, documents, procedures, and disclosures required by Chapter 516, F.S., including Sections 516.02(1), 516.03, 516.05, 516.07, 516.08, 516.12, and 516.15, F.S.

(c) Shall indicate on the instrument evidencing the extension of credit that the interest rate charged is authorized in Chapter 516, F.S.

(d) Shall not make any particular type of loan or extension of credit which they are not authorized to make by the laws under which they are licensed or organized.

Specific Authority 687.148(2) FS. Law Implemented 687.12 FS. History—New _____.

DEPARTMENT OF INSURANCE

RULE TITLE: Annual and Quarterly Reporting Requirements
PURPOSE AND EFFECT: To adopt, by incorporation by reference, the year 2000 National Association of Insurance Commissioners (NAIC) Annual Statement Instructions Manuals. Also amends rule to add NAIC’s new address.
SUBJECT AREA TO BE ADDRESSED: Any additional rule changes.
SPECIFIC AUTHORITY: 624.308(1) FS.

RULE NO.: 4-137.001

LAW IMPLEMENTED: 624.307(1), 624.424(1) FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., September 27, 2000
PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Insurer Services, L & H Insurer Solvency, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0333, phone number (850)922-3153, Ext. 5038.

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

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

DEPARTMENT OF INSURANCE

RULE TITLE: Naic Financial Examiners Handbook Adopted
PURPOSE AND EFFECT: To adopt, by incorporation by reference, the year 2000 National Association of Insurance Commissioners (NAIC) Financial Examiners Handbook 2000. Also amends rule to add NAIC’s new address.
SUBJECT AREA TO BE ADDRESSED: Any additional rule changes.
SPECIFIC AUTHORITY: 624.308(1) FS.
LAW IMPLEMENTED: 624.307(1), 624.424(1) FS.

RULE NO.: 4-138.001

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: 9:30 a.m., September 27, 2000
PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Insurer Services, L & H Insurer Solvency, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0333, phone number (850)922-3153, Ext. 5038

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

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

DEPARTMENT OF INSURANCE

RULE TITLES: Filing for Review
RULE NOS.: 4-150.019
Filing for Review 4-150.120

PURPOSE AND EFFECT: The proposed amendment changes the rules to read, "Only advertisements that are required by law to be filed will be routinely received and reviewed by the Department."

SUBJECT AREA TO BE ADDRESSED: Review of advertising of life and health insurance and life insurance and annuity contracts.

SPECIFIC AUTHORITY: 624.307(3), 624.308(1), 626.9611, 627.9407(1),(2) FS.

LAW IMPLEMENTED: 624.307(1), 626.9541(1)(a),(b), (e),(k),(l), 626.9641, 626.9641(1), 627.9407(1),(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: 9:30 a.m., September 27, 2000
PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Pace, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5124

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-150.019 Filing for Review.

(1) No change.

(2) Only advertisements that are required by law to be filed will be routinely received and reviewed by the Department.

Specific Authority 624.308(1), 626.9611, 627.9407(1),(2) FS. Law Implemented 624.307(1), 626.9541(1)(a),(b),(e),(k),(l), 626.9641, 627.9407(1),(2) FS. History--New 6-13-88, Amended 5-17-89, Formerly 4-6.0185, Amended 1-4-00.

4-150.120 Filing for Review.

Only advertisements that are required by law to be filed will be routinely received and reviewed by the Department.

Specific Authority 624.307(3), 624.308(1), 626.9611 FS. Law Implemented 624.307(1), 626.9541(1)(a),(b),(e),(k),(l), 626.9641(1) FS. History--New 6-12-88, Formerly 4-35.0171, Amended 5-27-96, 2-4-00.

DEPARTMENT OF INSURANCE

RULE TITLE: Insurer Experience Reporting – Excess Profits, Worker's Compensation Insurance

RULE NO.: 4-189.007

PURPOSE AND EFFECT: The purpose of the proposed action is to amend a reporting form utilized by Worker's Compensation insurers to report excess profits.

SUBJECT AREA TO BE ADDRESSED: Develop amended rule to incorporate changes to reporting form to be year 2000 flexible, correcting cross references and deleting obsolete provisions.

SPECIFIC AUTHORITY: 624.308(1), 627.215 FS.

LAW IMPLEMENTED: 624.307(1), 627.215 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., Tuesday, October 3, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT OF THE REPORTING FORM, IS: Jim Watford, Actuary, Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-3146

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-189.007 Insurer Experience Reporting – Excessive Profits, Workers' Compensation Insurance.

(1) through (5) No change.

(6) Form DI4-15, Workers' Compensation Excess Profits Reporting Form F, as amended, is hereby incorporated by reference and shall take effect on July 1, ~~2000~~ 1988 and may be obtained from the Bureau of Property & Casualty Forms and Rates, ~~Workers' Compensation~~ Department of Insurance, Larson Building 200 East Gaines Street, Tallahassee, Florida 32399-0330 ~~32304~~.

Specific Authority 624.308(1), 627.215 FS. Law Implemented 624.307(1), 627.215 FS. History--New 6-14-84, Amended 7-1-85, Formerly 4-59.061, Amended 6-1-88, Formerly 4-59.0061, Amended _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE CHAPTER TITLE: Permitting and Inspection Requirements for Amusement Devices and Attractions

RULE CHAPTER NO.: 5F-8

RULE TITLE: Fees

RULE NO.: 5F-8.012

PURPOSE AND EFFECT: Applicable law, Section 616.242(8), Florida Statutes, requires that the fees charged for inspection and permitting of amusement rides must cover the program costs that are not covered by general revenues appropriated by the legislature. The purpose of this rule revision is to implement a decrease of the fees charged for inspection and permitting of amusement rides because the legislature has appropriated general revenues covering part of the operating costs for operation of the program during FY 00-01.

SUBJECT AREA TO BE ADDRESSED: Rule 5F-8.012, Florida Administrative Code, the department rule establishing fees for inspecting and permitting amusement rides.

SPECIFIC AUTHORITY: 616.165, 616.242 FS.

LAW IMPLEMENTED: 616.242(8) FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, September 26, 2000

PLACE: Division of Standards Conference Room, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Isadore Rommes, Bureau Chief, Bureau of Fair Rides Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, (850)488-9790

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-8.012 Fees.

(1) The following fees are adopted:

- (a) Annual permit for any amusement ride: \$220.00 ~~240.00~~
- (b) Annual permit for any Bungy jump: \$500.00
- (c) Inspection fee for each inspection of a kiddie amusement ride: \$25.00 ~~31.00~~
- (d) Inspection fee for each inspection of non-kiddie amusement ride: \$50.00 ~~70.00~~
- (e) Inspection fee per go cart, in addition to the track inspection fee: \$5.00
- (f) Reinspection fee: \$300.00
- (g) Fee to replace a lost U.S. Amusement Identification (USAID) plate: \$100.00
- (h) Fee per amusement ride for late inspection request: \$100.00
- (i) Fee per amusement ride for failure to cancel inspection request: \$100.00
- (j) Fee per amusement ride for inspection on weekend or state holiday: \$25.00

Specific Authority 616.165, 616.242(7),(8),(13) FS. Law Implemented 616.242(8) FS. History—New 9-15-92, Amended 2-23-94, 5-27-96, 9-23-97, 2-14-99, 3-21-00,_____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Admissions RULE NO.: 12A-1.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.005, F.A.C., is to: 1) incorporate the decision regarding assessments imposed upon members of private clubs that are used for capital expenditures rendered in *Department of Revenue v. John's Island Club*, 680 So. 2d 475 (Fla. 1st DCA 1996); 2) restructure the current rule to provide a more organized presentation of the guidelines regarding the admissions tax; 3) remove or conform obsolete provisions to current statutory provisions; and 4) incorporate the provisions of s. 2, Chapter 2000-345, L.O.F., effective July 1, 2000, through June 30, 2003.

The provisions of the proposed rule are restructured to provide a more organized presentation of the guidelines regarding the admissions tax. Provisions for collecting and remitting the tax to the Department are consolidated into one section of the rule. Guidelines for tax exempt and taxable admissions and participation fees are reorganized to provide for clarity.

Substantial changes to the proposed provisions regarding the taxability of dues and initiation fees, equity and nonequity memberships, capital contributions and assessments, refundable deposits, and users fees are included.

The proposed amendments provide that tax is to be collected on the sales price or actual value of the admissions as defined in s. 212.04(1)(b), F.S., amended by s. 2, ch. 2000-345, L.O.F. Section 2, Chapter 2000-345, L.O.F., also amends s. 212.04(3), F.S., to provide that tax on admission to an event at a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility shall be collected at the time of payment for the admission, but the tax is not due to the Department until the first day of the month following the actual date of the event for which the admission is sold.

The proposed amendments: 1) clarify that admissions tax is due from the person initially collecting the tax, unless such person is an agent of the seller; 2) provide that any person who has custody of taxable proceeds can be held liable for any tax due on such proceeds; and 3) provide that refundable deposits for the purchase of season tickets, box seats, or other admission are not subject to tax as long as they do not entitle the payer to the right to be admitted to an event.

The proposed amendments incorporate the exemptions provided for certain agricultural fairs, certain semifinal or championship baseball and football games, entry fees for participation in fresh water fishing tournaments, and, under certain criteria, an exemption for events sponsored by a governmental entity, sports authority, or sports commission when held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility (created by s. 212.04(2)(a)2.c., F.S.). Current provisions regarding taxable admission and participation fees are reorganized and clarified.

The proposed amendments provide that taxable dues and user fees do not include: 1) charges for initiation into, or for joining, an organization that are paid by individuals to obtain an equitable ownership interest in the organization; 2) capital contributions or additional paid-in capital paid to an organization by individuals who have an equitable ownership interest in the organization; 3) capital assessments levied by an organization; and 4) additional charges paid by an equity member that are used solely for capital expenditures, for capital improvements, or for debt servicing such expenditures and improvements. The terms "equitable ownership interest," "capital contributions or additional paid-in capital," and "capital assessments" are defined. Examples of capital expenditures and improvements are provided.

These proposed amendments further provide guidelines regarding the sale of vacation packages by travel agents. A proposed definition of the term "vacation package" is provided. The amendments also clarify that components

provided free of charge as part of a vacation package are not considered "components" of such packages when determining the taxability of vacation packages.

The effect of these proposed amendments to Rule 12A-1.005, F.A.C., will be to provide current guidelines regarding the tax imposed on admissions.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to discuss the changes to, and the proposed guidelines provided in, these proposed amendments to Rule 12A-1.005, F.A.C., Admissions.

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

LAW IMPLEMENTED: 212.02(1), 212.04, 212.08(6),(7), 616.260 FS., s. 2, ch. 2000-345, L.O.F.

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

TIME AND DATE: 2:00 p.m., September 26, 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: Charles Wallace, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4734

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.005 Admissions.

(1)(a) Every person dealer is exercising a taxable privilege when such person who sells or receives anything of value by way of admissions, as defined in s. 212.02(1), F.S., except those admissions that which are specifically exempt. Such person is required to collect on each admission charge for 10 cents or more the amount of tax provided for by the applicable bracket provided in s. 212.12(9), F.S. Each admission is a single sale.

(b) It is required that either:

1. The person collecting the charge for an admission prominently display, at the box office or other place where the admission charge is collected, a sign or other easily read notice disclosing the price of the admission; or

2. The face of each ticket sold reflect the actual sales price of the admission.

(c)1. The tax shall be computed and collected by the seller on the sales price or actual value of the admission, as provided in s. 212.04(1)(b), F.S., and is due at the moment of the transaction, except when the tax is collected for admission to an event at a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility. Tax collected on such events is due to the Department on the first day of the month following the actual date of the event for which the admission is sold and becomes delinquent on the 21st day of that month. Therefore, tax collected on season and series tickets for events held in such facilities should be apportioned among each event in the season or series and remitted to the Department accordingly.

2. An agent who sells admissions on behalf of a principal may forward the tax funds to the principal to be remitted by the principal to the Department, but in such case both the principal and agent can be held liable for any failure to timely pay such tax funds to the Department. Additionally, any person that at any time has custody of the proceeds of taxable admissions can be held liable for any taxes on such proceeds that are not ultimately remitted to the Department.

3. When tickets or admissions are sold and not used but are instead returned to the seller, the seller shall credit or refund the sales tax to the purchaser. See Rule 12A-1.014, F.A.C., for the methods the seller is to use to obtain a credit or refund.

4. A refundable deposit that is paid to reserve the right to purchase season tickets, box seats, or other admissions, that is recorded on the books of the seller as a liability, and that does not entitle the payer to the right to be admitted to the event or events, is not subject to tax. If the refundable deposit is applied to the purchase of the season tickets, box seats, or other admissions, tax is due to the Department as provided in this paragraph.

(d) Operators of traveling shows, exhibitions, amusements, circuses, carnivals, rodeos, and similar traveling events shall, upon request of an agent of the Department of Revenue, produce a cash receipt or similar documentation evidencing payment to the State of admission taxes due on any or all previous engagements in Florida during their current tour and an itinerary of future engagements in this State during the current year. The operator must document any performance in Florida that is sponsored by a not-for-profit entity that qualifies under the provisions of s. 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, for which the admission charges are exempt from tax.

(2) The term "admissions" means and includes the net sum of money after deduction of any federal taxes for admitting a person or vehicle or persons to any place of amusement, sport, or recreation or for the privilege of entering or staying in any place of amusement, sport, or recreation, including but not limited to, theaters, mini theaters, outdoor theaters, shows,

exhibitions, games, races, or any place where a charge is made by way of sale of tickets, gate charges, seat charges, box charges, season pass charges, cover charges, greens fees, participation fees, entrance fees, or other fees or receipt of anything of value measured on an admission or entrance or length of stay or seat box accommodations in any place where there is any exhibition, amusement, sport, or recreation and all dues and fees paid to private clubs and membership clubs providing recreational or physical fitness facilities, including but not limited to golf, tennis, swimming, yachting, boating, athletic, exercise, and fitness facilities.

(2)(3) EXEMPT ADMISSIONS. The following admissions are exempt from the tax imposed under s. 212.04, F.S.:

(a) Admissions by free pass are exempt. If a service charge or donation in excess of 9 cents is required for the issuance of a free admissions pass, such charge or donation is taxable.

(a)(b) Admissions to athletic or other events held by schools, as provided in s. 212.04(2)(a)1., F.S., are exempt.

(b)(e) Admissions are exempt for students who are required to participate in a sport or recreation, provided the program or activity is sponsored by and under the jurisdiction of the educational institution and attendance is as a participant and not as a spectator are exempt. The institution will issue a certificate for the student to present to the person charging the admission in order to provide for this exemption.

(c)(d) Admissions to county, state, and regional agricultural fairs are exempt, as provided in ss. 212.08(7)(j) and 616.260, F.S.

(d)(e) Admissions to the National Football League championship game, a Major League Baseball all-star game, any semifinal or championship game of a national collegiate tournament, or any postseason collegiate football game sanctioned by the National Collegiate Athletic Association, as provided in s. 212.04(2)(a)4. and 9., F.S., are exempt.

(f)1. From July 1, 1987, through June 30, 1994, no tax was levied on admissions to athletic or other events sponsored by governmental entities as described in s. 212.08(6), F.S. Effective July 1, 1994., admissions to such athletic or other events sponsored by governmental entities are taxable.

2. For purposes of this paragraph, an "athletic or other event" is defined as follows:

a. An "athletic event" is an important or remarkable occurrence of limited duration engaged in by one or more humans that involves some movement of the human body; gives enjoyment or recreation; requires physical strength, skill, speed, dexterity, or training; and normally includes competition among participants.

1. Example: Greens fees charged by a governmental entity for routine use of its golf course are taxable. However, the charge for the greens fees during participation in a golf tournament sponsored by a governmental entity was exempt from July 1, 1987, through June 30, 1994, since the tournament

was an "athletic event". Effective July 1, 1994, the charge made by a governmental entity for greens fees to participate in a golf tournament is taxable.

II. Example: Greens fees charged by a governmental entity for use of its golf course in a golf tournament sponsored by a for profit private organization or business have been and continue to be taxable as admissions.

b. An "other event" is an important or remarkable occurrence of limited duration. The term "other events" does not refer to routine events sponsored by governmental entities.

I. Example: A municipally owned civic center does not normally sponsor events held at the center. It leases the center to other organizations who sponsor the events. On five occasions over the last seven years the center did sponsor live musical presentations which ran for two weeks each. From July 1, 1987, through June 30, 1994, such presentations were considered to be an "other event" and were exempt. Effective July 1, 1994, admissions to such events are taxable.

II. Example: A municipally owned civic center routinely sponsors various types of events held at the civic center. Since the civic center routinely sponsors events, admissions to such events have been and continue to be taxable.

(e)3. Participation fees or sponsorship fees to athletic or recreational structured programs imposed by governmental entities as described in s. 212.08(6), F.S., when such governmental entities sponsor, administer, plan, supervise, direct, and control such athletic or recreational programs are exempt. An organization qualified under s. 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, may work in conjunction with the governmental entity to sponsor, administer, plan, supervise, direct, and control the athletic or recreational structured program without affecting the exemption.

1.a. Example: A city or county park and recreation department sponsors, administers, plans, supervises, directs, and controls its adult softball, little league, and other team recreation programs. The park and recreation department charges \$100.00 for each team participating, or it may charge \$10.00 per person for each person to participate. At the end of league play, a tournament is held to determine the championship. The participation fees charged for league and tournament play are exempt from tax as an athletic structured program.

2.b. Example: A city operates a swimming pool. It charges an admission price of \$2.00 for each adult and \$1.00 for each child to enter the pool. The admission charges are taxable since this is not a structured athletic or recreational program.

3.e. Example: A city or county park and recreation department sponsors, administers, plans, supervises, directs, and controls pottery and ceramics classes. The park and recreation department charges each person \$20.00 to participate. The participation charges are exempt as a recreational structured program.

4.d. Example: A not-for-profit organization that is not qualified under s. 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, sponsors a softball tournament and charges each team \$250 to participate. The organization rents the softball field from the city. The \$250 participation fee is subject to tax. If the organization is not registered to collect and remit sales tax, the organization must contact the local taxpayer service center to obtain a special events sales tax remittance number. The rental of the ball field by the city to the organization is taxable, unless the not-for-profit organization holds a Consumer's Certificate of Exemption and issues a copy of its extends an exemption certificate to the city.

(f)(g) Dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations ~~of community or recreational facilities~~ are exempt. To receive this exemption, the organization making any such charges must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the United States Internal Revenue Code of 1986, as amended. For purposes of this exemption, sponsorship of an event or program will be determined by the following criteria:

(h) ~~For the purposes of this rule, sponsorship of an event or program is determined by using the following criteria:~~

1. Active participation by the entity in the planning and conduct of the event or program;
2. Assumption by it of responsibility for the safety and success of the event or program, such that it will be subject to a suit for damages for alleged negligence in its conduct;
3. Entitlement by it to the gross proceeds from the event or program and to the net proceeds after payment of its costs; and
4. Responsibility by it for payment of costs of the event or program and for bearing any net loss if the costs exceed gross proceeds.

(g) Admission charges to an event held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility are exempt when:

1. The event is sponsored by a sports authority or commission, exempt from federal income tax under the provisions of s. 501(c)(3) of the Internal Revenue Code, as amended, that is contracted with a county or municipal government for the purpose of promoting and attracting sports-tourism events to the community or is sponsored by a governmental entity;
2. 100 percent of the funds at risk belong to the sponsoring entity;
3. 100 percent of the risk of success or failure lies with the sponsoring entity; and
4. The talent for the event is not derived exclusively from students or faculty.

(i) The charge made by an owner or operator for chartering any boat or vessel, with a crew furnished, solely for the purpose of fishing is exempt. However, see paragraph (4)(o) of

this rule for the taxable status of admissions for fishing trips aboard boats and vessels not considered to be charter trips. See also Rule 12A-1.071, F.A.C.

(h) Entry fees for participation in fresh water fishing tournaments, as provided in s. 212.04(2)(a)7., F.S., are exempt.

(i) Participation or entry fees charged to participants in a game, race, or other sport or recreational event when spectators are charged a taxable admission to such event, as provided in s. 212.04(2)(a)8., F.S., are exempt.

(j) Admissions charged by physical fitness facilities owned or operated by any hospital licensed under Chapter 395, as provided in s. 212.02(1), F.S., are exempt.

(k) Admissions to live theater, live opera, or live ballet productions, ~~as to the extent~~ provided in s. 212.04(2)(a)6., F.S., are exempt. ~~The application required in s. 212.04(2)(a)6., F.S., should be addressed In order to receive this exemption, the organization must make written request prior to March 1 of each year for a certificate of exemption to:~~

Department of Revenue

Central Registration

P. O. Box 6480 2096

Tallahassee, Florida ~~32314-6480~~ 32316-2096

~~Upon receipt and approval of the application, the department will issue a certificate of exemption to the organization and advise the organization of its pro rata share of the exemption.~~

(3)(4) TAXABLE ADMISSIONS AND PARTICIPATION FEES, ETC. The following paragraphs contain examples of admission charges that are subject to tax, unless such admissions are specifically exempt under the provisions of s. 212.04(2), F.S. This list is not intended to be an exhaustive list.

(a) Admissions Every person receiving anything of value by way of an admission charge of 10 cents or more to any place of amusement, sport, or recreation ~~are subject to tax, shall collect on each admission the amount of tax provided for by the applicable tax bracket shown in s. 212.12, F.S. All charges of 10 cents or more made at carnivals, fairs, amusement parks, and similar locations for rides on merry-go-rounds, roller coasters, ferris wheels, etc., are admissions and are taxable, except as provided in paragraph (3)(g) of this rule. For the purpose of collecting this tax, each admission shall be deemed a single sale.~~

(b) Every person operating a place of amusement where a taxable admission is charged must:

1. Prominently display, at the box office or other place where the admission charge is made, a sign or other easily read notice disclosing the price of the admission; or
2. Reflect on the face of each ticket the actual sales price of the admission.

(c) The tax shall be computed and collected on the basis of the actual price of such admission charged by the dealer.

~~(d) Tax is due at the time of the sale of the admission regardless of when the event is held and is to be collected on the full amount charged for the admission whether the sale is a cash sale, credit sale, installment sale, or a sale made on any kind of deferred payment plan. The dealer collecting the tax on the sale of an admission is required to remit the tax to the Department in the same manner as sales tax on the sale of tangible personal property, as provided in Rule 12A-1.056, F.A.C. When tickets or admissions are sold and not used but are returned to the seller, the seller shall credit or refund the sales tax to the purchaser. See Rule 12A-1.014, F.A.C., for the methods the seller is to use to obtain a credit or refund.~~

~~(e) Operators of traveling shows, exhibitions, amusements, circuses, carnivals, rodeos, and the like shall, upon request of an agent of the Department of Revenue, produce a cash receipt or other acceptable proof of payment to the State of admission taxes due on any or all previous engagements in Florida during their current tour and shall also furnish an itinerary of future engagements in this State during the current year. Any performance in Florida for which the operator claims exemption on admission charges must be supported by proof that such performance was or is sponsored by a not for profit organization exempt under paragraph (3)(g) of this rule and that the admissions were sold by the sponsoring organization.~~

~~(b)(f) Admissions to places of amusement, operated under the supervision of the State Racing Commission and any admissions to such place for events not under the supervision of the State Racing Commission, are subject to tax taxable. The tax imposed under Section 550.09, F.S., by the State Racing Commission on admissions and the federal tax are excluded from the taxable base if separately stated.~~

~~(c)(g) Admissions All admissions to attractions, shows, carnivals, exhibitions, and to fairgrounds that do not qualify for exemption under the provisions of ss. 212.08(7)(j) and 616.260, F.S., are subject to tax taxable, except as provided in paragraphs (d), (f), and (g) of subsection (3) of this rule. Fairgrounds shall be deemed to mean any area for which a charge is made to view exhibits or entries. The admissions to rides, attractions, shows, and the like, for which a separate charge is made, are taxable, except as provided in paragraph (3)(g) of this rule.~~

~~(d) Charges to attend consumer trade shows and exhibitions are subject to tax.~~

~~(e) Charges made at carnivals, fairs, amusement parks, and similar locations for rides, such as on merry-go-rounds, roller coasters, ferris wheels, and similar rides, are admissions subject to tax.~~

~~(f) Charges for live pony rides are admissions subject to tax.~~

~~(g)(h) Charges made for the privilege of bowling, golfing, swimming, using trampolines, fishing, and for playing billiards, ping pong, tennis, squash, badminton, slot racing,~~

go-kart racing, and similar sports are admissions subject to tax taxable, except as provided in paragraphs (3)(g) and (i) of this rule. The charge for the privilege of participating in go-cart races or for the use of the equipment is taxable, except as provided in paragraph (3)(g) of this rule.

~~(h)(i) Admissions to theaters, mini-theaters, outdoor theaters, and shows are subject to tax taxable.~~

~~(i)(j) Charges made for participation in saltwater fishing tournaments are subject to tax taxable, except as provided in paragraph (3)(g) of this rule.~~

~~(j)(k) Charges made for the privilege of entering or engaging in any kind of activity for which a taxable admission charge is made to spectators are exempt. When no admission charge is made to spectators are subject to tax. When spectators are charged a taxable admission to a game, race, or other sport or recreational event, the, such participation or entrance fees are exempt taxable, except as provided in paragraph (3)(g) of this rule. The purchase of taxable items used by the sponsoring entity are subject to tax, even though receipts from charges for the participation or entrance fees are used to make such purchases. The purchase of taxable gifts, trophies, and promotional items used by an entity sponsoring an event is subject to tax, notwithstanding that these items may be purchased with receipts from charges for participation or entrance fees, unless such purchases are made by a sponsoring organization issuing a valid consumer's certificate of exemption.~~

1. EXAMPLE: A private golf club hosts a local tournament and charges \$100.00 entry fee from all participants with no admission charge made to spectators. The entry fee covers the greens fees, cart rental, and a meal for each participant, with the excess being used to purchase gifts, gift certificates, and trophies to be given to the winners. The entry fee is subject to tax, even if the charge for each item is separately itemized taxable, as are also gifts, trophies, and other promotional items purchased by the club. If, instead of a single entry fee covering the greens fees, cart rentals, and meals, there is a separate charge made for each, such charges are also taxable. The purchase of gifts, trophies, and other promotional items by the club is subject to tax. If the club is donating a gift that it has in its inventory for sale, the club is required to accrue and remit the tax on the cost of the gift at the time it is removed from inventory. When the winning participants are given gift certificates to be used to purchase merchandise from the club, the club is deemed to be selling the merchandise, and it shall collect the tax from the gift certificate holders at the time the merchandise is sold.

2. EXAMPLE: A sponsoring golf association enrolls participants to participate in a tournament for a fee of \$100.00 with \$20.00 of the fee attributable to organizational services provided by the sponsor and \$80.00 attributable to the club's charges for an unlimited number of rounds and the use of a golf cart, with the excess being used to purchase gifts, gift

certificates, and trophies to be given to the winners. No tax is due on the \$100.00 fee paid by the participant to the sponsoring organization. The \$80.00 entry fee paid by the sponsoring organization to the club is taxable, even if the charge for each item is separately itemized. The purchase of gifts, trophies, and other promotional items by the club is subject to tax, as are gifts, trophies, food, beverages, and other promotional items purchased by the association from the club. If, instead of the entry fee covering the greens fees, cart rentals, and meal, there is a separate charge made for each, such charges are also taxable. When participants are given gift certificates to be redeemed for merchandise from the club's pro shop, the club is deemed to be selling the merchandise and shall collect tax from the gift certificate holders at the time the holder redeems the certificate for merchandise.

~~(4)~~ Charges made for the privilege of using trampolines or for live pony rides are taxable, except as provided in paragraph ~~(3)~~(g) of this rule.

~~(m)~~ The rental of bowling shoes, skates, golf clubs, bathing suits, and other sports and athletic equipment is taxable.

~~(n)~~ The price charged by golf driving ranges for balls and clubs is taxable.

~~(k)1.(e)~~ When the owner of a boat or vessel operated as a "head-boat" or "party boat" supplies the crew, which remains under the control and direction of the owner, and makes a charge measured on an admission or entrance or length of stay aboard the vessel for the privilege of participating in sightseeing, dinner cruises, sport, recreation, or similar activities including fishing, the charge is taxable as an admission.

2. The charge made by an owner or operator for chartering any boat or vessel, with a crew furnished, solely for the purpose of fishing is exempt.

1. Effective July 1, 1991, charges made by foreign registered vessels carrying passengers to international waters are exempt from the tax on admissions.

3.2. Charges Effective July 1, 1992, charges made by foreign registered vessels carrying passengers to international waters where passengers cannot disembark from the vessel at points other than the origination point (cruises to nowhere) are taxable. If the vessel docks, and passengers can disembark, the charge is considered to be for transportation and is exempt from tax.

~~(l)(p)~~ Charges measured on an admission or entrance or length of stay for rides on helicopters, sightseeing trolley cars, sightseeing buses or trains, or any sightseeing or amusement ride where the participant is normally returned to the origination point are taxable. This does not apply to charter or regularly scheduled aircraft, bus, taxi, trolley, or train travel where the passengers may disembark for shopping, dining, or other activities at points other than the origination point.

~~(m)(q)~~ Charges made for hot air balloon rides are taxable.

~~(4)(5)~~ DUES AND INITIATION FEES, EQUITY AND NONEQUITY MEMBERSHIPS, CAPITAL CONTRIBUTIONS AND ASSESSMENTS, REFUNDABLE AND NONREFUNDABLE DEPOSITS, AND USER FEES.

~~(a)4-~~ Dues and user fees paid to any organization, including athletic clubs, health spas, civic, fraternal, and religious clubs, and organizations ~~that which~~ provide physical fitness facilities or recreational facilities, such as golf courses, tennis courts, swimming pools, yachting, boating, athletic, exercise, and fitness facilities, are ~~subject to tax taxable, except as provided in paragraphs (3)(g) and (j) of this rule.~~ Dues and user fees do not include:

a. Charges for initiation into, or for joining, an organization that are paid by persons to obtain an equitable ownership interest in the organization. The equitable ownership interest may be transferrable, with or without consideration, directly to another party or to the organization.

b. Additional charges paid by an equity member when joining an organization that are used by the organization solely for capital expenditures, capital improvements to the organization's facilities, or for debt servicing such expenditures and improvements by the organization. Examples of these types of payments and the use of such amounts include amounts expended for rebuilding and/or replacing the grass on greens or fairways; rebuilding and/or replacing bunkers; planting of additional trees; resurfacing and/or construction of tennis courts; resurfacing and/or construction of swimming pools; amounts expended for new furniture, fixtures and equipment; amounts expended for clubhouse renovations; amounts expended for kitchen equipment and utensils; amounts expended to improve the irrigation system; amounts expended to acquire assets to enable the club to comply with environmental laws; amounts expended for acquiring maintenance equipment; amounts expended for new golf carts; and amounts expended for the installation of equipment on golf carts. Repairs to, or maintenance of, existing capital assets that do not materially add to the value or appreciably prolong the useful life of a capital asset are not deemed to be capital expenditures or capital improvements by the organization.

c. Capital assessments levied by an organization against persons who are, or seek to become, members of the organization.

d. Capitable contributions or additional paid-in capital paid to an organization by individuals who have an equitable ownership interest in the organization.

2. Recurring or nonrecurring capital contributions or additional paid-in capital, or capital assessments, paid to an organization in a lump sum or by installments, are not subject to tax when such payments are:

a. Separately accounted for and not recorded in an operating revenue account by the organization.

b. Not paid for the right to use the organization's recreational, physical fitness, or other facilities or equipment without subsequent periodic payments;

c. Not used to effect a decrease in user fees or periodic membership dues; and

d. Not used to pay for the operating expenses of the organization.

~~2.a. Effective October 1, 1990, admissions, including dues and membership fees, paid to physical fitness facilities, athletic clubs, and health spas which do not offer other recreational facilities for participation sports, such as golf, tennis, swimming, yachting, boating, and similar activities are taxable. If a written contract for the admission to physical fitness facilities was entered into prior to July 7, 1990, the dues and membership fees shall be exempt from tax for the duration of the contract. The renewal of any such contract is fully taxable. For any written contract, or the renewal of any written contract, entered into on or after July 7, 1990, which provides for the admission to a physical fitness facility, the dues and membership fees which represent such admission for any period beginning on or after October 1, 1990, are taxable.~~

~~b. Example: A contract in the amount of \$1,200 (\$100 per month) is entered into beginning August 1, 1990, allowing the customer use of an organization's physical fitness facilities for the 12 month period of August 1, 1990, through July 31, 1991. The dues and membership fees representing admissions for the months of August and September 1990 (\$200) are not taxable. However, dues and membership fees representing admission charges for the months of October 1990 through July 1991 (\$1,000) are subject to sales tax, as well as any applicable discretionary sales surtax.~~

~~(b) For purposes of this rule: Through June 30, 1991, initiation or membership fees are not taxable as charges for admissions when paid exclusively for membership in the organization and when they do not entitle the payer to use the organization's recreational or physical fitness facilities or equipment without subsequent payments, such as dues or user fees.~~

1. The phrase, "equitable ownership interest," means an interest that entitles a person to receive from the organization evidence or indicia of such ownership, the right to vote on decisions of the organization that are subject to determination by the organization's members or owners, and the right to receive a proportionate share of the organization's assets upon its dissolution, unless all such net assets are distributable upon dissolution to an organization exempt from federal income taxation or to a qualifying common interest realty association. The ownership interest must be reflected by the issuance of stock, a membership certificate, or similar instrument evidencing an ownership interest in the organization.

2. The phrases, "capital contributions or additional paid-in capital" and "capital assessments," mean equity payments that by themselves do not entitle an individual to use the facilities

or equipment of an organization and that are intended as an investment to maintain or enhance members' and owners' interests in the organization.

~~(c) Through June 30, 1991, capital contributions or assessments to an organization by its members are not taxable as charges for admissions when they are in the nature of payments by the member of his or her share of capital costs, not charges for admissions to use the organization's recreational or physical fitness facilities or equipment, and when they are clearly shown as capital contributions on the organization's records. Contributions and assessments will be considered taxable when their payment results in a decrease in periodic dues or user fees required of the payer to use the organization's recreational or physical fitness facilities or equipment.~~

~~(c)(d)1. Fees Effective July 1, 1991, the following fees paid to private clubs or membership clubs as a condition precedent to, in conjunction with, or for the use of the club's recreational or physical fitness facilities are subject to tax. Examples of such fees are:~~

1. User fees paid by members or nonmembers to an organization that entitle the payor to use the organization's recreational or physical fitness facilities or equipment.

~~a. Initiation fees when paid to equity or nonequity private clubs and membership clubs, except see sub-subparagraphs 2.c. and d., below.~~

~~b. Any periodic assessments (additional paid in capital) required to be paid by members of an equity or non equity club for capital improvements or other operating costs, unless the periodic assessment meets the criteria of a refundable deposit as provided in sub-subparagraph 2.c. below.~~

~~2.e. Dining room minimum fees paid to equity or nonequity clubs to the extent that sales tax is not paid on the dining room charges.~~

~~3.d. Social membership fees when such payments are required of members who hold no equitable interest in, or ownership of, the club.~~

~~4.e. Periodic payments required to be paid by members or any payment required of a nonmember in order to use the club's facilities.~~

~~f. Nonrefundable deposits which represent advance payments for the right to use the club's facilities.~~

~~(d)2. Fees paid The following payments made to private clubs or membership clubs that do not entitle the payor to the use of the club's recreational or physical fitness facilities are not "fees" which are subject to tax on admissions. Examples of such fees are:~~

~~1.a. Charges to members or nonmembers to establish or maintain a handicap, ranking, or average.~~

~~2.b. Charges for professional instructions in any sport conducted at the club, so long as such charges are exclusively for the instructions and include the use of the facility only during the period of time the instructions are taking place. It is~~

not the intention of this rule to allow a club to exempt what is in effect a dues or membership fee by labeling calling such charges as instruction fees.

~~e. Purchase of equitable ownership in a corporation (stock or certificates of membership in nonprofit clubs organized under the provisions of Chapter 617, F.S., or stock in a for profit club organized under the provisions of Chapter 607, F.S.).~~

~~3.d. Mandatory dues and fees paid to a condominium association, homeowners' association, or cooperative association when they are required to be paid as a condition of ownership or occupancy of real property and the club facilities are part of the common elements or common areas of the real property.~~

~~(e)e. Refundable deposits advanced to an organization when the organization is obligated to repay the deposit and the deposit is reflected as a liability in the organization's books and records are not subject to tax. The organization's obligation to repay refundable deposits must be evidenced by a promissory note, a bond, or other written documentation. At the time the deposit or any portion of it is not shown as a liability in the organization's books and records, such as a portion of the deposit being applied against a member's taxable obligation to the club, that portion is subject to tax.~~

~~f. User fees paid by those who are members or by those who are nonmembers of an organization are taxable as charges for admissions when they entitle the payer to use of the organization's recreational or physical fitness facilities or equipment.~~

~~(f)(e) Dues and fees paid by persons for membership in clubs that do not entitle the members to use recreational or physical fitness facilities are not subject to tax. Examples of such clubs are as sewing clubs, bowling clubs, square dancing clubs, bridge clubs, and gun clubs where the dues or fees entitle the payor to be a member of the club, but do not entitle the payor to use, which provide no recreational or physical fitness or other facilities for their members, are exempt. Any charge made by any such club for admission to any event conducted or sponsored by the club is taxable, except as provided in paragraphs (3)(g) and (j) of this rule.~~

~~(5)(6) No change.~~

~~(6)(7) SALES OF VACATION PACKAGES.~~

~~(a) A dealer owes tax on purchases of any taxable components of a vacation package which he or she sells. Such taxable components may include, but are not limited to, admissions, transient rentals, rental cars, and meals.~~

~~(b) No tax is due on the sale of a vacation package by a travel agent if the components are not separately itemized and if applicable tax has been paid on the initial purchase of the taxable components. For purposes of this subsection, a "vacation package" means a bundle consisting of two or more components, such as admissions, transient rentals, transportation, or meals. Coupon books, maps, or other~~

incidental items, that are provided free of charge as part of a vacation package are not considered "components" for purposes of this subsection.

~~(c) If a travel agent unless the selling dealer itemizes the taxable components and sells the taxable components for more than was paid for them. If the itemized components are sold for more than the dealer paid for them, he or she must register and collect and remit tax on the itemized taxable components, and may take a credit for taxes previously paid.~~

~~(d)(e) If the itemized components are sold for the same amount or less than was paid for each of them, the seller of the package shall not collect any additional tax, and shall not take credit for taxes previously paid.~~

~~(e)(d) If the actual price charged for the admission by the dealer to a travel agent, which is a member of the same controlled group of corporations as the dealer, is an amount less than the price charged to unrelated travel agents under normal industry practices, then the related travel agent will be required to itemize the components of the package to his customer, collect tax on the itemized taxable components, and may take a credit for taxes previously paid.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1), ~~212.031~~, 212.04, 212.08(6),(7), ~~240.533(4)(e)~~, 616.260 FS., s. 2, ch. 2000-345, L.O.F. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 7-19-72, 12-11-74, 9-28-78, 7-3-79, 12-3-81, 7-20-82, Formerly 12A-1.05, Amended 1-2-89, 12-16-91, 10-17-94, 3-20-96, _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Monuments and Tombstones	12A-1.026
Funerals; Related Merchandise and Services	12A-1.035
Cemetery Organizations	12A-1.052

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12A-1.026, F.A.C., is to remove obsolete guidelines for the taxability of tombstones and mausoleums from this rule. Current guidelines for the sale of monuments will be provided in the proposed substantial rewording of Rule 12A-1.035, F.A.C., Funerals; Related Merchandise and Services.

The purpose of the proposed substantial rewording of Rule 12A-1.035, F.A.C., is to: 1) retitle the rule to Funerals; Related Merchandise and Services; 2) consolidate the administration of funerals and related items and services under one administrative rule; and 3) provide current guidelines regarding the application of sales tax to sales of funeral or burial services and funeral or burial merchandise. The proposed amendments remove the exclusion from tax for ambulance service, as it is unrelated to funerals and funeral services and is an unnecessary rule provision.

The purpose of the proposed repeal of Rule 12A-1.052, F.A.C., is to remove: 1) unnecessary provisions regarding the requirement to register as a dealer and collect tax on the sale of tangible personal property that are provided in Rule

12A-1.060, F.A.C.; and 2) provisions regarding the bricking of graves and the construction of foundations for monuments that will be provided in proposed Rule 12A-1.035, F.A.C., Funerals; Related Merchandise and Services.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is the administration of sales tax on the sale of funeral and burial services and funeral and burial merchandise.

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

LAW IMPLEMENTED: 212.05(1)(a),(c), 212.06(1), 212.08(2),(7)(o),(v) FS.

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

TIME AND DATE: 2:00 p.m., September 26, 2000

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

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

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 (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.026 Monuments and Tombstones.

~~(1) Tombstones are items of tangible personal property and the labor used in cutting and marking them may not be excluded in computing the tax thereon. The installation and erection of a tombstone is taxable.~~

~~(2) The building of a mausoleum is the construction of real property, and the builder is the consumer of and taxable on the material and supplies he uses.~~

~~Cross Reference — Rules 12A-1.016, 12A-1.052.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(a), 212.06(1) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.26, Repealed _____.

(Substantial Rewording of Rule 12A-1.035 follows. See Florida Administrative Code for present text.)

12A-1.035 Funerals; Related Merchandise and Services.

(1) As used in this rule:

(a) "Consumer" means any person who purchases a funeral or burial service or funeral or burial merchandise.

(b) "Funeral service" or "burial service" means any observance, ceremony, or service in connection with the final disposition, memorialization, interment, entombment, or inurnment of human or animal remains.

(c) "Funeral merchandise" or "burial merchandise" means any tangible personal property commonly sold or used in connection with the final disposition, memorialization, interment, entombment, or inurnment of human or animal remains. Examples of such items are caskets, burial containers, vaults, alternative containers, cremation containers, urns, monuments, private mausoleums, clothing, flowers, shrubs, benches, vases, memory folders, acknowledgment cards, prayer cards, and register books. This list is not intended to be an exhaustive list.

(2)(a) The following sales of funeral or burial services and funeral or burial merchandise to consumers by any person licensed or registered under the provisions of Chapter 470 or 497, F.S., are not subject to tax:

1. The sale of funeral or burial services;

2. Funeral or burial merchandise sold in conjunction with the sale of a funeral or burial service; and

3. Funeral or burial merchandise installed at the consumer's designated location.

(b) The following are examples of sales of monuments, monument services, and related monument products to consumers by persons licensed or registered under the provisions of Chapter 470 or 497, F.S., that are not subject to sales tax. This list is not intended to be an exhaustive list.

1. The sale of monuments, copings, or bases that are installed with or without a foundation or base;

2. The sale of a marker installed at the grave site or affixed to real property improvements, such as niches, crypts, benches, mausoleums, and other cemetery improvements;

3. The building of a mausoleum, columbarium, or below ground crypt;

4. The bricking of graves;

5. The construction of foundations for monuments;

6. The sale of lettering installed or affixed to real property improvement, such as niches, crypts, benches, mausoleums, and other cemetery improvements;

7. Charges for the inscription of a monument, marker, crypt, or niche;

8. Charges for the repair of monuments when the repair is made at the site of installation.

9. Charges for cleaning monuments.

(3) The sale of funeral or burial merchandise that does not meet the requirements of subsection (2), or by any person who is not licensed or registered under the provisions of Chapter 470 or 497, F.S., is subject to tax.

(4)(a) The purchase of funeral or burial merchandise by any person licensed or registered under the provisions of Chapter 497, F.S., for sale to the consumer is subject to tax at the time of purchase.

(b) The purchase of tools, supplies, and other tangible personal property used in providing funeral or burial services, or in preparing funeral or burial merchandise for sale or for installation, is subject to tax.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(a),(c), 212.06(1), 212.08(2),(7)(v) FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.35, Amended.

12A-1.052 Cemetery Organizations.

~~Cemetery organizations are dealers and must procure dealers' certificates of registration and collect the sales tax on sales of tangible personal property to the ultimate consumer. When such organizations brick up graves or construct foundations for monuments, etc., the provisions of Rule 12A-1.051 will apply. Church cemeteries are exempt on their purchases. Cross Reference Rule 12A-1.026.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.06(1), 212.08(7)(o) FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.52, Repealed.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES:	RULE NOS.:
Index to Forms	12D-16.002
Definitions and Scope of the Rules	12D-16.010
Communication of Return Information in Electronic Format	12D-16.030
Taxpayer Information and Identity	12D-16.040
Acknowledgment to Taxpayer	12D-16.050
Uniform Format for All Counties	12D-16.060
Procedures for Transfer	12D-16.080
Due Date; General Provisions	12D-16.090

PURPOSE AND EFFECT: The proposed amendment to Rule 12D-16.002, F.A.C., and proposed creations of Rules 12D-16.010, 12D-16.030, 12D-16.040, 12D-16.050, 12D-16.060, 12D-16.080, and 12D-16.090, F.A.C., implement the provisions of section 193.052, Florida Statutes, which require the Department of Revenue to provide, by rule, formats and instructions for filing tangible personal property tax returns through electronic data interchange (EDI) method.

SUBJECT AREA TO BE ADDRESSED: Electronic data interchange method and formats for filing tangible personal property tax returns.

SPECIFIC AUTHORITY: 193.052, 195.027(1), 213.06(1) FS.
LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.047, 193.052, 193.062, 193.072, 193.073, 193.074, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS.

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

TIME AND DATE: 10:00 a.m., September, 28, 2000
PLACE: Orlando Public Library, Oak Room, 101 E. Central Blvd., Orlando, Florida

Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kathy Henley, Revenue Program Administrator II, Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7952

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

	Form Number	Form Title	Effective Date
(2) through (61)	No change.		
(62)	<u>DR-594</u>	<u>Electronic Data Interchange TPP Return File Structure Form Tangible Personal Property Tax Return (n. 12/00)</u>	<u>2/01</u>
(63)	<u>DR-599</u>	<u>Electronic Data Interchange Transfer Authorization and Agreement Form (n. 12/00)</u>	<u>2/01</u>

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.198, 196.199, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00.

12D-16.010 Definitions and Scope of the Rules.

These rules address the electronic data interchange (EDI) of tangible personal property return information. The scope of these rules is to provide for the format and instructions necessary for the return of information to the property appraiser by the taxpayer; to ensure that all property subject to ad valorem tax is properly listed by the taxpayer; to require a uniform format for the electronic transfer of return information used by any county which elects to accept the electronic returns; to require that the format of the electronic return replicate Form DR-405, Tangible Personal Property Tax Return (incorporated by reference in Rule 12D-16.002, F.A.C.), as it is currently prescribed by the Department; to ensure that adequate safeguards for verification of taxpayers' identities are part of the EDI system; and to provide a standard of data transfer which ensures the confidentiality of information which is proprietary to the taxpayer. For the purposes of this rule chapter, the terms and phrases used in these rules shall have the meanings prescribed in this section, unless a different meaning is clearly indicated by the context in which the term or phrase is used.

(1) "Acknowledgment" when used in reference to EDI means the verification code or receipt number generated by the EDI system, which may include or be a trace number, which confirms the successful received communication of return information or extension request.

(2) "Call-in period" means the specified time interval in each day during which EDI return information or extension request received by the data collection center will be date stamped as being received. The call-in period must be specified by the property appraiser; if the property appraiser does not specify otherwise on Form DR-599, Electronic Data Interchange Transfer Authorization and Agreement Form (incorporated by reference in Rule 12D-16.002, F.A.C.), the call-in period shall be a default of "24/7," meaning 24 hours each day, seven days a week, with allowance for necessary outages.

(3) "Data collection center" means any computer facility operated by the property appraiser or a third party vendor designated by the property appraiser that, under contract with the property appraiser, collects and processes electronic return information or extension requests from taxpayers.

(4) "Due date" means the latest date on which a return is required to be made by a taxpayer, including any extensions under section 193.062, F.S., unless the context of the rule indicates otherwise.

(5) "Electronic data interchange" or "EDI" means any transfer of taxpayer records in approved digital format, using suitable encryption technology to maintain confidentiality.

(6) "Electronic return filing" means the electronic transfer of return data or extension request generated by the taxpayer and transmitted to a data collection center.

(7) "Electronic return" or "electronic format" means a digital transfer of all information required by the Form DR-405, Tangible Personal Property Tax Return, as currently prescribed by the Department, or substitute forms of the Form DR-405 which have been approved by the Department.

(8) "Receipt number" means the verification code generated by the EDI system, which acknowledges the received communication of return information or extension request.

(9) "Taxpayer security code" means a confidential authorization code, or password, assigned to each taxpayer, which uniquely identifies the taxpayer and allows only the taxpayer, the taxpayer's fiduciary, or the authorized agent of the taxpayer to communicate return information or extension request to the data collection center. Taxpayer security codes assigned are part of the return, are confidential, and shall not be the same as the parcel or account identification number assigned by the property appraiser, which is part of the public records.

(10) "Trace number" means the verification code generated by the EDI system, which uniquely identifies the received communication of return information or extension request and can be used for later retrieval.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History—New

12D-16.030 Communication of Return Information in Electronic Format.

(1) Except as otherwise provided by this rule, any notice, return of information, application form, or completed application form that is required or permitted under this rule to be exchanged between a property appraiser and the taxpayer or between a property appraiser and an agent or fiduciary designated by the taxpayer may be delivered in an electronic format if the property appraiser and taxpayer agree to the terms specified under this rule.

(2) Taxpayers who participate in an EDI program implemented by the property appraiser shall use one of the following means of communicating return information or extension requests to the property appraiser.

(a) Computer-to-computer communication of information over a direct link to a data collection center maintained by the property appraiser.

(b) Communication of information indirectly through a third party data collection center having the ability to guarantee the confidentiality of taxpayer data and subject to the same confidentiality requirements as the property appraiser.

(3) This rule is not intended to prohibit the use of any direct method of electronic transfer of information which ensures that all tangible personal property required to be identified by the taxpayer is properly listed.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

12D-16.040 Taxpayer Information and Identity.

(1) The property appraiser's EDI system may be a service provider identified by the property appraiser as the appropriate data collection center and must be used by taxpayers who elect to submit electronic returns.

(2) The property appraiser will make available a notice to taxpayers and an Electronic Data Interchange Transfer Authorization and Agreement Form (DR-599, an official form incorporated by reference in Rule 12D-16.002, F.A.C.) to be used to remit electronic returns. When completed and filed, this form shall constitute part of the EDI return.

(3) The taxpayer must complete and sign the Form DR-599 and it must be received by the property appraiser by the date the property appraiser specifies using such form.

(a) The information required to be provided by the taxpayer on this form includes:

1. Business name;

2. Business mailing address;

3. Taxpayer's Federal Employer Identification Number or Social Security Number, whichever is most appropriate;

4. Contact person (title and telephone number);

5. Name and signature of person authorized to sign returns;

6. Name of any agent or fiduciary who returns property information on behalf of the taxpayer and the capacity under which the agent or fiduciary is acting.

(b) The form must specify the medium of communication to be used by the EDI system; the type of communication covered; and the means for protecting the security of any electronically submitted information. The form may address other matters relevant to the method of communication between the property appraiser and the taxpayer. The form, together with EDI filings, shall constitute the return information of the taxpayer and shall be confidential.

(4) The property appraiser shall assign a confidential taxpayer security code directly to the taxpayer, to be used by the taxpayer when communicating return information or extension requests to the data collection center. This number shall be provided to the taxpayer upon receipt of the Form DR-599, at the latest.

(5) Use of the EDI return method by a taxpayer will be conditioned upon the taxpayer's written agreement to provide return information to the data collection center as provided in these rules.

(6) The Form DR-599 will be in effect from year to year except as follows. The taxpayer may revoke the form where the taxpayer desires to discontinue EDI. The property appraiser may reserve the right to revoke the EDI return filing privilege of any taxpayer who: does not consistently transmit error-free information; substantially varies from the requirements and specifications of these rules; repeatedly fails to make timely return transfers; or, repeatedly fails to provide required data records with the EDI transfer. Additionally, the property appraiser shall have the right to revoke the EDI privilege for any reason he or she deems sufficient that jeopardizes the integrity of the system.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

12D-16.050 Acknowledgment to Taxpayer.

Methods by which the taxpayer will be provided with an acknowledgment may include, but are not limited to:

(1) Acknowledgment may be made at the time EDI is received by the property appraiser, such that the property appraiser's EDI system sends an electronic confirmation number or trace number to the taxpayer after receipt of a successful transmission by the data collection center.

(2) The property appraiser may mail a paper acknowledgment to the taxpayer.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

12D-16.060 Uniform Format for All Counties.

(1) The acceptable file structure of the return shall be as described in Electronic Data Interchange TPP Return File Structure Form Tangible Personal Property Tax Return (DR-594, an official form incorporated by reference in Rule 12D-16.002, F.A.C.), which is an electronic facsimile of Form DR-405. The property appraiser may accept data sent in another file structure approved by the department pursuant to s. 195.022, F.S., which may include a file structure specified in a format described in subsection (2) of this rule.

(2)(a) The property appraiser must accept data sent in flat file ASCII delimited format.

(b) The property appraiser may accept data sent in other formats agreed to by the property appraiser including, but not limited to, the transaction set for the return data described in the American Standards Committee x12 Group Transaction Set, Number 813, Electronic Filing of Tax Return Data, Version 4010, or later.

(3)(a) If the taxpayer has timely filed Form DR-599, the taxpayer may request an extension of the April 1 return due date by EDI. Any such request must be made by EDI to the data collection center by the date specified by the property appraiser. The request shall include the following information, in the following file structure, blanks delimited, in a format stated in subsection (2):

<u>Data Element:</u>	<u>Number of Characters</u>
<u>TIP number,</u>	<u>15</u>
<u>Tax ID number,</u>	<u>15</u>
<u>FEI Number,</u>	<u>15</u>
<u>Name,</u>	<u>40</u>
<u>Reason for any extension beyond 30 days.</u>	<u>400</u>

(b) The property appraiser shall provide confirmation on granting any extension from April 1 that exceeds 30 days.

Cross reference: Rule 12D-8.005, F.A.C.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New _____.

12D-16.080 Procedures for Transfer.

(1) An acknowledgment will be issued at the conclusion of the successful transfer of EDI return information or extension request for each return or extension request filed. This number provides a means of verifying receipt of the successful transmission and serves as receipt for the delivery of the return or extension request. The property appraiser shall maintain either this number or a trace number as a record of the transfer, for later retrieval.

(2) Electronic transfers which are not received by the property appraiser on or before the due date of the return will constitute late returns and the applicable late filing penalties shall apply.

(3) If a taxpayer does not receive an acknowledgment, the return information or extension request shall not be considered filed.

Cross Reference: Rule 12D-8.005, F.A.C.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New _____.

12D-16.090 Due Date: General Provisions.

(1) To be considered timely, taxpayers who remit return information through an EDI system must initiate the transfer so that the information is received on or before the due date of the return as specified under section 193.062, F.S. If the due date on which the taxpayer is required to complete an EDI return falls on a Saturday, Sunday, or official Federal or State holiday, the taxpayer must complete the transfer no later than the following business day in order for the return to be considered timely filed, or alternatively file a standard paper return.

(2) The EDI method of transfer does not change any current filing requirements for tax returns. If the EDI transfer is not timely made or the tax return required is not filed by the due date, the provisions for late filing penalties under section 196.062, F.S., shall apply, except as provided in these rules.

(3) The provisions of Rule 12D-8.005, F.A.C., shall govern the compromise and settlement of any penalty assessed due to the late filing of an electronically filed return after the due date.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLE: _____ RULE NO.:

Physical Plant Requirements for Ambulatory

Surgical Centers 59A-5.022

PURPOSE AND EFFECT: The purpose of the proposed rule amendments to Chapter 59A-5, F.A.C., is to amend subsection (3) Elevators Where Required, delete portions of subsection (8) Electrical Requirements, and amend subsection (10) Emergency Electric Systems. The amendment to subsection (3) is to erase the conflict with requirements of the Accessibility Code by stipulating access of an ambulance stretcher. Both subsections (8) and (10) conflict with requirements of the NFPA (National Fire Protection Association) 99 and NFPA 110. Subsection (8) outlines the electrical requirements in ambulatory surgical centers and subsection (10) stipulates that emergency power in ambulatory surgical centers shall be supplied by emergency generators only. The proposed rule amendment will not compromise public safety, human health, the environment, or any other protection afforded by law.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amends subsection (3) Elevators Where Required, deletes portions of subsection (8) Electrical Requirements, and amends subsection (10) Emergency Electric Systems. There is no change in any other physical requirement, description of the facilities or required standards as they pertain to ambulatory surgical centers.

SPECIFIC AUTHORITY: 395.1055 FS.

LAW IMPLEMENTED: 395.1055 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. (DST), Wednesday, September 27, 2000

PLACE: Agency for Health Care Administration, Building #1, Plans & Construction Conference Room 100, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James (Skip) Gregory, Chief, Bureau of Plans and Construction, Agency for Health Care Administration, Building #1, Room 145, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)487-0713

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-5.022 Physical Plant Requirements for Ambulatory Surgical Centers.

(1) through (2) No change.

(3) Elevators Where Required. All ambulatory surgical centers where either patients' beds or a critical service facility such as operating, delivery, diagnostic, recreation, patient dining, or therapy rooms, are located on other than one floor, shall have electric or hydraulic elevators and be in compliance with the requirements of Chapter 399, F.S., and 61C-5, F.A.C. (Florida Elevator Safety Code). At least one 2500-pound capacity elevator shall be installed as a minimum where recovery beds are located on any floor other than the floor of exit discharge, and designed to allow the entrance and exit of an ambulance stretcher (minimum size 22 x 78 inches) (559x1981 mm) in its horizontal position.

(8) Electrical Requirements.

(a) through (c) No change.

~~(d) Each operating room shall have at least three receptacles of the interchangeable type as defined in National Fire Protection Association Code as prescribed by Chapter 4A-4, F.A.C.~~

~~(e) Each patient recovery room shall have duplex receptacles as follows: one on each side for the head of each bed, for parallel adjacent beds only one receptacle is required between beds; receptacles for luminaries and motorized beds, if used; and one receptacle on another wall.~~

~~(f) Duplex receptacles for general use shall be installed approximately 50 feet apart in all corridors and within 25 feet of ends of corridors.~~

(g) through (9) No change.

~~(10) Emergency Electric System. Provide a Level I, Type 10, Class 8 generator, in accordance with NFPA 10, that conforms to a Type I system of NFPA 99. There shall be an electrical service to provide power and light for a minimum period of 2 hours. The system shall operate emergency exit lighting, fire alarm systems and nurses' calling systems, surgical room lighting, recovery room lighting and shall power monitoring equipment and selected receptacles in the operating and recovery areas. Power may be supplied by batteries or an emergency generator.~~

Specific Authority 395.1055 FS. Law Implemented 395.1055 FS. History--New 6-14-78, Formerly 10D-30.22, Amended 2-3-88, Formerly 10D-30.022, Amended 6-11-97,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: _____ RULE NO.:

Continuing Education Exemption for Spouses of Military Personnel 61G6-9.0105

PURPOSE AND EFFECT: The Board proposed to promulgate a new rule that will set forth the requirements for continuing education exemptions for spouses of military personnel.

SUBJECT AREA TO BE ADDRESSED: Continuing education exemption for spouses of military personnel.

SPECIFIC AUTHORITY: 489.507(3) FS.

LAW IMPLEMENTED: 489.507(3), 489.517 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-45R

RULE CHAPTER TITLE: Treatment Plant Classification and Staffing RULE CHAPTER NO.: 62-699

RULE TITLE: Additional Classification and Staffing Requirements RULE NO.: 62-699.311

PURPOSE AND EFFECT: This rulemaking activity will help ensure consistent implementation of the Department's lead/chief operator staffing requirements for domestic wastewater treatment plants and for drinking water treatment plants.

SUBJECT AREA TO BE ADDRESSED: The lead/chief operator staffing requirements will be clarified as they relate to the term duty day.

SPECIFIC AUTHORITY: 403.88 FS.

LAW IMPLEMENTED: 403.88(1),(2) FS.

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

TIME AND DATE: 9:30 a.m., October 11, 2000

PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

A copy of the agenda may be obtained by writing to: Sharon Sawicki, P.E. Administrator, Department of Environmental Protection at MS3540, 2600 Blair Stone, Road, Tallahassee, Florida 32399-2400 or by calling Sharon Sawicki at (850)488-4524.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Sawicki, P.E. Administrator, Department of Environmental Protection, MS3540, 2600 Blair Stone, Road, Tallahassee, Florida 32399-2400, Phone (850)488-4524

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-699.311 Additional Classification and Staffing Requirements.

(1) through (9) No change.

(10) For A and B plants, the lead/chief operator shall be employed at the plant full time. Full time shall mean at least 5 days per week, working a minimum of 35 hours per week, including leave time on duty for one full shift each duty day. The in cases when the lead/chief operator may supervise supervises the operation of two plants located in close physical proximity provided the operator's time is, the shift time may be equally divided between the two plants.

(11) No change.

Specific Authority 403.88 FS. Law Implemented 403.88(1),(2) FS. History--New 11-17-70, Revised 10-24-74, Amended 12-25-75, 6-10-76, Formerly 17-16.13, Amended 5-8-85, Formerly 17-16.375, 17-602.375, 17-699.311, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Formulary

RULE NO.: 64B8-30.008

PURPOSE AND EFFECT: The Board proposes the development of a rule amendments to address changes to the physician assistant formulary recommended by the Formulary Committee.

SUBJECT AREA TO BE ADDRESSED: Physician Assistant Formulary.

SPECIFIC AUTHORITY: 458.309, 458.347(4)(f)3. FS.

LAW IMPLEMENTED: 458.347(4)(e),(f) 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 IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.008 Formulary.

THE APPROVED FORMULARY FOR THE WRITING OF PRESCRIPTIONS BY PHYSICIAN ASSISTANTS APPROVED TO PRESCRIBE MEDICINAL DRUGS UNDER THE PROVISIONS OF SECTIONS 458.347(4)(e) AND 459.022(4)(e), FLORIDA STATUTES:

(1) through (2) No change.

(3) Formulary.

(a) No change.

(b) Subject to the requirements of this subsection, Sections 458.347 and 459.022, F.S., and the rules enacted thereunder, only the following drugs may be delegated by a Supervising Physician to a Physician Assistant to prescribe. Medicinal drugs not specifically included in this formulary are excluded. Excluded medicinal drugs may not be prescribed, regardless of whether they are in a pure form or in combination with a drug included in this formulary.

1. through 15. No change.

16. Alosetron HCl

16. through 109. renumbered 17. through 110. No change.

111. Cevimeline HCl

110. through 127. renumbered 112. through 129. No change.

~~128. Cisapride~~

129. through 331. renumbered 130. through 332. No change.

333. Levetiracetam

332. through 362. renumbered 334. through 364. No change.

365. Meloxicam

363. through 536. renumbered 366. through 539. No change.

540. Risedronate Sodium

537. through 599. renumbered 541. through 603. No change.

604. Tizanidine

600. through 648. renumbered 605. through 653. No change.

654. Zonisamide

Specific Authority 458.309, 458.347(4)(f)3. FS. Law Implemented 458.347(4)(e),(f) FS. History--New 3-12-94, Formerly 61F6-17.0038, Amended 11-30-94, 2-22-95, 1-24-96, 11-13-96, 3-26-97, Formerly 59R-30.008, Amended 11-26-97, 1-11-99, 12-28-99, 6-20-00,_____.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Reactivation
PURPOSE AND EFFECT: The Board proposes a new rule on Reactivation of Licensure.
SUBJECT AREA TO BE ADDRESSED: Reactivation of Licensure.
SPECIFIC AUTHORITY: 455.711 FS.
LAW IMPLEMENTED: 484.005 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3257
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLES: Standards for Continuing Professional Education
Provider Approval and Renewal
Requirements for Approved Providers
Courses Without Classroom Instruction
PURPOSE AND EFFECT: The Board proposes to review these rules to determine if amendments are necessary.
SUBJECT AREA TO BE ADDRESSED: Standards for Continuing Professional; Provider Approval and Renewal Education; Requirements for Approved Providers; Courses Without Classroom Instruction.
SPECIFIC AUTHORITY: 455.564(6), 484.005, 484.008(3), 484.005, 484.008(3), 455.564(7), 455.214(6), 484.005, 484.008 FS.
LAW IMPLEMENTED: 455.564(6), 484.008(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 IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Formulary
PURPOSE AND EFFECT: The Board proposes additions to the Physician Assistant formulary in response to the recommendations of the Formulary Committee.
SUBJECT AREA TO BE ADDRESSED: The Physician Assistant formulary.
SPECIFIC AUTHORITY: 458.347, 459.022(4)(e) FS.
LAW IMPLEMENTED: 459.022(4)(e) 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 IS: William Buckhalt, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.0038 Formulary.

THE APPROVED FORMULARY FOR THE WRITING OF PRESCRIPTIONS BY PHYSICIAN ASSISTANTS APPROVED TO PRESCRIBE MEDICINAL DRUGS UNDER THE PROVISIONS OF SECTIONS 458.347(4)(e) AND 459.022(4)(e), FLORIDA STATUTES:

- (1) through (2) No change.
- (3) Formulary.
- (a) No change.
- (b) Subject to the requirements of this subsection, Sections 458.347 and 459.022, F.S., and the rules enacted thereunder, only the following drugs may be delegated by a Supervising Physician to a Physician Assistant to prescribe. Medicinal drugs not specifically included in this formulary are excluded. Excluded medicinal drugs may not be prescribed, regardless of whether they are in a pure form or in combination with a drug included in this formulary.
 - 1. through 15. No change.
 - 16. Alosetron HCl
 - 16. through 109. renumbered 17. through 110. No change.
 - 111. Cevimeline HCl
 - 110. through 127. renumbered 112. through 129. No change.
 - ~~128. Cisapride~~
 - 129. through 331. renumbered 130. through 332. No change.

333. Levetiracetam

332. through 362. renumbered 334. through 364. No change.

365. Meloxicam

363. through 536. renumbered 366. through 539. No change.

540. Risedronate Sodium

537. through 599. renumbered 541. through 603. No change.

604. Tizanidine

600. through 648. renumbered 605. through 653. No change.

654. Zonisamide

Specific Authority 458.347, 459.022(4)(e) FS. Law Implemented 459.022(4)(e) FS. History–New 3-12-94, Formerly 61F9-6.0038, Amended 11-30-94, 4-17-95, 8-27-95, 11-13-96, Formerly 59W-6.0038, Amended 5-12-98, 3-10-99, 3-9-00, 6-19-00,_____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: _____ RULE NO.: _____

Continuing Psychological Education Credit 64B19-13.003

PURPOSE AND EFFECT: The Board proposes to amend this rule based on legislative authority and to improve clarity of statutes.

SUBJECT AREA TO BE ADDRESSED: Continuing psychological education credit.

SPECIFIC AUTHORITY: 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 490.007(2), 490.0085(1),(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-13.003 Continuing Psychological Education Credit.

(1) through (2) No change.

(3) As a condition of biennial licensure renewal, each licensee must complete forty (40) hours of continuing psychological education. One (1) of the forty (40) hours must be on domestic violence or on end of life and palliative health care consistent with Chapter 456.031, and three (3) of the forty (40) hours must be on professional ethics and legal issues affecting the practice of psychology. Passage of the laws and rules examination of the Board constitutes forty (40) hours of

continuing education credit, including credit for professional ethics and legal issues affecting the practice of psychology. Passage of the laws and rules examination, however, does not satisfy the requirement for one (1) credit of continuing education on domestic violence.

(4) No change.

Specific Authority 490.004(4), 490.0085(4) FS. Law Implemented 490.007(2), 490.0085(1),(3) FS. History–New 1-28-93, Amended 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended_____.

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: _____ RULE CHAPTER NO.: _____

Emergency Medical Services 64E-2

PURPOSE AND EFFECT: Recertification Training Programs:

To provide clarification of approval process for recertification training programs by ensuring consistent application and expiration timeframes for program approval.

Medical Director Reporting Requirement – Telemetry: To address the requirement for medical directors to notify the department when telemetry is not used by the licensee.

Pediatric Measurement Tape/Wheel – To authorize an alternative to the length based pediatric measurement tape used in determining equipment selection and drug dosage.

Involuntary Inactive Status: To clarify the timeframes for a certificate holder to successfully complete recertification requirements while on involuntary inactive status.

EMT and Paramedic Recertification by Examination: To clarify the timeframes that the certification examination can be taken for recertification purposes.

Certification of Members and Spouses of Members of the Armed Forces: To provide the same process and timeframes related to certification renewal for members and spouses of members of the Armed Forces.

Records and Reports: To correct an oversight and make 64E-2.013(6) consistent with the intent of 64E-2.013(3)(e) which allows providers to substitute the signature of the lead crew member on the patient care record with a unique identification number. This correction will allow emergency medical services providers to leave a completely automated record at the hospital receiving facility at the time the patient is delivered.

SUBJECT AREAS TO BE ADDRESSED: Recertification Training Programs, Telemetry, Pediatric Measurement Tape, Involuntary Inactive Status, Recertification by Examination, Armed Forces Recertification, Patient Care Records.

SPECIFIC AUTHORITY: 401.27, 401.271, 401.2715, 401.35 FS.

LAW IMPLEMENTED: 401.26, 401.265, 401.27, 401.271, 401.2715, 401.30 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., September 26, 2000
 PLACE: Metro-Dade Firefighters Memorial Building, 8000 N. W. 21 Street, Suite 222, Miami, Florida
 TIME AND DATE: 10:00 a.m., September 27, 2000
 PLACE: Department of Health, Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida
 TIME AND DATE: 10:00 a.m., September 28, 2000
 PLACE: Pinellas County Emergency Medical Services and Fire Administration Building, 2nd Floor, Auditorium, 12490 Ulmerton Road, Largo, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON REQUEST, ONE WEEK PRIOR TO THE FIRST WORKSHOP.
 P.O. F00396

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
Health Related Requirements	65C-20.010
Large Family Child Care Homes	65C-20.013

PURPOSE AND EFFECT: The modifications contained in this document will add clarification to the nutrition requirements regarding the quality and quantity of food being served to children in care; changes a statutory reference from 402.3131, F.S. to 402.302(8), F.S., which addresses the number of children that can be cared for in a large family child care homes; and will create additional transportation standards to ensure the safety of the children being transported in child care.

SUBJECT AREA TO BE ADDRESSED: Family Day Care and Large Family Child Care Home Standards.

SPECIFIC AUTHORITY: 402.313, 402.302(8), 402.3131, 402.305(10) FS.

LAW IMPLEMENTED: 402.313, 402.302(8), 402.3131, 402.305(10) 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., September 18, 2000
 PLACE: 1317 Winewood Blvd., Building 6, Room 355, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Cindy Pace-Brown, Licensing Specialist, 1317 Winewood Blvd., Building 6, Tallahassee, FL 32399, (850)488-4900

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-20.010 Health Related Requirements.

(1) General Requirements.

(a) through (o) No change.

(p) If the operator chooses to supply food, the operator shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA Food Guide Pyramid for Young Children, March 1999, incorporated by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children one year of age and older. The fats and sweets category within the USDA Food Guide Pyramid for Young Children cannot be counted as a food group. Using the USDA Food Guide Pyramid for Young Children; breakfast shall consist of at least three different food groups; lunch and dinner shall consist of at least four different food groups and snacks shall consist of at least two different food groups. If a special diet is required for a child by a physician, appropriate documentation shall be maintained in the child's file to include the physician's order, a copy of a diet and sample meal plan for the special diet.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended 5-21-00,_____.

65C-20.013 Large Family Child Care Homes.

(1) through (5) No change.

(6) Supervision.

(a) No change.

(b) Additional Supervision Requirements.

1. If there are more than 6 preschoolers participating on field trips away from the large family child care home an additional adult must be present during the field trip for the purpose of safety and to assist in providing direct supervision. Where some children remain in the home the adult supervision as required in s. 402.302(7), F.S., shall be maintained. At no time shall the total number of children exceed the capacity defined in s. 402.302(8) 402.3131, F.S.

2. No change.

(7) Transportation.

(a) through (e) No change.

(f) Prior to transporting children and upon the vehicle(s) arrival at its destination the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:

1. A log shall be maintained for all children being transported in the vehicle. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify drivers log and sweep of vehicle.

2. Upon arrival at the destination the driver of the vehicle shall:

- a. mark each child off as the child departs the vehicle.
- b. conduct a physical sweep of the vehicle to ensure that no child is left in the vehicle, and
- c. sign the log verifying that all children were all accounted for and that the physical sweep was conducted.

3. Upon arrival at the destination a second staff member shall:

- a. sweep the vehicle to see that all children have exited the vehicle, and
- b. sign the log verifying the physical sweep and drivers log is complete.

(8) through (11) No change.

Specific Authority 402.3131 FS. Law Implemented 402.3131 FS. History--New 5-21-00, Amended _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
General Information	65C-22.001
Food and Nutrition	65C-22.005
Record Keeping	65C-22.006

PURPOSE AND EFFECT: The minimum standards in this document will add clarification to the nutrition requirements relating to the quantity and quality of food being served to children in care, will create additional transportation standards to ensure the safety of the children being transported in child care; and change the statutory reference from 402.302(8), F.S. which defines large family child care homes to 402.302(3), F.S. which defines child care personnel.

SUBJECT AREA TO BE ADDRESSED: Child Care Standards.

SPECIFIC AUTHORITY: 402.302(3), 402.305(8), 402.305(10) FS.

LAW IMPLEMENTED: 402.302(3), 402.305(8), 402.305(10) 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: 1:00 p.m., September 18, 2000
PLACE: 1317 Winewood Blvd., Building 6, Room 355, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Cindy Pace-Brown, Licensing Specialist, 1317 Winewood Blvd., Building 6, Tallahassee, FL 32399, Telephone (850)488-4900

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-22.001 General Information.

(1) through (5) No change.

(6) Transportation.

(a) through (e) No change.

(f) Prior to transporting children and upon the vehicle(s) arrival at its destination the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:

1. A log shall be maintained for all children being transported in the vehicle. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify drivers log and sweep of vehicle.

2. Upon arrival at the destination the driver of the vehicle shall:

- a. mark each child off as the child departs the vehicle.
- b. conduct a physical sweep of the vehicle to ensure that no child is left in the vehicle, and
- c. sign the log verifying that all children were all accounted for and that the physical sweep was conducted.

3. Upon arrival at the destination a second staff member shall:

- a. sweep the vehicle to see that all children have exited the vehicle, and
- b. sign the log verifying the physical sweep and drivers log is complete.

(7) through (9) No change.

Specific Authority 402.305 FS. Law Implemented 402.301, 402.302, 402.305, 402.3055, 402.308 FS. History--New 6-1-97, Amended 3-17-99, _____.

65C-22.005 Food and Nutrition.

(1) Nutrition.

(a) If a facility chooses to supply food, they shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA Food Guide Pyramid for Young Children, March 1999, incorporated by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children one year of age and older. The fats and sweets category within the USDA Food Guide Pyramid for Young Children cannot be counted as a food group. Using the USDA Food Guide Pyramid for Young Children; breakfast shall consist of at least three different food groups; lunch and dinner shall consist of at least four different food groups and snacks shall consist of at least two different food groups.

(b) through (d) No change.

(2) through (3) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 3-17-99,_____.

65C-22.006 Record Keeping.

(1) through (4) No change.

(5) Personnel Records. Records shall be maintained and kept current on all child care personnel, as defined by s. 402.302(3) ~~402.302(8)~~, F.S., and household members if the facility is located in a private residence. These shall include:

(a) through (g) No change.

(6) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99,_____.

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:	RULE NOS.:
Mortgage Brokerage Business License and Branch Office License Renewal	3D-40.053
Change of Name, Change of Entity and Change in Control or Ownership	3D-40.099
Mortgage Lender License, Mortgage Lender License Pursuant to Savings Clause, and Branch Office License Renewal	3D-40.205
Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation	3D-40.225

PURPOSE AND EFFECT: Chapter 99-213, Laws of Florida, amended Section 494.0011(2), F.S., to allow the Department to adopt rules to allow electronic submission of any required forms, documents, or fees and to adopt rules to accept certification of compliance with statutory requirements in lieu of requiring submission of documents.

SUMMARY: The proposed amendments will give mortgage brokerage businesses, mortgage lenders, mortgage lenders pursuant to the saving clause, correspondent mortgage lenders and their branch offices the option of renewing their licenses directly on the Department's website. The proposed amendment would also allow mortgage lenders, mortgage lenders pursuant to the saving clause, and correspondent mortgage lenders to certify that they have continuously maintained the net worth requirements of Sections 494.0061, 494.0062, 494.0065, or 494.00721, F.S., in lieu of submitting current audited financial statements to the Department.

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

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

SPECIFIC AUTHORITY: 494.0011, 494.0032, 494.0036 FS. LAW IMPLEMENTED: 494.0011, 494.0031, 494.032, 494.036, 494.0061, 494.0062, 494.0064, 494.0065 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., October 2, 2000

PLACE: Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE FULL TEXT OF THE PROPOSED RULES IS:

3D-40.053 Mortgage Brokerage Business License and Branch Office License Renewal.

(1) Each active mortgage brokerage business license shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee required by Section 494.032, F.S., and a completed renewal form. Form DBF-MB-707, Mortgage Brokerage Business License Renewal and Reactivation Form, revised 10/99, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) No change.

(3) Each active mortgage brokerage business branch office license shall be renewed in conjunction with the mortgage brokerage business license renewal upon submission of the statutory renewal fee required by Section 494.032, F.S. and a completed renewal form. Form DBF-MB-708, Mortgage Brokerage Business Branch Office License Renewal and Reactivation Form, revised 10/99, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(4) through (5) No change.

(6) Renewal via the Internet. In lieu of filing the paper version of any of the foregoing renewal forms, a licensee may renew its license electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

Specific Authority 494.0011(2), 494.0032(2),(3), 494.0036(2) FS. Law Implemented 494.0011(2), 494.0032, 494.0036 FS. History--New 11-2-86, Amended 2-8-90, 10-1-91, 12-12-99,_____.

3D-40.099 Change of Name, Change of Entity and Change in Control or Ownership.

(1) Each person licensed as a mortgage broker, mortgage brokerage business, mortgage lender, or correspondent mortgage lender which changes her or his name of record, as filed with the initial application for licensure, or any subsequent change on file and acknowledged by the Department thereafter, shall notify the Department, in writing, of the name change and shall provide documentation authorizing such name change within thirty (30) days of the date effecting such change. Any licensee pursuant to Section 494.0061 or 494.0062, F.S., shall additionally provide a completed surety bond, on Form DBF-ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, which is hereby incorporated by reference (effective 10/91), executed in the new name of the licensee as documented by the requirements of this subsection. The form is available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) Each licensed mortgage brokerage business, mortgage lender, or correspondent mortgage lender which proposes to change the entity licensed with the Department shall file a new application for licensure pursuant to Section 494.0031, 494.0061 or 494.0062, F.S. Application forms are available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(3) through (5) No change.

(6) Upon approval of an application, a letter informing the applicant of the Department's intent to approve the application will be sent to the applicant's mailing address as indicated on the application. Upon the Department's receipt of the original license issued to the former owners, notification that the change in ownership or control has been finalized and the effective date of closing, a license will be issued, effective the later of the date of closing or the date of notice of intent to approve, for the remainder of the biennial licensure period. Failure to respond to the Department's notice of intent to approve within thirty (30) days of the date of that letter will result in the application being withdrawn.

Specific Authority 494.0011(2) FS. Law Implemented 494.0031, 494.0061, 494.0062, 494.0065 FS. History--New 1-10-93, Amended 5-14-95, 9-3-95, 12-12-99,_____.

3D-40.205 Mortgage Lender License, Mortgage Lender License Pursuant to Savings Clause, and Branch Office License Renewal.

(1)(a) Each active mortgage lender license and mortgage lender license pursuant to the savings clause shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed renewal form, ~~and a copy of the lenders most recent audited~~

~~financial statements.~~ Form DBF-ML-R, Mortgage Lender License Renewal and Reactivation Form, revised 06/00 ~~10/99~~ and Form DBF-ML-RS, Mortgage Lender License Pursuant to Savings Clause Renewal and Reactivation Form, revised 06/00 ~~10/99~~, are hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(b) In lieu of submitting audited financial statements, the licensee shall certify that it has continuously maintained the net worth requirements of:

1. \$25,000 or more imposed by Section 494.0065, F.S.; or
2. \$250,000 or more imposed by Section 494.0061, F.S.

Upon request of the Department, the licensee shall provide a copy of its most recent audited financial statements that substantiate its net worth.

(2) A license that is not renewed as required in Subsection (1) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form.

(3) Each active mortgage lender branch office license shall be renewed in conjunction with the mortgage lender license renewal upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed branch office license renewal form. Form DBF-ML-RB, Mortgage Lender and Correspondent Mortgage Lender Branch Office License Renewal and Reactivation Form, revised 10/99, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(4) through (5) No change.

(6) Renewal via the Internet. In lieu of filing the paper version of any of the foregoing renewal forms, a licensee may renew its license electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet. The licensee shall certify that it has continuously maintained the net worth requirements of Sections 494.0061 or 494.0065, F.S.

Specific Authority 494.0011(2) FS. Law Implemented 494.0011(2), 494.0064 FS. History--New 10-1-91, Amended 9-3-95, 8-5-96, 12-12-99,_____.

3D-40.225 Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation.

(1)(a) Each active correspondent mortgage lender license shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed renewal form, ~~and a copy of the lender's current audited financial statements.~~ Form DBF-CL-R, Correspondent

Mortgage Lender License Renewal and Reactivation Form, revised ~~06/00~~ ~~10/99~~, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(b) In lieu of submitting audited financial statements, the licensee shall certify that it has continuously maintained the net worth requirements of \$25,000 or more imposed by Section 494.0062, F.S. Upon request of the Department, the licensee shall provide a copy of its most recent audited financial statements that substantiate its net worth.

(2) A correspondent mortgage lender license that is not renewed as required in Subsection (1) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form.

(3) Each active correspondent mortgage lender branch office license shall be renewed in conjunction with the correspondent mortgage lender license renewal upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed branch office license renewal form. Form DBF-ML-RB, Mortgage Lender and Correspondent Mortgage Lender Branch Office License Renewal and Reactivation Form, revised 10/99, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(4) through (5) No change.

(6) Renewal via the Internet. In lieu of filing the paper version of any of the foregoing renewal forms, a licensee may renew its license electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet. The licensee shall certify that it has continuously maintained the net worth requirements of Section 494.0062, F.S.

Specific Authority 494.0011(2) FS. Law Implemented 494.0011(2), 494.0064 FS. History--New 10-1-91, Amended 9-5-95, 7-25-96, 12-12-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bob Tedcastle, Financial Administrator, Division of Securities and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Division of Securities and Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

DEPARTMENT OF INSURANCE

RULE TITLE: Small Group Health Insurance Availability
RULE NO.: 4-154.530

PURPOSE AND EFFECT: The rule clarifies subparagraph 627.6699(5)(c)2., F.S. (2000), by interpreting it to apply to new coverage. Some insurers of small employer groups are refusing to provide coverage to eligible groups seeking new coverage because they argue the new language just applies to renewals. The rule also requires that if a guaranteed renewable group health insurance policy is renewed the coverage renewed must not be changed.

SUMMARY: The rule clarifies subparagraph 627.6699(5)(c)2., F.S. (2000), and requires that if a guaranteed renewable group health insurance policy is renewed, the coverage renewed must not be changed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308(1), 627.6699(16) FS. (2000)

LAW IMPLEMENTED: 624.307, 627.6571, 627.6699(5)(c), 641.31074 FS. (2000)

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

TIME AND DATE: 9:30 a.m., October 5, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rich Robleto, Bureau Chief, Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5110

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

THE FULL TEXT OF THE PROPOSED RULE IS:

4-154.530 Small Group Health Insurance Availability.

(1) Section 627.6699(5)(c)2., Florida Statutes, as amended, requires small employer carriers to offer and issue basic and standard small employer health benefit plans to every eligible small employer having fewer than two eligible employees and satisfying the conditions specified in the statute. The provisions of the statute apply only to the initial

33-204.003 Food Services – Standards of Operation.

(1) General. Inmates in general population shall receive three meals per day, of which at least two shall be hot meals. The meals shall be provided at regular meal times during each 24-hour period, with a period of no more than 14 hours between the end of the evening meal and the beginning of the morning meal, weather and security permitting. The warden or work release center major shall be allowed to authorize an altered meal schedule of two meals for approved holidays listed in the master menu manual, but both must be hot meals. Holiday substitutions that deviate from the master menu must be approved in advance by the food service coordinator. ~~An altered holiday meal schedule for therapeutic diets may only be implemented if the chief health officer is on duty on the day that the alternate schedule is to be served.~~ An alternate meal schedule for therapeutic diets shall provide regular meal times during each 24-hour period with no more than 14 hours between the end of the evening and the beginning of the morning meal.

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

(3) Menus. The Recommended Dietary Allowances or the Dietary Reference Intakes of the Food and Nutrition Board National Research Council – National Academy of Sciences shall serve as the standard for the preparation of menus and the evaluation of menus served. The Recommended Dietary Allowances and the Dietary Reference Intakes of the Food and Nutrition Board National Research Council are hereby incorporated by reference. A copy of the Recommended Dietary Allowances or the Dietary Reference Intakes may be obtained from the Bureau of Food Services, Office of Administration, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.~~ The effective date of the Revised Recommended Dietary Allowances ~~this form~~ is January 18, 1989. The Dietary Reference Intakes were copyrighted in 2000.

(a) through (b) No change.

(c) Meals for inmates and staff shall be prepared and served in accordance with the master menu in effect. No specially prepared meals shall be served except those approved therapeutic diets that are prescribed by the attending physician, clinical associate or dentist.

(d) through (4)(c)2. No change.

3. Daily inspection of the food service areas, including the recording of the temperatures of coolers, freezers, dishwashers, and hot tap water on the Master Menu Production Log, Form DC2-404. Form DC2-404 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is August 1, 2000.

(d) through (6) No change.

(7) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a Department of Corrections credentialed physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or dentist. All orders for therapeutic diets shall be in writing utilizing the Diet Prescription/Order, Form DC4-728. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is August 1, 2000. Non-standard modified diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a maximum of 90 days. Diets extending for periods longer than 90 days shall require a new diet order from the attending Department of Corrections credentialed physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the modified diet. The Bureau of Food Services shall be responsible for providing consultation to health and food service personnel regarding therapeutic diets.

(8) Religious Diets. The alternate entree program is designed to provide meal options for ~~meet the needs of~~ inmates whose religions require a pork-free, lacto-ovo, or lacto-vegetarian diets. The vegan (strict vegetarian) meal pattern provides meal options for ~~meets~~ the religious requirements of inmates who choose to ~~must~~ avoid all animal products.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-1-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill Thurber

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 22, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Work Program
RULE NO.: 33-601.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the statutory authority under which inmates may be required to perform work for the corporation authorized to operate correctional work programs.

SUMMARY: The proposed rule clarifies that inmates may be required to perform work for the corporation authorized to operate correctional work programs pursuant to Part II, Chapter 946, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.10(7), 946.002, 946.006(3), 946.40(1), 946.511(1)(b) 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: Giselle Lysten Rivera, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.201 Inmate Work Program.

(1) No change.

(2) Inmates may be assigned to perform work for political subdivisions in the state including municipalities and agencies and institutions of the State, or nonprofit corporations that enter into agreements or contracts with the Department pursuant to Department of Corrections Rule 33-601.202, Florida Administrative Code. Inmates may also be required to perform work for the corporation authorized to operate correctional work programs under Part II of Chapter 946, Florida Statutes ~~or Prison Industry Enhancement Programs authorized by s. 946.006(3), F.S.~~

(3) through (6) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09, 944.10(7), 946.002, 946.006(3), 946.40(1), 946.511(1)(b) FS. History—New 10-8-76, Formerly 33-3.03, Amended 4-19-79, 2-27-86, 1-28-98, Formerly 33-3.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Dugger

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

DEPARTMENT OF CORRECTIONS

RULE TITLES: Community Release Programs Placement of Inmates into Community Release Programs

RULE NOS.: 33-601.602 33-601.606

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to clarify applicable definitions, update applicable forms, clarify titles, and establish relevant procedures.

SUMMARY: The proposed rules provide and clarify definitions of terms applicable to community release programs and placement therein; update and provide relevant forms; establish procedures relating to community release and placement therein; establish criteria for placement in, and termination from, community release programs; and clarify titles of persons in authority.

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: 945.091 FS.

LAW IMPLEMENTED: 945.091 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 RULES IS: Giselle Lysten Rivera, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-601.602 Community Release Programs.

~~(1) Purpose. This rule sets forth guidelines to be utilized in the extension of the limits of confinement, specifically the Community Release Programs.~~

~~(1)(2) Definitions.~~

(a) Community Release – Any program which allows inmates to work at paid employment or participate in education, training, or substance abuse treatment programs in a work release ~~community correctional~~ center, contract community work release facility, or community contract facility, or voluntarily work with a public or nonprofit agency in the community.

(b) ~~Community~~ Work Release – The community release program which allows inmates to work at paid employment in the community while continuing as inmates of the facility where they are confined.

(c) No change.

(d) Community Volunteer Service – An activity which allows inmates housed at a work release community correctional center or contract facility to voluntarily work with a governmental or nonprofit agency in the community.

(e) No change.

~~(f) Non-Advanceable Release Date – Those sentences in which the earliest release date can not be reduced by the application of discretionary gain time.~~

~~(g) Inmates – For purposes of this rule, the term “inmates” refers to adults and youthful offenders in the department’s custody.~~

~~(h) Center Work Assignment – Inmates assigned to community correctional centers to serve in a support capacity in the areas of maintenance, food service, and transportation and to provide services in the public works under the provisions of rule 33-601.202.~~

~~(i) Approving Authority – The term “approving authority” refers to the Secretary of the Department of Corrections, or his designee, who for the purpose of this rule shall be the select exempt status employee who has oversight responsibility of a community correctional center, or the Bureau Chief for Community Residential Programs.~~

~~(j) Correctional Officer Major – The chief correctional officer charged with the responsibility of the daily operation of a community correctional center.~~

~~(k) No change.~~

~~(l) Extenuating circumstances – Factors identified in a particular case which suggest that, in spite of some indications to the contrary, an inmate has become a viable candidate for the community release program due to his or her overall adjustment.~~

(m) State Classification Office – 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.

(3) Policy Statement.

(a) The department shall allow selected inmates to leave the principal places of their confinement for a prescribed period of time not accompanied by a custodial agent, by authorizing the placement of these inmates in community release programs.

(b) All rules and policies of the department apply to inmates in community release programs. The approving authority shall have authority to remove inmates from community release programs whenever the approving authority determines that removal is in the best interest of the safety and security of the public, the department, or the inmate.

(c) The decision as to which inmates shall be allowed to leave the principal places of their confinement shall be based upon criteria listed in (6) of this rule.

~~(d) Inmate participation in the community release programs shall be voluntary. Inmates who participate in the community release programs shall at all times be considered in the custody of the department.~~

~~(4) Objectives of Extending the Limits of Confinement. The objectives are to contribute to the total rehabilitation of the inmate by any of the following means:~~

~~(a) Ease the transition from incarceration into the community.~~

~~(b) Place the inmate in employment which may be retained after release.~~

~~(c) Contribute restitution to the victim of the inmate’s crime and pay any court ordered payments.~~

~~(d) Permit the inmate to contribute towards the inmate’s own support and the support of the inmate’s family, thus reducing costs to public agencies.~~

~~(e) Help determine the inmate’s readiness for release.~~

~~(f) Preserve and strengthen family and community ties.~~

~~(g) Permit the inmate to develop or maintain occupational skills.~~

~~(h) Participate in programs that will assist the inmate in becoming a law abiding and productive citizen upon release.~~

~~(5) Community Release Ineligibility Criteria. The following inmates shall be ineligible to participate in community release programs:~~

~~(a) Any inmate convicted of sexual battery pursuant to s. 794.011, F.S.;~~

~~(b) Any inmate convicted of escape pursuant to s. 945.092, F.S.~~

~~(c) Absent extenuating circumstances, the following inmates shall be ineligible to participate in community release programs:~~

~~1. Inmates who have been terminated from a community release program on their current commitment for a rule violation or disciplinary action. Inmates removed pursuant to 33-601.602(13)(c) shall be ineligible for return to a community release program unless they successfully complete recommended substance abuse programs or are deemed appropriate for return by the substance abuse or mental health counselor prior to successful completion of the program.~~

~~2. Inmates who are serving more than their third commitment to prison, including commitments in any other state or federal correctional agency, and who have been given the opportunity to participate in a community release program during a previous commitment.~~

~~3. Any inmate found guilty of a rule 33-601.314 4-1, violation for escape within the last 5 years.~~

~~(d) No inmate can participate in community work release, center work assignment or study release if he or she has ever refused to participate in Tier II, Tier III, or Tier IV programs, unless subsequently completing a comparable treatment program.~~

~~(6) Eligibility Criteria.~~

~~(a) Participation in community release programs is not a right, but a privilege which must be earned by the inmate.~~

~~(b) Inmates who are within the last 36 months of confinement are eligible for consideration for participation in the center work assignment, community Tier IV, study release program unless they are serving a sentence which includes a non-advanceable release date or a current commitment of 1st, 2nd, or 3rd degree murder or attempt; then they shall be considered for participation when within 15 months of their earliest release date.~~

~~(c) Inmates who are within the last 24 months of confinement will be considered for participation in the community work release program, (paid employment) unless serving a sentence which includes a non-advanceable release date, or a current commitment of 1st, 2nd, or 3rd degree murder or attempt; then they shall be within 12 months of their earliest release date.~~

~~(d) In addition to these requirements inmates must meet the following criteria:~~

- ~~1. The inmate is minimum custody;~~
- ~~2. The objectives specified in 33-601.602(4) will be served;~~
- ~~3. The best interests for the safety and security of the community and department will be served;~~
- ~~4. There is cause to believe that the inmate will honor the trust bestowed upon him or her;~~
- ~~5. The inmate has remained disciplinary report free for 90 days as outlined on form DC4-840.~~

~~(e) The department shall consider the following factors in assessing an inmate for community work release:~~

- ~~1. The inmate's overall adjustment to incarceration;~~
- ~~2. The inmate's attitude, behavior, and motivation towards successful re-entry into society;~~
- ~~3. Program participation by the inmate within the institution;~~
- ~~4. The length of time which remains to be served by the inmate prior to expiration of sentence;~~
- ~~5. Community safety given the inmate's arrest history;~~
- ~~6. Community safety given the circumstances of the inmate's current and prior convictions; and~~
- ~~7. Additional criteria as specified on Form DC4-840, Checklist for Transfers to Community Residential Facilities.~~

~~(f) Any inmate who has a detainer filed against him or her shall be ineligible for community release unless:~~

- ~~1. The detaining authority has, in writing, not objected to the inmate's placement and furlough participation in the program; or~~

~~2. It can be established that the detainer would be withdrawn upon the payment of restitution, fines, or court costs and it appears likely that the inmate will earn sufficient funds in order to pay the restitution, fines or court costs within the time frame that the inmate is participating in the program.~~

~~(g) Inmates shall serve at least 90 days with the Department of Corrections on their current commitments prior to placement in the community work release program.~~

~~(h) Priority will be given to those inmates with the least amount of time remaining to serve, providing all other considerations are equal.~~

~~(7) Requirements and General Considerations.~~

~~(a) Except as limited in this rule, the limits of confinement for community release will be extended in area and in time to the degree necessary to allow the inmate to travel to the community release destination, accomplish the purpose for which the release was authorized, and return to the facility. The limits will be specified in writing and the inmate will be advised of the limits prior to the community release.~~

~~(b) Community work release, study release or Community Tier IV approval will only be granted after initial recommendation by the inmate's facility, and final decision by the appropriate approving authority, based upon (6) of this rule. If the inmate is disapproved at the facility, or by the approving authority, the inmate shall be advised in writing the reason for the decision.~~

~~(c) A DC4-840 shall be completed on each inmate recommendation for community release, except that any inmate currently housed at a community correctional center or community based Tier IV facility in community work assignment or Tier IV status going to community work release status need not have a DC4-840 completed.~~

~~(d) Upon request, when an inmate is approved for community work release, the approving authority shall notify the state attorney, victim or personal representative of the victim of such approval within 30 days of the approval of the community release recommendation.~~

~~(2)(8) Inmate Conduct While On Community Release.~~

~~(a) During the inmate orientation process, inmates will be instructed of the following conduct requirements. Upon completion of the orientation program, the inmate shall be given a Certificate of Orientation, Form DC4-837. Form DC4-837 is incorporated in (16) of this rule.~~

~~1. through 10. No change.~~

~~(b) No change.~~

~~(c) Every inmate assigned to a community release facility shall immediately, upon arrival, sign a Letter of Notice, Form DC4-866, or the inmate shall be terminated from the program. The inmate shall be furnished a copy of the Letter of Notice and must agree to abide by the conditions of the Letter of Notice. Form DC4-866 is incorporated by reference in (16) of this rule.~~

(d) The work release community correctional center classification probation officer shall complete a personalized program plan for Work Release Centers, Form DC4-838, on all inmates assigned to the work release community correctional center within 14 days of receipt of the inmate at the center. Form DC4-838 is incorporated by reference in (16) of this rule. The completed personalized program plan shall be signed by the inmate, the classification correctional probation officer and the correctional officer major. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC4-838A, Personalized Program Plan – Modification Plan. Form DC4-838A is incorporated by reference in (16) of this rule. The inmate's progress towards achieving the goals of the personalized program plan shall be reviewed bi-weekly with the inmate. The outcome of each review shall be documented on Form DC4-838B, Personalized Program Plan – Monthly Progress Review. Form DC4-838B is incorporated by reference in (16) of this rule. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

(e) When the inmate is ready for release a Transition Release Plan, Form DC4-838C, shall be completed in order to assist the inmate in his or her release plans. Form DC4-838C is incorporated in (16) of this rule.

(3)(9) Community Study Release.

(a) No change.

1. The inmate meets all criteria outlined in this rule and Rule 33-601.606;

2. ~~The objectives specified in 33-601.602(4) will be served;~~

3. through 5. renumbered 2. through 4. No change.

(b) through (f) No change.

(g) The state classification office approving authority for community correctional centers shall have the authority to approve all requests for Community Study Release, ensuring that the criteria specified in this rule are met.

(4)(10) Center Work Assignment (CWA). Upon request of the inmate, the inmate shall be considered for placement in a center work assignment, providing:

(a) The inmate meets all criteria outlined in this rule and Rule 33-601.606;

~~(b) The objectives specified in 33-601.602(4) will be served;~~

~~(b)(e)~~ The inmate meets criteria specified on Form DC4-840, Checklist for Transfers to Work Release Centers, sections A and B. Form DC4-840 is incorporated by reference in (16) of this rule.

(5)(11) Community Residential Substance Abuse Program Tier IV. Upon request of the inmate, the inmate shall they will be considered for placement into in the community residential substance abuse Tier IV program providing:

(a) through (b) No change.

~~(c) The objectives specified in 33-601.602(4) will be served.~~

~~(6)(12)~~ Status Changes of Center Work Assignment, Program Participation Community Tier IV, Or Paid Employment Status Inmates At Community Residential Facilities. The approving authority shall have the authority to approve all status changes for inmates in the Community Release Program utilizing the criteria set forth in this rule and in Rule 33-601.606, and consistent with the safety and security of the public.

~~(13) Termination From Community Release.~~

~~(a) The approving authority shall consider and have the authority to terminate an inmate from community release if:~~

1. ~~The approving authority, following placement of the inmate in a community release program, receives any information concerning the inmate which would impact adversely on the safety and security of the community;~~

2. ~~The inmate engages in conduct that causes the approving authority to believe that the inmate will not honor the trust bestowed upon him or her;~~

3. ~~The approving authority determines that it is not in the best interest of the safety and security of the public, the department or the inmate to continue the inmate in the program;~~

4. ~~Based on actions and behavior, the inmate is not amenable to the status changes allowed in 33-601.602(12).~~

~~(b) Any time an inmate housed in a community release facility cannot be located, and a concerted effort has failed to locate the inmate, a BOLO (Be On the Lookout For) shall be requested and the inmate shall automatically be terminated from community release in the interest of public safety. Once located, the inmate shall be transferred to a secured facility. If, following investigation, it is determined that the inmate did not escape, as defined in s. 945.091(4), F.S., the approving authority for community correctional centers shall reinstate the inmate unless circumstances exist in which reinstatement would present a risk to security and public safety.~~

~~(c) Any inmate residing at a community release facility who tests positive for drugs or alcohol shall be immediately terminated from the program and placed into administrative confinement at a major institution. After the inmate is secured in confinement, the correctional officer major of the community facility shall ensure that the disciplinary process is initiated and completed.~~

~~(d) When an inmate is removed from a community residential program and placed in a secure facility, the inmate shall be terminated from the community release program.~~

~~(e) Upon the termination of an inmate from the community release program, reasons for the termination will be placed in the inmate's file and a copy of said reasons shall be forwarded to the Bureau of Community Residential Programs via electronic mail.~~

~~(7)(14)~~ Employment.

(a) through (e) No change.

(f) The prospective employer shall sign an Employer Work Release Agreement, Form DC4-826. Form DC4-826 is incorporated by reference in (16) of this rule. Inmates engaged in paid employment are not considered an employee of the state or the department while engaging in or traveling to and from such employment.

(g) through (h) No change.

(i) Facility personnel shall visit the inmate's place of employment for new employers within the first five working days to verify employment. Documentation of on-site employment verification shall be placed in the inmate's file by utilizing Form DC4-832, Employment Contacts. Form DC4-832 is incorporated by reference in (17) of this rule.

(j) through (k) No change.

(l) All inmates employed in the community shall return to the facility no later than 12 midnight. Inmates will not be authorized to leave the facility to work in the community between 12 midnight and 6 a.m. unless an exception is made. Any exceptions must be reviewed and approved on a case by case basis by the warden over the work release approving authority for community correctional centers. No exceptions will be approved unless it is determined that the risk to the community is minimal, and the earning potential and rehabilitative benefits which the job offers the inmate are substantial.

~~(8)(15)~~ Clothing and Equipment.

(a) through (b) No change.

~~(9)(16)~~ Transportation.

(a) No change.

(b) Transportation by department vehicle shall be mandatory after dark unless an exception is granted. For the purpose of this rule, "after dark" is defined as 30 minutes after sunset and extends until 30 minutes before sunrise. Exceptions to this requirement shall be granted on a case by case basis following review and approval by the warden over the work release approving authority for community correctional centers who shall assess whether the rehabilitative benefit to the inmate outweighs the risks to public safety. In making this assessment, the following factors shall be taken into account:

1. through 5. No change.

(c) In order to ensure that inmates are not working long distances from the center, the warden over the work release approving authority for community correctional centers shall establish maximum boundaries for employment sites by center geographic location. The maximum boundaries shall not exceed one hour travel time to the employment site from the facility unless an exception has been granted. Any exceptions must be reviewed and approved on a case by case basis by the warden over the work release approving authority for community correctional centers, who shall assess whether the

rehabilitative benefit to the inmate outweighs risks to public safety. In making the assessment, the factors listed in 33-601.602~~(9)(16)~~(b) shall be taken into account.

~~(10)(17)~~ Disbursement of Earnings.

(a) through (g) No change.

(h) A work releasee who is receiving Worker's Compensation or sick pay shall pay subsistence fees commensurate with the rate set forth in subparagraph ~~(d)(3)~~ above based on the amount of compensation received, less any legally required payroll deductions.

(i) The inmate shall be responsible while in paid employment status for the following:

1. through 4. No change.

(j) through (k) No change.

(l) Any requests for special withdrawal shall be completed on Form DC2-101, Special Withdrawal. Form DC2-101 is incorporated in (16) of this rule.

~~(11)(18)~~ Restitution.

(a) No change.

(b) In those cases where the committing court orders restitution to the victim in a specific amount, the department shall require inmates working at paid employment to pay restitution to the aggrieved party in the ordered amount, ~~or, based upon consideration of factors listed in this rule and the inmate's length of participation in the program, the approving authority is authorized to decrease the monthly payment to less than 10%, but not to reduce the inmate's total restitution obligation.~~

(c) In the event that the committing court fails to order restitution or orders restitution but fails to state a specific amount, the department shall require the inmate, as a condition of working in a paid employment program, to pay restitution to the aggrieved party in an amount to be determined by the Bureau Chief of Classification and central Records approving authority pursuant to s. 945.091, F.S. Restitution which is imposed by the department under this provision shall not be less than exceed 10% of the inmate's net earnings.

(d) No change.

(e) Restitution requirements shall be recorded on Form DC4-803A, Monetary Reimbursement Agreement. Form DC4-803A is incorporated in (16) of this rule.

~~(12)(19)~~ Advance of Funds. The Department of Corrections is authorized to advance monies up to \$75.00 from the Inmate Welfare Fund for an inmate who needs money for clothing, equipment, tools, transportation or incidental expenses in order to begin working at paid employment. The financial plan for the disbursement of the inmate's earnings prepared, as provided in 33-601.602~~(10)(17)~~ shall provide for the repayment of any such advancement of monies from the inmate's earnings. If the inmate's employment is terminated or if for any other reason the advancement of monies is not repaid from the inmate's earnings, the advancement of monies remains a personal obligation of the inmate and, after suitable

proceedings to ensure due process, other sources of funds available to the inmate shall be taken to the extent possible to satisfy the advancement of monies. Any property the inmate has with the department shall be taken to satisfy the debt, provided that before any property is taken, the inmate shall be given a hearing before the classification team to determine the fact and the amount of the debt. The inmate shall be given 24 hours written notice of such hearing. The inmate shall be allowed to present relevant evidence and argument. All or part of the discharge gratuity as provided in Rule 33-601.502 shall be taken, but only if the Department of Corrections finds that such action will not jeopardize the inmate's ability to transition himself into the community.

~~(13)(20)~~ Citizen Committees. The correctional officer major of a work release community correctional center shall establish committees of volunteer citizens in the various communities of the state to assist the Department of Corrections by:

(a) through (e) No change.

~~(14)(21)~~ Program Facilities.

(a) No change.

(b) Inmates participating in the community release programs will be housed in a work release community correctional center or contract facility;

(c) No change.

~~(15)(22)~~ No change.

~~(16)(23)~~ Forms. The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) DC2-101, Special Withdrawal Form, effective ~~December 7, 1997.~~

(b) DC4-803A, Monetary Reimbursement Restitution Agreement, effective ~~December 7, 1997.~~

(c) DC4-822, Center Work Assignment, effective ~~December 7, 1997.~~

(d) DC4-826, Employer's Community Work Agreement, effective ~~December 7, 1997.~~

(e) DC4-832, Employment Contacts, effective ~~December 7, 1997.~~

(f) DC4-837, Certificate of Orientation, effective ~~December 7, 1997.~~

(g) DC4-838, Personalized Program Plan for Work Release Centers, effective ~~December 7, 1997.~~

(h) DC4-838A, Personalized Program Plan – Modification Plan, effective ~~December 7, 1997.~~

(i) DC4-838B, Personalized Program Plan – Monthly Progress Review, effective ~~December 7, 1997.~~

(j) DC4-838C, Transition Release Plan, effective ~~December 7, 1997.~~

(k) ~~DC6-127 DC4-840~~, Checklist for Transfers to Community Residential Facilities, effective ~~December 7, 1997.~~

(l) DC4-866, Letter of Notice, effective ~~December 7, 1997.~~

~~(m) DC4-874A, Inmate Driver Agreement, effective December 7, 1997.~~

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History–New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended _____.

33-601.606 Placement of Inmates into Community Release Programs.

(1) Definitions.

(a) Center Work Assignment (CWA) – refers to an inmate assignment to a work release center to serve in a support capacity.

(b) Institutional Classification Team (ICT) refers to a team at the institutional level consisting of the warden or assistant warden, classification supervisor and chief of security who are responsible for making work, program, housing, and inmate status decisions at a facility and for making other recommendations to the state classification office.

(c) Pre-Work Release Transition Program refers to the department's 100-hour transitional skills program which prepares inmates for employment and re-entry into society prior to an inmate being assigned to work release. The program covers thirteen modules including goal setting, problem solving, social situations, emotional control, job hunting, pre-employment skills, keeping a job, money management, wellness, sexual responsibility and parenting, domestic violence, continuing education, special needs issues and community re-entry support. The program is provided by an OPS teacher position in conjunction with a local community college.

(d) State Classification Office (SCO) refers to a staff member at the central office level who is responsible for inmate classification decisions. Duties include approving or rejecting institutional classification team recommendations.

(e) Work Release refers to the community residential program for incarcerated inmates, which allows them to work at paid employment in the community while continuing as inmates of the facility where they are confined.

(2) Eligibility and Ineligibility Criteria.

(a) An inmate is ineligible for community release programs if he has:

1. Current or prior convictions for sexual battery covered in s. 794.011, F.S.

2. Current or prior convictions for escape covered by s. 945.092, F.S. or had a disciplinary report for escape within the last five years.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.603, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.116, 373.118, 373.229, 373.413 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: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.603 Permit Application Procedures.

(1) through (3) No change.

(3) When information submitted to the District incorporates or results in a material change to the proposed activity for which the applicant seeks a permit, the District shall notify the applicant that the application is deemed to be amended, the proposal contained in the original application is deemed withdrawn and the 30 and 90 day time requirements provided in Section 120.60(1), F.S. shall restart. For purposes of this subsection (1), the term "material change" shall mean information which is reasonably expected to lead to a different agency action on the application or an impact or design specification that is different in degree or kind than previously proposed.

(4) Only one application shall be filed for a permit required under the Part II of Chapter 373, Florida Statutes and District rule Chapter 40D-2, F.A.C. for an activity on or involving the same property and project, including initial permit applications as well as applications for modification of a permit, at any time prior to final action on the application first received by the District. If the District determines that more than one application has been so filed, the District will notify the applicant that the most recent application is deemed an amendment of the pending application, and if the amendment constitutes a material change, the application will be processed in accordance with subsection (1) above.

(4) through (5) renumbered (6) through (7) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.116, 373.118, 373.229, 373.413 FS. History—New 10-1-84, Amended 5-10-88, 12-22-94, 10-19-95, 3-31-96, 12-16-97, 7-2-98, 7-22-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Fees
RULE NO.: 61-20.504

PURPOSE AND EFFECT: The Council has determined that amendments are necessary to this rule to increase the fees.

SUMMARY: The Council proposes to amend this rule to increase the application fee for continuing education providers from \$100.00 to \$250.00 and to increase the renewal fee for continuing education providers from \$100.00 to \$250.00.

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.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61-20.504 Fees.

The following fees are adopted by the Council:

(1) through (12) No change.

(13) Application fee for continuing education providers ~~\$250.00~~ ~~\$100.00~~.

(14) The renewal fee for continuing education providers ~~\$250.00~~ ~~\$100.00~~.

Specific Authority 468.4315 FS. Law Implemented 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435 FS. History—New 5-4-97, Amended 5-10-98, 9-9-98, 2-11-99, 3-13-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLES: Continuing Education for Reactivation Criteria for Continuing Education Definitions
RULE NOS.: 61G6-9.001 61G6-9.002 61G6-9.003

PURPOSE AND EFFECT: The Board proposes to amend rules 61G6-9.001, 61G6-9.002, and 61G6-9.003 to improve clarity of the language and facilitate the correct interpretation of the text.

SUMMARY: Rules 61G6-9.001, 61G6-9.002, and 61G6-9.003 are being amended to remove inconsistencies throughout the rule text.

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: 455.2123, 489.507(3), 489.519 FS. LAW IMPLEMENTED: 455.2123, 489.513(3), 489.517(3), 489.519 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G6-9.001 Continuing Education for Reactivation.

As a condition to the reactivation of an inactive license, a licensee must submit proof of the completion of twelve (12) classroom hours of continuing education which meets the criteria set forth in Rule 61G6-9.002 for each year of inactive status, not to exceed forty-eight (48) hours or four (4) years.

Specific Authority 489.507(3), 489.519 FS. Law Implemented 489.519 FS. History-New 1-2-80, Amended 10-13-80, Formerly 21GG-9.01, Amended 2-20-89, Formerly 21GG-9.001, Amended 12-24-97, _____.

61G6-9.002 Criteria for Continuing Education.

The following programs of continuing education may be used to satisfy the continuing education requirement provided that the licensee complies with the terms set forth herein:

- (1) No change.
(2) Noncredited courses conducted by an accredited institution of higher learning, official governmental agency, the military, or recognized national or state trade or civil organization provided the following conditions are met:
(a) through (c) No change.

The licensee must submit a notarized statement affirming the following:

- 1. No change.
2. Provider Sponsor of the course
3. through 6. No change.
(3) No change.

Specific Authority 489.507(3), 489.519(3) FS. Law Implemented 489.513(3), 489.519(3) FS. History-New 1-2-80, Formerly 21GG-9.02, 21GG-9.002, Amended _____.

61G6-9.003 Definitions.

When used in this rule, the following terms shall have the following meanings:

- (1) through (3) No change.
(4) "Course Provider Sponsor" means the person or legal entity who is registered pursuant to this rule and who is responsible for conducting a course approved pursuant to this rule, maintaining records of those in attendance for three (3) years. The course provider sponsor is responsible for maintaining records.
(5) No change.

(6) "Homestudy Course" means a continuing education course approved pursuant to this rule, that is offered as a correspondence course or through the Internet and requires a multiple-choice test at the end of the session with a minimum passing score of 75%.

Specific Authority 455.2123, 489.507(3) FS. Law Implemented 455.2123, 489.513(3), 489.517(3) FS. History-New 11-30-94, Amended 1-3-96, 6-13-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors Licensing Board

RULE TITLE: Qualifications of Course Instructors
 RULE NO.: 61G6-9.007

PURPOSE AND EFFECT: The purpose of the amendment in this rule is to provide for approval of courses for a sponsor who is not the provider.

SUMMARY: The Board proposed to amend this rule to facilitate the correct interpretation of course sponsors, providers, and approval of courses.

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: 489.507(3) FS.

LAW IMPLEMENTED: 489.517 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-9.007 Qualifications of Course Instructors.

(1) through (3) No change.

(4) A course sponsor may request approval by the board regarding the qualifications of a particular provider ~~instructor~~ for a particular course.

(5) No change.

Specific Authority 489.507(3) FS. Law Implemented 489.517 FS. History--New 11-30-94, Amended 6-13-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLES: Required Records Maintained by Course Providers
 RULE NOS.: 61G6-9.009

Advertising of Continuing Education Courses 61G6-9.012

PURPOSE AND EFFECT: The Board proposes to amend rules 61G6-9.009 and 61G6-9.012 to improve clarity of the language.

SUMMARY: Rules 61G6-9.009 and 61G6-9.012 are being amended to remove inconsistencies in the rule text.

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: 489.507(3) FS.

LAW IMPLEMENTED: 489.507(3), 489.517 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G6-9.009 Required Records Maintained by Course Providers ~~Sponsors~~.

Each course provider ~~sponsor~~ must maintain the following records with respect to each course:

(1) through (6) No change.

(7) Each person who completes an approved course shall be issued a certificate of completion by the course provider ~~sponsor~~. The certificate of completion shall contain the name and the license number of the person who completed the course, the course number and letter prefix, the sponsor number, the date of course completion, and the number of approved continuing education hours in the course. The course provider ~~sponsor~~ shall maintain a list of the name and license number(s) of each person who completes each course conducted by the course provider ~~sponsor~~.

(8) No change.

(9) Each course provider ~~sponsor~~ shall provide the board with copies of any of these required records, upon request by the board.

Specific Authority 489.507(3) FS. Law Implemented 489.507(3), 489.517 FS. History--New 11-30-94, Amended 6-13-96, 12-25-96, 3-24-99,_____.

61G6-9.012 Advertising of Continuing Education Courses.

(1) A course provider sponsor may not advertise a course as one approved by the board for continuing education until such approval is granted by the board.

(2) A course provider sponsor may not include any false or misleading information regarding the contents, instructors or number of classroom hours of any course approved under this rule.

(3) If a course is approved, the board shall assign a course number. The course provider sponsor shall use the course number in the course syllabus, in all other course materials used in connection with the course and in all written advertising materials used in connection with the course.

Specific Authority 489.507(3) FS. Law Implemented 489.517(3) FS. History--New 11-30-94, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Supervision of Pre-need Agents RULE NO.: 61G8-28.002

PURPOSE AND EFFECT: This rule is being repealed as it is redundant of Rule 61G8-28.001, F.A.C.

SUMMARY: The Board proposes to repeal this rule as the requirements are being published elsewhere in the F.A.C.

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: 470.017, 470.019, 455.203(5) FS.

LAW IMPLEMENTED: 470.028 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Program Administrator, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-28.002 Supervision of Pre-need Agents.

Specific Authority 470.017, 470.019, 455.203(5) FS. Law Implemented 470.028 FS. History--New 11-8-82, Formerly 21J-28.02, 21J-28.002, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2000

DEPARTMENT OF HEALTH

Board of Nursing

Table with 2 columns: RULE TITLES and RULE NOS.: Definitions (64B9-3.001), Application for Licensure (64B9-3.0015), Qualifications for Examination (64B9-3.002), Practice of Nursing by Applicant for Licensure by Examination (64B9-3.003), Licensure by Endorsement (64B9-3.008), Practice of Nursing by Applicants for Licensure by Endorsement (64B9-3.009)

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify the licensure requirements for nurses in Florida.

SUMMARY: The proposed rule amendments clarify the various avenues of nursing licensure in Florida and set forth the criteria for said licensure.

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: 120.53, 455.564, 455.597, 455.604, 464.006, 464.008, 464.009, 464.012, 464.022(4) FS.

LAW IMPLEMENTED: 112.011(1)(b), 120.53, 455.564, 455.597, 455.604, 464.006, 464.008, 464.009, 464.012, 464.015(1),(2),(3),(4), 464.022(4), 464.018(2)(a), 464.019 FS.

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

TIME AND DATE: 10:00 a.m., October 4, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

THE FULL TEXT OF THE PROPOSED RULES IS:

64B9-3.001 Definitions.

(1) through (4) No change.

(5) Direct Supervision – as used herein means the physical presence within the patient care unit of a registered professional nurse who assumes legal responsibility for the nursing practice of the graduate nurse or graduate practical nurse being supervised and who provides direction and consultation for the nursing actions of such graduate or graduate practical nurse. ~~The Board may require periodic reports from the employer regarding the graduate's performance.~~

(6) First examination for which eligible – as used in these rules means the first nursing licensure examination which an applicant is eligible to take within six months following completion of the requirements for the licensure level for which the application is submitted ~~graduation unless the applicant is unable to appear for that examination due to good cause such as illness, accident, or other inability as approved by the Board.~~

~~(7) High School Diploma – a document establishing that an applicant has graduated from public high school or regionally accredited school or has graduated from private school which can provide a transcript evidencing successful completion of the course of study and attendance through the high school years.~~

~~(7)(8) No change.~~

~~(9) Equivalent documentation of official transcript – as used in these rules may consist of a completed Commission on Graduates of Foreign Nursing Schools transcript form or records verified by the International Council of Nurses or licensing authorities of other states or countries.~~

~~(8)(10) Practical Nursing Education Equivalency – professional nursing courses of study, successfully completed with a grade of "C" or better, which meet the standards of~~

practical nursing education required in approved practical nursing programs in Florida. ~~Applicants seeking licensure as practical nurses on the basis of professional nursing education are exempt from the graduation requirement for licensure.~~

~~(9)(11) No change.~~

Specific Authority 464.006, 464.022(4) FS. Law Implemented 464.008(1)(b), 464.015(4), 464.022(4), 464.019 FS. History–New 4-27-80, Amended 7-11-83, Formerly 21O-8.20, Amended 3-3-87, Formerly 21O-8.020, 61F7-3.001, Amended 7-5-95, 11-15-95, Formerly 59S-3.001, Amended 11-2-98,_____.

64B9-3.0015 Application for Licensure.

(1) Any application submitted for licensure may not be used for more than one year from the date of the original submission of the application. A new application and new fee shall be required for any applicant who still seeks to be licensed.

(2) Courses in HIV/AIDS and domestic violence required by ss. 455.597 and 455.604, F.S., for initial licensure must be taken within two years preceding the application for licensure.

Specific Authority 120.53, 455.564, 455.597, 455.604, 464.006, 464.008, 464.009, 464.012 FS. Law Implemented 120.53, 455.564, 455.597, 455.604, 464.006, 464.008, 464.009, 464.012 FS. History–New 9-25-96, Formerly 59S-3.0015, Amended_____.

64B9-3.002 Qualifications for Examination.

(1) An applicant seeking certification to take the licensure examination shall submit, on forms provided by the Department, evidence that he or she meets the qualifications prescribed by the Nurse Practice Act, Chapter 464, F.S. Such evidence shall consist of:

(a) through (b) No change.

(c) For graduates of an approved nursing program, If graduated from an approved program in Florida, a notice of graduation or of completion of the requirements for graduation. For graduates of an approved program equivalent, an official transcript ; if not, an official certified transcript from the applicant's program or equivalent documentation which identifies all courses completed that meet graduation requirements specifically sets forth all courses successfully completed, the date of the applicant's graduation, and the degree, certificate or diploma awarded. If the applicant is seeking to qualify to write the examination on the basis of education received in country other than the United States, the applicant must obtain a report by a credentialing agency that meets the requirements of Rule 64B9-3.014, F.A.C.

(d) No change.

(e) Proof of the ability to communicate in the English language as indicated by one of the following:

~~1. Completion of an approved nursing program or its equivalent in the United States;~~

1.2. A minimum score of 550 500 on the TOEFL Examination, or a minimum MELAB converted score of 80% an attainment of 75% total score on the Michigan ECPE Examination;

~~2.3.~~ Completion of a nursing program given in English in another country;

~~3.4.~~ A passing score on a nursing licensing examination which is given in English;

~~4.5.~~ A certificate from the Commission on Graduates from Foreign Nursing Schools which indicates successful completion of TOEFL;

~~6.~~ Any method of proof previously accepted by the Board. A list of acceptable methods of proof of the ability to communicate in the English language shall be maintained by the Board office;

~~7.~~ An applicant wishing to demonstrate proof of the ability to communicate in the English language other than as listed above may petition the Board.

(f) Prior to application for examination, convicted felons must obtain a restoration of their civil rights or they are ineligible to sit for the examination.

(2) If an applicant has been convicted or found guilty of, or has entered a plea of nolo contendere to, regardless of adjudication, any offense other than minor traffic violation, the applicant shall submit arrest and certified court records stating the nature of the offense and final disposition of the case so that a determination can be made by the Board whether the offense relates to the practice of nursing or the ability to practice nursing. ~~Any convicted felons must submit proof of restoration of civil rights or they are ineligible for licensure.~~

(3) Documents in a foreign language must be accompanied by a certified translation in the English language.

~~(4) An applicant whose education was not in the United States must correct any deficiencies in education determined by the Board after review of the report submitted by the credentialing agency by successfully completing appropriate courses in an approved nursing program and by providing official documentation from the program setting forth the courses successfully completed.~~

~~(4)(5)~~ The applicant shall notify the Board in writing of any change in the information provided on the application which occurs prior to licensure.

~~(5)(6)~~ The applicant must submit proof of graduation before the license will be issued.

~~(7) Applications shall be valid for one year from the original date of submission. Failure to provide all required documentation shall result in the application becoming null and void and requiring the applicant to submit a new application and a new application fee.~~

Specific Authority 464.006 FS. Law Implemented 455.564(1), 464.008, 112.011(1)(b) FS. History—New 4-27-80, Amended 3-16-81, 8-2-81, 7-11-83, Formerly 210-8.21, Amended 3-3-87, 12-8-87, 6-8-88, Formerly 210-8.021, Amended 1-30-94, Formerly 61F7-3.002, Amended 9-25-96, Formerly 59S-3.002, Amended 7-27-98, 4-19-00, _____.

64B9-3.003 Practice of Nursing by Applicant for Licensure by Examination.

(1) No applicant for licensure by examination will be permitted to practice nursing unless:

(a) No change.

~~(b) The applicant has been authorized by the Board to practice as a graduate nurse or graduate practical nurse, and has been authorized to test by the examination vendor can produce evidence from the Department, to the employer that the applicant has been scheduled to write, or has written, the first examination for which eligible, and is eligible to practice nursing as a "graduate nurse, or graduate practical nurse," as set forth in Section 464.022(4), F.S.~~

(2) No change.

(3) An applicant who fails the first, or any subsequent examination, shall not practice nursing until such time as the applicant passes a nursing licensing examination. ~~In the event such applicant successfully repeats and graduates from a second course of study in an approved nursing program, the applicant may be granted G.N. or G.P.N. status when reapplying to take the licensing examination.~~

(4) Any applicant who fails to appear for the first examination for which eligible, ~~without good cause,~~ shall not practice nursing until such time as the applicant passes a licensing examination.

~~(5) An applicant who writes the practical nurse examination on the basis of practical nursing education equivalency prior to the completion of the professional program and fails the examination shall be eligible for Graduate Nurse status after meeting the requirements to write the first professional examination for which the applicant is eligible.~~

~~(5)(6)~~ An applicant who is eligible to write the professional examination but elects to write the practical examination on the basis of practical nursing education equivalency and fails the practical examination shall not be granted Graduate Nurse status ~~at such time~~ when the applicant applies to write the professional examination.

Specific Authority 464.006 FS. Law Implemented 464.015(3), (4), 464.022(4) FS. History—New 4-27-80, Amended 3-16-81, 8-2-81, 7-11-83, Formerly 210-8.22, Amended 3-3-87, 12-8-87, Formerly 210-8.022, 61F7-3.003, Amended 9-19-94, 5-9-95, Formerly 59S-3.003, Amended _____.

(Substantial rewording of Rule 64B9-3.008 follows. See Florida Administrative Code for present text.)

64B9-3.008 Licensure by Endorsement.

(1) An applicant for licensure by endorsement must apply to the Department on prescribed forms, including verification of licensure forms from every state in which the applicant has been licensed, and pay the required fee. If the applicant:

(a) has been convicted or found guilty of, or has entered a plea of nolo contendere to, regardless of adjudication, any offense, other than a minor traffic violation, the applicant shall furnish certified court records stating the nature of the offense and the disposition of the case so that a determination may be made by the Board whether the conviction related to the practice of nursing or the ability to practice nursing.

(b) has ever had disciplinary action taken against a license (including relinquishment or denial of licensure) in another state, territory, or country, the applicant shall submit to the Board documentation pertaining to such action and its final disposition.

(2) To apply for endorsement pursuant to Section 464.009(1)(a), F.S., an applicant shall be required to show current licensure in another state of the United States and the licensure requirements of the original state of licensure at the time of original licensure.

(a) For the purpose of determining if the requirements in the original state of licensure were substantially equivalent to or more stringent than the requirements in Florida at that time, the applicant must demonstrate a passing score on one of the following:

1. the NCLEX examination for professional or practical nurses;

2. the State Board Test Pool Examination for Professional Nurses given between 1951 and 1981, if the applicant passed with a score of 350 in each subject or a total score of 1800;

3. the State Board Test Pool Examination for Practical Nurses given between 1952 and 1981, if the applicant passed with a score of 350;

4. a state licensing examination for professional nurses given prior to 1951 or a state licensing examination for practical nurses given prior to 1952;

5. any licensing examination taken as a condition for state licensure by a professional nurse after 1951 or by a practical nurse after 1952, if the examination meets the following standards:

a. the examination was developed using accepted psychometric procedures;

b. the content and passing score of the examination was substantially equivalent to the examination given in Florida at the time;

c. the security of the examination was maintained;

d. at least one of the reliability estimations for the examination is .70 or higher;

e. the examination was revised after each administration to ensure currency of content;

f. for examinations given after 1984, the test plan was based on a job analysis of new nursing graduates.

(b) Pursuant to s. 464.009(2), F.S., the Board specifies that the requirements of the following states are not presumed to be substantially equivalent to the requirements in Florida because:

1. These states recognize as meeting the educational requirements for RN licensure, graduation from a program that does not integrate clinical experiences with concurrent didactic instruction which is not substantially equivalent or more stringent than that required in Florida:

a. Alabama

b. Alaska

c. Arizona

d. Arkansas

e. California

f. Colorado

g. Connecticut

h. District of Columbia

i. Hawaii

j. Idaho

k. Indiana

l. Iowa

m. Kansas

n. Kentucky

o. Louisiana

p. Maine

q. Maryland

r. Massachusetts

s. Michigan

t. Minnesota

u. Mississippi

v. Missouri

w. Montana

x. Nebraska

y. Nevada

z. New Hampshire

aa. New Jersey

bb. New Mexico

cc. New York

dd. North Carolina

ee. Ohio

ff. Oregon

gg. Pennsylvania

hh. South Carolina

ii. South Dakota

jj. Tennessee

kk. Texas

ll. Utah

mm. Vermont

nn. Virginia

oo. Washington

pp. West Virginia

qq. Wisconsin

rr. Wyoming

2. These states recognize as meeting the educational requirements for nursing licensure, graduation from a program that does not include theoretical and clinical experiences that are substantially equivalent to or more stringent than that required in Florida approved programs:

- a. Alabama
- b. Arizona
- c. California
- d. Connecticut
- e. Illinois
- f. Indiana
- g. Maine
- h. Massachusetts
- i. Minnesota
- j. Mississippi
- k. Montana
- l. New Hampshire
- m. New Jersey
- n. New Mexico
- o. New York
- p. North Dakota
- q. Oregon
- r. Rhode Island
- s. Utah
- t. West Virginia
- u. Wisconsin

3. These states recognize as meeting the examination requirements for licensure, an examination that is not substantially equivalent to or more stringent than that required in Florida:

- a. Alabama
- b. Arkansas
- c. Colorado
- d. Connecticut
- e. Delaware
- f. Hawaii
- g. Idaho
- h. Illinois
- i. Massachusetts
- j. Michigan
- k. Minnesota
- l. New Hampshire
- m. New Jersey
- n. New York
- o. North Carolina
- p. South Carolina
- q. Texas
- ll. Utah
- r. Virginia
- t. Wisconsin

(3) To apply for endorsement pursuant to Section 464.009(1)(b), F.S., an applicant shall meet all requirements for eligibility to take the licensure examination as provided in 64B9-3.002, and demonstrate a passing score on one of the following:

(a) the National Council Licensure Examination for registered nurses with a minimum score of 1600, or, after 1988, a report of Pass;

(b) the National Council Licensure Examination for practical nurses with a minimum score of 350, or, after 1988, a report of Pass;

(c) a state, regional, or national examination which meets the following minimum requirements:

1. The examination is developed using accepted psychometric procedures.

2. The content and passing score of the examination are substantially equivalent to that of the National Council Licensure Examination.

3. The security of the examination is maintained.

4. At least one of the reliability estimations for the examination is 0.70 or higher.

5. The examination is revised after each administration to insure currency of content.

(d) the Canadian Nurses Association Testing Service (CNATS) examination for professional or registered nurses from 1980 up to August 9, 1995, with a minimum score of 400 on the examination or, prior to 1980, either a minimum score of 400 on each portion of the five-part examination or a total score of 2,050, or a minimum score of 400 on each portion of the four-part examination with a combined medical surgical nursing or a total score of 1,640. The criterion referenced Canadian Nurses Association Testing Service (CNATS) examination administered effective August 9, 1995 and with a PASS/FAIL score standard is not deemed substantially equivalent to or more stringent than the examination given in Florida.

(4) A person licensed in the Republic of Cuba prior to December 31, 1961, shall be presumed to have successfully completed an examination equivalent to the one given in Florida, and shall be eligible for licensure by endorsement when he or she has provided proof of licensure in Cuba and has successfully completed a program which is given in an institution of higher learning, is intended to assure current competency of the applicant, and is approved by the Board. An official document which verifies licensure in Cuba shall be acceptable proof. If the applicant has no official document verifying licensure in Cuba, the applicant may provide proof of actual licensure in the manner provided in Rule 64B9-3.002(4)(b)1. and 2.

Specific Authority 464.006, 464.009 FS. Law Implemented 464.009, 464.018(2)(a) FS. History—New 4-27-80, Amended 7-12-81, 7-11-83, 7-3-84, Formerly 21O-8.26, Amended 3-3-87, 12-8-87, 8-3-89, 11-19-91, Formerly 21O-8.026, Amended 9-7-93, Formerly 61F7-3.008, Amended 1-1-96, Formerly 59S-3.008, Amended 2-18-98,_____.

64B9-3.009 Practice of Nursing by Applicants for Licensure by Endorsement.

(1) An applicant for licensure by endorsement holding a current license in another state ~~or Canada~~ may perform nursing services in Florida, ~~and may use the applicable title "R.N." or "L.P.N.",~~ for sixty (60) days after furnishing the employer the following:

(a) Evidence of current licensure in another state ~~or Canada,~~

(b) Verification from the Board that the applicant has submitted proper endorsement form and fee.

(2) No change.

~~(3) An applicant for licensure by endorsement who has applied to take the examination in another state or is awaiting the results from another state of the first licensing examination for which eligible may perform nursing services in Florida under the following conditions:~~

~~(a) The applicant provides evidence to the Board, on forms provided by the Board, that such applicant has met the requirements for graduation or has graduated from an approved program or its equivalent and is scheduled to write, or has written, the first licensure examination for which eligible in another state. Prior to licensure by endorsement, the applicant must submit proof of graduation.~~

~~(b) The applicant provides the employer with a receipt from the Department verifying that such applicant has submitted the proper endorsement form and fee, and a letter from the Department verifying eligibility to practice nursing as a "G.N." or "G.P.N."~~

~~(c) The applicant practices nursing under the direct supervision of a registered professional nurse.~~

~~(d) The applicant provides documentation of applicant's examination results, as soon as they are available, to the employer. Applicants who write the examination in another state shall be endorsed upon receipt by the Board of written verification of successful examination results from the other state. Applicants who have not caused the verification page from the state of original licensure to be received will not be eligible to work beyond 45 days from the date the Florida Board office receives notice of the candidate's passing said examination.~~

~~(e) An applicant who fails the examination shall not continue to practice nursing until such time as such applicant passes a licensing examination.~~

Specific Authority 464.006 FS. Law Implemented 464.009, 464.015(1),(2),(3),(4), 464.022(4),(8) FS. History--New 4-27-80, Amended 7-2-81, Formerly 21O-8.27, Amended 3-3-87, 12-8-87, 6-8-88, 8-2-90, 1-9-91, Formerly 21O-8.027, Amended 9-7-93, Formerly 61F7-3.009, 59S-3.009, Amended 12-30-97, 4-9-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Provisional License

RULE NO.: 64B10-11.011

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

SUMMARY: The Board has determined that new rule text is required to expand the requirements for those licensees who wish to obtain a provisional license.

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

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

SPECIFIC AUTHORITY: 468.1685(1), 468.1735 FS.

LAW IMPLEMENTED: 468.1735 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:

64B10-11.011 Provisional License.

(1) through (4) No change.

(5) An application for a provisional license shall not be granted unless the applicant can demonstrate that he or she possesses a minimum of six (6) months management experience within a skilled nursing facility, hospital, hospice, assisted living facility with a minimum of 60 licensed beds, or geriatric residential treatment program.

(6) A provisional license shall not be granted to any applicant whose Nursing Home Administrator license has been suspended or revoked in any jurisdiction.

Specific Authority 468.1685(1), 468.1735 FS. Law Implemented 468.1735 FS. History--New 12-6-79, Amended 8-17-81, Formerly 21Z-11.11, Amended 4-22-87, Formerly 21Z-11.011, 61G12-11.011, Amended 7-21-97, Formerly 59T-11.011, Amended_____.

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: August 11, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2000

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Application and Examination Fees
RULE NO.: 64B12-11.002
PURPOSE AND EFFECT: The Board proposes an amendment to address the change of the examination fee.

SUMMARY: Proposed rule amends the examination fee.
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: 484.005, 484.007(1)(a) FS.

LAW IMPLEMENTED: 484.007(1)(a) 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B12-11.002 Application and Examination Fees.
(1) No change.

(2) The examination fee shall be \$325.00 \$275.00, which is refundable if the applicant is determined to be ineligible for licensure or has failed to timely submit a completed application.

Specific Authority 484.005, 484.007(1)(a) FS. Law Implemented 484.007(1)(a) FS. History--New 12-6-79, Amended 6-30-82, 4-10-85, 1-7-86, Formerly 21P-11.02, Amended 7-7-87, 3-30-89, 7-3-91, Formerly 21P-11.002, 61G13-11.002, 59U-11.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2000

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Reexamination Fees
RULE NO.: 64B12-11.004

PURPOSE AND EFFECT: The Board proposes amendments to address the change of reexamination fees.

SUMMARY: The purpose of the rule amendments is to update the rule text with regard to reexamination fees.

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: 484.005, 455.574(2) FS.

LAW IMPLEMENTED: 455.574(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-11.004 Reexamination Fees.

Reexamination fees for the following parts of the examination, in the following amounts, shall be remitted to the Department at least 60 days prior to the examination date:

Table with 2 columns: Category and Amount. Rows: Neutralization (\$120.00 \$85.00), Opticianry Statutes and Rules (\$75.00 \$50.00), Practical (\$130.00 \$90.00)

Specific Authority 484.005, 455.574(2) FS. Law Implemented 455.574(2) FS. History--New 12-6-79, Amended 6-30-82, Formerly 21P-11.04, Amended 7-7-87, 3-30-89, Formerly 21P-11.004, 61G13-11.004, 59U-11.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2000

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Examination Review Fee
RULE NO.: 64B12-11.0045

PURPOSE AND EFFECT: The Board proposes an amendment to address the change of the examination review fee.

SUMMARY: The proposed changes amend the minimum standards for examination review fee.

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: 484.005, 455.574(2) FS.

LAW IMPLEMENTED: 455.574(2) FS., Chapter 89-162, Laws of Florida.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-11.0045 Examination Review Fee.

The fee for review of an examination pursuant to Rule 64B12-9.003 shall be ~~\$95.00~~ \$50.

Specific Authority 484.005, 455.574(2) FS. Law Implemented 455.574(2) FS., Chapter 89-162, Laws of Florida. History--New 4-22-90, Formerly 21P-11.0045, 61G13-11.0045, 59U-11.0045, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2000

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLES:	RULE NOS.:
Purpose	64B15-19.001
Violations and Penalties	64B15-19.002
Time for Payment of Civil Penalties	64B15-19.004
Citations	64B15-19.007

PURPOSE AND EFFECT: The purpose of the rule amendment is to delete language that is no longer necessary. The Board has determined a substantial rewording of Rule

64B15-19.002 is necessary to update the rule text with regard to first, second and third offenses and the penalty amounts to be assessed by the Board. The purpose of the rule amendments to Rule 64B15-19.004 is to add new rule text. The purpose of the rule amendments to Rule 64B15-19.007 is to expand the violations with accompanying fines which may be disposed of by citation.

SUMMARY: The Board has determined that certain rule text that is no longer necessary should be deleted from Rule 64B15-19.001. The Board has determined that Rule 64B15-19.002 should be substantially reworded to further clarify the violations and penalties. The Board finds it necessary to amend Rule 64B15-19.004 to add the words "unless stated otherwise in the Order" to further clarify time for payment of civil penalties. Rule 64B15-19.007 is being amended to delete unnecessary rule text and to expand the violations with accompanying fines that may be disposed of by citation.

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: 455.227(2), 455.617, 455.621, 455.627, 459.005, 459.015(5) FS.

LAW IMPLEMENTED: 455.227(2), 455.617, 455.621, 455.624, 455.627 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 RULES IS: William Buckhalt, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-19.001 Purpose.

The board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 459, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed during a formal or informal hearing unless the board finds it necessary to deviate from the

guidelines for the stated reasons given within this rule. ~~The ranges of penalties provided below are based upon a single count violation of each provision listed; for multiple counts of the violated provisions or a combination of violations, the Board shall consider a higher penalty than that for single, isolated violation.~~ Each range includes the lowest and highest penalty and all penalties falling between. For purposes of this rule, the order of penalties, ranging from lowest to highest, is: letter of concern; reprimand; probation; fine; restriction or certification with restrictions; suspension, revocation or refusal to certify. Pursuant to Section 459.015(2), combinations of these penalties are permissible by law. Nothing in this rule shall preclude any discipline imposed upon an applicant or licensee pursuant to a stipulation or settlement agreement, nor shall the ranges of penalties set forth in this rule preclude the probable cause panel from issuing a letter of guidance upon a finding of probable cause where appropriate.

Specific Authority 455.627, 459.015(5), 459.005 FS. Law Implemented 455.627 FS. History—New 9-30-87, Formerly 21R-19.001, 61F9-19.001, 59W-19.001, Amended 2-2-98,_____.

(Substantial rewording of Rule 64B15-19.002 follows. See Florida Administrative Code for present text)

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

(1) Attempting to obtain, obtaining or renewing a license or certificate by bribery, fraud or through an error of the Department or board (455.624(1)(h) & 459.015(1)(a), F.S.)

FIRST OFFENSE:

MINIMUM
denial with ability to
reapply immediately
upon payment of
\$5,000 fine or
probation and
\$5,000 fine

MAXIMUM
denial with ability to
reapply in not less
than 3 years or
revocation and \$7,500
fine

SECOND OFFENSE:

denial with ability to
ability to reapply in not less
than 3 years and \$10,000
fine or suspension to be
followed by probation and
\$10,000 fine

denial of license with
no ability to reapply or
revocation and
\$10,000 fine

(2) Action taken against license by another jurisdiction (455.624(1)(f) & 459.015(1)(b), F.S.)

FIRST OFFENSE:

imposition of discipline
comparable to discipline
that would have been
imposed in Florida if the
substantive violation
occurred in Florida and
\$1000 fine

imposition of discipline
comparable to discipline
that would have been
imposed in Florida if the
substantive violation
occurred in Florida and
\$5000 fine

SECOND OFFENSE:

imposition of discipline
comparable to discipline
that would have been
imposed in Florida if the
substantive violation
occurred in Florida and
\$5,000 fine

revocation and \$10,000
fine or denial of
license until the
licensee's license is
unencumbered in the
jurisdiction where
disciplinary action was
originally taken

(3) Guilty of crime directly relating to practice or ability to practice (455.624(1)(c) & 459.015(1)(c), F.S.)

FIRST OFFENSE:

probation and \$2,000
fine

revocation and \$5,000
fine or denial of license
with ability to reapply for
licensure in not less than
3 years

SECOND OFFENSE:

suspension to be
followed by probation
and \$5,000 fine

revocation and \$10,000
fine or permanent denial
of license

(4) False, deceptive, or misleading advertising (459.015(1)(d), F.S.)

FIRST OFFENSE:

SECOND OFFENSE:

THIRD OFFENSE:

letter of concern

probation and \$2,000 fine

3 month suspension to be followed by probation and \$5,000 fine

reprimand and \$1,000 fine

probation and \$5,000 fine

1 year suspension to be followed by probation and \$5,000 fine

(5) Failure to report another licensee in violation (455.624(1)(i) & 459.015(1)(e), F.S.)

FIRST OFFENSE:

SECOND OFFENSE:

THIRD OFFENSE:

letter of concern

reprimand and \$2,500 fine

probation and \$5,000 fine

reprimand and \$1,000 fine

probation and \$2,500 fine

suspension to be followed by probation and \$5,000 fine

(6) Aiding unlicensed practice (455.624(1)(j) & 459.015(1)(f), F.S.)

FIRST OFFENSE:

SECOND OFFENSE:

probation and \$2,500 fine

suspension to be followed by probation and \$5,000 fine

denial or revocation and \$5,000 fine

denial or revocation and \$10,000 fine

(7) Failure to perform legal duty or obligation (455.624(1)(k) & 459.015(1)(g), F.S.)

FIRST OFFENSE:

SECOND OFFENSE:

reprimand and \$1,000 fine

probation and \$5,000 fine

denial with ability to reapply after no less than 2 years or revocation and \$5,000 fine

denial or revocation and \$10,000 fine

(8) Giving false testimony regarding the practice of medicine (459.015(1)(h), F.S.)

FIRST OFFENSE:

SECOND OFFENSE:

reprimand and \$2,500 fine

suspension to be followed by probation and \$5,000 fine

probation and \$5,000 fine

revocation and \$10,000 fine or denial of license

(9) Filing a false report or failing to file a report as required (455.624(1)(l) & 459.015(1)(i), F.S.)

FIRST OFFENSE:

reprimand and \$5,000 fine

revocation and \$10,000 fine or denial with ability to reapply in not less than 1 year

SECOND OFFENSE:

denial with ability to reapply in not less than 3 years or suspension to be followed by probation and \$10,000 fine

denial with no ability to reapply or revocation and \$10,000 fine

(10) Kickbacks and unauthorized fee arrangements (459.015(1)(j), F.S.)

FIRST OFFENSE:

probation and \$2,500 fine

denial or suspension to be followed by probation and \$5,000 fine

SECOND OFFENSE:

denial or suspension to be followed by probation and \$10,000 fine

denial or revocation and a \$10,000 fine

(11) Failure to provide financial disclosure form to a patient being referred to an entity in which the referring physician is an investor (455.654, F.S.)

FIRST OFFENSE:

reprimand

reprimand and \$2,500 fine

SECOND OFFENSE:

reprimand and \$5000 fine

probation and \$5,000 fine

THIRD OFFENSE:

probation and \$7,500 fine

suspension to be followed by probation and \$10,000 fine

(12) Improper refusal to provide health care (459.015(1)(k), F.S.)

FIRST OFFENSE:

reprimand and \$5,000 fine

probation and \$5,000 fine

SECOND OFFENSE:

suspension to be followed by probation and \$7,500 fine

revocation and \$10,000 fine

(13) Sexual misconduct within the patient physician relationship (455.624(1)(u) & 459.015(1)(l), F.S.)

FIRST OFFENSE:

probation and \$10,000 fine

denial of licensure or revocation and \$10,000 fine

SECOND OFFENSE:

suspension to be followed by probation and \$10,000 fine

denial of licensure or revocation and \$10,000 fine

(14) Deceptive, untrue, or fraudulent misrepresentations in the practice of medicine (455.624(1)(a) & (m) & 459.015(1)(m), F.S.)

FIRST OFFENSE:

reprimand and \$5,000 fine

denial of licensure or suspension to be followed by probation and \$10,000 fine

SECOND OFFENSE:

denial of licensure or suspension to be followed by probation and \$10,000 fine

denial of licensure or revocation and \$10,000 fine

(15) Improper solicitation of patients (459.015(1)(n), F.S.)

FIRST OFFENSE:

reprimand and \$5,000 fine

probation and \$5,000 fine

SECOND OFFENSE:

suspension to be followed by probation and \$7,500 fine

revocation and \$10,000 fine

(16) Failure to keep written medical records (459.015(1)(o), F.S.)

FIRST OFFENSE:

reprimand and \$5,000 fine

probation and \$5,000 fine

SECOND OFFENSE:

suspension to be followed by probation and \$7,500 fine

revocation and \$10,000 fine

(17) Fraudulent, alteration or destruction of patient records (459.015(1)(p), F.S.)

FIRST OFFENSE:

probation and \$5,000 fine

suspension to be followed by probation and \$7,500 fine

SECOND OFFENSE:

suspension to be followed by probation and \$7,500 fine

revocation and \$10,000 fine

(18) Exercising improper influence on patient (455.624(1)(n) & 459.015(1)(q), F.S.)

FIRST OFFENSE:

probation and \$5,000 fine

suspension to be followed by probation and \$7,500 fine

SECOND OFFENSE:

suspension to be followed by probation and \$7,500 fine

revocation and \$10,000 fine

(19) Improper advertising of pharmacy (459.015(1)(r), F.S.)

FIRST OFFENSE:

letter of concern

reprimand and \$1,000 fine

SECOND OFFENSE:

probation and \$2,000 fine

probation and \$5,000 fine

THIRD OFFENSE:

probation and \$7,500 fine

suspension to be followed by probation and \$10,000 fine

(20) Performing professional services not authorized by patient (459.015(1)(s), F.S.)

FIRST OFFENSE:

reprimand and \$5,000 fine

probation and \$5,000 fine

SECOND OFFENSE:

probation and \$7,500 fine

revocation and \$10,000 fine

(21) Controlled substance violations

(459.015(1)(t), F.S.)

FIRST OFFENSE:

probation and \$5,000 fine

suspension to be followed by probation and \$7,500 fine

SECOND OFFENSE:

suspension to be followed by probation and \$7,500 fine

revocation and \$10,000 fine

(22) Prescribing or dispensing of a scheduled drug by the physician to himself (459.015(1)(u), F.S.)

FIRST OFFENSE:

probation and \$5,000 fine

suspension to be followed by probation and \$7,500 fine

SECOND OFFENSE:

suspension to be followed by probation and \$7,500 fine

revocation and \$10,000 fine

(23) Use of amygdalin (Laetrile) (459.015(1)(v), F.S.)

FIRST OFFENSE:

reprimand and \$5,000 fine

probation and \$5,000 fine

SECOND OFFENSE:

suspension to be followed by probation and \$7,500 fine

revocation and \$10,000 fine

(24) Inability to practice medicine with skill and safety (459.015(1)(w), F.S.)

FIRST OFFENSE:

denial or probation and \$2,500 fine

denial or suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$5,000 fine

<u>SECOND OFFENSE:</u>	<u>denial or suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$7,500 fine</u>	<u>denial or revocation and \$10,000 fine</u>
 (25) Gross Malpractice (459.015(1)(x), F.S.)		
<u>FIRST OFFENSE:</u>	<u>denial or probation and \$7,500 fine</u>	<u>denial or revocation and \$10,000 fine</u>
<u>SECOND OFFENSE:</u>	<u>denial or suspension to be followed by probation and \$7,500 fine</u>	<u>denial or revocation and \$10,000 fine</u>
 (26) Repeated Malpractice (459.015(1)(x), F.S.)		
<u>FIRST OFFENSE:</u>	<u>denial or probation and \$7,500 fine</u>	<u>denial or revocation and \$10,000 fine</u>
<u>SECOND OFFENSE:</u>	<u>denial or suspension to be followed by probation and \$7,500 fine</u>	<u>denial or revocation and \$10,000 fine</u>
 (27) Failure to practice with level of care, skill, and treatment recognized by a reasonably prudent physician as acceptable under similar conditions and circumstances (459.015(1)(x), F.S.)		
<u>FIRST OFFENSE:</u>	<u>denial or probation and \$5,000 fine</u>	<u>denial or suspension to be followed by probation and \$7,500 fine</u>
<u>SECOND OFFENSE:</u>	<u>denial or suspension to be followed by probation and \$7,500 fine</u>	<u>denial or revocation and \$10,000 fine</u>
 (28) Improper performing of experimental treatment (459.015(1)(y), F.S.)		
<u>FIRST OFFENSE:</u>	<u>denial or reprimand and \$5,000 fine</u>	<u>denial or suspension to be followed by probation and \$5,000 fine</u>
<u>SECOND OFFENSE:</u>	<u>denial or suspension to be followed by probation and \$7,500 fine</u>	<u>denial or revocation and \$10,000 fine</u>
 (29) Practicing beyond one's scope (459.015(1)(z), F.S.)		
<u>FIRST OFFENSE:</u>	<u>denial or reprimand and \$5,000 fine</u>	<u>denial or suspension to be followed by probation and \$5,000 fine</u>
<u>SECOND OFFENSE:</u>	<u>denial or suspension to be followed by probation and \$7,500 fine</u>	<u>denial or revocation and \$10,000 fine</u>

(30) Delegation of professional responsibilities to unqualified person
(455.624(1)(p) & 459.015(1)(aa), F.S.)

<u>FIRST OFFENSE:</u>	<u>reprimand and \$2,500 fine</u>	<u>denial or suspension to be followed by probation and \$5,000 fine</u>
<u>SECOND OFFENSE:</u>	<u>denial or suspension to be followed by probation and \$7,500 fine</u>	<u>denial or revocation and \$10,000 fine</u>

(31) Violation of law, rule, order, or failure to comply with subpoena
(455.624(1)(q) & 459.015(1)(bb), F.S.)

<u>FIRST OFFENSE:</u>	<u>denial or reprimand and \$5,000 fine</u>	<u>denial or suspension to be followed by probation and \$5,000 fine</u>
<u>SECOND OFFENSE:</u>	<u>denial or suspension to be followed by probation and \$7,500 fine</u>	<u>denial or revocation and \$10,000 fine</u>

(32) Restricting another from lawfully advertising
services (459.015(1)(cc), F.S.)

<u>FIRST OFFENSE:</u>	<u>letter of concern</u>	<u>reprimand and \$1,000 fine</u>
<u>SECOND OFFENSE:</u>	<u>probation and \$2,000 fine</u>	<u>probation and \$5,000 fine</u>
<u>THIRD OFFENSE:</u>	<u>3 month suspension to be followed by probation and a \$5,000 fine</u>	<u>1 year suspension to be followed by probation and \$5,000 fine</u>

(33) Procuring, aiding or abetting an unlawful abortion
(459.015(1)(dd), F.S.)

<u>FIRST OFFENSE:</u>	<u>probation and \$5,000 fine</u>	<u>suspension to be followed by probation and \$7,500 fine</u>
<u>SECOND OFFENSE:</u>	<u>suspension to be followed by probation and \$7,500 fine</u>	<u>revocation and \$10,000 fine</u>

(34) Presigning blank prescription forms
(459.015(1)(ee), F.S.)

<u>FIRST OFFENSE:</u>	<u>reprimand and \$5,000 fine</u>	<u>suspension to be followed by probation and \$5,000 fine</u>
<u>SECOND OFFENSE:</u>	<u>probation and \$5,000 fine</u>	<u>revocation and \$10,000 fine</u>

(35) Prescribing a Schedule II substance for office use
(459.015(1)(ff), F.S.)

<u>FIRST OFFENSE:</u>	<u>reprimand and \$5,000 fine</u>	<u>suspension to be followed by probation and \$5,000 fine</u>
<u>SECOND OFFENSE:</u>	<u>probation and \$5,000 fine</u>	<u>revocation and \$10,000 fine</u>

(36) Improper use of Schedule II amphetamine or sympathomimetic amine drug (459.015(1)(gg), F.S.)

FIRST OFFENSE:

reprimand and \$5,000 fine

suspension to be followed by probation and \$5,000 fine

SECOND OFFENSE:

probation and \$5,000 fine

revocation and \$10,000 fine

(37) Failure to adequately supervise assisting personnel (459.015(1)(hh), F.S.)

FIRST OFFENSE:

reprimand and \$5,000 fine

suspension to be followed by probation and \$5,000 fine

SECOND OFFENSE:

probation and \$5,000 fine

revocation and \$10,000 fine

(38) Improper use of substances for muscle building or enhancement of athletic performance (459.015(1)(ii), F.S.)

FIRST OFFENSE:

reprimand and \$5,000 fine

suspension to be followed by probation and \$5,000 fine

SECOND OFFENSE:

probation and \$5,000 fine

revocation and \$10,000 fine

(39) Misrepresenting, concealing a material fact during licensing, or disciplinary procedure (459.015(1)(jj), F.S.)

FIRST OFFENSE:

denial with ability to reapply immediately upon payment of \$5,000 fine or probation and \$5,000 fine

denial with ability to reapply in not less than 3 years or revocation and \$7,500 fine

SECOND OFFENSE:

denial with ability to reapply in not less than 3 years and \$10,000 fine or suspension to be followed by probation and \$10,000 fine

denial of license with no ability to reapply or revocation and \$10,000 fine

(40) Improperly interfering with an investigation or disciplinary proceeding (455.624(1)(r) & 459.015(1)(kk), F.S.)

FIRST OFFENSE:

probation and \$10,000 fine

revocation and \$10,000 fine

SECOND OFFENSE:

suspension to be followed by probation and \$10,000 fine

revocation and \$10,000 fine

(41) Failing to report any licensee who has violated the disciplinary act who provides services at the same office (459.015(1)(ll), F.S.)

<u>FIRST OFFENSE:</u>	<u>letter of concern</u>	<u>reprimand and \$1,000 fine</u>
<u>SECOND OFFENSE:</u>	<u>probation and \$2,000 fine</u>	<u>probation and \$5,000 fine</u>
<u>THIRD OFFENSE:</u>	<u>probation and \$7,500 fine</u>	<u>suspension to be followed by probation and \$10,000 fine</u>

(42) Giving corroborating written medical expert opinion without reasonable investigation (459.015(1)(mm), F.S.)

<u>FIRST OFFENSE:</u>	<u>reprimand and \$5,000 fine</u>	<u>suspension to be followed by probation and \$5,000 fine</u>
<u>SECOND OFFENSE:</u>	<u>probation and \$5,000 fine</u>	<u>revocation and \$10,000 fine</u>

(43) Failure to comply with guidelines for use of obesity drugs (459.0135, F.S. & Rule 64B15-14.004, F.A.C.)

<u>FIRST OFFENSE:</u>	<u>reprimand and \$5,000 fine</u>	<u>suspension to be followed by probation and \$5,000 fine</u>
<u>SECOND OFFENSE:</u>	<u>probation and \$5,000 fine</u>	<u>revocation and \$10,000 fine</u>

(44) Falsely advertising or holding oneself out as a board-certified specialist (459.015(1)(nn), F.S.)

<u>FIRST OFFENSE:</u>	<u>reprimand and \$5,000 fine</u>	<u>probation and \$5,000 fine</u>
<u>SECOND OFFENSE:</u>	<u>suspension to be followed by probation and \$7,500 fine</u>	<u>revocation and \$10,000 fine</u>

(45) Failing to provide patients with information about their patient rights and how to file a complaint (455.624(1)(t) & 459.015(1)(oo), F.S.)

<u>FIRST OFFENSE:</u>	<u>letter of concern</u>	<u>reprimand and \$1,000 fine</u>
<u>SECOND OFFENSE:</u>	<u>probation and \$2,000 fine</u>	<u>probation and \$5,000 fine</u>
<u>THIRD OFFENSE:</u>	<u>probation and \$7,500 fine</u>	<u>suspension to be followed by probation and \$10,000 fine</u>

(46) Intentionally violating any rule adopted by the board or the department (455.624(1)(b), F.S.)

FIRST OFFENSE:

denial or reprimand and \$5,000 fine

denial or suspension to be followed by probation and \$5,000 fine

SECOND OFFENSE:

denial or probation and \$7,500 fine

denial with no ability to reapply or revocation and \$10,000 fine

(47) Using a Class III or a Class IV laser device without having complied with the rules adopted pursuant to s. 501.122(2), F.S. (455.624(1)(d), F.S.)

FIRST OFFENSE:

reprimand and \$1,000 fine

probation and \$5,000 fine

SECOND OFFENSE:

suspension to be followed by probation and \$7,500 fine

revocation and \$10,000 fine

(48) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome (455.624(1)(e), F.S.)

FIRST OFFENSE:

reprimand and \$2,500 fine

probation and \$5,000 fine

SECOND OFFENSE:

suspension to be followed by probation and \$7,500 fine

revocation and \$10,000 fine

(49) 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 \$1,000 fine

probation and \$5,000 fine

SECOND OFFENSE:

suspension to be followed by probation and \$7,500 fine

revocation and \$10,000 fine

(50) Failing to comply with the educational course requirements for domestic violence (455.624(1)(s), F.S.)

FIRST OFFENSE:

reprimand and \$2,500 fine

probation and \$5,000 fine

SECOND OFFENSE:

suspension to be followed by probation and \$7,500 fine

revocation and \$10,000 fine

(51) Failing to comply with the requirements for profiling and credentialing (455.624(1)(t), F.S.)

FIRST OFFENSE:

\$2,500 fine followed by probation probation and \$5,000 fine

suspension to be and \$5,000 fine revocation and \$10,000 fine

SECOND OFFENSE:

(52) Failing to report to the board in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to a crime in any jurisdiction (455.624(1)(w), F.S.)

FIRST OFFENSE:

\$5,000 fine

denial of licensure or suspension to be followed by probation and \$5,000 fine

SECOND OFFENSE:

probation and \$5,000 fine

denial of licensure with no ability to reapply or revocation and \$10,000 fine

(53) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers or persons involved in accidents pursuant to s. 316.066, F.S., or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports, for the purposes of commercial or any other solicitation whatsoever of the people involved in such accidents (455.624(1)(x), F.S.)

FIRST OFFENSE:

letter of concern

reprimand and \$1,000 fine

SECOND OFFENSE:

probation and \$2,000 fine

probation and \$5,000 fine

THIRD OFFENSE:

probation and \$7,500 fine

suspension to be followed by probation and \$10,000 fine

Specific Authority 455.627, 459.015(5) FS. Law Implemented 455.624, 455.627 FS. History—New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, _____.

64B15-19.004 Time for Payment of Civil Penalties.

In cases where the Board of Osteopathic Medicine imposes a civil penalty for violation of Chapter 455 or 459, Florida Statutes, or the rules promulgated pursuant thereunder, the penalty shall be paid within thirty (30) days of its imposition by Order of the Board unless stated otherwise in the Order.

Specific Authority 455.227(2), 459.005 FS. Law Implemented 455.227(2) FS. History—New 12-23-80, Formerly 21R-11.02, 21R-11.002, 21R-19.004, 61F9-19.004, 59W-19.004, Amended _____.

64B15-19.007 Citations.

(1) through (2) No change.

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

(a) Falsely certifying compliance with required continuing medical education hours for the purpose of renewing a license or certificate. The fine shall be \$2,000. (~~See Section 459.015(1)(i), F.S.~~)

(b) Failure to keep current practice address on file with the Board. The fine shall be \$250. (~~See Section 459.015(1)(g), F.S.~~)

(c) Failure to register as a dispensing practitioner. The fine shall be \$500. (~~See Section 459.015(1)(g), F.S.~~)

(d) First time failure of the licensee to satisfy continuing education hours. The fine shall be \$2,000 and for each hour of continuing education not completed or completed late, the licensee shall be required to take 1 additional hour of continuing education for each hour not completed or completed late. All missing CEUs shall be made up within four (4) months of the date the citation becomes a Final Order.

(e) Failure 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.

(f) The fine for falsely certifying compliance with or failing to satisfy the HIV/AIDS course requirement shall be \$2,000.

(g) The fine for falsely certifying compliance with or failing to satisfy the domestic violence course requirement shall be \$2,000.

(4) through (7) No change.

Specific Authority 455.617, 455.621 FS. Law Implemented 455.617, 455.621 FS. History—New 10-28-91, Amended 8-24-92, 11-17-92, Formerly 21R-19.007, 61F9-19.007, 59W-19.007, Amended 11-27-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Behavioral Health Services	65E-11
RULE TITLES:	RULE NOS.:
Purpose; Construction	65E-11.001
Definitions	65E-11.002
Scope of Behavioral Health Services	65E-11.003
Clinical Guidelines for Referral	65E-11.004
Behavioral Health Services Standards	65E-11.005
Performance-Based Measures and Outcomes	65E-11.006
Practice Guidelines for Behavioral Health	

Services To Ensure Cost-Effective Treatment and to Prevent Unnecessary Expenditures 65E-11.007

PURPOSE AND EFFECT: The purpose of this chapter is to implement the provisions of Section 409.8135, F.S., by setting forth uniform procedures and standards for providing behavioral health services.

SUMMARY: This proposed rule establishes procedures and standards that address the scope of behavioral health services including duration and frequency, clinical guidelines for referral to behavioral health services, behavioral health services standards, performance-based measures and outcomes for behavioral health services, and practice guidelines for behavioral health services to ensure cost-effective treatment and to prevent unnecessary expenditures.

SPECIFIC AUTHORITY: 409.8135(6) FS.

LAW IMPLEMENTED: 409.8135 FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST There are no additional licensure, credentialing, or reporting requirements from those already in existence that would apply to Alcohol, Drug Abuse, and Mental Health providers who may wish to provide services addressed by this rule that would lead to increased cost.

Any person who wishes to provide information 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 DATE, TIME, AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 11:00 p.m., October 10, 2000, Eastern Standard Time

PLACE: 1317 Winewood Blvd., Building 6, Conference Room A, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED WITH REGARD TO THE PROPOSED RULES IS: Michael Sorrell, Medical/Health Care Program Analyst, 1317 Winewood Blvd., Bldg. 6, Room 297, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULES IS:

65E-11.001 Purpose; Construction.

(1) The purpose of this chapter is to implement the provisions of Section 409.8135, Florida Statutes, by setting forth uniform procedures and standards for providing behavioral health services to non-Medicaid eligible children with special health care needs who are enrolled in the Title XXI part of the KidCare Program with regard to: the scope of behavioral health services including duration and frequency, clinical guidelines for referral to behavioral health services, behavioral health services standards, performance-based measures and outcomes for behavioral health services, and practice guidelines for behavioral health services to ensure cost-effective treatment and to prevent unnecessary expenditures.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—New

65E-11.002 Definitions.

Definitions as used in Chapter 65E-11.

(1) “Alternative Services” means services other than those specified in Section 65E-11.003, that a Lead Agency or a Provider of Behavioral Health Services and district deems necessary to meet the objectives outlined in a child’s treatment plan.

(2) “Assessment” means the systematic collection and integrated review of individual-specific data and completion of evaluations for determining clinical eligibility and treatment planning.

(3) “Behavioral Health Interventions” means the prevention, diagnosis, and treatment of disabling mental and substance dependence disorders covered under the Title XXI part of the Florida KidCare Program, as described in ss. 409.810-409.820, F.S.

(4) “Behavioral Health Liaison” means the primary person designated and employed by the Lead Agency to coordinate care between and among the various departments, agencies, providers, and families and to determine eligibility.

(5) “Behavioral Health Care Network” means the single entity or local alliance of Providers of Behavioral Health Services, who provide behavioral health services to children enrolled in the Behavioral Health Specialty Care Network.

(6) “Behavioral Health Services” means those services, contingent on the child’s presenting condition, that are provided to enrolled children in the Behavioral Health Specialty Care Network for the treatment of mental or substance dependence disorders.

(7) “Behavioral Health Specialty Care Coordinator” means the department’s designated representative for overseeing the enrollment and provision of care by a single entity or local alliance of Providers of Behavioral Health services who comprise a Behavioral Health Care Network.

(8) “Behavioral Health Specialty Care Network” means the statewide network of Providers of Behavioral Health Services who serve non-Medicaid eligible children with mental or substance dependence disorders who are determined eligible for the Title XXI part of the KidCare Program that includes providers who are managed behavioral health organizations, private and state funded mental health and substance dependence providers, and Lead Agencies. The Behavioral Health Specialty Care Network is administered by the Department of Children and Families, Children’s Mental Health State Program Office to provide a comprehensive behavioral health benefits package for children with serious mental or substance dependence disorders.

(9) “Benefit Package” means the required benefits and alternative services made available to each child upon enrollment into the Behavioral Health Specialty Care Network described in section 65E-11.003.

(10) “Child” means any individual five (5) years of age and not yet (19) years of age who is enrolled in the Behavioral Health Specialty Care Network.

(11) “Children’s Global Assessment Scale (C-GAS)” means a clinical instrument used to determine a child’s level of functioning during a specified time period. The instrument contains behaviorally oriented descriptors that depict behaviors and life situations applicable to children.

(12) “Children’s Medical Services Network” means a state wide managed care service system that includes health care providers as defined in Section 391.021, Florida Statutes.

(13) “Eligible” means a child that has been screened by the behavioral health liaison as meeting the Behavioral Health Specialty Care Network clinical and treatability criteria and by the Department for Title XXI financial eligibility criteria but is not yet enrolled in the program to receive Behavioral Health Specialty Care Network services.

(14) “Emergency Behavioral Health Care” means those services necessary to stabilize a child who is experiencing an acute crisis attributable to his or her mental or substance dependence disorder, and without care or treatment, there exist a substantial likelihood the child will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.

(15) “Enrollment” means a child’s is eligible for and receiving services in the Behavioral Health Specialty Care Network after an official acceptance into the Behavioral Health Specialty Care Network based on separate determinations of financial eligibility by the Department that the child is eligible for the Title XXI component of KidCare and that the child is clinically eligible for enrollment.

(16) “Enrollment Pool” means the total number of all children enrolled in a Behavioral Health Care Network and who are receiving Title XXI capitated behavioral health services during a specified contract period, where enrollment capacity is calculated as a separate calendar month per child.

(17) "Family" means the individual(s) consisting of parents(s), or adult caretaker(s) that reside with and have legal responsibility for the child.

(18) "Integrated Care System" means a comprehensive contracted program of services for children with special health care needs. This is the core service delivery structure of the Children's Medical Services Network.

(19) "Lead Agency" means a Provider of Behavioral Health Services who is the legal entity within a Behavioral Health Care Network and is responsible for the provision and coordination of medically necessary behavioral health services to children and enrolled in its Behavioral Health Care Network.

(20) "Medically Necessary Behavioral Health Services" means any behavioral health treatment and service necessary to prevent, diagnose, correct, or alleviate, or preclude deterioration of a condition that interferes with a child's ability to function in the home, school and community. Medically necessary behavioral health services shall be individualized and consistent with the symptoms, diagnosis, and treatment of the child's presenting condition; and shall be (1) provided in accordance with generally accepted professional practice standards; (2) shall not be primarily intended for the convenience of the child, the child's family, and the Provider of Behavioral Health Services; (3) shall be the most appropriate level of service for the diagnosis and treatment of the child's condition; and (4) shall be approved by the medical body or health care specialty involved in the child's treatment as effective, appropriate, and essential for the care and treatment of the child's condition.

(21) "Providers of Behavioral Health Services" means those managed behavioral health care organizations, or alcohol dependence and treatment programs, or independent behavioral health providers, or subcontracted providers that directly provide behavioral health services to enrolled children and who also meet the minimal licensure and credentialing standards set forth in statutes and rules of the department or the Department Of Health, Division of Medical Quality Assurance, pertinent to the treatment and prevention of mental and substance dependence disorders.

(22) "Reverification" means the redetermination of the clinical eligibility criteria described in Section 65E-11.004 for the purpose of establishing continuing eligibility for the Behavioral Health Specialty Care Network.

(23) "Risk" means the potential financial liability assumed by the Lead Agency for all behavioral health services included in the behavioral health benefit package, and non-direct client services specified in Section 65E-11.003.

(24) "Routine Care" means Behavioral health services intended to maintain and improve the child's optimal level of functioning in the home, school, and community.

(25) "Rural" means an area which consist of a population density of 100 or fewer individuals per mile.

(26) "Screening" means the preliminary determination of a child's potential eligibility for behavioral health services from a Behavioral Health Care Provider based on the eligibility criteria described in Section 65E-11.004.

(27) "Targeted Outreach" means the planned and coordinated efforts to communicate information about the Behavioral Health Specialty Care Network with an overall intent to increase awareness, participation, and enrollment in the program.

(28) "Treatment Plan" means that identifiable section of the medical record that depicts goals and objectives for the provision of services with specific treatment environments. The treatment plan shall be developed by a team consisting of individuals with experiences and competencies in the provision of behavioral health services to children as described in Section 65E-11.002(17); including if deemed appropriate by the family, the child and family or family representatives; and other agencies, providers or other persons.

(29) "Urgent Care" means those behavioral health services provided to children with mental or substance dependence disorders, whose presenting condition, although not life-threatening, could result in serious injury or disability unless behavioral health services is received.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—New

65E-11.003 Scope of Behavioral Health Services.

(1) Children eligible for behavioral health services are those children that are Title XXI eligible-enrolled in the Florida KidCare Program and which are at least five (5) years of age and not yet nineteen (19) years of age.

(2) Providers of Behavioral Health Services shall adopt Section 394.491, Florida Statutes, and the legislative intent and purpose described in Chapter 397, Florida Statutes as guiding principles in the delivery of services and supports to children with mental health and substance dependence disorders.

(3) Enrolled children shall be provided any of the medically necessary behavioral health services that are available to Medicaid eligible children under:

(a) Florida's Medicaid benefit package for Community Mental Health, Inpatient and Outpatient Hospitals,

(b) Targeted Case Management, and

(c) Physician and Pharmaceutical services.

(4) Notwithstanding Section 65E-11.003(3) above, enrolled children are eligible for up to 30 days of medically necessary residential care.

(5) Notwithstanding Section 65E-11.003(3) above, a crisis stabilization unit licensed under Chapter 394, Florida Statutes or addictions receiving facility licensed under Chapter 397, Florida Statutes, is deemed to be an acceptable alternative to the inpatient care provision so long as it represents a clinically appropriate level of care for the child.

(6) Notwithstanding Section 65E-11.003(3) above, Alternative Services shall be provided to enrolled children when deemed necessary to meet the objectives outlined in a child's treatment plan.

(a) Alternative Services shall be approved so long as they are related to the child's treatment services plan. Documentation of approved Alternative Services shall include the name of the district Behavioral Health Specialty Care Coordinator with signature and shall contain the following elements:

1. District identifier.
2. Provider name.
3. Provider Federal Identification number (FID).
4. Description of alternative service.
5. Definition of alternative service.
6. Unit Type, and
7. Unit Cost.

(b) To track the provision of Pharmaceutical and approved Alternative Services, documentation shall contain the following elements:

1. County in which service was provided.
2. Provider Federal Identification number (FID).
3. Client social security number.
4. Alternative service provided.
5. Name of medication, strength, and schedule if applicable.
6. Units, and
7. Unit Cost.

(7) The Lead Agency shall include within its behavioral health care network at a minimum, a psychiatric hospital licensed under Chapter 395, Florida Statutes, a crisis stabilization unit licensed under Chapter 394, Florida Statutes, and an addiction receiving facility, licensed under Chapter 397, Florida Statutes, to which an enrolled child is to be sent.

(8) Coordination with Children's Medical Services and the Department. The name and supporting credentials for the candidate for the behavioral health liaison position shall be submitted by the Lead Agency or Provider of Behavioral Health Services to the district Alcohol, Drug Abuse, and Mental Health Program Office and the Children's Medical Services area office for approval prior to the liaison assuming duties.

(9) If neither the district Alcohol, Drug Abuse, and Mental Health Program Office nor the Children's Medical Services area office disapproves the candidate within ten (10) working days after the submission is received, the candidate will be deemed approved.

(10) The Behavioral Health Liaison shall be a licensed professional as defined in Chapters 490, or 491, Florida Statutes or a masters level certified professional as defined in Chapter 397, Florida Statutes, and shall:

(a) Have a minimum of three years experience working with children with Serious Emotional Disturbances and their families.

(b) Be knowledgeable of mental health and substance dependence diagnosis and treatment; and

(c) Have demonstrated ability to interact in a medical environment as determined by professional references.

(11) In order to coordinate care in an efficient manner, the Behavioral Health Liaison shall be accessible and shall serve as the coordinator of care across agency and program lines. The liaison shall conduct targeted outreach to include:

(a) Regular contacts with all Florida Healthy Kids' local outreach projects and coordinating committees.

(b) Health maintenance organizations or other licensed insurers.

(c) Area schools in order to facilitate their referrals and answer questions, exceptional education programs, and school nurses, and school social workers.

(d) Children's Medical Services area offices.

(e) Substance dependence and mental health providers serving children within the district where the Behavioral Health Liaison is employed.

(f) Local child advocacy agencies and organizations such as Healthy Start, Early Childhood Services, and Healthy Families.

(g) Serve as the principal liaison to the department's designated Behavioral Health Specialty Care Coordinator.

(h) Provide ongoing training to the local Children's Medical Services staff on identification and intervention with children who exhibit behavioral health problems as a result of their mental or substance dependence disorder and be available for consultation regarding general behavioral health care issues.

(i) Participate in joint treatment plan staffings as required by the Children's Medical Services Area Office.

(j) Be located within the local Children's Medical Services area office for a portion of a Full Time Equivalent (FTE) staff. The portion of the FTE shall be determined by the district Alcohol, Drug Abuse, and Mental Health Program Office.

(k) Share and communicate information between the Behavioral Health Specialty Care Network, Children's Medical Services Network, the child's primary care doctor and parents or legal guardians.

(l) Accept and process referrals that result from outreach activities, including assisting families with the preparation, submission, and completion of the KidCare application.

(m) Discuss behavioral health screening or assessment results with families, especially those in the process of completing the KidCare application.

(n) Provide each enrolled family with culturally-competent training regarding the behavioral health services benefits; the nature and extent of the child and

family's respective rights; what constitutes emergency, urgent and routine care; and where to go to get questions answered and grievances resolved.

(o) Complete the Behavioral Health Specialty Care Network Screening and Eligibility Tracking form, July 1, 1999 version hereby incorporated by reference as if fully set out here. The Behavioral Health Specialty Care Network Screening and Eligibility Tracking form may be obtained from the district Alcohol, Drug Abuse, and Mental Health Program Office. Upon completion, the Behavioral Health Liaison shall submit a copy of the Behavioral Health Specialty Care Network Screening and Eligibility Tracking form to the Children's Medical Services area office and the district Alcohol, Drug Abuse, and Mental Health Program Office.

(12) Providers of Behavioral Health Services shall cooperate with the district Alcohol, Drug Abuse, and Mental Health Program Office and the Children's Medical Services area office to establish procedures for referral to and clinical interaction with any integrated care system established by Children's Medical Services.

(13) A parent or guardian of an enrolled child shall be allowed to change his direct service practitioner(s) within the Lead Agency's Behavioral Health Network as well as participate in decision-making regarding care. Once begun, the Lead Agency or Provider of Behavioral Health Services shall be responsible for services without interruption so long as the child remains Title XXI eligible as described in Section 409.814, Florida Statutes.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—New _____.

65E-11.004 Clinical Guidelines for Referral.

(1) Every child referred to a Behavioral Health Specialty Care Network shall be screened as a first step in determining the child's clinical eligibility for services. If the screening indicates the child has the potential to meet the Behavioral Health Specialty Care Network clinical eligibility criteria described in this section, and there is available capacity within the network to enroll the child, an assessment shall be conducted.

(2) A child shall be considered eligible for behavioral health services from the Behavioral Health Specialty Care Network when the child is determined to be Title XXI eligible for the Florida KidCare Program, be at least five (5) years of age and not yet nineteen (19) years of age, and

(a) The child requires a level of care not available in the other KidCare programs and care is in excess of the benchmark behavioral health benefit package as described in Chapter 409, Florida Statutes, and

(b) The child is expected to show improvement or achieve stability as a direct result of the services to be rendered under the benefit package specified in Section 65E-11.003, and

(c) At the time of assessment, the child requires no more than 30 days of residential treatment, and

(d) The child's family indicates a willingness to participate in the goals and objectives outlined in the child's treatment plan, and

(e) The child meets one of the following clinical eligibility criteria described below as determined by the Lead Agency or their designee for making clinical eligibility determinations:

1. Criteria Set 1:

a. The child has a DSM-IV Axis I clinical classification of mental disorders or substance dependence disorders,

b. Attention-Deficit and Disruptive Behavior disorders shall be excluded as DSM-IV Axis I mental disorders in determining clinical eligibility for the Behavioral Health Specialty Care Network, and

c. The child is experiencing significant functional impairment as a result of his or her condition, or

2. Criteria Set 2: The child is in a school-based program for children with serious emotional disturbance, or

3. Criteria Set 3: The child has been committed for the treatment of substance dependence disorders under the Hal S. Marchman Act of 1993, Section 397.01, Florida Statute, at least once within the last six months.

(3) Ineligibility Criteria. A child shall be considered ineligible for Title XXI Behavioral Health Specialty Care Network behavioral health services if any one of the following criteria is met:

(a) The child does not meet the Title XXI eligibility criteria with regard to age, income, premium payment, and other insurance coverage or does not meet the Behavioral Health Specialty Care Network eligibility criteria described in 65E-11.004 above,

(b) The child is placed in long-term residential care exceeding 30 days,

(c) The child moves out of the state of Florida,

(4) The department shall be the final authority on all admissions, transfers, and discharges of children into and from the Behavioral Health Specialty Care Network and retains the right to override any decision of a Lead Agency with regard to a child's admission, transfer, and discharge.

(5) In the case of any dispute between the department and a Lead Agency, an enrolled child shall remain in the Behavioral Health Specialty Care Network and continue to receive care at the expense of the Lead Agency for the duration of the resolution of the dispute.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—New _____.

65E-11.005 Behavioral Health Services Standards.

(1) Lead Agencies shall adopt and distribute to their network members and subcontracted Providers of Behavioral Health Services, clinical practice guidelines and practice parameters for providing behavioral health services to enrolled

children and their families that are based on the service standards and clinical guidelines described in this rule and Section 65E-11.006, F.A.C.

(a) The clinical practice guidelines and practice parameters, shall be in writing and available to the department upon request and shall be based on national behavioral health standards developed by the American Academy of Child and Adolescent Psychiatry, or the American Managed Behavioral HealthCare Association, or the treatment improvement protocols developed by the Federal Center for Substance Abuse Treatment (CSAT) of the Substance Abuse and Mental Health Services Administration (SAMHSA), or on behavioral health standards reviewed and accepted by national accrediting bodies such as the Rehabilitation Accreditation Commission (CARF), or the National Committee for Quality Assurance (NCOA), or the Council on Accreditation (COA), or the Joint Commission on Accreditation of Health Care Organizations (JCAHCO), or based on any combination of the standards developed by the organizations described in this chapter.

(b) Deemed Status. A Provider of Behavioral Health Services that becomes unconditionally accredited to provide behavioral health services either through The Joint Commission on Accreditation of Healthcare Organizations, or the Commission on Accreditation of Rehabilitation Facilities, or the Council on Accreditation, shall be deemed to have complied with all minimal clinical practice guidelines, practice parameters, and credentialing standards required by this rule for so long as the accreditation is maintained in good standing. Notwithstanding this requirement, Providers of Behavioral Health Services who provide services for the treatment and prevention of substance dependence shall have met the minimum standards for licensure as set forth in Chapter 397, Florida Statutes.

(2) In addition to the practice guidelines described in Section 65E-11.007, Lead Agencies and Providers of Behavioral Health Services that do not meet the criteria for deemed status as defined in this chapter, shall develop behavioral health services standards that address the following:

(a) Standards for accessibility, availability, referral, and triage.

(b) Standards for credentialing, recredentialing and reappointment of behavioral health providers.

(c) Standards for credentialing shall be no less restrictive than those staffing and direct services standards found in the Community Mental Health Coverage and Limitation Handbook, version July, 1999, herein incorporated by reference as if fully set out here. A copy of the Community Mental Health Coverage and Limitation Handbook can be obtained from the district Agency for Health Care Administration program Office.

(d) Standards to establish a uniform protocol for assessing and confirming qualifications and competencies of licensed behavioral health providers including those licensed behavioral

health providers that are subcontracted to provide behavioral health services. Said protocol shall be submitted to the department for review and shall address:

1. Criteria for and the primary source of verification of each behavioral health provider's current license, education, relevant training, board certification, and experience, and

2. Solicitation of reference checks from professional peers regarding each behavioral health provider's competence and past practice.

3. Standards to ensure clinical evaluation, and treatment records review and confidentiality that are consistent with statutes and rules of the department.

4. Standards for the enrolled child's rights and responsibilities that are consistent with Sections 397.501 and 394.459, Florida Statutes.

5. Standards for managing the enrolled child and his or her family's complaints and appeals.

6. Standards for subcontracting with Providers of Behavioral Health services.

7. Standards to assess and ensure the enrolled child and his or her family's satisfaction with services, and knowledge of grievance and appeals procedures.

8. Standards to ensure that enrolled children and their families are given information necessary for them to be informed about services for which they are eligible.

9. Care Planning Standards that includes significant child and family participation.

10. Treatment Services Standards that assure children and their families have access to a broad array of flexible, community-based services and supports; and

11. Discharge Planning Standards that describe procedures to effect transfer to a different service, a more appropriate level of care, and to an out-of-network provider on behalf of the child and his family:

a. When a child completes the prescribed behavioral health services treatment outlined in the treatment plan and is discharged from the service.

b. When a child is placed in an emergency status and is transferred to an out-of-network provider.

c. When a child's episode of emergency behavioral care treatment with an out-of-network provider is completed and the child is ready to be transferred back to the Provider of Behavioral Health Services.

4. When a child does not complete the prescribed behavioral health services treatment outlined in his or her treatment plan and is transferred to an out-of-network provider.

5. Providers of Behavioral Health Services providing treatment for substance dependence disorders shall follow the Florida Supplement to the American Society of Addiction Medicine Patient Placement Criteria for the Treatment of Substance-Related Disorders, Second Edition (ASAM PPC-2) Revised July 1, 2000 criteria as a clinical placement guide.

hereby incorporated by reference as if fully set out here. A copy of the ASAM PPC-2 can be obtained from the district Alcohol, Drug Abuse, and Mental Health Program Office.

(4) Lead Agencies shall not offer their network members and subcontracted Providers of Behavioral Health Services, financial incentives for limiting the number of referrals, tests, and services based on the cost of said referrals, tests, and services.

(5) Providers of Behavioral Health Services shall not prohibit their behavioral health services providers from discussing with the child and his family the full range of treatment options.

(6) Providers of Behavioral Health Services shall have demonstrated experience in the diagnosis and treatment of children with serious mental or serious substance dependence disorders, as appropriate to the child's presenting condition.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—New _____.

65E-11.006 Performance-Based Measures and Outcomes.

(1) Contractual agreements between the department and Providers of Behavioral Health services shall minimally contain performance-based measures addressing the standards described in Sections 65E-11.005 and practice guidelines in 65E-11.007.

(2) Providers of Behavioral Health Services which hold current accreditation for behavioral health services from the accrediting bodies described in Section 65E-11.005, shall be deemed to have met the minimal standards described in this chapter. Notwithstanding the previous statement, no program shall be exempted from any of the fiscal and accounting requirements described in Chapter 287, Florida Statutes, rules of the department, and federal statutes and regulations governing the state's implementation of the Title XXI program.

(3) Providers of Behavioral Health services, within their scope of services, shall assist enrolled children to achieve the following outcomes:

(a) Children are connected to natural support networks when such connection is in the best interest of the child or adolescent.

(b) Children have access to services.

(c) Children receive individualized services based on their presenting condition.

(d) Children and families are active participants in the planning and selection of treatment.

(e) Children receive services in the least restrictive appropriate environments.

(f) Children are linked to integrated and community-based services.

(g) Children are provided with supports and skills to prepare for adulthood.

(4) Reports. Providers of Behavioral Health Services shall submit all applicable reports required by state or federal law, regulation, and rule.

(a) Providers of Behavioral Health services shall report the services provided to each enrolled child by complying, whenever applicable, with the Department's Substance Abuse and Mental Health Integrated Data System.

(b) For those alternative services not specifically included in the Department's Substance Abuse and Mental Health Integrated Data System, Providers of Behavioral Health Services shall follow the reporting requirements found in Sections 65E-11.003(6)(a) and 11.007(14).

(5) Subcontractors. Subcontractors in coordination with the Lead Agency shall be responsible for monitoring the behavioral health services standards, performance measures and practice guidelines described in this rule for each subcontracted behavioral health services in order to assure that the provisions of this rule have been fully met.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—New _____.

65E-11.007 Practice Guidelines for Behavioral Health Services to Ensure Cost-Effective Treatment and to Prevent Unnecessary Expenditures.

(1) Treatment Plan. A written service plan shall be developed within 10 working days of enrollment into the Behavioral Health Specialty Care Network for each enrolled child. At a minimum, the plan shall include clear time-limited treatment objectives, related interventions, clinical criteria for discharge, and evidence that the child and family, consistent with the statutes and rules of the department for family involvement, has been included in the development of the treatment plan.

(a) A board certified child psychiatrist with experience treating children who have mental or substance dependence disorders shall serve as the authorizing authority for necessary services. The Lead Agency shall communicate the details of the plan to the local Children's Medical Services Area Office. The plan shall be reviewed and updated no later than ninety (90) days apart.

(b) Notwithstanding 65E-11.007(1)(a) above, if the provider can demonstrate that a board certified child psychiatrist with experience treating children who have mental or substance dependence disorders is not available for participation due the lack of availability, a psychiatrist with experience treating children who have mental disorders or a medical doctor with experience treating children for substance dependence disorders shall serve as the authorizing authority for necessary services.

(2) Behavioral health services financed through the Behavioral Health Specialty Care Network shall not begin until after the child's enrollment as defined in Section 65E-11.003.

(3) Written Policies and Procedures. The department shall not enter into any contract with a Provider of Behavioral Health Services unless the provider has developed written policies and procedures to comply with the requirements of this rule.

(4) Written policies and procedures shall be approved by the department prior to implementation of said policies and procedures and shall be based on the standards described in Section 65E-11.005, for treating behavioral health disorders and shall additionally address the following:

(a) The operation of the utilization management program.

(b) An annual review by a quality improvement committee.

(c) Documentation required for specific service approvals and denials, along with the timeframes for communicating decisions to the appropriate Behavioral Health Services provider.

(d) Collection of data to review the criteria and process used to evaluate services for medical necessity as described in Sections 65E-11.002(20).

(e) Collection of data measuring lengths of stay, utilization of services, and the procedures to be followed when the data indicates patterns of deviation from the norm.

(f) The review of procedures to be used in formulating recommendations for admission, discharge, and disenrollment consistent with Sections 65E-11.005(2) and 65E-11.007(4).

(g) The review of client service utilization data in the aggregate, with a targeted focus on high users and low users of service as compared to the norm. Such client service data shall minimally include length of service by treatment modality, office visits, days per intake, and the penetration and length of stay in intensive outpatient and acute inpatient services.

(h) Procedures to ensure that a professional described in Chapter's 490, 491, or 397, Florida Statutes and who also has 5 year experience in the diagnosis and treatment of children with mental or substance dependence disorders supervise utilization management decisions.

(i) A comprehensive quality assessment and performance improvement program consistent with the provisions of Section 394.907, Florida Statute. Such program shall include an analysis of a representative sample of both current and closed cases to determine whether:

1. The intake assessments performed after enrollments are thorough, timely, complete, and appropriate to the child's presenting condition.

2. The service goals and objectives are based on the results of the intake assessments and include the concerns of the enrolled child and his family.

3. The services delivered are consistent with the service goals and objectives outlined in the Treatment Plan.

4. The services delivered are appropriate based on the enrolled child's presenting condition and are in compliance with the Lead Agency's clinical policies, scope of services and practice guidelines as indicated.

5. The management information system tracks how client data is monitored and reported, ensures it is complete and accurate based on the presenting conditions of the children being served, and is utilized in performance improvement.

6. The process for grievances and appeals is accessible, and affords the child and his family due process in circumstances where behavioral health services were denied, suspended or reduced and that a child and his family grievances and appeals are documented, implemented, and resolved within 45 days of the filing of the grievance or appeal, and

7. All protocols developed or adopted by the Lead Agency for the provision, monitoring and reporting of services, are being followed by its network members and subcontracted Providers of Behavioral Health Services.

(5) Continuity. Lead Agencies shall ensure continuity and coordination of services throughout their Behavioral Health Care Network in order to improve access and quality of care for enrolled children by:

(a) Coordinating available services within and without the Lead Agency's Behavioral Health Network.

(b) Sharing and exchanging information across all levels of care and all behavioral health providers, to the extent authorized by the child and the family and allowed under state statute and federal regulation.

(c) Developing written policies and procedures approved by the department to ensure that enrolled children and their families receive timely access to and follow-up with appropriate behavioral health providers, including a psychiatrist for medication management and psychiatric assessment.

(d) Developing written policies and procedures approved by the department in conjunction with Children's Medical Services to ensure that enrolled children receive continuity and coordination of behavioral health services with general medical care.

(e) Developing written policies and procedures approved by the department to ensure continuity of services for children being disenrolled by the network as well as children being received or transferred to and from out-of-network providers upon entry into service and disenrollment is accomplished without disruption of services to the child, and

(f) Developing written policies and procedures approved by the department to ensure prior authorization for all urgent and routine care provided outside of any contracted or subcontracted out-of-network arrangement. These policies and procedures shall include provisions for the enrolled child's access to and payment for Behavioral Health Services provided out-of-network.

(6) Out-of-Network Service Utilization. The Lead Agency shall make available its approved policies in accessing out-of-network coverage and ensure all children and all children at their families are aware of its written policies and procedures governing out-of-network service utilization. The Lead Agency shall provide enrollees identification card and outreach materials, the telephone number that an enrolled child and out-of-network provider may call for information about covered service.

(7) The Lead Agency shall ensure that enrolled children and their families are advised that with the exception of emergency services the Lead Agency shall not be liable for the cost of out-of-network services the child accesses that are available through its Behavioral Health Care Network in which the child is enrolled unless specifically authorized by the Lead Agency.

(8) Emergency Out-of-Network Service Utilization. A Provider of Behavioral Health Services shall not require prior authorization for the provision of Emergency Behavioral Health Care to an enrolled child.

(a) If the out-of-network provider fails to provide the Lead Agency with an accounting of the child's presence and status within 24 hours for the authorization of other services, the Lead Agency shall be obligated to pay only for the emergency services related to the behavioral health assessment and treatment, as documented in the child's medical record.

(b) The Lead Agency shall reimburse out-of-network providers for properly completed and submitted claims for Emergency Behavioral Health Care provided that such claims are submitted within 90 days of the date of service. The Lead Agency shall adjudicate such claim within 60 days of receipt. A claim shall be considered properly completed and submitted when the following occurs:

1. The claim documents psychiatric admission for the treatment of Emergency Behavioral Health Care as defined in Section 65E-11.002(14) and includes the date of admission, reason for admission, location of the treatment facility, duration of service noted, and any Behavioral Health services authorized by the referring Lead Agency.

2. The claim includes documentation of the out-of-network provider's notification to the Lead Agency of the presenting child receipt of services within 24 hours of learning the child's identity or its attempts to notify the Lead Agency of the child presenting for Emergency Behavioral Health Care and the circumstances that precluded its attempts to notify the Lead Agency, and

3. Charges mutually agreed to by the Lead Agency and the provider within 60 days after submittal of the claim.

(9) The Lead Agency shall be liable for charges for Emergency Behavioral Health Care pursuant to the provisions of section 394.451 the "The Florida Mental Health Act" also known as "The Baker Act," with regard to admissions and

assessments with reimbursement to the treating facility not to exceed the Medicaid approved rate for Baker Act admissions and assessments.

(10) Lead Agencies shall be responsible for the management of the enrollment pool which shall include the application of screenings and assessments to potential entrants to the pool and the conducting of reverification screenings among existing enrolled children. The costs of such services shall be borne by the Lead Agency.

(11) Service Delivery Location. All behavioral health services shall be accessible in a setting which is located no further than a thirty (30) minute typical drive time from the residence of the enrolled child accessing the care.

(12) Exceptions to the drive-time provision shall be made by the Behavioral Health Specialty Care Coordinator to address the lack of specialty providers or other service constraints existing in rural areas.

(13) Service Times. Providers of Behavioral Health Services shall at a minimum, be available during normal business hours to provide direct services to children and to carry out activities related to clinical administration and shall comply with the following service standards:

(a) Emergency Behavioral Health Care shall be unrestricted and directly accessible to the enrolled child, twenty-four (24) hours a day and seven (7) days a week.

(b) Urgent Care as defined in Section 65E-11.002(29) shall be evaluated and delivered within twenty-four (24) hours.

(c) Routine Care must be provided within ten (10) days of the request from a child or the family.

(14) Records and Documentation. Providers of Behavioral Health Services shall maintain written service documentation to support each service rendered on behalf of the enrolled child. Service documentation must contain all of the following:

(a) Recipient's name,

(b) Date the service was rendered,

(c) Start and end times for the services,

(d) Identification of the setting in which service was rendered,

(e) Reference to the treatment plan goal and objectives for which service is being provided,

(f) Description of the specific service rendered, including the specific intervention,

(g) Updates regarding the recipient's progress toward meeting goals and objectives identified in the treatment plan, and

(h) Original signature, credential and functional title of the person providing the service.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—
New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Sorrell
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sue Ross
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 1999
Purchase Order No.: 039937

(3) The processing fee is subject to the trusting requirement for services unless the seller has qualified to write contracts pursuant to s. 497.423, F.S. or s. 497.425, F.S.

(4) This rule does not apply to contracts written prior to this rule's effective date.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.: 3F-8.007
RULE TITLE: Processing Fee

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 25, No. 31, August 8, 1999, issue of the Florida Administrative Weekly. In response to comments received from the staff of the Joint Administrative Procedures Committee, the Board, at its November 17, 1999 and July 17, 2000 meeting, voted to change the rules.

The Rule shall now read as follows:

3F-8.007 Processing Fee.

(1) As used herein, a "processing fee" means a fee paid by a customer for services provided to process and archive a contract and related documents.

(2) If a licensee or certificateholder includes a processing fee on a preneed or at need contract, the following requirements shall be met:

(a) The fee shall be disclosed to the purchaser on the licensee's or certificateholder's General Retail Price List, Disclosure Price List or any printed or typewritten disclosure of fees that the licensee uses to comply with s. 497.333(2), F.S.

(b) The fee shall be clearly disclosed as a processing fee in the contract.

(c) The fee shall not be included, or implied to be included, in any other fee charged to the purchaser.

(d) The fee may be charged on any contract for burial rights, merchandise or services even if the rights, merchandise or services were purchased on separate contracts at different dates. However, a licensee shall not charge the fee on a contract for the purchase of an opening and closing of a grave or installation of a vault in a grave in which burial rights have previously been purchased.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NOS.: 3F-13.001, 3F-13.002, 3F-13.003, 3F-13.004
RULE TITLES: General Provisions, Definitions, General Construction Specifications, Additional Non-Building Code Standards for Mausoleum and Columbarium Construction

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 the Vol. 25, No. 32, August 13, 1999, issue of the Florida Administrative Weekly. In response to comments received from the staff of the Joint Administrative Procedures Committee, the Board, at its November 17, 1999 and July 17, 2000, meeting, voted to change the rules.

The rules shall now read as follows:

CHAPTER 3F-13

FLORIDA MAUSOLEUM CONSTRUCTION

The Board of Funeral and Cemetery Services Construction Specifications are intended to establish minimum standards for all newly constructed and significantly altered or renovated mausolea and columbaria. The Board of Funeral and Cemetery Services Construction Specifications, form DFB-CONS1, incorporated herein by reference (effective _____) are to be used until July 1, 2001, at which time the State Minimum Building Code will take effect.

3F-13.001 General Provisions.

(1) These rules shall establish minimum standards for all newly constructed and significantly altered or renovated mausolea and columbaria.

(2) These rules are intended to insure that no new structure shall be built or significantly altered for use for interment, entombment or inurnment purposes, unless such new structure or new alteration or new renovation is constructed of such materials as will ensure its durability and permanence, as well as the safety, convenience, comfort and health of the community in which it is located.

(3) Such structures must be so arranged that any niche or crypt may be readily examined at any time by any person authorized by law to do so. Such a person would be a specific representative of the Department of Banking and Finance or the Board of Funeral and Cemetery Services, or local government inspection personnel.

(4) A columbarium may be built within a mausoleum or as a separate structure, but for purposes of these rules shall be considered a mausoleum for construction purposes.

(5) There are four (4) classes of Mausolea: "Class A" or chapel mausoleum, "Class B" or garden mausoleum, "Class C" or family mausoleum, and "Class D" or non-visitation crypt mausoleum.

3F-13.002 Definitions.

(1) "Class "A" or chapel mausoleum" means a mausoleum that has heat and/or air conditioning, with or without a committal area or chapel or office(s), single or multi-story, with any number of crypts, and burial rights in all crypts are available for purchase by the general public. This type of mausoleum may be a single building or a phase of an ongoing mausoleum construction project.

(2) "Class "B" or garden mausoleum" means a mausoleum, single or multi-story, with any number of crypts, that is built without any heat or air conditioning but may contain an "open air" committal area and burial rights in all crypts are available for purchase by the general public. This type of mausoleum may be a single building or a phase of an ongoing mausoleum construction project.

(3) "Class "C" or family mausoleum" means a mausoleum pre-assembled within or without the State of Florida and purchased by a family or group of family members in which burial rights in individual crypts or niches are not sold to the general public.

(4) "Class "D" or non-visitation crypt mausoleum" means a mausoleum with remote memorialization burial rights which are available for sale to the general public. These crypts by design and location are not able to be seen, touched or visited by the general public, but the crypts are accessible to authorized persons of the cemetery or specific representatives of the Department of Banking and Finance, Board of Funeral and Cemetery Services and local government inspection personnel. These crypts are to be constructed to the same standard as Class "A" and Class "B" mausoleum crypts.

(5) "Significant alteration or renovation" means any addition, renovation, or repair which results in the creation of new crypts or new niches.

3F-13.003 General Construction Specifications.

The general construction specifications are set forth in the Board of Funeral and Cemetery Services Construction Specifications, as incorporated in Chapter 3F-13. A copy of the specifications are available from the Board office.

3F-13.004 Additional Non-Building Code Standards for Mausoleum and Columbarium Construction.

(1) Roofing materials or roof membrane applied on top of a reinforced cast in place or a precast concrete roof that meets to provisions of the State Minimum Building Codes as defined by section 553.73, Florida Statutes, shall not prevent a mausoleum from being considered a fire resistant structure.

(2) After each entombment of a human body in an existing mausoleum or in a new or significantly altered or renovated mausoleum the crypt shall be sealed with a panel so that no effluvia or odors escape from the crypt except through the pressure relief passage system. Such panels shall be made of materials of sufficient weight, permanence, density, imperviousness and strength to insure their durability and continuing function. All such panels shall be securely set in with standard building core materials. These sealing panels shall be set independent of and in addition to crypt fronts or shutters.

(3) Except as otherwise provided in the State Minimum Building Codes or in these rules, all materials used in the construction of the structural members of each mausoleum shall be of non-combustible materials and all ornamentation or embellishment or mausoleums shall be of non-combustible materials. This provision will not apply to crypt vents, temporary openings or partitions, interior doors, fixtures, furniture or furnishings, roofing materials, electrical wiring or containers for human remains.

(4) All mausoleum or columbarium structures must meet the minimum requirement set forth in the By-Laws or Operating Procedures of the cemetery in which the structure is to be built.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.:

RULE TITLE:

59A-12.030

Statewide Provider and Managed Care Organization Claim Dispute Resolution Program

NOTICE OF CHANGE

PURPOSE AND EFFECT: The purpose of this rule amendment is to change the rule number from 59A-12.020-.030. The proposed rule was officially noticed in the Florida Administrative Weekly, Vol. 26, No. 32, August 11, 2000. This change is necessary since another rule had been proposed with the same number.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elfie Stamm, Managed Health Care, 2727 Mahan Drive, Building 1, Mail Stop 26. Tallahassee, Florida 32308, Phone (850)922-6830

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
59A-18	Minimum Standards for Nurse Registries
RULE NOS.:	RULE TITLES:
59A-18.001	Purpose
59A-18.002	Definitions
59A-18.004	Licensure Procedures, and Fees
59A-18.005	Registration Policies
59A-18.006	Administrator
59A-18.009	Homemakers or Companions
59A-18.011	Medical Plan of Treatment
59A-18.012	Clinical Records
59A-18.016	Penalties
59A-18.017	Supplemental Staffing for Health Care Facilities

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the above cited rule as published in Vol. 26, No. 25, Florida Administrative Weekly, June 23, 2000, Purchase Order Number H00973. In response to comments received from JAPC, the Agency for Health Care Administration (Budget Office) and the Private Care Association, the following changes have been made.

In 59A-18.001 “health care” is deleted and “in their home, or in a health care facility licensed under Chapter 395 or Chapter 400, Florida Statutes (F.S.), or other business entity under Parts I, II, IV, or V of Chapter 400, F.S.” is deleted.

In 59A-18.002(7) “400.126(1)(d), F.S.” is deleted.

In 59A-18.002(9) “to provide services to patients or clients in their homes or places of residence or to provide supplemental staffing at health care facilities or other business entities according to his/her scope of practice” is deleted. “own methods and without being subject to the control of his employer, except as to the result of the services provided” is deleted.

In 59A-18.004(1) “\$830” is deleted and “\$1,000” is inserted. “AHCA Form 1, Application for Licensure-Nurse Registry, revised July, 1999” is deleted and “AHCA Form 3110-002, Application for Licensure-Nurse Registry, revised August 2000” is inserted.

In 59A-18.004(4)(g) “The name of the registry’s administrator and the name and license or certification number, if applicable, of current independent contractors, including registered nurses, licensed practical nurses, certified nursing assistants, home health aides, homemakers and companions” is changed to “The name of the registry’s administrator, the name and license or certification number of independent contractors for registered nurses, licenses practical nurses and certified nursing assistants and the name of current independent contractors for home health aides, homemakers and companions.”

In 59A-18.004(4)(i)(1) “should” is deleted and “must” is inserted.

In 59A-18.004(4)(k) “if applicable” is deleted.

In 59A-18.004(7) “non-refundable” is deleted. “\$830” is deleted and “\$1,000” is inserted.

In 59A-18.004(9) “non-refundable” is deleted. “\$830” is deleted and “\$1,000” is inserted.

In 59A-18.005(1) “Each registry shall have written policies available to all independent contractors to ensure the provision of services recognized as acceptable and appropriate by reasonably prudent similar health care providers in the community” is deleted and changed to “Each nurse registry shall disseminate the following rules and statutes to each applicable independent contractor at the time of registration.”

“(a) RN’s and LPN’s shall receive for their use and reference:”

1. 59A-18.007 Registered Nurses and Licensed Practical Nurses
2. 59A-18.011 Medical Plan of Treatment
3. 59A-18.012 Clinical Records
4. 59A-18.013 Administration of Biologicals
5. Section 400.506, 400.412, 400.484, 400.462, and 400.495, F.S.

“(b) CNA’s and HHA’s shall receive for their use and reference:”

1. 59A-18.0081 Certified Nursing Assistant and Home Health Aide.
2. Section 400.506, 400.512, 400.462, and 400.495, F.S.

“(c) Homemakers/Companions shall receive for their use and reference:”

1. 59A-18.009 Homemakers or Companions.
2. Section 400.506, 400.512, 400.484, 400.462, and 400.495, F.S.

In 59A-18.005(6) “is in good health and does not appear to be at risk of transmitting communicable diseases” is deleted and changed to “is in good health sufficient to provide services to individuals with compromised health.” Also “or is suspected of having” and “stating that such risk does not exist” are deleted in the last sentence.

In 59A-18.006(2) “Be familiar” is deleted and “Have knowledge” is inserted.

In 59A-18.006(3) “Be familiar” is deleted and “Have knowledge” is inserted.

In 59A-18.006(4) “familiarizing” is deleted and “informing” is inserted.

In 59A-18.006(9) “Assure coordination, as needed, of the plan of treatment by designation of an individual nurse responsible for updating the plan, per the physician’s order, when more than one nurse is serving the patient.” is deleted and changed to “The administrator shall inform nurse registrants that when more than one nurse is serving the

patient, the nurse that communicates with the physician's office about any changes in the physician's order should update the plan of treatment in the patient's record."

In 59A-18.009(2)(c) "but not clipping nails" is deleted and changed to "with the exception of clipping nails for diabetic patients."

In 59A-18.009(3)(d) "but not clipping nails" is deleted and changed to "with the exception of clipping nails for diabetic patients."

In 59A-18.011(6) "The nurse registry shall ensure the designation as needed of the shift nurse responsible for updating the medical plan of treatment, per the physician's orders, when more than one shift nurse is serving the patient" is deleted and changed to "The nurse registry shall inform nurse registrants that the shift nurse that communicates with the physician's office about any changes in the physician's orders should update the plan of treatment."

In 59A-18.0012(2) "Permission to release information dated and signed by the patient, caregiver, or guardian when applicable" is deleted and changed to "Before information can be released, an authorization for such release must be dated and signed by the patient, caregiver family, or guardian."

In 59A-18.0012(6)(e) "if needed" is deleted and "when the patient requires continuing services" is inserted.

In 59A-18.016(3) "if any" is deleted.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-16.009
 RULE TITLE: Examination and Reexamination
 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. 29, of the July 21, 2000, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

When changed, subsection (1)(b) of the rule shall read as follows:

- (1)(b) Reexamination.
 - 1. A candidate who:
 - a. fails to achieve a passing score on any of the tests referenced to in Rule 61G4-16.001, F.A.C., above; or
 - b. fails to appear for a scheduled test shall be required to pay the reexamination fee as set forth in paragraph (3)(c) below.
 - 2. A candidate shall be required to retake only the tests on which he or she failed to achieve a passing score or failed to appear to take when scheduled. However, a candidate must pass all tests within three attempts of said tests; after which time all past test scores of the candidate 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 may avail himself or herself of a maximum of three (3) examination attempts within a three hundred sixty-five (365) day period.

3. A candidate who fails to achieve a passing score on 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 wishes to take provided he or she pays all appropriate fees as set forth in paragraph (3) below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cathleen E. O'Dowd, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-12.001
 RULE TITLE: Contractual Requirements
 NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 26, No 33, August 18, 2000, issue of the Florida Administrative Weekly. In response to comments received from the public at the August 22 & 23, 2000 Board Meeting, the Board voted to make the change to this proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0767.

The proposed rule shall now read as follows:

61G7-12.001 Contractual Requirements.

In order to meet the requirements of section 468.525(4), F.S., the employee leasing company's contractual arrangement with its client must provide for the right of both the employee leasing company and its assigns to conduct an annual onsite physical examination of the client who is or was subject to an applicable employee leasing contractual relationship. The purpose of this examination is to aid in the determination of proper workers' compensation classifications of leased employees and to aid in the determination of payroll amounts paid to such leased employees. Such examination shall allow for both the employee leasing company and its assigns to conduct audits of the client for the purposes set forth above and to the extent set forth in section 440.381, F.S., and the rules promulgated thereto by the Department of Insurance and the Department of Labor and Employment Security.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: 62-4
 RULE NO.: 62-4.052

RULE CHAPTER TITLE: Permits
 RULE TITLE: Regulatory Program and Surveillance Fees for Wastewater Facilities or Activities Discharging to Surface Waters

NOTICE OF CHANGE

SUMMARY OF CHANGE: Notice is hereby given that the following changes have been made to the proposed amendments to rules in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. Notice of proposed rulemaking was published in, Vol. 26, No. 27, July 7, 2000, issue of the Florida Administrative Weekly. These changes resulted from a review of public comments and testimony at a public hearing held August 4, 2000, in Tallahassee, Florida, and are in response to comments received from the staff of the Joint Administrative Procedures Committee.

62-4.052 Regulatory Program and Surveillance Fees for Wastewater Facilities or Activities Discharging to Surface Waters.

(1) Scope and Intent. As authorized in Section 403.087(6)(5), F.S., this rule implements annual regulatory program and surveillance fees (annual fees) for wastewater and stormwater permits. These fees are in addition to the application fees described in Rule 62-4.050, FAC. and effect the legislative intent that the Department's costs for administering the National Pollutant Discharge Elimination System (NPDES) be borne by regulated parties. As such, the annual fees are applicable only to facilities and activities subject to regulation under Chapters 62-620, 62-621 and 62-624, FAC., pursuant to Section 403.0885, F.S., and the NPDES program.

(2) through (9) No change.

(10) The annual fee for municipal stormwater facilities regulated under Chapter 62-624, FAC., shall be as follows:

(a) Fees for each Municipal Separate Storm Sewer System (MS4) permit shall cover the cost of surveillance and the regulatory program, including processing of annual reports, revisions, and permit applications and re-applications. Annual fees for MS4s shall be based on the total MS4 permit population. The total MS4 permit population is equal to the sum of the populations of each of the named co-permittees to a MS4 permit. Populations used for all MS4 fee determinations shall be the 1998 estimates as listed in the 1999 edition of the Florida Statistical Abstract, published by the Bureau of Economic and Business Research, University of Florida. Fees are calculated using the formulas established in Rule 62-4.052(10)(d), FAC. Total permit populations and associated fees are indicated for each permit below:

Permit	Total Population	Fee
1. through 21.	No change.	
22. Reedy Creek District	73,000 0	\$3,190 \$8,000
23. through 28.	No change.	
(b) through (d)	No change.	

(11) Stormwater discharge associated with industrial activity permitted under Chapter 62-620, F.A.C., shall pay an additional \$200 per outfall per year, up to the maximum amount set forth in Section 403.087(6), F.S., unless the activity is already subject to the fee provisions of Rule 62-4.052(7)(b)(e), FAC.

(12) through (13) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: 62-620
 RULE CHAPTER TITLE: Wastewater Facility and Activities Permitting

RULE NOS.: 62-620.100
 62-620.300
 62-620.301
 62-620.310
 62-620.320
 62-620.345
 62-620.350
 62-620.400
 62-620.410
 62-620.510
 62-620.550
 62-620.610
 62-620.710

RULE TITLES: Scope/Applicability/References
 General Prohibitions
 General Provisions
 Procedure to Obtain Permits
 Standards for Issuing or Denying Permits
 Suspension and Revocation
 Recordkeeping
 Permit Application Requirements
 General Application Requirements
 Application Processing
 Public Notice
 General Condition for All Permits
 Procedures for Generic Permits

NOTICE OF CHANGE

SUMMARY OF CHANGE: Notice is hereby given that the following changes have been made to the proposed amendments to rules in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. Notice of proposed rulemaking was published in Vol. 26, No. 27, the July 7, 2000 issue of the Florida Administrative Weekly. These changes resulted from a review of public comments and testimony at a public hearing held August 4, 2000, in Tallahassee, Florida, and are in response to comments received from the staff of the Joint Administrative Procedures Committee.

62-620.100 Scope\Applicability\References.

(1) No change.

(2) Applicability.

(a) No change.

(b) Requirements in this chapter shall apply to domestic or industrial wastewater facilities ~~or activities~~ which discharge wastes into waters or which can reasonably be expected to be a source of pollution.

(c) ~~The permitting procedures of this chapter apply to stormwater discharges regulated under section 403.0885, F.S. It is the intent of this chapter as to stormwater discharges to implement the substantive requirements of the Federal NPDES stormwater program.~~

(d) through (n) No change.

(3) through (4) No change.

62-620.300 General Prohibitions.

(1) through (2) No change.

(3) No discharge of wastes shall commence before a ~~wastewater facility or activity~~ permit is obtained. Except as otherwise provided in paragraphs (a) and (b), the Department ~~wastewater facility or activity~~ permit shall be obtained before commencement of construction or modification of the wastewater facility or activity.

(a) For a wastewater facility or activity permitted to discharge wastes into surface waters under this chapter pursuant to section 403.0885, F.S., only the portion of the proposed construction or modification of the wastewater facility or activity that relates solely to a discharge of wastes into surface water may be constructed or modified before a ~~wastewater facility or activity~~ permit is issued.

1. through 2. No change.

3. For modifications which relate solely to the discharge of wastes into surface water and which will only affect the treatment works or the quantity, nature or quality of the discharge when placed in operation, a ~~wastewater facility or activity~~ permit revision shall be obtained before placing the modifications in operation.

(b) No change.

(4) through (5) No change.

62-620.301 General Provisions.

(1) No change.

(2) For purposes of enforcement, compliance with a ~~wastewater facility or activity~~ permit issued under this chapter constitutes compliance with the applicable provisions of chapter 403, F.S. However, the Department shall not be precluded from instituting enforcement actions as indicated in Rule 62-650.300(4), F.A.C. For purposes of enforcement, compliance with a ~~wastewater facility or activity~~ permit issued under this chapter pursuant to the authority of section 403.0885, F.S., constitutes compliance with sections 301, 302, 306, 307, 318, 402 and 403 of the Clean Water Act, except for:

(a) through (b) No change.

(3) through (6) No change.

62-620.310 Procedure to Obtain Permits.

(1) Any person intending to construct, operate, or modify a wastewater facility or activity which will discharge wastes into waters or which will reasonably be expected to be a source of water pollution shall make application to the Department for a ~~wastewater facility or activity~~ permit under this chapter. A

~~wastewater facility or activity~~ permit shall be issued only if all Department requirements for wastewater facilities or activities are met.

(2) through (10) No change.

62-620.320 Standards for Issuing or Denying Permits.

(1) through (2) No change.

(3) A permit issued under this chapter ~~A wastewater facility or activity permit~~ shall be renewed upon timely application to the Department in accordance with Rule 62-620.335, F.A.C., if the discharge is in compliance with permit conditions and applicable statutes and rules.

(4) through (6) No change.

(7) The Department shall take into consideration a ~~wastewater facility or activity~~ permit applicant's violation of any Department rules at any wastewater facility or activity when determining whether the applicant has provided reasonable assurance that Department standards will be met.

(8) No Department permit ~~for a wastewater facility or activity~~ shall be issued under this chapter for a term of more than five years except as provided in section 403.087, F.S.

(9) through (10) No change.

62-620.345 Suspension and Revocation.

(1) The following are causes for suspending, revoking, or terminating any ~~wastewater facility or activity~~ permit issued by the Department under this chapter. The Department finds:

(a) That the permit holder or his agent submitted false or inaccurate information in his application for a ~~wastewater facility or activity~~ permit under this chapter or operational reports required by a ~~wastewater facility or activity~~ permit issued under this chapter;

(b) through (f) No change.

(2) No change.

62-620.350 Recordkeeping.

Unless the ~~wastewater facility or activity~~ permit specifically indicates an alternative location, the permittee shall maintain the following records on the site of the permitted facility or activity and make them available for inspection:

(1) through (9) No change.

62-620.400 Permit Application Requirements.

Permit application requirements are set forth in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. This guide contains procedures and requirements to apply for permits for wastewater facilities or activities and the renewal of existing permits. It addresses modifications to wastewater facilities or activities for which permits are required unless specifically excluded. It sets forth general requirements which apply to applications for ~~wastewater facility or activity~~ permits under this chapter and it sets forth additional application requirements that apply to specific types of facilities or activities. Other Department rules which deal with other

aspects of wastewater facilities or activities are chapter 62-4, F.A.C., Permitting; chapter 62-25, F.A.C., Stormwater; chapter 62-28, F.A.C., Underground Injection Control; chapter 62-302, F.A.C., Surface Water Quality Standards; chapter 62-520, F.A.C., Ground Water Classes, Standards, and Exemptions; chapter 62-522, F.A.C., Ground Water Permitting and Monitoring Requirements; chapter 62-600, F.A.C., Domestic Wastewater Facilities; chapter 62-601, F.A.C., Domestic Wastewater Treatment Plant Monitoring; chapter 62-604, F.A.C., Collection Systems and Transmission Facilities; chapter 62-610, F.A.C., Reuse of Reclaimed Water and Land Application; chapter 62-611, F.A.C., Wetlands Application; chapter 62-621, F.A.C., Generic Permits; chapter 62-624, F.A.C., Municipal Separate Storm Sewer Systems; chapter 62-625, F.A.C., Pretreatment; chapter 62-640, F.A.C., Domestic Wastewater Residuals; chapter 62-650, F.A.C., Water Quality Based Effluent Limitations; chapter 62-660, F.A.C., Industrial Wastewater Facilities; chapter 62-670, F.A.C., Feedlot and Dairy Wastewater Treatment and Management Requirements; chapter 62-671, F.A.C., Phosphate Mining Waste Treatment Requirements; chapter 62-672, F.A.C., Minimum Requirements for Earthen Dams, Phosphate Mining and Processing Operations; chapter 62-673, F.A.C., Phosphogypsum Management; chapter 62-699, F.A.C., Treatment Plant Classification and Staffing.

62-620.410 General Application Requirements.

(1) through (2) No change.

(3) An applicant shall submit as part of the application for a ~~wastewater facility or activity~~ permit a preliminary design or engineering report and other information in accordance with the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C. A report substantively addressing all of the elements listed in the Guide shall be submitted at least 90 days before construction commences on a facility or activity which discharges solely to surface waters or on a component of a facility or activity which discharges solely to surface waters if the applicant can demonstrate that the component is separable from the entire facility or activity. For all other facilities or activities, the report shall be submitted and made complete with the application for permit.

(4) Initiation or commencement of construction means to begin performing on-site modification, fabrication, erection or installation of a treatment facility or a conveyance system for the discharge of wastes. For the purposes of the ~~wastewater facility or activity~~ permit, land clearing and site preparation activities related to this construction are not included herein; however, before undertaking these activities, other permits for stormwater discharges from the site may be required.

(5) An applicant shall apply to the Department to renew an existing ~~wastewater facility or activity~~ permit at least 180 days before the expiration date of the existing permit.

(6) through (7) No change.

62-620.510 Application Processing.

(1) through (17) No change.

(18) Except as waived by EPA in a Memorandum of Agreement with the Department, for discharges of wastes regulated under this chapter pursuant to section 403.0885, F.S., the Department shall submit the proposed permit to the EPA for its concurrence in the Department decision.

(a) No change.

(b) If EPA objects to issuance of the permit in accordance with 40 CFR 123.44 and in writing within 90 days of submittal to EPA, and the Department fails to submit to EPA a revised permit satisfying the objections in accordance with the following timeframe, exclusive authority to issue the NPDES permit under 33 U.S.C. 1342 passes to EPA and the Department retains its authority to issue a state permit under section 403.088, F.S. The Department shall have 90 days from receipt of the EPA objections, or 30 days from the date of a public hearing on the objections, to submit a revised permit to EPA. The Department shall advise the applicant of the EPA objections.

(c) No change.

(19) No change.

(20) Only that portion of the ~~wastewater facility or activity~~ permit which authorizes a discharge regulated under section 402 of the CWA, as amended, shall be submitted to the EPA for review under that section. A ~~wastewater facility or activity~~ permit includes any draft permit, proposed permit, or final permit described in this chapter.

62-620.550 Public Notice.

(1) No change.

(2) Public notice for discharges of wastes regulated under section 403.0885, F.S., and this chapter, shall announce the preparation of a draft permit and solicit public comments on its efficacy or announce the date, time and location of a public meeting to take oral comments on a draft permit.

(a) Public notice under this subsection is required when the Department prepares a draft permit for all new wastewater facilities or activities, for all substantially revised ~~wastewater facility or activity~~ permits, for all renewals of permits which have been issued under section 403.0885, F.S., and this chapter, and for minor revisions to a ~~wastewater facility or activity~~ permit when the revision proposes to decrease a permit requirement for monitoring or reporting. No public notice is required when a request for a permit, permit revision, revocation and reissuance, or termination is denied. Written notice of that denial shall be given to anyone requesting it and to the permittee.

(b) through (d) No change.

(3) through (6) No change.

62-620.610 General Conditions for All Permits.

All wastewater facility or activity permits, except General and Generic Permits, issued by the Department under this chapter shall include the following conditions:

(1) through (23) No change.

62-620.710 Procedures for Generic Permits.

(1) No change.

(2) As an alternative to individual permits, the Department may promulgate by rule a generic permit to regulate a category of wastewater facilities or activities. The Department shall may issue a generic permit to regulate such a category of wastewater facilities or activities only if they all:

(a) Involve the same or substantially similar types of operations;

(b) Discharge the same types of wastes or engage in the same types of residuals or industrial sludge use or disposal practices;

(c) Require the same effluent limitations, operating conditions, or standards for residuals or industrial sludge use or disposal;

(d) Require the same or similar monitoring; and

(e) The permit is approved by the EPA pursuant to Rule 62-620.710(3), F.A.C. Are more appropriately controlled under a generic permit than under individual permits.

(3) through (4) No change.

(5) A proposed project which may be reasonably expected to violate water quality standards or which will not meet the public interest requirements set forth in 403.088(2)(b) chapter 403, F.S., shall not be entitled to use of a generic permit.

(6) through (8) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

62-621 Generic Permits

RULE NO.: RULE TITLE:

62-621.100 Scope/Applicability

NOTICE OF CHANGE

SUMMARY OF CHANGE: Notice is hereby given that the following changes have been made to the proposed amendments to rules in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. Notice of proposed rulemaking was published in, Vol. 26, No. 27, July 7, 2000, issue of the Florida Administrative Weekly. These changes are in response to comments received from the staff of the Joint Administrative Procedures Committee.

62-621.100 Scope/Applicability.

This Chapter sets forth the procedures to obtain generic permits authorized under Section 403.0885, Florida Statutes, and Chapter 62-620, Florida Administrative Code (F.A.C.). For the purpose of this Chapter "Generic Permit" means a general permit issued under the authority of Section 403.0885, F.S. As an alternative to individual permits, the Department

may promulgate by rule a generic permit to regulate a category of wastewater facilities or activities. The Department shall may issue a generic permit to regulate such a category of wastewater facilities or activities only if they all: involve the same or substantially similar types of operations; discharge the same types of wastes or engage in the same types of residuals or industrial sludge use or disposal practices; require the same effluent limitations, operating conditions, or standards for residuals or industrial sludge use or disposal; require the same or similar monitoring; and the permit is approved by the EPA pursuant to Rule 62-620.710(3), F.A.C. are more appropriately controlled under a generic permit than an individual permit.

(1) through (4) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

62-624 Municipal Separate Storm Sewer Systems

RULE NO.: RULE TITLE:

62-624.200 Definitions

NOTICE OF CHANGE

SUMMARY OF CHANGE: Notice is hereby given that the following changes have been made to the proposed amendments to rules in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. Notice of proposed rulemaking was published in Vol. 26, No. 27, July 7, 2000, issue of the Florida Administrative Weekly. These changes resulted from a review of public comments and testimony at a public hearing held August 4, 2000, in Tallahassee, Florida, and are in response to comments received from the staff of the Joint Administrative Procedures Committee.

62-624.200 Definitions.

(1) through (3) No change.

(4) Large municipal separate storm sewer system means all municipal separate storm sewers that are either:

(a) No change.

(b) Owned or operated by a municipality other than those described in paragraph (4)(a) of this section and that are designated by the Department as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under paragraph (4)(a) of this section. In making this determination the Department shall consider the following factors:

1. through 2. No change.

3. The quantity and nature of pollutants discharged to waters of the state; and

4. The nature of the receiving waters; and

5. Other relevant factors.

(5) through (6) No change.

(7) Medium municipal separate storm sewer system means all municipal separate storm sewers that are either:

(a) No change.

(b) Owned or operated by a municipality other than those described in paragraph (7)(a) of this section and that are designated by the Department as part of the ~~large or~~ medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under paragraph (7)(a) of this section. In making this determination the Department shall consider the following factors:

1. through 2. No change.

3. The quantity and nature of pollutants discharged to waters of the state; and.

4. The nature of the receiving waters; ~~and~~

~~5. Other relevant factors.~~

(8) through (11) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-31R

RULE CHAPTER NO.: 62-709
RULE CHAPTER TITLE: Criteria for the Production and Use of Compost Made from Solid Waste

RULE NOS.: 62-709.300
62-709.320
RULE TITLES: General Provisions
Yard Trash Processing Facilities

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. 29, July 21, 2000, issue of the Florida Administrative Weekly:

62-709.300 General Provisions.

(1) No change.

(2) No solid waste management facility whose purpose is or includes the production of compost shall be constructed, operated, expanded or modified without an appropriate or currently valid permit issued by the Department unless specifically exempted by Chapter 403, F.S., Chapter 62-701, F.A.C. F.S., or this chapter.

(3) through (16) No change.

62-709.320 Yard Trash Processing Facilities.

(1) Applicability

(a) Owners or operators of yard trash processing facilities that meet the criteria of this rule shall register with the Department in accordance with Rule 62-709.320(5), F.A.C., in lieu of obtaining a permit under Rule 62-709.300(2), F.A.C. are exempt from any requirements to obtain a solid waste management facility permit from the Department. However, if these criteria are not met then a solid waste management facility permit is required:

1. through 2. No change.

(b) through (c) No change.

(2) Definitions. The following terms as used in this rule, unless the context indicates otherwise, shall have the following meaning:

(a) No change.

~~(b)(a)~~ "Yard trash" has the meaning given in Rule 62-701.200, F.A.C., and solely for purposes of this rule, it includes clean wood.

(b) through (d) renumbered (c) through (e) No change.

(3) through (7) No change.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-56.002
RULE TITLE: Equipment and Devices; Protocols for Laser and Light-Based Devices

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Medicine hereby gives notice of an additional public hearing on the above-referenced rule to be held September 21, 2000, at 3:00 p.m., at the Sheraton, Ft. Lauderdale Airport, 1825 Griffin Road, Davie, Florida. The rule was originally published in Vol. 26, No. 24, of the June 16, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**Section IV
Emergency Rules**

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE: Rescheduling Specified Drug Products Containing Hydrocodone as Schedule III Substances
RULE NO.: 2ER00-1

SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: On August 29, 2000, the Attorney General issued extensive findings relating to proposed rule 2-40.005 and this emergency rule. Based on the rulemaking record for proposed rule 2-40.005, the Attorney General has found that the scheduled October 1, 2000 deletion of those drug preparations

containing not more than 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium; as well as those drug preparations containing not more than 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances, from Schedule III and their resulting reclassification into Schedule II will create an undue and unintended disruption upon the legitimate medical use of numerous medicinal products, thereby presenting an immediate danger to the public health, safety and welfare which requires emergency action. In making this determination, the Attorney General has relied upon and considered the recommendations from entities such as the Florida Board of Medicine, the Florida Board of Pharmacy, the Director of the State Office of Drug Control, the Florida Medical Association, the Florida Pharmacy Association, the Florida Dental Association, the Florida Health Care Association, the Florida Nursing Association, the Florida Hospice Association, and others who have voiced similar concerns regarding the negative impact on patient care as well as the increased costs to patients and the administrative expenses to practitioners associated with products under Schedule II. Further, in making the public interest determination in accordance with §893.0355(3), F.S., the Attorney General finds that this action will maintain uniformity with the schedules adopted pursuant to the laws of the United States, in that the listed drug preparations are currently under the Federal Schedule III.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department of Health has indicated that as of September 1, 2000, it is their intention to launch a public awareness campaign to alert the public that as of October 1, these medications will be rescheduled under Schedule II, in order that patients can make suitable arrangements to obtain new prescriptions from their physicians. This emergency action will avoid the necessity of such public awareness campaign and eliminate existing uncertainty and confusion regarding the change in scheduling of these drug products.

SUMMARY OF THE RULE: The emergency rule reschedules specified drug products containing hydrocodone as Schedule III substances.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Edwin A. Bayo, Assistant Attorney General, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE EMERGENCY RULE IS:

2ER00-1 Rescheduling Specified Drug Products Containing Hydrocodone as Schedule III Substances.

Pursuant to Sections 893.0355(2) and (4), Florida Statutes, the following drug products containing hydrocodone in combination with the specified additional substances, and in the specified limits are rescheduled as Schedule III substances:

(1) Not more than 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.

(3) This rescheduling supersedes the provisions of Section 2, Chapter 2000-320, Laws of Florida, which would have, as of October 1, 2000, placed these drug products in Schedule II.

Specific Authority 893.0355(2) FS. Law Implemented 893.0355 FS. History—New 8-29-00.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON FILING WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: August 29, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE TITLE: RULE NO.:

(CDBG) Disaster Recovery Funds for Drought
 2000 Related Weather Events Neighborhood
 Revitalization Set-Aside Community
 Development Block Grant 9BER00-3

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: The Small Cities Community Development Block Grant Program has made available up to \$1,277,929 in funding for disaster recovery assistance resulting from damage inflicted statewide from drought conditions under Executive Order 2000-160. The State, through the Department of Community Affairs, is responsible for the regular administration of the CDBG Small Cities Program under Rule Chapter 9B-43, Florida Administrative Code. As a result of this Executive Order, it is necessary for the Department to implement this emergency rule to clearly differentiate between these disaster recovery funds and regular Small Cities CDBG administrative requirements. The expenditure of these funds in the drought stricken areas is essential to the health, safety and welfare of the public affected by several months of drought conditions which have resulted in public and private wells drying up. Low and moderate income families whose wells are affected by the drought do not have sufficient resources to dig deeper wells.

This emergency rule enables the Department of Community Affairs to more quickly disburse these funds to affected local governments, so that the dire water needs of the affected citizens of Florida can be promptly addressed.

REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Promulgation of Rule Chapter 9BER00-3, using emergency rule procedures, is the only available mechanism which adequately provides for the expeditious disbursement and use of these federal funds, protects the public, and adequately addresses the needs of the affected parties, given that these funds must be expended expeditiously.

SUMMARY OF THE RULE: This rule enables the Department of Community Affairs to administer these supplemental CDBG funds in a timely manner as required by federal law.

THE PERSON TO BE CONTACTED REGARDING THIS EMERGENCY RULE IS: Susan M. Cook, Ph.D., Community Program Administrator, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE FULL TEXT OF THE EMERGENCY RULE IS:

CDBG DISASTER RELIEF FUNDS FOR EL NINO RELATED DISASTERS

9BER00-3 CDBG Disaster Relief Funds.

(1) Up to \$1,277,929 of federal fiscal year 2000 funds from Florida's Small Cities Community Development Block Grant ("CDBG") is being made available to assist in community recovery for Florida's victims of the extensive drought in the spring and summer of 2000. These funds are to be used only for drought mitigation activities addressing an urgent need for assistance in alleviating existing conditions which pose a serious and immediate threat to health and safety. Only Small Cities CDBG eligible counties and cities will be eligible to apply for these funds (See Attachment A). All portions of Rule 9B-43, F.A.C., are abrogated by this rule in order to expedite recovery measures. The amount of funds requested shall be limited to that amount necessary to address the emergency need only.

(2) All funded disaster recovery activity must benefit low and moderate income persons under 24 CFR 570.483(b). Applicants under this category shall demonstrate that no other federal, State or local disaster funds are available to address the dry well emergency.

(3) Communities identified by the Federal Emergency Management Agency (FEMA) as nonparticipating, noncompliant communities under the National Flood Insurance Program are not eligible to apply for these funds.

(4) Allocation of funds will be determined by the Secretary of the Department of Community Affairs based upon the following priorities:

(a) Very low income persons residing in owner occupied mobile homes with failed wells.

(b) Eligible local governments where a public water well has failed where no local sources of funding are available to address the problem, and

(c) Private wells which have failed which address a community of low and moderate income households.

(5) The primary objective of this emergency program is to remove from the threat of dry wells for those low and moderate home owners affected by the drought. The Secretary may consider one or more of the following factors in determining applications to be funded:

(a) Documented frequency of well problems for the household or system from drought over the past six years from January 1, 1994 to the present.

(b) Targeting of lower income families and elderly or handicapped persons.

(c) Regional balance of final awards according to relative disaster impact on eligible counties, and

(d) Leverage of other resources to support the activity, such as SHIP funds.

(6) The Department of Community Affairs will issue application instructions, including the date by which applications are to be received, and other application information. The maximum and minimum grant amounts shall be established at the Secretary's discretion. Administrative costs chargeable to the program shall not exceed eight percent of the total grant amount.

(7) Small Cities CDBG eligible cities and counties within the aforementioned drought areas will be required to determine the specific uses of these disaster recovery funds within the parameters allowed by this rule; the Department of Housing and Urban Development (HUD); Title I of the Housing and Community Development Act of 1974, as amended; and the HUD regulations at 24 CFR 570, except as they may be waived by HUD and the Florida Department of Community Affairs.

Specific Authority 290.046 FS. Law Implemented 290.0401-.049 FS. History-- New 8-30-00.

Attachment A – Small Cities CDBG Drought Recovery Eligibility List
July 25, 2000

- Alachua
- Alachua Co.
- Alford
- Altha
- Anna Maria
- Apalachicola
- Apopka
- Arcadia
- Archer
- Astatula

Avon Park
Baker Co.
Bascom
Bay Co.
Bay Lake
Bell
Belleair Beach
Belleair Shores
Bellevue
Beverly Beach
Blountstown
Bonifay
Bowling Green
Bradenton Beach
Bradford Co.
Branford
Bristol
Bronson
Brooker
Brooksville
Bunnell
Bushnell
Calhoun Co.
Callahan
Callaway
Campbellton
Carrabelle
Caryville
Cedar Grove
Cedar Key
Center Hill
Century
Charlotte Co.
Chattahoochee
Chiefland
Chipley
Cinco Bayou
Citrus Co.
Clay Co.
Clermont
Clewiston
Cocoa Beach
Coleman
Collier Co.
Columbia Co.
Cottdale
Crescent City
Crestview
Cross City
Crystal River
DeFuniak Springs
Desoto Co.
Destin
Dixie Co.
Dunnellon
Eatonville
Ebro
Edgewood City
Esto
Eustis
Everglades City
Fanning Spring
Fellsmere
Fernandina Beach
Flagler Beach
Flagler Co.
Fort White
Franklin Co.
Freeport
Fruitland Park
Gadsden Co.
Gilchrist Co.
Glades Co.
Glen St. Mary
Graceville
Grand Ridge
Green Cove Springs
Greensboro
Greenville
Greenwood
Gretna
Groveland
Gulf Breeze
Gulf Co.
Hamilton Co.
Hampton
Hardee Co.
Hastings
Havana
Hawthorne
Hendry Co.
Hernando Co.
High Springs
Highland Park
Highlands Co.
Hilliard
Holmes Beach
Holmes Co.
Horseshoe Beach
Howey-in-the-Hills

<u>Indian Riv Co.</u>	<u>Milton</u>
<u>Indian River Shores</u>	<u>Minneola</u>
<u>Inglis</u>	<u>Monticello</u>
<u>Interlachen</u>	<u>Moore Haven</u>
<u>Inverness</u>	<u>Mount Dora</u>
<u>Jackson Co.</u>	<u>Nassau Co.</u>
<u>Jacob City</u>	<u>Newberry</u>
<u>Jasper</u>	<u>Niceville</u>
<u>Jay</u>	<u>Noma</u>
<u>Jefferson Co.</u>	<u>North Reddington Bch</u>
<u>Jennings</u>	<u>Oakland City</u>
<u>Jupiter Island</u>	<u>Ocean Breeze Park</u>
<u>Keystone Heights</u>	<u>Okaloosa Co.</u>
<u>Kissimmee</u>	<u>Okeechobee</u>
<u>La Crosse</u>	<u>Okeechobee Co.</u>
<u>LaBelle</u>	<u>Orange Park</u>
<u>Lady Lake</u>	<u>Orchid</u>
<u>Lafayette Co.</u>	<u>Osceola Co.</u>
<u>Lake Buena Vista</u>	<u>Otter Creek</u>
<u>Lake Butler</u>	<u>Palatka</u>
<u>Lake City</u>	<u>Palm Coast</u>
<u>Lake Placid</u>	<u>Palmetto</u>
<u>Laurel Hill</u>	<u>Panama City Beach</u>
<u>Lawtey</u>	<u>Parker</u>
<u>Layton</u>	<u>Paxton</u>
<u>Lee</u>	<u>Penny Farms</u>
<u>Leesburg</u>	<u>Perry</u>
<u>Leon Co.</u>	<u>Pomona Park</u>
<u>Levy Co.</u>	<u>Ponce DeLeon</u>
<u>Liberty Co.</u>	<u>Ponce Inlet</u>
<u>Live Oak</u>	<u>Port St. Joe</u>
<u>Longboat Key</u>	<u>Putnam Co.</u>
<u>Lynn Haven</u>	<u>Quincy</u>
<u>Maccclenny</u>	<u>Raiford</u>
<u>Madison</u>	<u>Reddick</u>
<u>Madison Co.</u>	<u>Redington Shores</u>
<u>Malone</u>	<u>Santa Rosa Co.</u>
<u>Manatee Co.</u>	<u>Sebastian</u>
<u>Marco Island</u>	<u>Sebring</u>
<u>Marianna</u>	<u>Sewall's Point</u>
<u>Marineland</u>	<u>Shalimar</u>
<u>Marion Co.</u>	<u>Sneads</u>
<u>Martin Co.</u>	<u>Sopchoppy</u>
<u>Mary Esther</u>	<u>Springfield</u>
<u>Mascotte</u>	<u>St. Augustine</u>
<u>Mayo</u>	<u>St. Augustine Beach</u>
<u>McIntosh</u>	<u>St. Cloud</u>
<u>Mexico Beach</u>	<u>St. Johns Co.</u>
<u>Micanopy</u>	<u>St. Leo</u>
<u>Midway</u>	<u>St. Lucie</u>

- [St. Lucie Co.](#)
- [St. Marks](#)
- [Starke](#)
- [Stuart](#)
- [Sumter Co.](#)
- [Suwannee Co.](#)
- [Taylor Co.](#)
- [Treasure Island](#)
- [Trenton](#)
- [Umatilla](#)
- [Union Co.](#)
- [Valparaiso](#)
- [Vernon](#)
- [Vero Beach](#)
- [Wakulla Co.](#)
- [Waldo](#)
- [Walton Co.](#)
- [Washington Co.](#)
- [Wauchula](#)
- [Wausau](#)
- [Webster](#)
- [Weeki Wachee](#)
- [Welaka](#)
- [Westville](#)
- [Wewahitchka](#)
- [White Springs](#)
- [Wildwood](#)
- [Williston](#)
- [Worthington Springs](#)
- [Yankeetown](#)
- [Zephyrhills](#)
- [Zolfo Springs](#)

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 30, 2000

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for variance and waiver received from James E. Green, on July 6, 2000. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 26, No. 29, dated July 21, 2000. No public comment was received. The petition requested

a Variance or Waiver of Rule 11B-27.002(3), F.A.C., pursuant to Section 120.542, F.S. Petitioner requested the Department waive the requirement that a person who completes a Florida Basic Recruit Training Program, pursuant to Rule Chapter 11B-35, F.A.C., or former Rule 11B-29.002, F.A.C., and who is thereafter not employed as an officer in the discipline for which training was completed, within four (4) years of the appointment after July 1, 1993, successfully complete a Basic Recruit Training Program, pursuant to Rule 11B-35.002, F.A.C. and demonstrate proficiency in each of the high-liability proficiency skills applicable to that discipline, and successfully pass the Officer Certification examination.

On August 29, 2000 the Criminal Justice Standards and Training Commission granted a variance or waiver to James E. Green in a final order, OGC File No.: VAR 2000-8.

For a copy of the final order write or call: Shehla A. Milliron, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7676.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Florida Public Utilities Company's petition for waiver of Rule 25-17.003(3)(a) & (4)(a), Florida Administrative Code, filed October 4, 1999, in Docket No. 991493-EG was approved by the Commission at its December 21, 1999, Agenda Conference. Order No. PSC-00-0085-PAA-EG, issued January 10, 2000, memorialized the decision. The rules address energy audits performed by electric utilities. The petition was approved on the basis that the utility had shown 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 Florida Administrative Weekly on November 5, 1999.

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>.

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Florida Power Corporation's petition for waiver of Rule 25-22.080(2), Florida Administrative Code, filed October 15, 1999, in Docket No. 991462-EU was approved by the Commission at its November 16, 1999, Agenda Conference. Order No. PSC-99-2438-PAA-EU, issued December 13, 1999, memorialized the decision. The rule addresses the time period for conducting a hearing to Determine the Need for a proposed power plant. The petition was approved on the basis that Florida Power Corporation had demonstrated 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 Florida Administrative Weekly on November 12, 1999.

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 Home page at <http://www.floridapsc.com>.

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Florida Power Corporation's petition for waiver of Rule 25-17.0832(4)(e)(7), Florida Administrative Code, filed October 8, 1999, in Docket No. 991526-EG was approved by the Commission at its January 18, 2000, Agenda Conference. Order No. PSC-00-0265-PAA-EG, issued February 8, 2000, memorialized the decision. The rule addresses the minimum term for standard offer contracts for the purchase of firm capacity and energy from qualifying facilities. The petition was approved on the basis that the company had shown 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 Florida Administrative Weekly on October 29, 1999.

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>.

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Florida Power & Light Company's petition for waiver of Rule 25-17.0832(4), Florida Administrative Code, filed March 3, 1999, in Docket No. 990249-EI was approved by the Commission at its July 27, 1999, Agenda Conference. Order No. PSC-99-1713-TRF-EG, issued September 2, 1999, memorialized the decision. The rule addresses the minimum term for standard offer contracts for the purchase of capacity and energy from qualifying facilities. 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 a substantial hardship. Notice of the petition was published in the Florida Administrative Weekly on April 23, 1999.

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>.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-104 DAO-ROW), dated August 10, 2000 to

Joe Florea. The petition for waiver was received by the SFWMD on April 6, 2000. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 16 on April 21, 2000. No public comment was received. This Order provides a waiver for the various existing trees, decorative lighting, flagpole and bird house to remain within the north right of way of C-14 Canal at the rear of 1730 S. W. 1st Terrace, Broward County. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of the canal bank within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Joe Florea from suffering a substantial hardship and a violation of the principles of fairness.

A copy of the Order can be obtained from Jan Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone number (561)682-6299, or by e-mail jsluth@sfwmd.gov.

NOTICE IS HERBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-106 DAO-ROW), dated August 10, 2000 to The City of Wilton Manors. The petition for waiver was received by the SFWMD on June 13, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 26 on June 30, 2000. No public comment was received. This Order provides a waiver for the existing seawall and marginal dock with boat lift and electrical service to remain within the right of way and proposed boardwalk and portion of a mangrove mitigation area to be constructed within the south right of way of C-13 approximately 800 feet downstream of N. E. 8th Avenue adjacent to the City's "Island City Park", Broward County. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which establishes the low member elevation requirements for docking facilities located within Works of the District. Generally, the Order sets forth the

basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent The City of Wilton Manors from suffering a substantial hardship.

A copy of the Order can be obtained from Jan Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; Telephone (561)682-6299, or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-105 DAO-ROW), dated August 10, 2000 to Ramon E. Gonzalez. The petition for waiver was received by the SFWMD on May 19, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 24 on June 16, 2000. No public comment was received. This Order provides a waiver for the existing cross-fences and palm trees to remain within the south right of way of C-100A Canal, Miami-Dade County. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of the canal bank within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Ramon E. Gonzalez from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from Jan Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; Telephone (561)682-6299, or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-100 DAO-ROW), dated August 10, 2000 to Bryant J. and J. Marie Smith. The petition for waiver was received by the SFWMD on May 31, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 26 on June 30, 2000. No public comment was received. This Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of

Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of the canal bank and which governs the minimum low member elevation of docking facilities located within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Bryant J. and J. Marie Smith from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from Jan Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; Telephone (561)682-6299, or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-98 DAO-ROW), dated August 10, 2000 to Frank and Karen Scala. The petition for waiver was received by the SFWMD on May 31, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 26 on June 30, 2000. No public comment was received. This Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of the canal bank and which governs the minimum low member elevation of docking facilities located within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Frank and Karen Scala from suffering a violation of principles of fairness.

A copy of the Order can be obtained from Jan Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; Telephone (561)682-6299, or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat.

(SFWMD 2000-99 DAO-ROW), dated August 10, 2000 to Robert A. Frederick and Rebecca S. Frederick. The petition for waiver was received by the SFWMD on June 5, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 26 on June 30, 2000. No public comment was received. This Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of the canal bank within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Robert A. Frederick and Rebecca S. Frederick from suffering a violation of principles of fairness.

A copy of the Order can be obtained from Jan Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; Telephone (561)682-6299, or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-97 DAO-ROW), dated August 10, 2000 to Michael J. and Lorraine C. Follin. The petition for waiver was received by the SFWMD on May 31, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 26 on June 30, 2000. No public comment was received. This Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of the canal bank and which governs the minimum low member elevation of docking facilities located within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Michael J. and Lorraine C. Follin from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from Jan Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; Telephone (561)682-6299, or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-96 DAO-ROW), dated August 10, 2000 to Carene Kengeter. The petition for waiver was received by the SFWMD on June 6, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 26 on June 30, 2000. No public comment was received. This Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of the canal bank within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Carene Kengeter from suffering a violation of principles of fairness.

A copy of the Order can be obtained from Jan Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; Telephone (561)682-6299, or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-101 DAO-ROW), dated August 10, 2000 to Kenneth J. Miner. The petition for waiver was received by the SFWMD on June 5, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 26 on June 30, 2000. No public comment was received. This Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of the canal bank and which governs the minimum low member elevation of docking facilities within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with

the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Kenneth J. Miner from suffering a substantial hardship.

A copy of the Order can be obtained from Jan Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; Telephone (561)682-6299 or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-85 DAO-ROW), dated July 13, 2000 to Florida Power and Light Company. The petition for waiver was received by the SFWMD on May 5, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 21 on May 26, 2000. No public comment was received. This Order provides a waiver for the installation of 3.7 miles of overhead parallel transmission pole line inside the south right of way of the Hillsboro Canal, Palm Beach and Broward Counties. Specifically, the Order grants a waiver from Rule 40E-6.011(4), (5) and (6), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which requires a minimum forty foot setback from the top of bank within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent the Florida Power and Light Company from suffering a substantial hardship.

A copy of the Order can be obtained from Jan Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; Telephone (561)682-6299; or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-86 DAO-ROW), dated May 11, 2000 to Anthony Glenn Crane. The petition for waiver was received by the SFWMD on February 24, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 11 on March 17, 2000. No public comment was received. This Order provides a waiver for the placement of a temporary aluminum shed to encroach approximately 10' within the south right of way of L-62 at the rear of 6675 S. W. 9th Street, Okeechobee County.

Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of the canal bank within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Anthony Glenn Crane from suffering a substantial hardship.

A copy of the Order can be obtained from Jan Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; Telephone (561)682-6299, or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-88 DAO-ROW), dated July 13, 2000 to Audrey and Hugh L. Wood, Jr. The petition for waiver was received by the SFWMD on April 26, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 21 on May 26, 2000. No public comment was received. This Order provides a waiver for the existing fence enclosure encroaching 25' (to the top of the canal bank) within the north right of way of C-100A at the rear of 7430 S.W. 141st Terrace, Miami-Dade County. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of the canal bank within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Audrey and Hugh L. Wood, Jr. from suffering a violation of principles of fairness.

A copy of the Order can be obtained from Jan Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; Telephone (561)682-6299, or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2000-87 DAO-ROW), dated July 13, 2000 to Miami-Dade County Department Public Works. The petition for waiver was received by the SFWMD on May 5, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 21 on May 26, 2000. No public comment was received. This Order provides a waiver for the construction of two (2) temporary bridges crossing C-6 to facilitate the rehabilitation of the two historic bridges, and the proposed construction of a free-span pedestrian bridge located between both bridges, Miami-Dade County. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which provides for the minimum requirements for new bridges with regards to low member elevation, clearance above the optimum water surface, 25 foot clear center span opening, and 20 foot approach within Works of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Miami-Dade County Department Public Works from suffering a substantial hardship.

A copy of the Order can be obtained from Jan Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; Telephone (561)682-6299, or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Partially Granting and Partially Denying Application For Waiver and Order Granting Removal and Restoration under Section 120.542, Fla. Stat. (SFWMD 2000-108 DAO-ROW), dated August 9, 2000 to Seth Levy. The petition for waiver was received by the SFWMD on May 11, 2000. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 26, No. 24 on June 16, 2000. Petitioner was present for the Governing Board meeting and provided reasons why he believed he was entitled to the requested waiver. This Order provides a waiver for the existing boat ramp, buried electrical service with lights,

four citrus trees, four sabal palm trees, ornamental planting beds, and an existing ficus tree; and denies a waiver for an existing ficus tree, Palm Beach County. Specifically, the Order grants a waiver from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which prohibits trees within forty feet from top of bank within Works of the District except for the existing ficus tree located approximately 12' from top of bank. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as to all of the encroachments except for the ficus tree located approximately 12' from top of bank, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a partial waiver from the subject rule is necessary to prevent Seth Levy from suffering a substantial hardship.

A copy of the Order can be obtained from Jan Sluth at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; Telephone (561)682-6299, or e-mail jsluth@sfwmd.gov.

DEPARTMENT OF MANAGEMENT SERVICES

The Capitol Center Planning Commission hereby gives notice that it has received a Petition for Variance filed on August 29, 2000, by John W. Nation, AIA, on behalf of Petitioners, Florida Board of Regents and Kim Ball for the proposed Challenger Learning Center and IMAX Theatre to be located on the northeast corner of Kleman Plaza. The Petitioners are seeking a variance of Rules 60F-3.006(1)(b), 60F-3.006(1)(d), 60F-3.007(2)(d)2., and 60F-3.007(5)(e). With regard to Rule 60F-3.006(1)(b), the Petitioners are requesting a variance to allow the proposed use to be exempt from not being a permitted use. With regard to Rule 60F-3.006(1)(d), the Petitioners are requesting a variance to allow the proposed use to be exempt from a required step-back of 4'-0" at 50'-0" height. With regard to Rules 60F-3.007(2)(d)2., and 60F-3.007(5)(e), the Petitioners are requesting a variance to allow the proposed use to be exempt from required loading and unloading spaces and a loading platform or dock. The Commission will discuss this matter on September 26, 2000, at 9:30 a.m., or shortly thereafter at the City Hall, The Tallahassee Room, 300 S. Adams Street, Tallahassee, Florida. Written comments on this petition should be filed with Trent Price, Director, Capitol Center Planning Commission, Department of Management Services, 4030 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, within 14 days of publication of this notice.

For a copy of the petition, contact: Trent Price, Director, Capitol Center Planning Commission, at the above address or telephone (850)488-4739.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATIONS

The Board of Professional Surveyors and Mappers hereby gives notice that pursuant to section 120.542(2), Florida Statutes, it received a petition from Douglas Scott Gipson on August 15, 2000, seeking a variance from Rule 61G17-4.007, F.A.C., which stipulates an applicant is required to re-apply and pay the appropriate fee if the applicant fails to take the examination on two consecutive regularly scheduled examination dates. The Board will discuss this matter on September 21, 2000, at 9:00 a.m., or shortly thereafter, at Sheraton Suites, 4400 W. Cypress Street, Tampa, Florida 33607, (813)873-8675.

Comments on this petition should be filed with the Board of Professional Surveyors and Mappers, 1940 N. Monroe Street, Tallahassee Florida 32399-0750, within 14 days of publication of this notice.

For a copy of the petition, contact: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399.

The Board of Professional Surveyors and Mappers hereby gives notice that, pursuant to section 120.542(2), Florida Statutes, it received a petition from Richard Alan Welch on August 15, 2000. Petitioner is seeking a waiver from Rule 61G17-4.007, F.A.C., which stipulates an applicant is required to re-apply and pay the appropriate fee if the applicant fails to take the examination on two consecutive regularly scheduled examination dates. The Board will discuss this matter on September 21, 2000, at 9:00 a.m., or shortly thereafter, at Sheraton Suites, 4400 W. Cypress Street, Tampa, Florida 336907, (813) 873-8675.

Comments on this petition should be filed with the Board of Professional Surveyors and Mappers, 1940 N. Monroe Street, Tallahassee Florida 32399-0750, within 14 days of publication of this notice.

For a copy of the petition, contact: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399.

The Board of Professional Surveyors and Mappers hereby gives notice that, pursuant to section 120.542(2), Florida Statutes, it received a petition from Phillip Matthew Mould on August 14, 2000. Petitioner is seeking a waiver from Rule 61G17-4.007, F.A.C., which stipulates an applicant is required to re-apply and pay the appropriate fee if the applicant fails to

take the examination on two consecutive regularly scheduled examination dates. The Board will discuss this matter on September 21, 2000, at 9:00 a.m., or shortly thereafter, at Sheraton Suites, 4400 W. Cypress Street, Tampa, Florida 336907, (813)873-8675.

Comments on this petition should be filed with the Board of Professional Surveyors and Mappers, 1940 N. Monroe Street, Tallahassee Florida 32399-0750, within 14 days of publication of this notice.

For a copy of the petition, contact: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN that the Board of Psychology has issued an Order Granting the Petition for Variance of Rules as required by Section 120.542(8), F.S.

NAME OF PETITIONER: Shari L. Balter, Psy. D.

DATE THE PETITION WAS FILED: March 27, 2000

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 64B19-11.007(2), Florida Administrative Code provides for the closure of the file of any applicant who has not completed supervised experience within 18 months of notification of a passing score on either part of the examination.

PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Florida Administrative Weekly, Vol. 26, No. 15, April 14, 2000

DATE OF ORDER APPROVING THE VARIANCE OR WAIVER: June 29, 2000

GENERAL BASIS FOR AGENCY DECISION: Petitioner suffered a work-related injury that interfered with her ability to complete the required supervised experience within the mandated 18-month period. The Board determined that strict application of the rule would create a substantial hardship. Therefore, the Board granted Petitioner's request of a 7-month extension to complete her supervised experience.

A copy of the Petition and Order may be obtained by writing: Kaye Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN that the Board of Psychology has issued an Order Granting the Petition for Variance of Rules as required by Section 120.542(8), F.S.

NAME OF PETITIONER: Shari L. Balter, Psy. D.

DATE THE PETITION WAS FILED: March 27, 2000

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 64B19-11.007(2), Florida Administrative Code provides for the closure of the file of any applicant who has not completed supervised experience within 18 months of notification of a passing score on either part of the examination.

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GENERAL BASIS FOR AGENCY DECISION: Petitioner suffered a work-related injury that interfered with her ability to complete the required supervised experience within the mandated 18-month period. The Board determined that strict application of the rule would create a substantial hardship. Therefore, the Board granted Petitioner's request of a 7-month extension to complete her supervised experience.

A copy of the Petition and Order may be obtained by writing: Kaye Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department announces receipt of a petition filed August 28, 2000, pursuant to Section 120.542, Florida Statutes, from Highlands County to obtain a variance from certain Department rules regarding the Desoto City Landfill. Specifically, the petitioner has requested a variance from Rule 62-701.610(6), Florida Administrative Code (F.A.C.), which establishes the official date of closing for the landfill. The Petition for Variance is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Requests for copies or inspection should be made to Mary Jean Yon, Environmental Administrator at the above address.

The Department announces receipt of a petition filed August 11, 2000, pursuant to Section 120.542, Florida Statutes, from GLM and Associates, Inc., to obtain a variance from certain Department rules regarding the Wetappo Construction and Demolition Debris Landfill in Gulf County. Specifically, the petitioner has requested a variance from Rule 62-701.730(5), Florida Administrative Code (F.A.C.), which requires stormwater to be controlled in accordance with Chapter 62-25, F.A.C. The Petition for Variance is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Requests for copies or inspection should be made to Mary Jean Yon, Environmental Administrator at the above address.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that the Florida Housing Finance Corporation received on August 28, 2000, a petition from Three Rivers Housing Foundation, Inc., on behalf of Westover (HAP 98-003), seeking a waiver under section 120.542, Florida Statutes in connection with Applicant's 1998 HAP Construction Loan Program Application. The Waiver involves Rule 67-44.001(14)(b), Florida Administrative Code, which describes an "Eligible Borrower means, with respect to the Permanent Loan, a person or persons or family or families whose total annual family income at time of closing does not exceed 50 percent of the state or local median income, adjusted for family size whichever is greater." The petition has been assigned case number HAPC 2000-001.

Copies may be obtained from, and written comments submitted to Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Attn: Mark Kaplan, Executive Director. Comments must be received within 14 days from the date of publication of this notice.

Section VI
Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Board of Trustees of Northeast Florida Preservation, Inc., the citizens' support organization for the St. Augustine Regional Preservation Office, **Division of Historical Resources** announces a meeting to which all interested parties are invited.

DATE AND TIME: September 22, 2000, 1:30 p.m.

PLACE: City Hall, Town of Welaka, 400 4th Avenue, Welaka, Florida

PURPOSE: Quarterly meeting.

The **Department of State, Division of Cultural Affairs** announces the following public meetings, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Monday, September 18, 2000, 9:00 a.m.

PLACE: Leon County Health Department, Conference Room, 2nd Floor, 2965 Municipal Way, Tallahassee, FL 32304-3800, (850)487-7954

PURPOSE: To hold a Slide Review meeting to select artwork for Art in State Buildings Project No. DOH 9620/9300, Leon County Health Department, Tallahassee, Florida.

COMMITTEE: Art Selection Committee

DATE AND TIME: Thursday, September 21, 2000, 10:00 a.m.

PLACE: Brownette Building, 4080 Woodcock Drive, Suite 210, Conference Room, Jacksonville, FL 32207, (904)348-2651

PURPOSE: To hold a Slide Review meeting to select artwork for Art in State Buildings Project No. DOH 9620/8100, Jacksonville Children's Medical Services, Duval County, Florida.

COMMITTEE: Art Selection Committee

DATE AND TIME: Tuesday, September 26, 2000, 10:00 a.m.

PLACE: Carrabelle Health Department, 105 Fifth Street, Carrabelle, FL 32322, (850)697-4121

PURPOSE: To hold a Slide Review meeting to select artwork for Art in State Buildings Project No. DOH 9730/9550, Franklin County Health Department, Apalachicola, Florida.

COMMITTEE: Art Selection Committee

DATE AND TIME: Thursday, September 28, 2000, 10:30 a.m.

PLACE: Duval County Health Department, Conference Room A, 515 West 6th Street, Jacksonville, FL 32210, (904)630-3229

PURPOSE: To hold a Slide Review meeting to select artwork for Art in State Buildings Project No. DOH 9620/9400, Duval County Health Department, West Jacksonville, Florida.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

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 Kirby Mole, (850)487-2980, Ext 133. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Annual Report Committee of the **Florida Commission on the Status of Women** will hold a conference call on:

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

PLACE: Please call (850)414-3300, for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation due to a disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, PL-01 The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF BANKING AND FINANCE

The **Funeral and Cemeteries Legislative Advisory Board** and its committees announce a public meeting and all persons are invited to attend.

Care and Maintenance Trusting Rate Committee

Internet Sales/Advertising Committee

Pre-Need Trusting Rate Committee

Advisory Board Meeting

DATE AND TIME: September 26, 2000, 8:30 a.m. – 5:00 p.m.

PLACE: Room S37, Senate Office Bldg., 404 S. Monroe Street, Tallahassee, Florida

PURPOSE: Discussion of final proposed amendments to Chapter 497.

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, (850)410-9898.

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)410-9898, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Gladys Hennen via the Florida Relay Service, 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 Agricultural Environmental Services** announces a workshop meeting of the Emergency Aerial Pesticide Rule Working Group, to which all persons are invited:

DATE AND TIME: September 20, 2000, 1:00 p.m.

PLACE: Department of Environmental Protection, Southwest District Office, Conference Room A & B, 3804 Coconut Palm Drive, Tampa, Florida 33619-1352, (813)744-6100, Ext. 424

PURPOSE: To provide input to the Department dealing with proposed rules to implement Section 593.21, Florida Statutes.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To develop standards for determining when the use of a particular pesticide should be discontinued in connection with an emergency aerial plant pest treatment program in an urbanized area.

A copy of the agenda may be obtained by contacting: Mr. Steven J. Rutz, Director, Division of Agricultural Environmental Services, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Admin. Building, Room 129, Tallahassee, Florida 32399-1650, (850)488-3731.

The Florida **Department of Agriculture and Consumer Services** announces the Florida Agriculture Center and Horse Park Authority Meeting:

DATE AND TIME: Tuesday, September 19, 2000, 10:00 a.m.
 PLACE: Florida Power Corporation Office, 800 Highpoint Center, Tallahassee, Florida
 PURPOSE: Executive Board Meeting. To conduct the general business of Florida Agriculture Center and Horse Park.
 For additional information or if you need special accommodations, call Bruce Piatek, (904)446-7630.

The **Department of Agriculture and Consumer Services** announces a meeting of the Plant City State Farmers' Market Advisory Committee:

DATE AND TIME: Tuesday, September 26, 2000, 11:20 a.m.
 PLACE: Plant City State Farmers' Market, Managers Office, 1305 W. Martin Luther King Blvd., Ste. 5, Plant City, Florida 33566
 PURPOSE: To introduce new members of the committee and election of Chairman. Discuss and review the budget, examine operational procedures, maintenance and construction projects and to conduct other business as necessary.
 A copy of the agenda may be obtained from Melt Godwin, Regional Supervisor.
 If special accommodations are needed due to a disability, please call (813)757-9027.

The **Department of Agriculture and Consumer Services, Division of Consumer Services** announces a meeting of the Florida Motor Vehicle Repair Advisory Council.

DATE AND TIME: Thursday, September 28, 2000, 1:30 p.m.
 PLACE: City Centre Conference Room, 227 North Bronough Street, Suite 7200, Tallahassee, Florida 32301-1329
 PURPOSE: To advise and assist the Department in carrying out its administrative duties under the Florida Motor Vehicle Repair Act.
 For more information, please contact: Mrs. Jamie Ezell, (850)410-3769, or 1(800)HELP-FLA, Division of Consumer Services, 227 N. Bronough Street, Tallahassee, Florida 32301-1329.
 If special accommodations are needed, please call this office by Monday, September 18, 2000.

DEPARTMENT OF EDUCATION

The **Department of Education** announces a meeting of the Governor's Equity in educational Opportunity task force to which all interested persons are invited.
 DATES AND TIMES: September 17, 2000, 1:00 p.m. – 5:00 p.m.; September 18, 2000, 8:30 a.m. – 5:00 p.m.

PLACE: Valencia Community College, The McCoy Center, Room 108 and 110, 8503 Deatwyler Road, Orlando, Florida 32827

PURPOSE: To conduct general business necessary for the task force to develop findings and recommendations for the Governor, the president of the Senate and Speaker of the House.
 For additional information call: The Office of Policy Research and Accountability, (850)488-1611, Suncom 278-1611.

The **Board of Regents** of the State University System of Florida announces a meeting to which the public is invited. This meeting will be held to negotiate the 2001-2002 Reopener Agreement between the Board of Regents and the Florida Public Employees Council 79, American Federation of State, County and Municipal Employees (AFSCME).

DATE AND TIME: September 18, 2000, 9:30 a.m. – 3:30 p.m.
 PLACE: Florida Education Center, Room 1706, 325 West Gaines Street, Tallahassee, Florida
 The Board welcomes participation from any interested members of the public.
 Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity Programs, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The **Florida State University** announces the following public meeting, to which all persons are invited:

COMMITTEE: Art in State Buildings; Art Selection Committee
 DATE AND TIME: September 15, 2000, 10:00 a.m.
 PLACE: Conference Room, International Student Union, 107 Wildwood Drive, Florida State University, Tallahassee, FL 32306
 PURPOSE: To hold a Slide Review meeting for Art in State Buildings Project # 222, FSU, Student Life Building, Tallahassee, Florida State University.
 For more information or to obtain a copy of the agenda, please contact: Diane Greer, Director of Cultural Resources, Florida State University, 216 Westcott, Tallahassee, FL 32306-1350. Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review.
 This meeting will not be taped by Florida State University. 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 Diane Greer, (850)644-1001. If you are hearing or speech impaired, please contact the agency by calling (850)644-1001.

The **Department of Education**, Lieutenant Governor Frank T. Brogan announces a business meeting and public hearing of the Task Force on the Availability and Affordability of Long-Term Care (HB 1993).

DATE AND TIME: September 18, 2000, 9:00 a.m. – 6:00 p.m. (9:00 a.m. – 12:30 p.m., Business Meeting; 2:00 p.m. – 6:00 p.m., Public Hearing)

PLACE: Wolfe University Center Ballroom, Florida International University, 3000 N. E. 151st St., North Miami, Florida, (305)919-5912

PURPOSE: To hold the third business meeting and second public hearing of the Task Force.

Procedures for public hearing: Speakers will be heard on a first come, first served basis. Sign-up sheet will be available at 1:30 p.m. on September 18th. No reservations for speaking will be taken prior to that time. Speakers will have 3 minutes maximum for their presentation. Follow-up questions from the 19-member task force may be asked. Public testimony will be taped and transcribed.

Contact: Jennifer R. Salmon, Project Coordinator, (813)974-6873.

The **Postsecondary Education Planning Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, September 21, 2000, 9:00 a.m. – 4:00 p.m.

PLACE: Sheraton Ft. Lauderdale Airport Hotel, 1825 Griffin Road, Dania, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission and its committees will make recommendations for 2000-2001 Critical Job Initiative grants and review postsecondary education budget requests for 2001-2002. The Commission and its committees will address other ongoing assignments and responsibilities.

For further information contact: Dr. William B. Proctor, Executive Director, Postsecondary Education Planning Commission, Tallahassee, Florida 32399-0400, (850)488-7894.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Governor's Growth Management Study Commission** announces the following meeting to which all interested parties are invited:

DATES AND TIME: Wednesday and Thursday, September 13-14, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Hillsborough County Center, 601 East Kennedy Boulevard, 26th Floor, Tampa, Florida

PURPOSE: The Commission will continue to discuss issues related to Growth Management in Florida and hear from invited speakers.

A copy of the agenda and other information regarding the meeting and the Commission may be obtained at the Internet address: www.floridagrowth.org. Anyone who does not have access to the web site may request the information in an alternative format by calling the Commission's toll free hotline, 1(877)429-1296.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact Tammy Anderson at least seven days before the date of the meeting.

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

The **Florida Building Commission** announces the following meetings to which all persons are invited. The meetings will be held at:

MEETING: Mechanical Technical Advisory Committee

DATE AND TIME: September 17, 2000, 3:00 p.m.

MEETING: Product Approval Ad Hoc Committee; Plumbing Technical Advisory Committee Forum on Pool Drains

DATE AND TIME: September 18, 2000, 8:00 a.m.

MEETING: Plenary Session of the Commission

DATE AND TIME: September 18, 2000, 1:00 p.m.

PURPOSE: To review and approve the August 2000 Commission meeting minutes, the September 2000 Commission agenda and the Commission's workplan; Product Approval Ad Hoc progress report; Mechanical Technical Advisory Committee report; Code Dissemination Ad Hoc report and recommendations; reports and recommendations of the legal staff to the Commission; and receiving public comment on building code effectiveness.

MEETING: Plenary Session of the Commission

DATE AND TIME: September 19, 2000, 8:00 a.m.

PURPOSE: Consideration of additional changes/modifications to the proposed building code rule to hold a closed session to review proposed settlement of rule challenge; consideration of changes to the fiscal impact form; and to review assignments for next month.

PLACE: Sheraton Gainesville, 2900 S. W. 13th Street, Gainesville, Florida, (352)377-4000

A copy of the Committee and Commission meeting agendas may be obtained by sending a request in writing: Jean Easom, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436 or looking on the web site at www.dca.state.fl.us/fhcd/fbc.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Jean Easom at the Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The **Department of Law Enforcement, Medical Examiners Commission** announces a Medical Examiners Commission Meeting.

DATE AND TIME: Wednesday, October 25, 2000, 1:00 p.m.

PLACE: The Jupiter Beach Resort, 5 North A1A, Jupiter, Florida, 33477-5190, (561)746-2511

PURPOSE: Medical Examiners Commission Meeting.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Medical Examiners Commission Office, (850)410-8300, at least five (5) working days prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person is responsible for ensuring that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information or a copy of the agenda may be obtained by contacting: Mr. Dale H. Heidman, Forensic Coordinator, Criminal Investigation and Forensic Science Program, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8300.

DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a briefing session to which all persons are invited:

DATE AND TIME: September 19, 2000, 10:00 a.m. – 11:00 a.m.

PLACE: Department of Transportation, Room 207, 605 Suwannee Street, Tallahassee, Florida

PURPOSE: Briefing Session for Commissioners by KPMG Consulting LLC concerning an organizational study of the Florida Department of Transportation.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this briefing session is asked to advise the Commission at least 48 hours before the briefing session by contacting Cathy Goodman, (850)414-4105.

NOTICE OF RULE DEVELOPMENT WORKSHOP – Notice of the proposed rule development was published in Florida Administrative Weekly, Vol. 26, No. 33, dated August 18, 2000 for Rule 14-26.008 – Schedule of Fees and 14-26.01311 – Permits to Move Sealed Cargo Loads.

A rule development workshop has been requested by AAA Auto Club South.

The rule development workshop is scheduled as follows:

DATE AND TIME: October 4, 2000, 9:00 a.m.

PLACE: Secretary's Conference Room, Executive Suite, Fifth Floor, 605 Suwannee Street, Tallahassee, Florida

SUBJECT AREA TO BE ADDRESSED: The references to "sealed containerized" loads in Rules 14-26.01311 and 14-26.008 are changed to read "sealed cargo loads." The special provisions relating to these types of sealed cargo loads are being amended.

The **Department of Transportation**, District 7 announces sealed bids will be received in Conference Room (B-1) of the District Seven, Florida Department of Transportation Headquarters Building, 11201 North McKinley Drive, Tampa, Florida 33612, until 2:30 p.m., Local Time on Wednesday, November 8, 2000, for the work described below:

Bids will be publicly opened and read aloud on:

DATE AND TIME: November 8, 2000, 2:30 p.m. (local time)

PLACE: Conference Room (B-1) of the Florida Department of Transportation Headquarters Building, 11201 North McKinley Drive, Tampa, Florida 33612

Request for Specifications, and/or Bid Documents should be directed: John D. Ellis, District Contracts Administrator, 11201 North McKinley Drive, Tampa, Florida 33612, (813)975-6036. Proposal documents will not be issued after 10:00 a.m., Local Time, on November 6, 2000. Bids must be submitted in full accordance with the requirements of the Specifications, Bidding Conditions, and Contractual Conditions, which may be obtained from the District Seven Contracts Office.

FINANCIAL PROJECT NUMBER: 259075 1 52 01 DCN: U-7903

The Project consists of Office Additions, New Motor Pool, and Carpentry Shop Upgrade at the Tampa Maintenance Office. This is a Design-Build Project.

BIDDER QUALIFICATION REQUIREMENTS:

Bidder qualification requirements are established: By Rule Chapters 14-91, 14-75, Florida Administrative Code, and by the conditions of bid as set forth in the specifications. Failure

of the bidder to strictly meet and follow all such requirements and procedures may result in bid rejection or disqualification of the bidder from eligibility for contract award.

Concerning adherence to the provisions of Rule Chapter 14-75, Florida Administrative Code, the design consultant member of the Design-Build Team must be pre-qualified in Work Group 14.0 (Architect) at time of bid submission.

In Addition, the construction contractor member of the Design-Build Team must also meet the following requirements by providing the information requested below with his bid submission.

1. The Bidder must provide any history of contract crime, which exists relative to illegal actions, committed either by the applicant himself or by any of his affiliates, and then present any legal documentation that has since vacated those charged in regard to those crimes.
2. The Bidder must provide a copy of a valid contractors license issued by either the State of Florida or by the County in which the work is to be accomplished.
3. The Bidder must provide an approved letter of credit from a reputable financial institution written in the amount of 20% of his bid figure.
4. The Bidder must provide a letter certifying that the construction contract member of the Design-Build Team is not currently delinquent or has been delinquent on any contract previously awarded by the Department. If a delinquency has occurred, an explanation as to resolution shall be included.

Rule Section 14-75.0022 (3)(a) provides information on how to obtain the Request for Qualification Package for Professional Consultants. Specifically, Professional Consultants or their related firms who desire to obtain qualifications with the Department shall submit a Request for Qualification Package for Professional Consultants, Form No. 375-030-01, Rev. 05/96. A Request for Qualification Package for Professional Consultants, Form No. 375-030-01, Rev. 05/96, may be obtained from the Contractual Services Office, MS 20, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

The forms can be downloaded from the Florida Department of Transportation Internet site:

www.dot.state.fl.us/cc-srvcs/csp/pubsmenu.html.

For any other questions call Contractual Services Office: Ms. Lorraine Odom, (850)414-4485

MANDATORY PRE-BID MEETING: A Mandatory Pre-bid Meeting is not scheduled for this project.

BID BOND: If a bid on a project exceeds \$100,000, the bidder must provide with the bid a good faith deposit in the amount of 5% of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as a surety, a certified check made payable to Florida Department of Transportation, a cashier's check, treasurer's check, or bank draft of any national or state bank. A bid bond, check, or draft in an amount less than 5% of the actual bid will invalidate the

bid. Bid bonds shall conform to DOT Form 375-020-09 furnished with the proposal forms. For bids over \$100,000, a letter of intent to provide a Performance Bond in an amount equal to 100% of the Bid Amount will be required at the time of Bid.

PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND: If the contract award amount exceeds \$100,000, a Performance Bond and a Labor and Material Payment Bond for the full award amount will be required.

BID POSTING: Unless otherwise notified in writing, the Summaries of Bids and Notices of Intent To Award will be posted in the main lobby of the District Seven Headquarters Building, Florida Department of Transportation, 11201 North McKinley Drive, Tampa, Florida 33612, 2:30 p.m. on November 29, 2000. In the event that the Summary of Bids and Notice of Intent To Award cannot be posted on this date, then all bidders will be notified by certified mail or express delivery, return receipt requested. Information concerning the posted projects can be obtained by calling the District Contracts Office, (813)975-6036, during the posting period.

THE DEPARTMENT RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS.

BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS: Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by Certified Mail or Express Delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Sections 120.569 and 120.57, Florida Statutes. For an action protesting a bid solicitation for which bidders are not required to be prequalified by the Department to be eligible to bid, the bond should be \$2,500. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32339-0458. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

The Department reserves the right to reject any or all bids.

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: September 19, 2000, 1:00 p.m., Committee Meetings; September 20, 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: 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, (863)499-2510.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 20, 2000, 8:30 a.m.

PLACE: Park Trammel Building, 1313 North Tampa Street, Rm. 605, Tampa, Florida

PURPOSE: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, telephone (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 000649-TP – Petition by MCImetro Access Transmission Services LLC and MCI WorldCom Communications, Inc. for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. concerning interconnection and resale under the Telecommunications Act of 1996.

DATE AND TIME: September 18, 2000, at the conclusion of the RTO workshop, but no earlier than 2:00 p.m.

PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida
PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: September 25, 2000, 9:30 a.m.

PLACE: Room 140, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission through the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

**In the event of a scheduling conflict, this meeting may be moved to September 26, 2000, immediately following the Commission Conference, in Room 148.

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: September 26, 2000, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, FAC.), by contacting the Division of Records and Reporting, (850)413-6770 or writing to the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

The Florida **Public Service Commission** announces a Hearing and Prehearing Conference to be held in the following docket, to which all interested persons and parties are invited to attend. Docket No. 000108-GU – Request for rate increase by Florida Division of Chesapeake Utilities Corporation.

DATES AND TIMES: Hearing, Monday, October 16, 2000, 9:30 a.m.; Prehearing Conference, Thursday, September 28, 2000, 1:30 p.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider the request for a rate increase by the Florida Division of Chesapeake Utilities Company and to consider any other matters as the Commission may deem appropriate. The purpose of the Prehearing Conference is to: (1) simplify the issues; (2) identify the parties' positions on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the case.

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

The Florida **Public Service Commission** announces that the prehearing conference and hearing in the following docket have been rescheduled as set forth in this notice. All interested persons are invited to attend.

Docket No. 000442-EI – Petition for Determination of Need for the Osprey Energy Center by Calpine Construction Finance Company, L.P.

PREHEARING

DATE AND TIME: November 3, 2000, 1:00 p.m.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at the prehearing conference because of a physical impairment should call the Division of Records and Reporting, (850)413-677, at least 48 hours prior to the prehearing conference. If you are hearing or speech impaired, please contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

HEARING

DATES AND TIME: November 29-30, 2000; December 1, 2000, 9:30 a.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

PURPOSE: To take final action to determine the need, pursuant to Sections 403.501-.519, Florida Statutes (1999), for the construction of an electric power plant and related facilities in Polk County, Florida. This proceeding shall: (1) allow Calpine Construction Finance Company, L.P., to present evidence and testimony in support of its petition for a determination of need for its proposed plant and related facilities in Polk County, Florida; (2) permit any intervenors to present testimony and exhibits concerning this matter; (3) permit members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and (4) allow for such other purposes as the Commission may deem appropriate. Any member of the public who wishes to offer testimony should be present at the beginning of the hearing. By providing public testimony, a person does not become a party to the proceeding. To become an official party of record, you must file a Petition for Intervention at least five days before the final hearing, pursuant to the requirements contained in Rule 25-22.039, Florida Administrative Code. All witnesses shall be subject to cross-examination at the conclusion of their testimony. The

hearing will be governed by the provisions of Chapter 120, Florida Statutes; Section 403.519, Florida Statutes; and Chapters 25-22 and 28-106, Florida Administrative Code.

Only issues relating to the need for the power plant and its associated facilities will be heard at the November 29, 30, and December 1, 2000, hearing. Separate public hearings will be held before the Division of Administrative Hearings to consider environmental and other impacts of the proposed plant and associated facilities as required by the "Florida Electrical Power Plant Siting Act," Sections 403.501-.518, Florida Statutes.

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

EXECUTIVE OFFICE OF THE GOVERNOR

The **Education Governance Reorganization Transition Task Force** announces the following public meeting to which all persons are invited:

DATES AND TIMES: Wednesday, September 13, 2000, 10:30 a.m. – 5:00 p.m.; Thursday, September 14, 2000, 8:30 a.m. – 12:00 Noon

PLACE: Room 37, Senate Office Building, Tallahassee, FL

PURPOSE: This is the first meeting of the Transition Task Force.

A copy of the agenda may be obtained one week prior to the meeting by contacting the Transition Task Force, in writing: The Capitol, Room 1502, Tallahassee, FL 32399 or by telephone, (850)488-4512.

The **Executive Office of the Governor** announces the Task Force on Victims of Self-Inflicted Crimes meeting to which all persons are invited:

MEETING: Task Force on Victims of Self-Inflicted Crimes

DATE AND TIME: September 18, 2000, 10:00 a.m. – 12:00 Noon

PLACE: Wakulla Springs Lodge, Conference Room, 550 Wakulla Park Drive, Wakulla Springs, FL 32305

PURPOSE: To review the problems associated with victims of self-inflicted crimes.

A copy of the agenda may be obtained by writing: Brad Thomas, Public Safety Policy Unit, Office of Planning and Budgeting, Room 1502, The Capitol, Tallahassee, Florida 32399-0001.

Anyone requiring a special accommodation to participate in this meeting is requested to advise the Executive Office of the Governor at least 5 workdays before the meeting by contacting Brad Thomas or Sarah Collins, (850)922-4020.

The Florida Partnership for School Readiness, **Executive Office of the Governor** announces a public meeting of the Study Commission on Children with Developmental Delays, to which all persons are invited.

DATE AND TIMES: September 19, 2000, Commission Meeting, 9:00 a.m. – 4:00 p.m.; Pubic Hearing, 5:00 p.m. – 7:00 p.m.

PLACE: Miami, FL (specific location TBA)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Study Commission on Children with Developmental Delays.

A copy of the agenda may be obtained by contacting: Kristin Gilmore, Florida Partnership for School Readiness, Executive Office of the Governor, Room 251, Holland Building, Tallahassee, Florida 32399, (850)488-0337.

REGIONAL PLANNING COUNCILS

The **Withlacoochee Regional Planning Council** announces an Executive Committee meeting to which all persons are invited.

DATE AND TIME: Thursday, September 28, 2000, 6:30 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To handle administrative matters pertaining to the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Withlacoochee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 28, 2000, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

REGIONAL TRANSPORTATION AUTHORITIES

The **Central Florida Regional Transportation Authority (LYNX)** announces the following public meeting of the Governing Board of the Authority to which all persons are invited.

DATE AND TIME: September 21, 2000, 2:30 p.m.
 PLACE: Educational Leadership Center, Board Room, 1st Floor, 445 W. Amelia Street, Orlando, FL 32801
 PURPOSE: Regularly Scheduled Board Meeting.
 AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order.
2. Approval of Minutes.
3. Recognition Items (if any).
4. Action Items.
 - Action Consent (without discussion).
 - Action Discussion (with discussion).
5. Work session (presentations).
6. Executive Director's Report.
7. Information Items.
8. Other Business.

A copy of the detailed agenda may be obtained by contacting: Carol Frahn, Assistant Secretary, Central Florida Regional Transportation Authority, 445 W. Amelia Street, Suite 800, Orlando, Florida 32801, (407)841-2279.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans With Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Ron Jones, (407)841-2279, at least 48 hours before the meeting. If hearing impaired, contact the Authority, (407)423-0787 (TDD).

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Department of Labor and Employment Security, Division of Workers' Compensation** announces the following meeting of the Workers' Compensation Task Force to which the public is invited. The task force has been formed for review of the workers' compensation system.

DATE AND TIME: Wednesday, September 27, 2000, 1:00 p.m. – 5:00 p.m.

PLACE: The Peabody Hotel, 9801 International Drive, Orlando, FL 32819 (meeting location will be provided at the hotel)

PURPOSE: Hold the first meeting of the task force to establish the goals for completion of the final report. Persons planning to attend are asked to call Jacki Lawhon, (850)922-8062, by close of business September 20, 2000.

Persons with a disability or handicap requiring reasonable accommodations should contact Jacki Lawhon in writing: 2728 Centerview Drive, Suite 302, Forrest Building, Tallahassee, Florida 32399-0682, or by phone at least three business days in advance to make appropriate arrangements. If you are hearing or speech impaired, please contact Jacki Lawhon using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a Northern Region Recreation Advisory Council meeting to which all persons are invited. The meeting is scheduled for:

DATE AND TIMES: Tuesday, September 19, 2000, 9:30 a.m. – 4:00 p.m. (MEETING: 9:30 a.m. – 12:00 Noon; TOUR: 1:00 p.m. – 4:00 p.m.)

PLACE: Bayard Conservation Area, J.P. Hall Lodge, 103 Bayard Rd., Green Cove Springs, FL

PURPOSE: To discuss recreation on District lands in the Northern Region.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

NOTE: If any person decides to appeal any decision with respect to any matter considered by the St. Johns River Water Management District's Governing Board, such person may need to ensure that a verbatim record of the meeting is made to include the testimony and evidence upon which appeal is to be based.

The **St. Johns River Water Management District** announces the following public meeting to which all persons are invited:

MEETING: Water Supply Planning Public Supply Utilities Subgroup

DATE AND TIME: Thursday, September 21, 2000, 1:30 p.m.

PLACE: Lake County Administration Building, Training Room, 315 W. Main Street, Tavares, FL

PURPOSE: The St. Johns River Water Management District (SJRWMD) is preparing to begin the facilitated regional decision-making process that is described in the SJRWMD District Water Supply Plan. As part of this process, the District will strive to maximize decision-oriented discussions between public supply utilities. This meeting is the first meeting of the Northern Lake and Southern Marion counties Public Supply Utilities Subgroup. Representatives of St. Johns River Water Management District. will be present.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is requested to advise the District at least 48 hours before the hearing by contacting Carol Taylor, (904)329-4170. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** announces the following public meeting to which all persons are invited:

MEETING: Water Supply Planning Public Supply Utilities Subgroup

DATE AND TIME: Friday, September 22, 2000, 1:30 p.m.

PLACE: City of Sanford, City Hall Recreation Room, 300 North Park Avenue, Sanford, FL

PURPOSE: The St. Johns River Water Management District (SJRWMD) is preparing to begin the facilitated regional decision-making process that is described in the SJRWMD District Water Supply Plan. As part of this process, the District will strive to maximize decision-oriented discussions between public supply utilities. This meeting is the first meeting of the Seminole County Public Supply Utilities Subgroup. Representatives of St. Johns River Water Management District. will be present.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is requested to advise the District at least 48 hours before the hearing by contacting Carol Taylor, (904)329-4170. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** announces the following public meeting to which all persons are invited:

MEETING: Water Supply Planning Public Supply Utilities Subgroup

DATE AND TIME: Tuesday, September 26, 2000, 1:30 p.m.

PLACE: Orlando Utilities Commission Gardenia Facility, 3800 Gardenia Avenue, Orlando, FL

PURPOSE: The St. Johns River Water Management District (SJRWMD) and the South Florida Water Management District are preparing to begin the facilitated regional decision-making process that is described in the SJRWMD District Water Supply Plan. As part of this process, the Districts will strive to maximize decision-oriented discussions between public supply utilities. This meeting is the first meeting of the Southern Lake, Osceola, Orange and Polk Counties Public Supply Utilities Subgroup. Representatives of St. Johns River Water Management District, South Florida Water Management District and Southwest Florida Water Management District will be present at this meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is requested to advise the District at least 48 hours before the hearing by contacting Carol Taylor, (904)329-4170. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **South Florida Water Management District** announces a public meeting of the Miami-dade County Lake Belt Plan Implementation Committee to which all interested parties are invited:

DATE AND TIME: September 20, 2000, 10:00 a.m.

PLACE: South Florida Water Management District, Miami Field Station, 9001 N. W. 58th Street, Miami, Florida

PURPOSE: To discuss the Lake Belt Phase II Detailed Master Plan, including wellfield protection, mitigation for rock mining, hydrologic modeling, non-mining mitigation and other issues.

A copy of the agenda may be obtained by writing South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any Miami-Dade County Lake Belt Plan Implementation Committee decision require a record of the proceedings. Affected persons are advised it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact the Project Manager, Jim Jackson, (561)682-6334.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: September 20, 2000, 10:00 a.m. – 4:00 p.m.

PLACE: Governing Board Chambers, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: To discuss and take public comment on recent operations under the WSE regulation schedule for Lake Okeechobee, including public comment on operations for future operations, with emphasis on the next 3 month period.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact the agency by calling (561)697-2574.

For more information, contact Julie Jennison, Legal Research Assistant, (561)682-6294.

The **South Florida Water Management District** announces a special public workshop/meeting which may be conducted by means of or in conjunction with communications technology, specifically by telephonic conference, to which all interested parties are invited:

DATE AND TIME: October 2, 2000, no earlier than 10:00 a.m.

PLACE: Fort Myers Service Center, 2301 McGregor Blvd., Fort Myers, Florida

PURPOSE: Southwest Florida Feasibility Study and other District matters of local interest.

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: Darryl Bell, Governing Board, Business Operations Coordinator, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680, (561)682-2529.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIMES: October 3, 2000, 8:15 a.m. – 5:00 p.m.; October 4, 2000, 8:30 a.m. – 4:30 p.m.; October 5, 2000, 8:30 a.m. – 5:00 p.m.; October 6, 2000, 8:30 a.m. – 2:00 p.m.

PLACE: Crowne Plaza Hotel, Atrium Room, 1601 Belvedere Road, West Palm Beach, Florida

PURPOSE: 2001 Everglades Consolidated Report. Peer Review and Public Workshops.

Tentative Agenda includes:

October 3 (Morning Session) – Introduction, EFA Program Status, Goals and Resources, October 3 (Afternoon Session) – EFA Support, Water Supply Planning and the Comprehensive Everglades Restoration Plan.; October 4 – Workshop on Everglades Ecology: Responses to Phosphorus Enrichment and Altered Hydrology.

October 5 – Workshop on Water Quality and Mercury in the Everglades Protection Area, Technical Presentations and Discussion on Mercury in the Everglades and other Water Quality Issues; October 6 – Panel Working Session.

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 of the meeting to make appropriate arrangements.

Those who desire more information may contact Garth Redfield, (561)682-6611, redfiel@sfwmd.gov or Linda Davis, (561)682-6205, ldavis@sfwmd.gov.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIMES: October 3, 2000; October 10, 2000; October 17, 2000; October 24, 2000; October 31, 2000, 1:00 p.m. – 1:30 p.m.

PLACE: B-1 Building, LMD-B Conference Room (Egret Room), 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: The Appraisal Review Committee will hold its regular meeting to discuss appraisal issues and, if necessary, select an appraiser from proposals received on upcoming appraisal assignments.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Kenneth Daw, Chief Appraiser, (561)682-6737.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a meeting of the End-of-Life Care Workgroup to which all interested parties are invited.

DATE AND TIME: Friday, September 22, 2000, 10:00 a.m. – 3:00 p.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, FL 32399-7000

PURPOSE: To examine end-of-life care reimbursement methodologies, identify end-of-life care standards, and develop recommendations for incentives for appropriate end-of-life care as required by Chapter 2000-295, Section 16, Laws of Florida.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Macdonald, (850)414-2113, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Linda Macdonald, Department of Elder Affairs, 4040 Esplanade Way, Room 325C, Tallahassee, FL 32399-7000.

The **State Long-Term Care Ombudsman Council** announces the following calls to which all persons are invited:

COMMITTEE: Ways and Means

DATES AND TIME: September 14, 2000; October 18, 2000, 9:30 a.m. – 10:00 a.m.

COMMITTEE: Policy and Procedures

DATES AND TIME: September 14, 2000; October 12, 2000, 9:00 a.m. – 11:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to the Long-Term Care Ombudsman Program. You may contact the office of the Long-Term Care Ombudsman, (850)488-6190, for more information.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** is scheduling public meetings, to which all persons are invited, to address issues related to Medicaid managed behavioral health care expansion authorized by the Florida Legislature in CS/HB 1129. The meeting for Medicaid Area One (Escambia, Okaloosa, Santa Rosa, and Walton Counties) will be held at the following date, time, and location.

DATE AND TIME: September 20, 2000, 1:00 p.m. (Central Time)

PLACE: The Pensacola Civic Center, Second Floor, 201 East Gregory Street, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is for the Agency to meet with providers, consumers and other stakeholders to answer questions, hear concerns, and obtain recommendations for implementation of the requirements of the legislation.

QUESTIONS SHOULD BE DIRECTED TO: Wendy Smith, Behavioral Health Care Unit, Medicaid Program Development, Agency for Health Care Administration, 2728 Mahan Drive, Building 3, Tallahassee, FL 32308, (850)488-8711, Fax (850)414-1721.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN that the **Information Service Technology Development Task Force** will hold a one-day meeting. The public is invited to attend.

DATE AND TIME: September 28, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Seminole Community College, 100 Weldon Blvd., Sanford, FL 32773

PURPOSE: To carry out the legislative mandate of the Task Force and further develop, promote, and enhance Information Technology in Florida. The Task Force will be working on the further development of policy recommendations for the annual legislative report.

For additional information, contact: Tina Watts, itflorida.com, 501 S. Calhoun Street, 318 Carlton Building, Tallahassee, Florida, 32399-6548, or telephone (850)410-0850.

The **State of Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: September 18-19, 2000, 8:30 a.m.

PLACE: Fort Lauderdale Airport Hilton, 1870 Griffin Road, Dania, 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 decides 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, upon which the appeal is to be based.

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, 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

The **Florida Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Monday, September 18, 2000, 2:00 p.m.

PLACE: Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149. The meet-me telephone number is (850)921-2548 or Suncom 291-2548

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regular meeting of the commission. Items to be discussed will include general administrative issues.

A copy of the agenda may be obtained by contacting: Ms. Sharon Moultry, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, (850)488-7082, Ext.1036.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA Notice: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext.1036, at least five working days prior to the meeting.

The **Florida Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Wednesday September 20, 2000, 2:00 p.m.

PLACE: Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149. The meet-me telephone number is (850)921-2548 or Suncom 291-2548

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regular meeting of the commission. Items to be discussed will include general administrative issues.

A copy of the agenda may be obtained by contacting: Ms. Sharon Moultry, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, (850)488-7082, Ext. 1036.

VERBATIM RECORD OF MEETING: If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA Notice: Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1036, at least five working days prior to the meeting.

The **State Technology Office**, State of Florida announces a public meeting to which all persons are invited.

DATE AND TIME: September 20, 2000, 10:00 a.m. – 11:30 a.m.

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

PURPOSE: Regular Meeting of the Chief Information Officers' Council.

A copy of the agenda may be obtained upon request to: State Technology Office, Room 335, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0001, (850)410-4777.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIME: September 27, 2000, 9:00 a.m. and 11:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, FL 32301, (850)922-2708

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: John J. Matthews, 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, (850)922-2708.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official committee and general business meetings to which all persons are invited.

DATE AND TIME: October 11, 2000, 8:30 a.m. or shortly thereafter

PLACE: DoubleTree Tampa Airport Westshore, 4500 West Cypress Street, Tampa, Florida 33607

PURPOSE: Committee and General Business Meetings of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Stacey Merchant, (850)921-7868.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Stacey Merchant, (850)921-7868. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official probable cause panel meeting to which portions or all will be closed to the public.

DATE AND TIME: October 10, 2000, 1:00 p.m.

PLACE: DoubleTree Tampa Airport Westshore, 4500 West Cypress Street, Tampa, Florida 33607

PURPOSE: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Stacey Merchant, (850)921-7868.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Stacey Merchant, (850)921-7868. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official probable cause panel meeting to which portions or all will be closed to the public.

DATE AND TIME: December 12, 2000, 2:00 p.m.

PLACE: Department of Business and Professional Regulation, Board Meeting Room, 1940 North Monroe Street, Tallahassee, FL 32399-0767.

PURPOSE: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Stacey Merchant, (850)921-7868.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Stacey Merchant, (850)921-7868. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official committee and general business meetings to which all persons are invited.

DATE AND TIME: December 13, 2000, 8:30 a.m. or shortly thereafter

PLACE: Department of Business and Professional Regulation, Board Meeting Room, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

PURPOSE: Committee and General Business Meetings of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling Stacey Merchant, (850)921-7868.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Stacey Merchant, (850)921-7868. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The 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: September 21, 2000, 11:00 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)921-2470 or Suncom 291-2470

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 the 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 Gregory Spence, Building Code Administrators and Inspectors Board at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Glenda Albritton using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Appraisal Board** announces a meeting of its Probable Cause Panel.

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

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801

PURPOSE: Official business of the Appraisal Board Probable Cause Panel. Probable cause is not open to the public.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Appraisal Board** announces a meeting to which everyone is invited.

DATE AND TIME: Tuesday, October 3, 2000, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 301, Third Floor, 400 W. Robinson Street, North Tower, Orlando, FL 32801, (407)245-0800

PURPOSE: Official business of the Appraisal Board. Including but not limited to: Rule/statute amendments, and Disciplinary actions.

Any person who decides to appeal a decision made by the Board with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board 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 by writing: Deputy Clerk, Florida Real Estate Appraisal Board, P. O. Box 1900, Orlando, Florida 32802-1900.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public workshop on proposed amendments to Chapter 62-532, Water Well Permitting and Construction Requirements, to which all persons are invited.

DATE AND TIME: October 5, 2000, 10:00 a.m.

PLACE: Twin Towers Office Building, Conference Room 609, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is proposing amendments to setback distances, casing and liner pipe requirements, grouting requirements, plugging requirements, and requirements for an upper terminus for water wells. The Department is also proposing to incorporate well construction requirements for limited use public water systems currently in the Florida Department of Health's Chapter 64E-8 and for public water systems currently in the Department of Environmental Protection's Chapter 62-555.

A copy of the proposed rule and workshop agenda may be obtained by contacting: Donnie McClaugherty, Department of Environmental Protection, Water Quality Standards and Source Water Protection Section, 2600 Blair Stone Road, MS 3575, Tallahassee, Florida 32399-2400, (850)921-9438.

If an accommodation for a disability is needed in order to participate in the public workshop, please call the Personnel Specialist, (850)488-2996 or 1(800)955-8771 (TDD), at least 7 days before the meeting.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Thursday, September 21, 2000, 7:00 p.m. (EDT)

PLACE: Lemon Bay High School, Cafeteria, 2201 Placida Road, Englewood, Florida 34223

PURPOSE: To present the current management plan for Don Pedro Island State Recreation Area to the public.

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 4 Administration, 1843 South Tamiami Trail, Osprey, Florida 34229.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group meeting to which all persons are invited.

DATE AND TIME: Friday, September 22, 2000, 9:00 a.m. (EDT)

PLACE: Lemon Bay High School, Auditorium, 2201 Placida Road, Englewood, Florida 34223

PURPOSE: To discuss the current management plan for Don Pedro Island State Recreation Area with the DEP Advisory Group.

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 4 Administration, 1843 South Tamiami Trail, Osprey, Florida 34229.

DEPARTMENT OF HEALTH

The **Florida Emergency Medical Services Advisory Council** will hold their quarterly meeting.

DATE AND TIME: October 6, 2000, 8:00 a.m. (EST)

PLACE: Hilton Miami Airport and Towers, 5101 Blue Lagoon Drive, Miami, Florida 33126, (305)262-1000.

PURPOSE: To conduct general business of the council.

A agenda may be obtained by contacting: Desi Lassiter, Bureau of Emergency Medical Services, (850)245-4055.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4055, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write: Desi Lassiter, 4052 Bald Cypress Way, BIN #C18 (HEMS), Tallahassee, Florida 32399-1738 or call (850)245-4055.

The Florida **Board of Dentistry** will hold a Rules Workshop to which all persons are invited:

DATE AND TIME: October 6, 2000, 8:00 a.m.

PLACE: Embassy Suites Hotel, 555 N. Westshore Blvd., Tampa, FL 33607, (813)875-1555

PURPOSE: To continue review of Rule Chapter 64B5, FAC. for possible amendment.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: William H. Buckhalt, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)245-4161, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Dentistry** will hold the following meetings to which all persons are invited:

DATES AND TIMES: Friday, October 6, 2000, Committees begin immediately following the Rules Workshop with the General Business Meeting following and reconvening; Saturday, October 7, 2000, 8:00 a.m.

PLACE: Embassy Suites Hotel, 555 N. Westshore Blvd., Tampa, FL, (813)875-1555

PURPOSE: To conduct Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: William H. Buckhalt, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256, or you may call (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)245-4161, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Massage Therapy** announces a meeting to which all interested persons are invited to attend. The meeting will be held by way of telephone conference call hookup at the following locations or by calling (850)488-5778.

Barbara Parker, P. O. Box 2084, Ocala, Florida 34478

Gloria Rosello, LMT, 3390 S. W. 129th Avenue, Miami, Florida 33175

K. Sue Welfley, P. O. Box 272487, Tampa, Florida 33688

Barbara Edwards, 107 W. Gaines Street, Tallahassee, Florida 32399

William H. Buckhalt, 4042 Bald Cypress Way, Tallahassee, Florida 32399

Angela Richardson, 4042 Bald Cypress Way, Tallahassee, Florida 32399

DATE AND TIME: Tuesday, September 19, 2000, 9:00 a.m. or soon thereafter

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399

PURPOSE: A Continuing Education Committee meeting. Agenda available on request.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Massage Therapy, (850)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Massage Therapy** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, September 22, 2000, 9:00 a.m. or soon thereafter

PLACE: D. G. Erwin Technical Center, 2010 East Hillsborough Avenue, Tampa, Florida 33610-8299

PURPOSE: A public meeting of the Probable Cause Panel for reconsiderations. Agenda available on request.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Massage Therapy, (850)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Medicine** announces that an emergency meeting of the Board was held by way of telephone conference call, at meet-me number (850)921-6623, with the following in Board members in attendance:

Becky Cherney; Georges A. El-Bahri, M.D.; John W. Glotfelty, M.D.; Gustavo Leon, M.D.; Rafael Miguel, M.D.; Louis C. Murray, M.D.; Carolyn R. Pardue; Cecile M. Scoon; Elisabeth Tucker, M.D.; Raghavendra R. Vijayanagar, M.D.; Gary E. Winchester, M.D.; Zachariah P. Zachariah, M.D.

In addition to the Board members listed above, Board counsel, Board staff, representatives of Florida Medical Association, various medical specialty societies, the media, and the public, were also in attendance.

DATE AND TIME: August 23, 2000, 7:00 p.m.

REASONS WHY AN EMERGENCY MEETING WAS NECESSARY: On August 10, 2000, the Board of Medicine filed Emergency Rule 64B8ER00-1, which placed a

moratorium on all Level III surgery performed in physicians offices. The Florida Medical Association (FMA) and several medical specialty groups from around the State provided information concerning an alleged unnecessary adverse impact and suggested that the moratorium was broader than was necessary to protect the public. The FMA requested that the Board consider changing the scope of the moratorium. FMA offered a compromise to the moratorium on Level III surgeries in physicians offices and asked that this proposal be considered by the Board. In response to the request, an emergency meeting was scheduled. The Board notified all parties who were on its "interested parties" list via email and notified the media through the Florida Press Center of the emergency meeting.

ACTION TAKEN: A motion to accept the FMA compromise was defeated. As a result of this vote, the prohibition against Level III office surgery performed in physicians offices remains in effect. After additional discussion, the Board voted to support the FMA proposal for an ad hoc independent Outpatient Surgical Safety Commission, to be established by the Secretary of the Department of Health. The Commission will make a recommendation to the Board and the Department no later than the conclusion of the 90-day moratorium.

The Florida **Board of Medicine**, Rules Committee announces a meeting to which all persons are invited.

DATE AND TIME: September 21, 2000, 3:00 p.m.

PLACE: The Sheraton Ft. Lauderdale, 1825 Griffin Road, Dania, Florida 33004, (954)920-3500

PURPOSE: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Department of Health, Board of Nursing** announces public meetings to which all interested persons are invited.

MEETING: Education Rules Workshop

DATE AND TIME: Tuesday, October 10, 2000, 10:00 a.m.

PLACE: Sheraton Ft. Lauderdale Airport, Paramount Ballroom, 1825 Griffin Rd., Ft. Lauderdale, Florida 33004, (954)920-3500

PURPOSE: To consider rules for education issues.

MEETING: LPN Supervision Rules Workshop

DATE AND TIME: Tuesday, October 10, 2000, to follow Education Rules Workshop

PLACE: Sheraton Ft. Lauderdale Airport, Paramount Ballroom, 1825 Griffin Rd., Ft. Lauderdale, Florida 33004, (954)920-3500

PURPOSE: To discuss LPN supervision and other issues.

MEETING: Intervention Project for Nurses Committee

DATE AND TIME: Wednesday, October 11, 2000, 8:00 a.m.

PLACE: Sheraton Ft. Lauderdale Airport, Paramount Ballroom, 1825 Griffin Rd., Ft. Lauderdale, Florida 33004, (954)920-3500

PURPOSE: To discuss matters relating to the policies and procedures of the Intervention Project for Nurses.

MEETING: Advanced Registered Nurse Practitioner's Committee

DATE AND TIME: Wednesday October 11, 2000, 8:30 a.m.

PLACE: Sheraton Ft. Lauderdale Airport, Salon 1, 1825 Griffin Rd., Ft. Lauderdale, Florida 33004, (954)920-3500

PURPOSE: To consider applications and review certification of Advanced Registered Nurse Practitioners.

MEETING: Education Committee

DATE AND TIME: Wednesday, October 11, 2000, 8:30 a.m.

PLACE: Sheraton Hotel Gainesville, Paramount Ballroom, 2900 S. W. 13th Street, Gainesville, FL 32608, (352)373-6721

PURPOSE: To consider matters relating to nursing programs and applications for licensure.

MEETING: Continuing Education

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

PLACE: Sheraton Ft. Lauderdale Airport, Salon 1, 1825 Griffin Rd., Ft. Lauderdale, Florida 33004, (954)920-3500

PURPOSE: To discuss and hold hearings on procedures for continuing education rules.

MEETING: Credentials Committee

DATE AND TIME: Wednesday, October 11, 2000, 10:00 a.m.

PLACE: Sheraton Ft. Lauderdale Airport, Salon 1, 1825 Griffin Rd., Ft. Lauderdale, Florida 33004, (954)920-3500

PURPOSE: To discuss and hold hearings on credential issues.

MEETING: Board of Nursing Bi-Monthly Board Meeting

DATES AND TIMES: Wednesday, October 11, 2000, 1:30 p.m.; Thursday, October 12, 2000, 8:30 a.m.; Friday, October 13, 2000, 8:30 a.m.

PLACE: Sheraton Ft. Lauderdale Airport, Paramount Ballroom, 1825 Griffin Rd., Ft. Lauderdale, Florida 33004, (954)920-3500

PURPOSE: Rule Hearing/Adoptions; Nursing Education Program Requests and Reports; Advanced Registered Nurse Practitioners Certificates and matters relating advanced nursing practice; Continuing Education matters; Legal and Disciplinary Actions; Licensing Problems, Informal Hearings, Declaratory statements, Correspondence and other miscellaneous matters relating to the practice of nursing.

A copy of the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Florida Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207.

Please Note that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings and for such purpose he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact the Board of Nursing office, (904)858-6940, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE OF CORRECTION – The Department of Health, Bureau of Pharmacy Services hereby gives notice of a correction to the Notice of Proposed Rule Development published in Vol. 26, No. 35, September 1, 2000, issue of the Florida Administrative Weekly regarding the following rules: 64F-12.001 – General Regulations; Definitions; 64F-12.002 – False and Misleading Labeling or Advertising; 64F-12.003 – Guaranty or Undertaking; 64F-12.004 – Prohibited Acts; 64F-12.005 – Requirements for Intrastate Investigational Drug Program; Suspension and Revocation; 64F-12.006 – Drugs and Devices; Labeling Requirements; 64F-12.008 – Complimentary Human Prescription Drug Samples; Distribution and Disposal; 64F-12.009 – Cosmetic Labeling Requirements; 64F-12.011 – Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized; 64F-12.012 – Records of Drugs, Devices and Cosmetics; 64F-12.013 – Prescription Drugs; Receipt, Storage and Security; 64F-12.015 – Licensing, Application, Permitting; 64F-12.016 – Product Registration; 64F-12.017 – Certificates of Free Sale; 64F-12.018 – Fees; 64F-12.019 – Inspections, Investigations, Monitoring; 64F-12.023 – Restricted Prescription Drug Distributor Permits; Special Provisions; 64F-12.024 – Administrative Enforcement.

The Time and Date of the Workshop should be revised as follows:

DATE AND TIME: Wednesday, September 20, 2000, 10:00 a.m.

The **Miami-Dade County Health Department** announces a meeting of the Tobacco-Free Miami-Dade Community Partnership.

DATE AND TIME: Wednesday, September 13, 2000, 12:00 Noon – 2:00 p.m.

PLACE: ACS Winn-Dixie Hope Lodge, 1121 N. W. 14 St., Miami, Florida

PURPOSE: Monthly meeting.

A copy of the agenda can be obtained by contacting Christine Kelly, (305)377-5010, Ext. 118.

If special accommodations are needed to attend this meeting because of a disability, please contact Christine Kelly as soon as possible.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 12, Community Alliance announces a public meeting to which all persons are invited.

DATE AND TIME: September 13, 2000, 8:00 a.m.

PLACE: Daytona Beach Regional Service Center, 210 N. Palmetto Avenue, Conference Room 148, Daytona Beach, Florida

PURPOSE: Orientation and general business.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284 (Attn.: Denise Kelly).

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The **Florida Local Advocacy Council**, District 15 announces a public meeting to which all persons are invited.

DATE AND TIME: September 19, 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: Pearlie Clark, HRAC Liaison, (561)467-4176.

The Family Preservation and Support Coalition, sponsored by the District 12, **Department of Children and Family Services** announces a public meeting to which all persons are invited.

DATE AND TIME: September 19, 2000, 9:30 a.m.

PLACE: Regional Oncology Center Conference Room, Halifax Medical Center, 303 North Clyde Morris Boulevard, Daytona Beach, Florida

PURPOSE: Regular Business Meeting.

A copy of the agenda may be obtained by writing: Family Preservation and Support, Department of Children and Family Services, 210 North Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Jeffrey J. Miller.

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify Rose van der Berg, (904)226-7826, at least 48 hours in advance of the meeting. Hearing impaired please use Florida Relay, 1(800)955-8771.

The **Department of Children and Family Services**, District 4 announces the following public meeting to which all persons are invited.

DATE AND TIME: September 19, 2000, 3:00 p.m.

PLACE: Conference Room I, Roberts Building, 5920 Arlington Expressway, Jacksonville, FL 32211

PURPOSE: Regular meeting of the Regional Health and Human Services Committee.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, P. O. Box 2417, Jacksonville, FL 32231-0083 (Attention: Glenda Davis).

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify Glenda Davis, (904)723-2022, at least 48 hours in advance of the meeting. Hearing impaired please call (904)646-2859 (TDD).

The Florida **Department of Children and Family Services** announces the next scheduled conference call meetings of the following workgroups of the Governor's Task Force on Domestic Violence. All interested people are invited to participate.

MEETING: Faith Workgroup

DATE AND TIME: September, 12, 2000, 10:00 a.m. – 11:30 a.m.

PLACE: Conference Call: (850)921-6513, Confirmation: J100821

SUBJECT: Education and October Conference.

MEETING: Judicial Workgroup

DATE AND TIME: September 22, 2000, 7:00 a.m. – 8:00 a.m.

PLACE: Conference Call: (850)921-6433, Confirmation: 10S0824

SUBJECT: Judicial Recommendations.

MEETING: Education Workgroup

DATE AND TIME: September 25, 2000, 10:00 a.m. – 11:30 a.m.

PLACE: Conference Call: (850)921-6545, Confirmation: 10X0821

SUBJECT: Education Curriculum Research.

DATE AND TIME: October 3, 2000, 5:00 p.m. – 7:00 p.m.

PLACE: Conference Call: (850)921/6545, Confirmation: 10X0821

SUBJECT: Education Curriculum Research.

DATE AND TIME: October 17, 2000, 9:00 a.m. – 10:30 a.m.

PLACE: Conference Call: (850)921-6545, Confirmation: 10X0821

SUBJECT: Education Curriculum Research.

MEETING: Law Enforcement

DATE AND TIME: September 26, 2000, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call: (850)921-6433, Confirmation: 10S0828

SUBJECT: Law Enforcement Recommendations for Legislation.

To participate in the conference calls simply dial the conference call number at the designated time. First, you will hear a tone and then will be connected to the conference call. Please identify yourself once you are connected. If you do not hear any participants' voices, it simply means no one has called in. Stay on the line to allow others to call in and connect. If you have any problem, call (850)488-1234, and tell the operator the problem you are experiencing and reference the appropriate reference confirmation number. This is not a toll-free call.

Further information may be obtained by contacting: Governor's Task Force on Domestic Violence, Executive Director's Office, (850)414-8317.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a Workshop Meeting of the Board of Directors to which all interested parties are invited:

DATE AND TIME: September 20, 2000, 7:30 p.m.

PLACE: Radisson Riverwalk Hotel, 200 North Ashley Drive, Tampa, Florida 33602, (813)223-2222

PURPOSE:

1. Consider matters brought to the Fiscal Committee; Consider matters to be brought to the Guarantee Committee; Consider matters to be brought to the Professional Selection Committee.
2. Discussion of Appeals Process for Combined Cycle and Discussion of Rule amendments for the 2001 Combined Cycle.
3. Such other matters as may be included on the Agenda for the September 22, 2000 Board Meeting.

A copy of the agenda may be obtained by contacting: Debbie L. Moran, Deputy Operations Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a public meeting of the Board of Directors to which all interested parties are invited:

Board Meeting

DATE AND TIME: September 21, 2000, 12:00 Noon – 4:00 p.m. or until completed

PLACE: Radisson Riverwalk Hotel, 200 North Ashley Drive, Tampa, Florida 33602, (813)223-2222

PURPOSE:

1. To hear appeals of the hearing officers' decisions and recommended orders regarding the grading and ranking of applications for the 2000 Combined Cycle. Oral arguments may be requested by the Board.

These appeals may be continued at 7:30 p.m., September 21, 2000 or during the Board Meeting on September 22, 2000. Final Orders will be considered/approved at the September 22, 2000 Board Meeting.

A copy of the agenda may be obtained by contacting: Debbie L. Moran, Deputy Operations Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a Workshop Meeting of the Board of Directors to which all interested parties are invited:

DATE AND TIME: September 21, 2000, 7:30 p.m.

PLACE: Radisson Riverwalk Hotel, 200 North Ashley Drive, Tampa, Florida 33602, (813)223-2222

PURPOSE:

1. Consider matters brought to the Fiscal Committee; Consider matters to be brought to the Guarantee Committee; Consider matters to be brought to the Professional Selection Committee.
2. Consider actions necessary for the sale of bonds of pending multifamily issues which have satisfied the requirements for funding.
3. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
4. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
5. Consider 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.
6. Consider resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
7. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
8. 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.
9. Consideration of all necessary actions with regard to the Multifamily Bond Program.
10. Consideration of approval of underwriters for inclusion on approved master list and teams.
11. Consideration of all necessary actions with regard to the HOME Rental Program.
12. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
13. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
14. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
15. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
16. Consideration of all necessary actions with regard to the Home Ownership Programs.
17. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
18. Consideration of Appeals from Combined Cycle ranking and grading with entry of final orders.
19. Consideration of workouts or modifications for existing projects funded by the Corporation.

20. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
21. Consideration of funding additional reserves for the Guarantee Fund.
22. Consideration of audit issues.
23. Evaluation of Professional and Consultant performance.
24. Such other matters as may be included on the Agenda for the September 22, 2000 Board Meeting.

A copy of the agenda may be obtained by contacting: Debbie L. Moran, Deputy Operations Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a public meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee; Guarantee Committee; Professional Services Selection Committee; Board Meeting

DATE AND TIME: September 22, 2000, 9:00 a.m.

PLACE: Radisson Riverwalk Hotel, 200 North Ashley Drive, Tampa, Florida 33602, (813)223-2222

PURPOSE:

1. Consider, review, and take action on matters brought to the Fiscal Committee and to consider recommendations made by the Fiscal Committee to the Board.
2. Consider, review, and take action on matters brought to the Guarantee Committee and to consider recommendations made by the Guarantee Program Committee to the Board.
3. Consider, review, and take action on matters brought to the Professional Selection Committee and to consider recommendations made by the Professional Services Selection Committee to the Board.
4. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds of pending multifamily issues which have satisfied the requirements for funding.

5. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
6. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
7. 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.
8. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
9. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
10. 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.
11. Consideration of all necessary actions with regard to the Multifamily Bond Program.
12. Consideration of approval of underwriters for inclusion on approved master list and teams.
13. Consideration of all necessary actions with regard to the HOME Rental Program.
14. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
15. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
16. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
17. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
18. Consideration of all necessary actions with regard to the Home Ownership Programs.
19. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
20. Consideration of Appeals from Combined Cycle ranking and grading with entry of final orders.
21. Consideration of workouts or modifications for existing projects funded by the Corporation.
22. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
23. Consideration of funding additional reserves for the Guarantee Fund.
24. Consideration of audit issues.
25. Evaluation of Professional and Consultant performance.
26. Such other matters as may be included on the agenda for the September 22, 2000 Board Meeting.

A copy of the agenda may be obtained by contacting: Debbie L. Moran, Deputy Operations Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council**, Inc. announces the following meetings:

MEETING: FULL Council Committee

DATE AND TIME: Thursday, September 7, 2000, 9:30 a.m.

MEETING: Steering Committee

DATE AND TIME: Friday, September 8, 2000, 9:30 a.m.

MEETING: Executive Committee

DATE AND TIME: Thursday, September 14, 2000, 9:30 a.m.

PLACE: 1018 Thomasville Rd., Ste. 100-A, Tallahassee, Florida 32303, (850)488-5624, Fax (850)488-5881

PURPOSE: To take care of Council business.

If there are any questions please contact: Florida Independent Living Council, Inc., 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or toll-free, 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability should submit a request for such accommodation in writing at least one week before the meeting date.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to

ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

NATIONAL COUNCIL ON COMPENSATION INSURANCE

The **Florida Workers Compensation Appeals Board** announces a meeting to which all persons are invited.

DATE AND TIME: September 13, 2000, 9:00 a.m. – 5:00 p.m.

PLACE: Embassy Suites, 1100 S. E. 17th Street, Fort Lauderdale, Florida 33316, (954)527-2700

PURPOSE: To provide a mechanism by which aggrieved parties may obtain a review of the application of the rules of the workers compensation system to their individual workers compensation policies.

Contact: Jackie Williamson, National Council on Compensation Insurance, Inc., 750 Park of Commerce Drive, Boca Raton, Florida 33487, (561)997-4645.

POLK COMMUNITY COLLEGE

The **Criminal Justice Training Standards and Training Commission**, Region VIII Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: September 14, 2000, 2:00 p.m.

PLACE: Polk Community College, Criminal Justice Academy Conference Room, Winter Haven, FL

Principal agenda items to be considered:

1. 2000/2001 Budget Update.
2. Old Business.
 - a. Chuck Reaume – By-Law Clarification.
3. New Business.
 - a. Election of new Region VIII Council Officers.
4. Contracted Courses.
5. Training Issues.
6. Other Items from Members.

A copy of the agenda may be obtained by writing: Jeff Tebo, Chairman, Polk Co. Sheriff's Office, 455 N. Broadway Ave., Bartow, FL 33830.

CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM

The **Charlotte Harbor National Estuary Program** announces a scheduled Policy Committee meeting to which all persons are invited:

DATE AND TIME: Friday, September 15, 2000, 9:30 a.m.

PLACE: Polk County Administration, 330 W. Church St., 4th Floor, Bartow, Florida

PURPOSE: Regular meeting of the CHNEP Policy Committee.

Please note that if a person decides to appeal any decision made by the Charlotte Harbor National Estuary Program Policy Committee with respect to any matter considered at the above cited workshop, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

A copy of the agenda may be obtained by writing: CHNEP, 4980 Bayline Dr., North Ft. Myers, FL 33917 or by calling Ms. Patti Armbruster, (941)995-1777.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations due to disability or physical impairment should contact Ms. Patti Armbruster, (941)955-1777, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Daltry using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FLORIDA MARTIN LUTHER KING, JR. INSTITUTE FOR NONVIOLENCE

The **Florida Martin Luther King, Jr. Institute For Nonviolence** announces its Advisory Board Teleconference Meeting, where all interested parties are invited:

DATE AND TIME: Friday, September 15, 2000, 10:00 a.m.

PLACE: Teleconference (Dial-In) 1(888)476-3757, 770333

PURPOSE: Advisory Board Meeting/Business.

A copy of the agenda may be obtained by writing: Florida Martin Luther King, Jr. Institute for Nonviolence, Miami Dade Community College, North Campus, Scott Hall, Room 1328, 11380 N. W. 27th Avenue, Miami, FL 33167.

If any person decides to appeal any decision made by the Advisory Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired; using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771.

Persons requiring special accommodations due to disability or physical impairment should contact John T. Jones, Jr., by Wednesday, September 13, 2000.

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office** announces a meeting of its Compensation Committee to which all interested parties are invited:

DATE AND TIME: Thursday, September 21, 2000, 8:00 a.m.

PLACE: Florida Surplus Lines Service Office, 114 S. Duval Street, Tallahassee, FL 32301.

A copy of the agenda may be obtained by sending a faxed request to Kristen Bertagnolli, (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.

FLORIDA LEAGUE OF CITIES

The **Florida Municipal Pension Trust Fund** announces a public meeting to which all persons are invited:

DATE AND TIME: September 21, 2000, 10:00 a.m.

PLACE: Key West Hilton, 245 Front Street, Key West, Florida 33040, (305)294-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Pension Trust Fund to discuss general business of the Trust.

A copy of the meeting agenda may be obtained by contacting: Steve Wofford, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 253.

The **Florida Municipal Investment Trust (FMIvT)** announces a public meeting to which all persons are invited:

DATE AND TIME: September 21, 2000, 2:00 p.m.

PLACE: Key West Hilton, 245 Front Street, Key West, Florida 33040, (305)294-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Investment Trust (FMIvT) to discuss general business of the Trust.

A copy of the meeting agenda may be obtained by contacting: Steve Wofford, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 253.

The **Florida Municipal Loan Council** announces a public meeting to which all persons are invited:

DATE AND TIME: September 21, 2000, immediately upon adjournment of the Florida Municipal Investment Trust Meeting at 2:00 p.m.

PLACE: Key West Hilton, 245 Front Street, Key West, Florida 33040, (305)294-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Board of Directors for the Florida Municipal Loan Council to discuss general business of the Council.

A copy of the meeting agenda may be obtained by contacting: Steve Wofford, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 253.

MIAMI-DADE COMMUNITY COLLEGE

The **Region XIV Advisory Council** announces a meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, October 3, 2000, 9:30 a.m.
 PLACE: School of Justice and Safety Administration,
 Miami-Dade Community College, North Campus, Room 8205,
 Miami, FL
 Contract person is Mary Greene, Secretary of the Region XIV
 Advisory Council, (305)237-1329.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN that the Department of Insurance has received a petition for a declaratory statement from Pete Quintela, Code Compliance Specialist, on behalf of the Miami Dade County Building Code Compliance Office. The petition seeks the agency’s opinion as to the applicability of Sections 633.081 and 633.541, Florida Statutes, as it applies to the petitioner. Specifically, the petition presents the following questions in pertinent part:

Whether Chapter 633, Florida Statutes, has any provision allowing any person not certified under Chapter 633, Florida Statutes to perform any type of inspection on any portion of a fire sprinkler system. What are the licensure requirements in Chapter 633, Florida Statutes, for “in-progress inspections” of a fire protection system and for a plans examiner. Finally, can the local fire inspector accept a test of a fire sprinkler system, for final inspection, if the test was performed by a person not certified under Chapter 633, Florida Statutes.

A copy of the petition may be obtained by contacting: Lisa S. Santucci, Esquire, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4126.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission issued an Order Dismissing Petition on August 25, 2000, in response to the May 25, 2000, request for Declaratory Statement received from Stephanie Thomas, Executive Director, Central Florida Plumbing, Heating and Cooling Contractors. The request was assigned the number DCA00-DEC-203. It was determined that the Florida Building Commission is without jurisdiction to enter a Declaratory Statement on this petition.

A copy of the Order Dismissing Petition may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission issued an Order Dismissing Petition on August 25, 2000, in response to the May 11, 2000, request for Declaratory Statement received from Bob Hessing, Project Manager, Statewide Plumbing of Boca. The request was assigned the number DCA00-DEC-192. It was determined that the Florida Building Commission is without jurisdiction to enter a Declaratory Statement on this petition.

A copy of the Order Dismissing Petition may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission issued an Order Dismissing Petition on August 25, 2000, in response to the May 11, 2000, request for Declaratory Statement received from Bob Hessing, Project Manager, Statewide Plumbing of Boca. The request was assigned the number DCA00-DEC-193. It was determined that the Florida Building Commission is without jurisdiction to enter a Declaratory Statement on this petition.

A copy of the Order Dismissing Petition may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on August 25, 2000 from Margarita Valero. Petitioner is seeking amendment of Rule 33-401.401, Florida Administrative Code, to prohibit the sale of tobacco products to prisoners in the custody of the Department of Corrections.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Shawna Lanier Jones. The Petitioner requested that the Department of Corrections amend Rule 33-401.401, Florida Administrative Code, to make institutions housing female inmates tobacco free.

The Department denied Inmate Jones’ Petition to Initiate Rulemaking. The Department has taken appropriate steps to reduce the danger of second hand smoke in compliance with applicable law, by prohibiting smoking in all indoor areas of institutions. To promulgate separate rules for female inmates with regard to the use of tobacco products would be violative of equal protection rights of other inmates.

A copy of the Order may be obtained from: Giselle Lyles Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Randall T. Prater. The Petitioner requested that the Department of Corrections amend Rule 33-507.201(4) and proposed Rule 33-507.210(2), Florida Administrative Code, on the grounds that the current rule is vague and both the current and proposed rules are an invalid exercise of legislative authority with regard to their mandatory application of substance abuse treatment programs.

The Department denied Inmate Prater's Petition to Initiate Rulemaking, finding the complaints raised by the Petition constituted an invalid rule challenge by a prisoner. Furthermore, even if the merits of the Petition could be reached, the Petition must be denied, since the Department is merely implementing the Legislature's intent to impose more stringent requirements under Florida law with regard to mandatory substance abuse treatment for inmates.

A copy of the Order may be obtained from: Giselle Lyles Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement in In Re: Petition for Declaratory Statement, Mariners Cove of Manatee County, LTD., Petitioner.

The Petitioner requests an interpretation as to whether pursuant to Section 718.104(2), Florida Statutes, the successor developer has been properly assessed for common expenses for units not yet constructed.

A copy of the Petition for Declaratory Statement, Docket Number CD2000-150, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to Kathryn E. Price, Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Clemons Building, Tallahassee, Florida 32399-2202.

**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:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

INVITATION TO BID

Sealed bids shall be received by the Florida State University Purchasing Department until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Purchasing Department
Suite A1400, University Center
Florida State University
Tallahassee, FL 32306-2370

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Facsimile Submittals are not acceptable. For information relating to this Invitation to Bid, contact Purchasing Agent referenced below at (850)644-6850.

K 4097-5:	Waterproofing Project Building A, Panama City, Florida	Florida State University Purchasing Department Conference Room
Mandatory Pre-Bid Meeting:	10:00 a.m. (CST), Tuesday, September 26, 2000 Panama City Campus Building A, Panama City Campus of Florida State University Panama City, Florida	Suite A1400, University Center Tallahassee, FL 32306-2370
Plans and Specification:	Free of Charge Campus Design Section Florida State University Tallahassee, FL 32301 (850)644-2090 OR Jack Chipman Florida State University Panama City Campus (850)644-2090	
Public Bid Opening:	2:30 p.m. (CST), Tuesday, October 17, 2000 Florida State University Purchasing Department Conference Room Suite A1400, University Center Tallahassee, FL 32306-2370	
K 4098-5:	Roofing Repair Project Building A, Panama City, Florida	
Mandatory Pre-Bid Meeting:	10:00 a.m. (CST), Tuesday, September 26, 2000 Panama City Campus Building A, Panama City Campus of Florida State University Panama City, Florida	
Plans and Specifications:	Free of Charge Campus Design Section Florida State University Tallahassee, FL 32301 (850)644-2090 OR Jack Chipman Florida State University Panama City Campus (850)644-2090	
Public Bid Opening:	2:30 p.m. (CST), Thursday, October 5, 2000	

NOTICE TO CONSTRUCTION MANAGERS

The University of Central Florida announces that construction management services will be required for the project listed below:

Project No.: BR-403, Project and Location: Business Administration II Building, University of Central Florida Campus, Orlando Florida 32816-3020

The design and construction of a new general classroom facility that will contain approximately 12,610 sq. ft. for classrooms, 15,583 sq. ft. for offices, 3,750 sq. ft. for teaching, 1,500 sq. ft. for research labs, 1,200 sq. ft. for study.

The new building will provide "state-of-the-art" classrooms and research labs. This facility will be in the planning phase in the year 2000.

The Business Administration II Building will be located on the University of Central Florida campus adjacent to the existing Business Administration Building.

The estimated construction cost is \$7,040,335.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of

the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Gina Seabrook, Office of Facilities Planning, University of Central Florida, 4000 Central Florida Boulevard, Post Office Box 163020, Orlando, FL 32816-3020, (407)823-2166, Fax (407)823-5141, E-Mail: gseabroo@mail.ucf.edu

The project fact sheet for the Business Administration II Building may be found on the Facilities Planning home page. Our website address is: <http://www.fp.ucf.edu>.

Four (4) bound copies of the required proposal data shall be submitted to: Mr. Peter Newman, Facilities Planning, 4000 Central Florida Boulevard, Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m., local time, Wednesday, October 18, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

The University of Central Florida announces that construction management services will be required for the project listed below:

Project No.: BR-464, Project and Location: Teaching Center-Academy, University Central Florida Campus, Orlando Florida 32816-3020

The project consists of the design and construction of a new Teaching Center-Academy that will contain approximately 15,771 sq. ft. for classrooms, 10,000 sq. ft. teaching labs, 3,705 for office/computer.

The Teaching Center-Academy will be located on the University of Central Florida campus adjacent to the existing Education Building. This facility will be in the planning phase in the year 2000.

The estimated construction cost is \$5,388,852.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Gina Seabrook, Office of Facilities Planning, University of Central Florida, 4000 Central Florida Boulevard, Post Office Box 163020, Orlando, FL 32816-3020, (407)823-2166, Fax (407)823-5141, E-Mail: gseabroo@mail.ucf.edu

The project fact sheet for the Business Administration II Building may be found on the Facilities Planning home page. Our website address is: <http://www.fp.ucf.edu>.

Four (4) bound copies of the required proposal data shall be submitted to: Mr. Peter Newman, Facilities Planning, 4000 Central Florida Boulevard, Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m., local time, Wednesday, October 18, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

DEPARTMENT OF COMMUNITY AFFAIRS

INVITATIONS TO BID IN MULTIPLE REGIONS

Sealed Bids will be received by the Department of Community Affairs, Florida Communities Trust (FCT), 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, until 4:00 p.m. (local time), October 18, 2000, for the following project:

Bid Nos.: 00-01, 00-02, 00-03, 00-04 and 00-05

SCOPE OF SERVICES: Provide appraisal review services in accordance with the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation and Rule Chapter 9K-6, Florida Administrative Code, on an as needed basis, for the acquisition of FCT Project Sites in all the following counties within the following regions:

Bid No.: 00-01

Region I, which corresponds to the Florida Department of Environmental Protection, Division of State Lands Region I and includes Escambia, Santa Rosa, Okaloosa, Walton,

Holmes, Washington, Bay, Gulf, Calhoun, Jackson, Gadsden, Liberty, Franklin, Wakulla, Leon, Jefferson, Taylor and Madison Counties;

Bid No.: 00-02

Region II, which corresponds to the Florida Department of Environmental Protection, Division of State Lands, and includes Hamilton, Suwannee, Lafayette, Dixie, Levy, Gilchrist, Columbia, Baker, Union, Bradford, Alachua, Marion, Clay, Putnam, Duval, Nassau, St. Johns, Flagler and Volusia Counties;

Bid No.: 00-03

Region III, which corresponds to the Florida Department of Environmental Protection, Division of State Lands, and includes Citrus, Hernando, Sumter, Pasco, Pinellas, Hillsborough, Manatee, Hardee, Polk, Lake, Orange, Seminole, Osceola, Brevard, Indian River, Okeechobee and Highlands Counties;

Bid No.: 00-04

Region IV, which corresponds to the Florida Department of Environmental Protection, Division of State Lands, and includes Sarasota, DeSoto, Charlotte, Lee, Collier, Hendry and Glades Counties;

Bid No.: 00-05

Region V, which corresponds to the Florida Department of Environmental Protection, Division of State Lands, and includes St. Lucie, Martin, Palm Beach, Broward, Dade and Monroe Counties.

HOW TO APPLY: Invitation to Bid packages for each separate region will be available after September 8, 2000, at no cost, from Caroline C. Sutton, Community Program Administrator, Florida Communities Trust, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207.

BIDDER'S RESPONSIBILITY: It is the Bidder's responsibility to assure that its bid is delivered on or before the date, by the time, and at the place bids are due as stated above. The Department reserves the right to reject any or all bids.

DEPARTMENT OF CORRECTIONS

ADVERTISEMENTS FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL OR UNDERGROUND UTILITIES CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, BUREAU OF FACILITIES SERVICES.

CONSTRUCTION OF: Region IV Sewer and Manhole Rehabilitation Project

PROJECT NO.: YL

PROJECT SITE: Dade Corrections Institution (CI), Everglades CI, Opa Locka Community Correctional Center and South Florida Reception Center in Dade County, Florida

PREQUALIFICATION: All bidders must submit evidence that they are qualified to perform the work in accordance with Section B, Paragraph B-2 of the Specifications.

BID DATE AND TIME: September 28, 2000, 1:00 p.m., Local Time

PLACE: LBFH, Inc., 3550 Southwest Corporate Parkway, Palm City, Florida 34990. Any person with a qualified disability requiring special accommodations at the pre-bid conference and/or bid/proposal opening shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Services, 1(800)955-8771 (TDD).

PROPOSALS: Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT/ENGINEER: LBFH, Inc., 3550 Southwest Corporate Parkway, Palm City, Florida 34990, Attn.: Richard Shoenborn, a/e contact, (561)286-3883

DRAWINGS/SPECIFICATIONS: Sets of Drawings and Specifications may be purchased for \$67.00 per set plus \$12.00 S & H. Partial sets may not be purchased. Payment made to the "[a/e]".

PRE-BID CONFERENCE: A non-mandatory pre-bid conference will be held on September 12, 2000, 11:00 a.m., Local Time at the Administration Building, Conference Room, South Florida Reception Center, 14000 Northwest 41st Street, Miami, Florida 33178.

CONTRACT AWARD: The recommendation for contract award will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, the contract will be awarded by the Secretary, Department of Corrections. Right is reserved to reject any or all bids.

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED "General/Underground" CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF: An effluent disposal system for the Avon Park Correctional Institution Wastewater Treatment Plant to consist of approximately 38,000 linear feet of 12-inch effluent force main (26,400 l.f. of which will be owner supplied); modifications to the WWTP including concrete repairs, repairs to air piping, and conversion of an existing post aeration basin into an effluent pump station with two (2) vertical turbine pumps, and construction of a three (3) celled percolation/evaporation pond system covering approximately 15.3 acres.

PROJECT NO: YL-03-WW **SAMAS CODE:** N/A

PROJECT NAME AND LOCATION: Avon Park Correctional Institution Effluent Disposal System, County Road 64, East, 10 miles, Avon Park, FL33826

FOR: Department of Corrections

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and a Labor And Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder whose field is governed by Chapters 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department for the current biennium (July 1 through June 30) of odd numbered years. After the bid opening the low bidder must qualify in accordance with Rule 60D-5.004. A copy of the rule requirements is included in the Instruction To Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: October 3, 2000, Until 11:00 a.m., local time

PLACE: Avon Park Correctional Institution Administration Building, County Road 64, East, 10 miles, Avon Park, Florida 33826

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: Hartman & Associates, Inc., 4415 Metro Parkway, Suite 216, Fort Myers, FL 33916, Telephone (941)277-5155

A non-mandatory pre-bid conference will be held on September 19, 2000, 10:30 a.m. at the Avon Park Correctional Institution's Administrations Conference Room.

Drawings and specifications may be purchased for \$125.00 per set from the Architect/Engineer.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20

of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections. Right is reserved to reject any or all bids.

METROPOLITAN PLANNING ORGANIZATIONS

RFQ NO. 3007

**REQUEST FOR LETTERS OF INTEREST
AND QUALIFICATIONS FOR
INDIAN RIVER COUNTY COMMUNITY
TRANSPORTATION COORDINATOR (CTC)**

The Indian River County Metropolitan Planning Organization is seeking letters of interest and statements of qualifications from qualified agencies or firms interested in coordinating transportation services for the transportation disadvantaged in Indian River County, Florida. The selected firm will be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes, and more fully described in Rule 41-2 of the Florida Administrative Code.

The Community Transportation Coordinator is defined by Chapter 427, Florida Statutes, as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in s. 427.015(2).

The transportation disadvantaged are defined by Chapter 427, Florida Statutes as "those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202."

Interested firms/agencies are required to have capabilities to coordinate all transportation disadvantaged trips within Indian River County. The interested firm/agency could function as a COORDINATOR only (acts as total brokerage system that does not operate vehicles) or could function as a COORDINATOR/TRANSPORTATION OPERATOR (acts as brokerage and also provides all or part of the needed transportation services by operating vehicles).

Letters of interest and qualifications should be limited to a maximum of five (5) pages. Please include the following in your letter of interest and qualifications:

- Name, address, phone number, fax number, and e-mail address (if available) of your firm or agency
- Name and address of the contact person
- Staffing chart of the agency (list current staff, position, education, experience)

- Agency's past experience as a Community Transportation Coordinator (list locations and contact persons including phone numbers for references)
- Statement of whether the agency either has or will be able to establish a local office in Indian River County
- Statement of whether and to what extent the agency is familiar with Indian River County
- Agency's past experience with providing, brokering, or managing Mass Transit Services, Americans with Disabilities Paratransit Services, and eligibility-based ridership transportation services (list locations and contact persons including phone numbers)

Potential providers should submit five (5) copies of their expression of interest and qualifications in a sealed envelope to: Fran B. Powell, Director, Purchasing Department, Indian River County, 2625 19th Avenue, Vero Beach, FL 32960. Letters must be marked, RFQ No. 3007 "LETTER OF INTEREST AND QUALIFICATIONS FOR INDIAN RIVER COUNTY COMMUNITY TRANSPORTATION COORDINATOR." Letters of interest and qualifications must be received by 5:00 p.m., September 29, 2000.

Written questions should be addressed to: Susan Rohani, Chief, Long-Range Planning, 1840 25th Street, Vero Beach, FL 32960.

Faxed and e-mailed responses will not be accepted. Late letters will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the legal notice." Only responses to the request for letters of interest will be considered if a request for proposals is issued for Community Transportation Coordinator.

The Indian River County Metropolitan Planning Organization reserves the right to accept or reject any and all responses in the best interest of the County and State Commission for the Transportation Disadvantaged.

All proposers must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. Also must certify that no principal of the firm is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in the type of work required by this letter of interest by any federal, state, or local department or agency.

EXPRESSWAY AUTHORITIES

**NOTICE TO PROFESSIONAL
ENGINEERING CONSULTANTS**

The Orlando-Orange County Expressway Authority requires the services of a Professional Engineering Consultant in connection with the design of improvements to the interchange of S.R. 408 (East-West Expressway) and Interstate 4 in Orlando, Florida. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as

determined by the Authority based on information provided by the firms, and who have been prequalified by FDOT to perform the indicated Types of Work.

TYPES OF WORK: Group 3.3, Complex Highway Design, and Group 4.2, Major Bridge Design.

ADDITIONAL TYPES OF WORK THAT MAY BE REQUIRED: Group 7, Traffic Operations Design; Group 8, Surveys; Group 9, Soil Exploration, Material Testing and Foundations; and Group 12, Right-of-Way Surveying and Mapping.

DESCRIPTION: The work to be performed under this project will be the design of the first phase of interim improvements which must be compatible with the plans developed for the ultimate interchange design. The work will include the design of a complex interchange in a high traffic volume urban setting, structural design, design of roadways, ramps, flyovers, retaining walls, drainage design, pavement design, and signing and pavement marking. The selected consultant shall also be responsible for preparation of right-of-way maps and documents, surveying, landscaping, lighting, maintenance of traffic, utility design and coordination, geotechnical analysis, environmental services and permits, preparation of materials for public meetings and presentations, scheduling and project control, progress reporting, automated design techniques and other tasks and associated activities.

A concept study, P D & E, and alternative analysis have been substantially completed by the Authority and the Florida Department of Transportation (FDOT). The plan for the ultimate rebuilding of the interchange is under development.

The Authority, under an agreement with the Florida Department of Transportation (FDOT), will be responsible for the design of the project for FDOT in accordance with FDOT and Federal Highway Administration (FHWA) requirements. The selected consultant, therefore, will be required to coordinate all design activities with both the FDOT and FHWA as well as the Authority. Bidding and construction of the project will be the responsibility of the FDOT.

LETTERS OF INTEREST SUBMITTAL REQUIREMENTS: Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

- Experience – Details of specific experience for at least three (3) projects, similar to that described above that involve interstate highway reconstruction, completed by the consultant's Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;
- Personnel Experience – Resumes of the consultant's proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years' of specific experience in complex

highway and/or bridge design projects;

- Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services;
- Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
- Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

SELECTION/NEGOTIATIONS: The Authority may shortlist up to 5 firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority's Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant's willingness to meet time and budget requirements, consultant's projected workload and consultant's use of Minority/Women Owned Businesses.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

MINORITY/WOMEN/DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: Minority/Women/Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

LETTER OF RESPONSE DEADLINE:

September 27, 2000, 2:00 p.m., Orlando local time

AUTHORITY CONTACT PERSON:

Mr. Joseph A. Berenis, P. E.
Deputy Executive Director
Telephone (407)316-3800

LETTER OF RESPONSE ADDRESS:

Orlando-Orange County Expressway Authority
525 S. Magnolia Avenue
Orlando, FL 32801
Re: I-4/S.R. 408 Interchange
Project No. 230

ORLANDO-ORANGE COUNTY EXPRESSWAY
AUTHORITY:

Harold W. Worrall, P. E.
Executive Director

AGENCY FOR HEALTH CARE ADMINISTRATION

REQUEST FOR PROPOSALS

The Agency for Health Care Administration, Medicaid Program Development is requesting responses from Federally Designated Utilization and Quality Control Peer Review Organizations under contract with Health Care Finance Administration (HCFA) and PRO-like Entities certified by HCFA to operate a utilization review program for Medicaid in the State of Florida. The potential contractor will be responsible for review of the following services: Acute Care Behavioral Health Inpatient prior authorizations, emergency admission authorizations, continued stay reviews, retrospective reviews, reconsiderations, on-site reviews for specialty programs, Community Mental Health and Targeted Case Management retrospective reviews on-site or desk audits, Community Mental Health Certification reviews, prior authorization of Community Mental Health services for high-risk and high-use recipients, and exceptions to limits for children under the age of 21 years. This contract will be for up to 42 months, commencing on January 1, 2001 and running through June 30, 2004. The Request for Proposals, AHCA-0103, Medicaid Behavioral Health Care Utilization Management Services, will be issued on September 8, 2000. Copies may be obtained by writing the contract manager at the following address:

Robert E. Maryanski,
Program Administrator
Medicaid Program Development
Agency for Health Care Administration
2728 Mahan Drive
Mail Stop #20, Bldg. 3
Tallahassee, Florida 32308-5403
(850)487-2617, Fax (850)414-1721

Responses must be received by and will be opened on October 18, 2000 at 4:00 p.m. The agency reserves the right to reject any or all bids.

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES FOR ARCHITECTURE-ENGINEERING

The Division of Building Construction announces that professional services are required for the project(s) listed below.

PROJECT NUMBER: 20004500

PROJECT NAME: Tri-County Agricultural Complex (includes arena, horse barn, animal barn and warm-up ring)

PROJECT LOCATION: Southern Portion of Calhoun County Agricultural Industrial Park located off Highway 71, North and Magnolia Church road.

SERVICES TO BE PROVIDED: Architect-Engineer basic services to include infrastructure roadway and building design
CLIENT AGENCY: Tri-County Agricultural Complex Advisory Committee

CLIENT AGENCY REPRESENTATIVE: Harry Hagan

DMS PROJECT MANAGER: Daryl Ellison, (850)487-9937

RESPONSE DUE DATE: Ten Copies (10) Friday, September 22, 2000, 12:00 Noon (EST)

Applications are to be sent to: Daryl Ellison, Project Manager, Department of Management Services, Division of Building Construction, 4050 Esplanade Way, Suite 125, Tallahassee, FL 32399-0950

DATE AND LOCATION OF SHORTLIST: September 27, 2000, Liberty County Courthouse, Courtroom, Bristol, Florida (Hwy 20), 10:00 a.m. (EST)

DATE AND LOCATION FOR INTERVIEWS: October 11, 2000, Liberty County Courthouse, Courtroom (HWY 20), Bristol, Florida, 10:00 a.m. (EST)

Any changes to the above dates will be published on our web site, <http://fcn.state.fl.us/dms/dbc/opportun/index.html>

INSTRUCTIONS

Firms interested in being considered for this project must submit ten (10) copies of their application with a table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of the firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Please include one stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Applicants are advised that plans and specifications for A/E projects may be reused.

Selections will be made in accordance with Chapter 287.055, Florida Statutes. The selected firms will be given official notice of selection results by Fax and/or mail. Any protests of the selection must be made within 72 hours of the date of receipt. The selection results will also be published in the Florida Administrative Weekly and on our web site.

INVITATION TO BID

ROADWAY CONSTRUCTION FOR CAPITAL REGION COMMUNITY DEVELOPMENT DISTRICT

The District's Engineer, Gee & Jenson, will receive sealed proposals from qualified bidders at the local office of Post, Buckley, Schuh & Jernigan (PBS & J), 1901 Commonwealth Lane, Tallahassee, Florida 32303 until 11:00 a.m., local time on October 10, 2000. Bids will be publicly opened and read aloud immediately after the 11:00 a.m., local time deadline.

The work for which these proposals are to be submitted consists of furnishing materials, equipment, tools, labor and incidentals to construct the roadways and storm drains as shown on the plans and specifications herein, and titled "INTERSECTION IMPROVEMENTS FOR PROPOSED WIDENING OF WOODVILLE HIGHWAY AND CAPITAL CIRCLE INTERSECTION." Construction shall include grading, excavation, drainage, and roadway construction to provide the District with a complete and operable facility. This project includes Work for both the District and the State of Florida, Department of Management Services.

A mandatory pre-bid meeting will be held at the office of PBS & J on September 12, 2000 at 1:00 p.m. Bidders who do not attend the pre-bid meeting will not be eligible to submit a bid.

All work performed shall be in accordance with the Bidding Documents pertaining thereto, which may be examined at the office of PBS & J.

One copy of the Bidding Documents, including blank bid forms, may be obtained at the office of PBS & J, upon payment of \$200 which amount will not be refunded. Only complete sets of Bidding Documents will be distributed.

A certified or cashier's check on a national or state bank, or a bid bond in a sum not less than five percent (5%) of the amount of the bid, made payable to Capital Region Community Development District, shall accompany each proposal as a guarantee that the bidder will not withdraw from the competition after the opening of the proposals. In the event that the contract is awarded to the bidder, he will enter into the contract and furnish and pay for the required performance and payment bonds. Failing to do so will result in the Owner retaining the bid deposit for liquidated damages. Proposals shall be prepared, addressed and submitted in compliance with detailed instructions as set forth in the Instructions to Bidders.

Bid security in the amount of 5% of the total bid must accompany the bid in accordance with the Instruction to Bidders. Surety bonds are required in accordance with the

Instructions to Bidders. The Owner reserves the right to waive technical errors and informalities, and to reject any or all bids. No bids may be withdrawn for a period of 90 days after a scheduled closing time for receipt of bids.

OWNER: CAPITAL REGION COMMUNITY DEVELOPMENT DISTRICT

Chairman, Board of Supervisors

Date: August 30, 2000

DEPARTMENT OF HEALTH

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES

PROJECT NUMBER: DOH 98437400
PROJECT NAME: MARTIN COUNTY HEALTH DEPARTMENT

SAMAS NO.: 64-30-1-000319-64200700-00-084093-01

PROJECT LOCATION: STUART, FLORIDA

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction requests qualifications from construction management firms to provide construction management services for this project. The construction budget for this project is \$4,300,000.00. Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit Four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. Letter of interest detailing the firm's qualification to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

Response Due Date: Friday, September 29, 2000, 5:00 p.m., (EST)

Applications are to be sent to: Jack Durré, Project Manager, Department of Health, 4052 Bald Cypress Way, BIN #B06, Tallahassee, FL 32399-1734, (850)245-4444, Ext. 3167.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications which do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes. The Department of Health shall shortlist a minimum of three (3) firms.

Phases to be implemented are dependent on the availability of funding subject to actions of the Florida Legislative process and at sole discretion of the Department of Health.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

ITN #1 – Adult Substance Abuse

This is a solicitation for interest in an exempt procurement. This is not a competitive procurement, and there are no protest or appeal rights. This is not an offer to contract.

The Department will consider any proposal received. The Department retains the right: to enter into private negotiations regarding any proposal of interest, and may negotiate with more than one proposer; to modify the plans for the program, to abandon the procurement; or to procure the services from a non-proposer; and retains all other incidents of exempt procurement. Proposal costs will not be paid by the Department.

Any applicant certified as a State Minority Business Enterprise and submitting appropriate documentation will be awarded a bonus of 3 points to their total score.

Any response received will immediately become a public record. Do not submit trade secrets or confidential information.

The District 7, Alcohol, Drug Abuse and Mental Health Program Office is accepting proposals with the intent to negotiate for the following Adult Substance Abuse services:

- No capital outlay provided; service funding only.
- Preference to geographic areas currently under served (under equity).
- Preference to providers currently under contract with ADM.
- Priority services include: Outreach and Intervention Services to Heroin and Cocaine Users, Intervention Specialists Services to Families involved with the Protective Services System and Residential Aftercare Services. Proposals identifying one or more of the above services will receive priority for consideration.
- Those providers interested in submitting a proposal should mail or fax an Intent to Submit a Proposal to:

Steve Dalsemer

Contract Manager

Department of Children and Family Services

District 7, Alcohol, Drug Abuse and Mental Health

400 West Robinson St., Suite S-430

Orlando, Florida 32801

Fax (407)245-0583

No phone inquiries please. The Intent to Submit a Proposal must be received no later than 5:00 p.m. on Monday, September 11, 2000 and include an address or fax number so the proposal format can be sent back to the provider. Proposals must be received at the District 7, Alcohol, Drug Abuse and Mental Health Program office by September 29, 2000.

ITN #2 – Children's Substance Abuse

This is a solicitation for interest in an exempt procurement. This is not a competitive procurement, and there are no protest or appeal rights. This is not an offer to contract.

The Department will consider any proposal received. The Department retains the right: to enter into private negotiations regarding any proposal of interest, and may negotiate with more than one proposer; to modify the plans for the program, to abandon the procurement; or to procure the services from a non-proposer; and retains all other incidents of exempt procurement. Proposal costs will not be paid by the Department.

Any applicant certified as a State Minority Business Enterprise and submitting appropriate documentation will be awarded a bonus of 3 points to their total score.

Any response received will immediately become a public record. Do not submit trade secrets or confidential information.

The District 7, Alcohol, Drug Abuse and Mental Health Program Office is accepting proposals with the intent to negotiate for the following Children's Substance Abuse services:

- No capital outlay provided; service funding only.
- Preference to geographic areas currently under served (under equity).
- Preference to providers currently under contract with ADM.
- Priority services include: Residential Aftercare Services and Intervention and Outreach Services. Proposals identifying one or more of the above services will receive priority for consideration.
- Those providers interested in submitting a proposal should mail or fax an Intent to Submit a Proposal to:

Steve Dalsemer

Contract Manager

Department of Children and Family Services

District 7, Alcohol, Drug Abuse and Mental Health

400 West Robinson St., Suite S-430

Orlando, Florida 32801

Fax (407)245-0583

No phone inquiries please. The Intent to Submit a Proposal must be received no later than 5:00 p.m. on Monday, September 11, 2000 and include an address or fax number so the proposal format can be sent back to the provider. Proposals must be received at the District 7, Alcohol, Drug Abuse and Mental Health Program office by September 29, 2000.

ITN #3 – Children’s Mental Health

This is a solicitation for interest in an exempt procurement. This is not a competitive procurement, and there are no protest or appeal rights. This is not an offer to contract.

The Department will consider any proposal received. The Department retains the right: to enter into private negotiations regarding any proposal of interest, and may negotiate with more than one proposer; to modify the plans for the program, to abandon the procurement; or to procure the services from a non-proposer; and retains all other incidents of exempt procurement. Proposal costs will not be paid by the Department.

Any applicant certified as a State Minority Business Enterprise and submitting appropriate documentation will be awarded a bonus of 3 points to their total score.

Any response received will immediately become a public record. Do not submit trade secrets or confidential information. The District 7, Alcohol, Drug Abuse and Mental Health Program Office is accepting proposals with the intent to negotiate for the following Children’s Mental Health services:

- No capital outlay provided; service funding only.
- Preference to geographic areas currently under served (under equity).
- Preference to providers currently under contract with ADM.
- Priority services include: Lower Cost Residential Alternatives and Group Homes. Proposals identifying one or more of the above services will receive priority for consideration.
- Those providers interested in submitting a proposal should mail or fax an Intent to Submit a Proposal to:

Steve Dalsemer

Contract Manager

Department of Children and Family Services

District 7, Alcohol, Drug Abuse and Mental Health

400 West Robinson St., Suite S-430

Orlando, Florida 32801

Fax (407)245-0583

No phone inquiries please. The Intent to Submit a Proposal must be received no later than 5:00 p.m. on Friday, September 11, 2000 and include an address or fax number so the proposal format can be sent back to the provider. Proposals must be received at the District 7, Alcohol, Drug Abuse and Mental Health Program office by September 29, 2000.

Invitation to Negotiate

The Florida Department of Children and Family Services is requesting applications for Adoption Services. The program will be for a minimum of eighteen months and will not exceed a maximum of twenty-four months. General units of local government, minority non-profit businesses, non-profit agencies, and Indian tribes are eligible to apply.

District 13 (Citrus, Hernando, Lake, Marion and Sumter Counties) is in the process of converting to Community Based Care Services. Pursuant to Chapter 63, Florida Statutes, the purpose of this Invitation to Negotiate is to attract qualified providers who will perform on a district specific contract designed to perform Adoption Services in District 13, to increase the number of finalized adoptions of children who are available for adoption; minimize the length of time children wait for permanent adoptive homes; increase the number of child sibling groups kept together and adopted; increase the number of finalized adoptions of teenagers who are available for adoptions and want to be adopted; and, increase the number of finalized adoptions of children with special needs, and when possible, maintain children in their adoptive home after finalization.

Copies of the Invitation to Negotiate may be obtained from the Department of Children and Family Services, District 13 beginning 8:00 a.m. (EDT) Tuesday, September 5, 2000. Written notices of intent to submit proposals should be received by the department by Monday, September 11, 2000. A prospective respondent’s conference will be held on Monday, September 18, 2000, 10:00 a.m. (EDT) in Room 2002 of the Children and Family Services, District 13, Headquarters Office, 1601 W. Gulf Atlantic Hwy., Wildwood, Florida. All applications for Adoption Services must be received by the department no later than Monday, October 30, 2000, 5:00 p.m. (EST). Applications received after that time will not be considered. The department will post a list of the qualified applicants with whom it may seek to negotiate on Tuesday, November 6, 2000, 12:00 Noon (EST). Certified minority business enterprises are encouraged to participate in any respondents conferences, presolicitation or prebid meetings which are scheduled. The department reserves the right to reject any and all applicants or accept minor irregularities in the best interest of the state.

All invitations for negotiation, inquiries, notices of intent to respond to the Invitation to Negotiate, and submission of the applications for Adoption Services are to be directed in writing to the following: Phillip C. Love, Contract Manager, Adoption ITN, Department of Children and Family Services, District 13, 1601 W. Gulf Atlantic Hwy., Wildwood, FL 34785.

Invitation to Negotiate

The Florida Department of Children and Family Services is requesting applications for In-Home Services. The program will be for a minimum of eighteen months and will not exceed

a maximum of twenty-four months. General units of local government, minority non-profit businesses, non-profit agencies, and Indian tribes are eligible to apply.

District 13 (Citrus, Hernando, Lake, Marion and Sumter Counties) is in the process of converting to Community Based Care Services. Pursuant to Chapter 39, Florida Statutes, the purpose of this Invitation to Negotiate is to attract qualified providers who will perform on a district specific contract designed to perform In-Home Services in District 13, to ensure safety and stability for children and their families by developing and delivering intensive and extensive in home services to meet the unique family needs and capitalize on family strengths; enable children to grow up in permanent homes within an environment that promotes healthy child development; help children and families resolve crises and other problems in child rearing to promote safety and stability in the home; assist families in navigating social service systems and obtain culturally appropriate services and supports to meet multiple needs; avoid unnecessary out-of-home placements for children; keep children safely in their homes, when possible, or maintain children safely in their own homes after reunification; and, prevent the occurrence or reoccurrence of child abuse and/or neglect.

Copies of the Invitation to Negotiate may be obtained from the Department of Children and Family Services, District 13 beginning 8:00 a.m. (EDT) Tuesday, September 5, 2000. Written notices of intent to submit proposals should be received by the department by Monday, September 11, 2000. A prospective respondent's conference will be held on Monday, September 18, 2000, 2:00 p.m. (EDT) in Room 2002 of the Children and Family Services, District 13 Headquarters Office, 1601 W. Gulf Atlantic Hwy., Wildwood, Florida. All applications for In-Home Services must be received by the department no later than Monday, October 30, 2000, 5:00 p.m. (EST). Applications received after that time will not be considered. The department will post a list of the qualified applicants with whom it may seek to negotiate on Tuesday, November 6, 2000, at 12:00 Noon (EST). Certified minority business enterprises are encouraged to participate in any respondents conferences, presolicitation or prebid meetings which are scheduled. The department reserves the right to reject any and all applicants or accept minor irregularities in the best interest of the state.

All invitations for negotiation, inquiries, notices of intent to respond to the Invitation to Negotiate, and submission of the applications for In-Home Services are to be directed in writing to the following: Phillip C. Love, Contract Manager, In-Home Services ITN, Department of Children and Family Services, District 13, 1601 W. Gulf Atlantic Hwy., Wildwood, FL 34785.

INVITATION TO BID

Competitive sealed bids will be received in the Department of Children and Family Services, District III, Tacachale Purchasing Office, 1621 N. E. Waldo Road, Gainesville, Florida 32609, until 2:00 p.m. on September 19, 2000 for the following:

Bread, Rolls and Buns

Interested bidders may obtain bid forms and specifications by writing or calling the Tacachale Purchasing Office at the above address, telephone (352)955-5537. The Department reserves the right to reject any or all bids.

DCF 2000-4RN

INVITATION TO NEGOTIATE

MANAGEMENT OF STATEWIDE DIRECT SERVICES CONTRACTS FOR CHILDREN AND FAMILY SERVICES IN NEED OF SERVICES (CINS/FINS)

The Florida Network of Youth and Family Services, Inc. is seeking a provider to manage contracts that provide direct services to Children and Family Services In Need of Services (CINS/FINS) for approximately 35 sites spread throughout the state of Florida. The contracts are currently under the direct supervision of the Department of Juvenile Justice (DJJ) local districts.

This invitation to negotiate is in anticipation of a soon-to-be released Request for Proposal (RFP) emanating from DJJ; therefore, the selection of the contract management entity will result in an agreement contingent upon the Florida Network being awarded the RFP. The RFP will most likely include the provision for statewide shelter services (direct care) and oversight and management of the local direct care sites from a centralized statewide entity. The responder to this invitation, if selected, would subcontract with the Florida Network's state office located in Tallahassee.

If you are interested in submitting a proposal for these services, please respond in writing indicating your interest and a brief proposal and estimated cost by August 25, 2000 to:

Florida Network of Youth and Family Services, Inc.

2728 Pablo Avenue

Tallahassee, Florida 32308

(850)922-4324

Attention: Dee Richter

The Florida Network of Youth and Family Services, Inc. reserves the right to reject any and all proposals or to accept minor irregularities in the best interest of the Florida Network of Youth and Family Services, Inc.

Certified Minority Business Enterprises are encouraged to submit proposals.

FISH AND WILDLIFE CONSERVATION COMMISSION

PUBLIC ANNOUNCEMENT FOR

PROFESSIONAL SERVICES – (RE-ADVERTISEMENT)

The Florida Fish and Wildlife Conservation Commission announces that professional services are required for an Engineer to development highway signage plans for 133 birding trail sites located in 18 Northeastern Florida Counties.

The engineer awarded this contract shall be certified under the Florida Statutes to practice or to offer to practice engineering services.

Applications are to be sent to: Attn.: Purchasing, Rm. 364, 620 S. Meridian Street, Tallahassee, FL 32399-1600.

Project Number: FWC 00/01-11

Project Name: THE GREAT FLORIDA BIRDING TRAIL: EAST FLORIDA SECTION

Project Coordinator for the Commission: Julie Brashears, (850)922-0664, email: brashej@gfc.state.fl.us, Birding Trail Coordinator

Project Coordinator for FDOT: Steve Runyan, (850)487-4617, email: steve.runyan@dot.state.fl.us, Traffic Operations Engineer

Corrected Response Due Date: September 22, 2000, 2:00 p.m.

New Shortlist Selection date is scheduled for September 29, 2000

The results of this selection will be posted at: Florida Fish and Wildlife Conservation Commission, Attn.: Purchasing, Rm. 364, 620 S. Meridian Street, Tallahassee, FL 32399-1600, during regular working hours.

INSTRUCTIONS

Submit three copies of the following:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's ability to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form.
3. A copy of the firm's current Florida Professional Registration License Renewal.
4. For Corporations only: if the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.

Please provide one stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work and references with phone numbers are requested to be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Selections shall be made in accordance with Chapter 287.055, Florida Statutes.

Any protests of the selection must be made within 72 hours of posting the selection results. If no protest is received within 72 hours, negotiation and contract award will proceed with the selected firm.

DESCRIPTION OF PROJECT

The long-term plans for the statewide Birding Trail includes at least 500 birdwatching sites throughout the state. The first section, covered in this Scope, includes 133 sites, comprised of 24 "clusters" (a group of sites located within a 20 mile radius), in 18 counties (Nassau, Clay, Duval, St. Johns, Putnam, Flagler, Marion, Volusia, Lake, Seminole, Brevard, Orange, Polk, Osceola, Indian River, Highlands, Okeechobee and St. Lucie). The consultant shall prepare three separate sets of construction plans, each containing all of the sites in the East Florida Section to be signed.

All construction plans shall be prepared in accordance with the latest design standards and practices of the Manual on Uniform Traffic Control Devices (MUTCD), FDOT Standard Specifications for Road and Bridge Construction, FDOT Roadway and Traffic Design Standards, Plans Preparation Manual, and Supplemental Specifications issued by the FDOT.

Section XII Miscellaneous

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., September 29, 2000):

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Central Florida Postal Credit Union, 301 East Michigan, Orlando, Florida 32806

Expansion Includes: All employees of Newsome Family Chiropractic.

Received: August 28, 2000

Name and Address of Applicant: Federal Employees Credit Union, 1055 South Congress Avenue, West Palm Beach, Florida 33406

Expansion Includes: People living or working in the town of Jupiter.

Received: August 28, 2000

Name and Address of Applicant: Fairwinds Credit Union, 3075 N. Alafaya Trail, Orlando, Florida 32826

Expansion Includes: Residents of and people working in Orange County, Florida; and employees of the following groups: Cycle Riders, Inc. of Orlando; Coast Dental who work in the Central Florida area; GlobeNet Capital Corporation of Winter Park; R.R.R. Ashley's, Inc. of Orlando; Republic Services of Florida in Orlando; Green Bay Packaging of Orlando; and ASAP Office Buildings, Inc. of Orlando.

Received: August 28, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No. DCA00-OR-254

In re: ISLAMORADA, VILLAGE OF ISLANDS
LAND DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 00-07

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (1999), which require the Department to enter a final order approving or rejecting land development regulations adopted by Islamorada, Village of Islands ("Islamorada"). This Final Order approves Islamorada Ordinance No. 00-07 as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada is a unit of government within the Florida Keys Area of Critical State Concern.
2. On June 26, 2000, the Department received for review Islamorada Ordinance No. 00-07 which was adopted by the Village Council of Islamorada on June 8, 2000 ("Ord. 00-07"). Ord. 00-07 established new sign regulations for Islamorada, amending Islamorada's land development regulations codified at Chapter 9.5, Division 13, Sections 9.5-401 to 9.5-408, Islamorada Code.
3. Section 1 of Ord. 00-07 adopts substantive changes to Islamorada's sign regulations, as contained in Islamorada Code Sections 9.5-401 to 9.5-408. Section 2 of Ord. 00-07 contains a severability provision; Section 3 contains a conflict provision; Section 4 contains an inclusion provision; and Section 5 provides an effective date.
4. Ord. 00-07 is consistent with and furthers the objectives and policies of Islamorada's Comprehensive Plan and the statutory Principles for Guiding Development.

CONCLUSIONS OF LAW

1. The Department is required to approve or reject any and all land development regulations that are enacted, amended or rescinded by any unit of government in the Florida Keys Area of Critical State Concern within 60 days of receipt by the Department. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (1999).
2. Islamorada is a unit of government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (1999) and Rule 28-29.002 (superseding Chapter 27F-8, Fla. Admin. Code).
3. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (1999). The regulations adopted by Ord. 00-07 are land development regulations, as defined by statute.
4. All land development regulations enacted, amended or rescinded by Monroe County must be consistent with the Principles for Guiding Development (the "Principles"). § 380.0552(7), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). In reviewing the land development regulations for consistency, the Principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (1999).
5. The Department has reviewed all provisions of Ord. 00-07 for consistency with the Principles and has determined that Ord. 00-07 is consistent with the Principles as a whole. Ord. 00-07 adopts sign regulations which, among other things, will reduce negative visual impacts and enhance overall aesthetics within Islamorada, in furtherance of paragraph (f) of the Principles. Ord. 00-07 has no adverse environmental impacts and otherwise promotes paragraphs (a) and (l) of the Principles. §§ 380.0552(7) (a), (f), and (l), Fla. Stat. (1999).

WHEREFORE, IT IS ORDERED that Ord. 00-07 is found to be consistent with the Principles found at § 380.0552(7), Fla. Stat. (1999), as a whole, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/
 J. THOMAS BECK, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE

PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, “PETITION FOR ADMINISTRATIVE PROCEEDINGS” WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of August, 2000.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:
Honorable James Mooney
Mayor, Islamorada
81011 Overseas Hwy.
Islamorada, FL 33036
Carol Simpkins
Clerk, Islamorada
81011 Overseas Hwy.
Islamorada, FL 33036

By Hand Delivery or Interagency Mail:
Michael McDaniel, Growth Management Administrator, DCA
Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
Geoffrey T. Kirk, Assistant General Counsel, DCA
Tallahassee

NOTICE OF ATTORNEY-CLIENT SESSION

[Section 286.011, Florida Statutes (1999)]

NOTICE IS HEREBY GIVEN that the Florida Building Commission shall meet in private with its legal counsel pursuant to Section 286.011, Florida Statutes (1999), at 8:20

a.m. on Tuesday, September 19, 2000, at the Sheraton Gainesville, 2900 S. W. 13th Street, Gainesville, Florida. The names of persons who will be attending the meeting are as follows:

CHAIRMAN:

Raul L. Rodriguez, AIA

COMMISSIONERS:

- Nick D'Andrea Karl S. Thorne
Medard Kopczynski Leonard N. Lipka
Daniel C. Shaw Richard "Dick" Browdy
Dr. Diana B. Richardson Steven C. Bassett, P. E.
John Robert Calpini James R. Mehlretter
Peggy P. Harris Sam Walthour
Suzanne Marshall George J. Wiggins
Harold D. Covey Stephen H. Corn
Bob R. Leonard Craig Parrino
Christ T. Sanidas Francisco J. Quintana
Michael C. McCombs Ed Carson

EXECUTIVE DIRECTOR:

Richard Dixon

ATTORNEYS FOR THE COMMISSION:

- Suzanne Schmith
Jim Richmond

The local government is encouraged to begin advertising this program as soon as possible to identify very low income eligible recipients who do not have other means of addressing their well problems. All identified households should also be referred to Rural Development loan and grant programs or State Housing Initiative Program (SHIP) Emergency Funds.

The attached Notice of Intent to Apply Form must be received by close of business (5:00 p.m.) on September 25, 2000 at the following address:

Community Development Section
Division of Housing and Community Development
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee Florida 32399-2100

The signed Notice of Intent to Apply Form may also be submitted by that time and date by FAX to either (850)922-5609 or (850)922-5623. Please call to confirm receipt by the Department by the deadline. ONLY THOSE SUBMITTING THE NOTICE OF INTENT TO APPLY FORM WILL BE SENT AN APPLICATION FORM BY THE DEPARTMENT. FINAL APPLICATIONS WILL BE DUE ON NOVEMBER 8, 2000, INCLUDING DOCUMENTATION OF ELIGIBLE HOUSEHOLDS.

For information, communities should contact Kevin Ogden, Planner IV, (850)487-3644 or e-mail him at kevin.ogden@dca.state.fl.us Interested communities may also address inquiries to: Community Development Section, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee Florida 32399-2100.

NOTICE OF INTENT TO APPLY FOR SMALL CITIES CDBG EMERGENCY SET-ASIDE FUNDING

NOTICE OF FUND AVAILABILITY

EMERGENCY SET-ASIDE FOR DROUGHT RELIEF ASSISTANCE FOR PUBLIC WATER SYSTEMS AND PRIVATE WELL OWNERS TARGETING LOW AND MODERATE INCOME FLORIDIANS

The Department of Community Affairs announces funding availability for federal fiscal year 2000 under the Florida Small Cities Community Development Block Grant (CDBG) Emergency Set-Aside Program to eligible applicants (See attached list). This funding is being made available under Governor's Executive Order Number 2000-160 and Emergency Rule 9BER00-3 under the neighborhood revitalization emergency assistance set-aside category in an amount up to \$1,277,279. Funds under this set-aside are limited to assisting eligible city and county governments where there is an urgent and immediate threat to the health and welfare of the community due to drought conditions. The program is targeted to low and moderate income families who receive water from public or private (residential) wells that have stopped functioning as a result of the year 2000 drought and for which no other federal, state or local funds are available to address the need. Upon receipt of the Notice of Intent Form completed and signed by the Chief Elected Official of an eligible unit of local government. The Department will mail an application package to be completed by each responding local government.

- a. Local Government Applicant: _____
County: _____
Chief Elected Official: _____
Title: _____
Local Govt. Contact (to receive application packet): _____
Title: _____ Phone: _____ Fax: _____
Local Govt. Contact Mailing Address: _____
City: _____, Florida Zip Code: _____

b. Provide a brief narrative description of the effect of the drought on the area and the need for wells to address that need:

c. The applying local government certifies that the activities outlined in the narrative:

- 1. Are intended to alleviate existing conditions which pose a serious threat to the health or welfare of the community which are of recent origin or which recently became urgent,
2. The unit of general local government can demonstrate that no other federal, state or local disaster funds are available to address the activity, and

3. Any direct beneficiaries to be served by the CDBG activity will be low and moderate income or that beneficiaries of public or private well systems serving multiple users will be at least 51% low and moderate income.

Signature of the Chief Elected Official Date
or designee (as authorized by the governing body)

APPLICATION REQUIREMENTS

Upon receipt of your Notice of Intent to Apply for the CDBG Emergency Set-Aside Program, application forms will be mailed to your local government. Eligible activities are limited to well replacement assistance to public system wells and private wells.

Applications must be received by the Community Development Section, Division of Housing and Community Development, Department of Community Affairs, Room Number 260N, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 by 5:00 p.m. on November 8, 2000. No waiver of the deadline date will be allowed. Applications which do not meet the established deadlines will not be eligible for consideration. Applications for assistance will be considered for funding by the Secretary based upon the following considerations:

THRESHOLD CONSIDERATIONS:

- (a) Water well problems must be a direct result of the drought.
- (b) Activities must benefit Low and Moderate Income families (see 24 CFR 570.483(b)). Area benefit activities (such as a public or private well which serve dozens of families) must ensure that a minimum of 51% of the beneficiaries are low or moderate income. For direct benefit activities (such as a privately owned well), each beneficiary must be low or moderate income. Current low and moderate income standards are available by request from the Department at (850)487-3644 or on the Small Cities CDBG web site at the following e-mail address

<http://www.dca.state.fl.us/fhcd/programs/cdbgp/income/index.htm>

PROJECT SELECTION CONSIDERATIONS:

Allocation of funds will be based on the following priorities:

- (a) Direct benefit to low and moderate income families residing in owner occupied mobile homes with failed wells,
- (b) Direct benefit to low and moderate income families residing in owner occupied homes with failed wells,
- (c) Indirect benefit to an eligible local government with at least 51% low and moderate income households whose public water well has failed as a result of the drought, and
- (d) Indirect benefit to an area which serves households of which at least 51% are low and moderate income where a privately owned well has failed.

The Secretary may consider one or more of the following factors in determining applications to be funded:

- (a) Targeting of very low income families and elderly and handicapped persons, especially those in mobile homes,
- (b) Regional balance of final awards according to geographic considerations, and
- (c) Documented leverage of other resources already used to resolve these problems, such as State Housing Initiative Program (SHIP) or Rural Development (RD, formerly FmHA) funds.

OTHER REQUIREMENTS:

- (a) Private wells proposed for assistance will have to serve low and moderate income or very low income families unserved by other federal, state, local or private funding.
- (b) Local governments applying must commit to a public advertisement process open to all eligible low income home owners whose private wells may be affected.
- (c) When State Housing Initiative Program funds or federal Rural Development funds are available to the household (for which these activities are eligible), the household must apply for those funds first, before CDBG funds can be used. Confirmation of this requirement will be required to be submitted in the application.
- (d) Administrative costs are limited to 8% of the grant.

For information, communities should contact Kevin Ogden, Planner IV, at (850)487-3644 or e-mail him at kevin.ogden@dca.state.fl.us Interested communities may also address inquiries to the CDBG Section, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Attachment A – Small Cities CDBG Drought Recovery Eligibility List

- Alachua
- Alachua Co.
- Alford
- Altha
- Anna Maria
- Apalachicola
- Apopka
- Arcadia
- Archer
- Astatula
- Avon Park
- Baker Co.
- Bascom
- Bay Co.
- Bay Lake
- Bell
- Belleair Beach
- Belleair Shores
- Bellevue
- Beverly Beach

Blountstown	Everglades City
Bonifay	Fanning Spring
Bowling Green	Fellsmere
Bradenton Beach	Fernandina Beach
Bradford Co.	Flagler Beach
Branford	Flagler Co.
Bristol	Fort White
Bronson	Franklin Co.
Brooker	Freeport
Brooksville	Fruitland Park
Bunnell	Gadsden Co.
Bushnell	Gilchrist Co.
Calhoun Co.	Glades Co.
Callahan	Glen St. Mary
Callaway	Graceville
Campbellton	Grand Ridge
Carrabelle	Green Cove Spgs.
Caryville	Greensboro
Cedar Grove	Greenville
Cedar Key	Greenwood
Center Hill	Gretna
Century	Groveland
Charlotte Co.	Gulf Breeze
Chattahoochee	Gulf Co.
Chiefland	Hamilton Co.
ChIPLEY	Hampton
Cinco Bayou	Hardee Co.
Citrus Co.	Hastings
Clay Co.	Havana
Clermont	Hawthorne
Clewiston	Hendry Co.
Cocoa Beach	Hernando Co.
Coleman	High Springs
Collier Co.	Highland Park
Columbia Co.	Highlands Co.
Cottdonale	Hilliard
Crescent City	Holmes Beach
Crestview	Holmes Co.
Cross City	Horseshoe Beach
Crystal River	Howey-in-the-Hills
DeFuniak Springs	Indian Riv Co.
Desoto Co.	Indian River Shores
Destin	Inglis
Dixie Co.	Interlachen
Dunnellon	Inverness
Eatonville	Jackson Co.
Ebro	Jacob City
Edgewood City	Jasper
Esto	Jay
Eustis	Jefferson Co.

Jennings	Oakland City
Jupiter Island	Ocean Breeze Pk
Keystone Heights	Okaloosa Co.
Kissimmee	Okeechobee
La Crosse	Okeechobee Co.
LaBelle	Orange Park
Lady Lake	Orchid
Lafayette Co.	Osceola Co.
Lake Buena Vista	Otter Creek
Lake Butler	Palatka
Lake City	Palm Coast
Lake Placid	Palmetto
Laurel Hill	Panama City Beach
Lawtey	Parker
Layton	Paxton
Lee	Penny Farms
Leesburg	Perry
Leon Co.	Pomona Park
Levy Co.	Ponce DeLeon
Liberty Co.	Ponce Inlet
Live Oak	Port St. Joe
Longboat Key	Putnam Co.
Lynn Haven	Quincy
Maccclenny	Raiford
Madison	Reddick
Madison Co.	Redington Shores
Malone	Santa Rosa Co.
Manatee Co.	Sebastian
Marco Island	Sebring
Marianna	Sewall's Point
Marineland	Shalimar
Marion Co.	Sneads
Martin Co.	Sopchoppy
Mary Esther	Springfield
Mascotte	St. Augustine
Mayo	St. Augustine Bch
McIntosh	St. Cloud
Mexico Beach	St. Johns Co.
Micanopy	St. Leo
Midway	St. Lucie
Milton	St. Lucie Co.
Minneola	St. Marks
Monticello	Starke
Moore Haven	Stuart
Mount Dora	Sumter Co.
Nassau Co.	Suwannee Co.
Newberry	Taylor Co.
Niceville	Treasure Island
Noma	Trenton
No. Redington Bch	Umatilla

Union Co.
 Valparaiso
 Vernon
 Vero Beach
 Wakulla Co.
 Waldo
 Walton Co.
 Washington Co.
 Wauchula
 Wausau
 Webster
 Weeki Wachee
 Welaka
 Westville
 Wewahitchka
 White Springs
 Wildwood
 Williston
 Worthington Spgs
 Yankeetown
 Zephyrhills
 Zolfo Springs

DCA Final Order No. DCA00-OR-274

In re: CITY OF KEY WEST LAND DEVELOPMENT
 REGULATIONS ADOPTED BY CITY OF
 KEY WEST ORDINANCE NOS. 99-18 and 00-14

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat. (1999) and Chapter 28-36, Fla. Admin. Code, which require the Department to enter a final order approving or rejecting land development regulations adopted by the City of Key West, Florida. This Final Order approves City Ordinance Nos. 99-18 and 00-14 as set forth below.

FINDINGS OF FACT

1. The City of Key West, Florida is a state designated Area of Critical State Concern.
2. On September 9, 1999, the City of Key West (“City”) adopted Ordinance No. 99-18 (“Ord. 99-18”) consisting of amendments to its Land Development Regulations relating to the Naval military base reuse plan. These amendments were challenged following their adoption. Thereafter, the challengers and the City entered in a settlement agreement whereby the City agreed to adopt certain additional amendments to its Land Development Regulation. On July 6, 2000, the City adopted Ordinance No. 00-14 (“Ord. 00-14”) which further amends Ord. 99-18.

3. Section 1 of Ord. 99-18 amends or creates City Code subsections 2-5.2.3 (Medium Density Residential District), 2-5.5.1 (Historic Medium Density Residential District), 2-5.5.3 (Historic Residential Commercial Core – 4 Truman Waterfront District), 2-5.5.4 (Historic Neighborhood Commercial District), 2-5.5.7 (Historic Public and Semi-Public Services District), 2-5.5.9 (Historic Limited Commercial District), 4-18.3 (Development Plan Review Criteria/Procedures), 4-18.4 (Development Review Process) and 4-18.5 (Information To Be Included in Development Plan). Section 2 of Ord. 99-18 contains a severability clause; Section 3 contains a conflict provision; and Section 4 provides an effective date.

4. Section 1 of Ord. 00-14 further amends City Code subsections 2-5.5.3 (Residential Commercial Core – 4 Truman Waterfront District) and 4-18.5 (Information To Be Included in Development Plan). Section 2 of Ord. 00-14 contains a severability clause; Section 3 contains a conflict provision; and Section 4 provides an effective date.

5. The Department has reviewed Ord. 99-18 and Ord. 00-14 (which further amends Ord. 99-18) and has determined that these Ordinances are consistent with and in furtherance of the Principles for Guiding Development contained in Rule 28-36.003, Fla. Admin. Code, and with the City’s Comprehensive Plan.

CONCLUSIONS OF LAW

1. The Department is required to approve or reject any and all land development regulations that are enacted, amended or rescinded by the City of Key West, a designated Area of Critical State Concern, within 60 days of receipt by the Department. §§ 380.05(6) and (11), Fla. Stat. (1999); and Chapter 28-36, Fla. Admin. Code.
2. The City of Key West is a state designated Area of Critical State Concern. § 380.05, Fla. Stat. (1999) and Chapter 28-36, Fla. Admin. Code.
3. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (1999). The regulations adopted by Ord. 99-18 and 00-14 are land development regulations, as defined by statute.
4. All land development regulations enacted, amended or rescinded by the City of Key West must be consistent with the Principles for Guiding Development set forth in Rule 28-36.003, Fla. Admin. Code (the “Principles”). See § 380.05(6), Fla. Stat. (1999); Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff’d, 740 So. 2d 1209 (Fla. 3d DCA 1999). In reviewing the land development regulations for consistency, the Principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions.
5. The Department has reviewed all provisions of Ord. 99-18 and Ord. 00-14 for consistency with the Principles. Ord. 99-18, as further amended by Ord. 00-14, strengthens the local government’s capabilities for managing land use and

development under Principle (a); minimizes the adverse impacts of development on water quality in and around Key West pursuant to Principle (c); protects the Key West Historical Preservation District pursuant to Principle (e); and promotes the welfare and economy of Key West in furtherance of Principle (h). Rules 28-36.001(a), (c), (e) and (h), Fla. Admin. Code. Accordingly, the Department has determined that Ord. 99-18, as further amended by Ord. 00-14, are consistent with the Principles as a whole. §§ 380.05(6) and (11), Fla. Stat. (1999).

WHEREFORE, IT IS ORDERED that Ord. 99-18 and Ord. 00-14, cumulative, are found to be consistent with the Principles set forth in Rule 28-36.003, Fla. Admin. Code, as a whole, and are hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ _____
J. THOMAS BECK, DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below, by the method indicated, this ____ day of _____, 2000.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Jimmy Weekley
Mayor of City of Key West
P. O. Box 1409
Key West, FL 33041-1409
Cheryl Smith
City Clerk, City of Key West
P. O. Box 1409
Key West, FL 33041-1409
Ty Symroski
Planning Director, City of Key West
P. O. Box 1409
Key West, FL 33041-1409
Robert Tischenkel, Esq.
City Attorney, City of Key West
P. O. Box 1409
Key West, FL 33041-1409

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA
Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
Geoffrey T. Kirk, Assistant General Counsel, DCA
Tallahassee

NOTICE OF APPROVAL FOR
PRESERVATION 2000 FUNDS

The Florida Communities Trust (Trust) reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program, P56, P8A and P9A funding cycles. The project plans listed below were reviewed in accordance with Rule 9K-4.011, FAC., by the Trust governing body at its August 23, 2000 meeting. The governing body authorized the Chair to execute the agreements for acquisition of the project sites and all other documents necessary to close the projects and release funds as follows:

Project: 95-052-P56/Indrio North Savannahs
(Reimbursement)
Grantee: St. Lucie County
Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$1,175,000.00
Project: 98-033-P8A/Fort Fanning Heritage Park (Brown)
Grantee: City of Fanning Springs

Amount of Approved Funds: the lesser of 100.00% of the final total project costs or \$1,266,800.00

Project: 98-036-P8A/Lake Helen Greenway (Panton)
Grantee: City of Lake Helen

Amount of Approved Funds: the lesser of 100.00% of the final total project costs or \$1,465,000.00, contingent on final approval of the management plan by FCT staff.

Project: 98-043-P8A/Fort King (McCall)
Grantee: City of Ocala – Marion County

Amount of Approved Funds: the lesser of 99.00% of the final total project costs or \$687,075.00, contingent on final approval of the management plan by FCT staff.

Project: 98-045-P8A/Haney Creek Watershed Preservation and Greenways (Bussell)
Grantee: City of Stuart

Amount of Approved Funds: the lesser of 95.00% of the final total project costs or \$4,424,625.00

Project: 98-053-P8A/Cypress Lakes Preserve Addition (Horan)
Grantee: Hernando County

Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$59,675.00, contingent on final approval of the management plan by FCT staff.

Project: 99-001-P9A/Pepper Park Addition (Reimbursement)
Grantee: St. Lucie County

Amount of Approved Funds: the lesser of 91.67% of the final total project costs or \$550,000.00, contingent on final approval of the management plan by FCT staff.

Project: 99-013-P9A/Englewood Beach (Reimbursement)
Grantee: Charlotte County

Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$528,400.00, contingent on final approval of the management plan by FCT staff.

Project: 99-018-P9A/Dutton Island Intracoastal Waterway Park Expansion (Reimbursement)
Grantee: City of Jacksonville – City of Atlantic Beach

Amount of Approved Funds: the lesser of 50.00% of the final total project costs or \$1,392,025.00, contingent on final approval of the management plan by FCT staff.

Project: 99-022-P9A/Poppleton Creek Watershed Preservation and Restoration Project (Reimbursement plus Thomas)
Grantee: City of Stuart

Amount of Approved Funds: the lesser of 40.00% of the final total project costs or \$797,200.00, contingent on final approval of the management plan by FCT staff.

Project: 99-062-P9A/Mala Compra Greenway – Addition to Bings Landing Park (Foley-Rossmeier)
Grantee: Flagler County

Amount of Approved Funds: the lesser of 100.00% of the final total project costs or \$860,926.00, contingent on final approval of the management plan by FCT staff.

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, FAC. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Global Electric MotorCars, LLC, intends to allow the establishment of Aquatic Adventures of NW Florida, Inc., as a dealership for the sale of GEM vehicles, at 647 Clara Avenue, Panama City Beach (Bay County), Florida 32407, on or after August 23, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Aquatic Adventures of N. W. Florida, Inc., are: dealer operator and principal investor(s): Mr. Jeff Jones, Aquatic Adventures of N. W. Florida, Inc., 647 Clara Avenue, Panama City Beach, Florida 32407.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ken Montler, President/COO, Global Electric MotorCars, LLC, 3601 7th Avenue, N. W., Fargo, ND 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Titan Motorcycle Co. of America, intends to allow the establishment of Proudfoot Motorcycles of Daytona Beach, as a dealership for the sale of Phoenix Series, Phoenix Custom Series, Gecko, Sidewinder, Roadrunner and Roadrunner Sport Series products, at 120 East Fairview Avenue, Daytona Beach (Volusia County), Florida 32114, on or after September 1, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Proudfoot Motorcycles of Daytona Beach are: dealer operator and principal investor(s): Donn Proudfoot, Proudfoot Motorcycles, 4601 Fowler Motorcycles, Ft. Myers Beach, Florida 33907.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Brian Saker, Titan Motorcycle Company, National Sales Manager, 2222 West Peoria Avenue, Phoenix, Arizona 85029.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN August 21, 2000
 and August 25, 2000

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE
Board of Funeral and Cemetery Services

3F-5.001	8/24/00	9/13/00	26/21	
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DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

9B-13.0041	8/23/00	9/12/00	26/21	
9B-13.0061	8/23/00	9/12/00	26/21	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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STATE BOARD OF ADMINISTRATION

19-8.013	8/23/00	9/12/00	26/25	26/30
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

61G4-16.001	8/23/00	9/12/00	26/29	
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Florida Real Estate Appraisal Board

61J1-4.003	8/25/00	9/14/00	26/26	
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DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

64B3-9.013	8/25/00	9/14/00	26/23	
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