

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Minimum Audit Procedures – International Bank Agencies
 RULE NO.: 3C-140.018

PURPOSE AND EFFECT: The rule will be revised to update the audit requirements for Florida-licensed international bank agencies and to make those audit requirements similar to those imposed on Florida-chartered commercial banks, savings associations and trust companies. In so doing, any inequities between segments of the financial services industry will be eliminated, and the costs of audits for differing segments of the industry should equalize.

SUBJECT AREA TO BE ADDRESSED: Minimum Audit Procedures for International Bank Agencies.

SPECIFIC AUTHORITY: 655.012(3), 655.045(3), 663.09, 663.13 FS.

LAW IMPLEMENTED: 655.045(3), 663.09 FS.

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

TIME AND DATE: 10:00 a.m., January 8, 2001

PLACE: Division of Banking Conference Room, 6th Floor, 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: Linda R. Townsend, Chief, Bureau of Financial Institutions, District II, Division of Banking, Room 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 3C-140.018 follows. See Florida Administrative Code for present text.)

3C-140.018 Minimum Audit Procedures – International Bank Agencies.

(1) Scope, Records in English. Each state licensed international bank agency shall keep a set of accounts and records in English, reflecting all transactions on a daily basis. The international banking corporation of each state licensed bank agency shall perform, or shall cause to be performed, an audit of the agency within each calendar year and within 15 months of the previous audit, in compliance with the following

minimum audit requirements. If the audit is performed on a departmental or continuous basis, it should be initiated during the calendar year and within 15 months of the previous audit.

(2) Persons Qualified to Perform Audits. Persons who perform audits for the international bank agencies must be independent of any manager or employee in charge of operating the international agency and must qualify pursuant to one of the following classes:

(a) The audit department of the international bank agency or the audit department of an affiliated group or related bank holding company, or the audit department of a correspondent bank, provided that the audit department and the audit department supervisor are under management of the international banking corporation.

(b) Certified Public Accountants licensed to practice in the State of Florida and independent of the international bank agency and of its affiliates.

(3) A party is considered independent if:

(a) The party reports directly to the international bank agency's board of directors or other entity charged with supervision of the international bank agency;

(b) The party's duties at the international bank agency are confined entirely to auditing the international bank agency;

(c) The party has no proprietary interest, directly or indirectly, in any partnership, firm, or other person that controls or directs the international bank agency;

(d) The party has no outstanding loans or other obligations that have been criticized by any other auditor or any regulatory agency;

(e) All relationships the party has with any member of the board of directors or other entity charged with supervision of the agency have been disclosed to the board of directors or other entity charged with supervision of the agency and all questions concerning the party's independence have been resolved before the internal audit begins; and

(f) For certified public accountants, independence shall be governed by the rules of the State Board of Accountancy.

(4) To satisfy the requirements of this section, each internal audit shall:

(a) Assess the effectiveness of the international bank agency's internal control policies and procedures, including the electronic data processing function; and

(b) Be conducted in accordance with generally accepted auditing principles as set forth in the 1996 GAAS Guide and shall include an assessment of each of the following areas:

1. Asset accounts;
2. Liability accounts;
3. Capital accounts;
4. Income and expense accounts; and
5. Contingent liabilities and off-balance sheet activities.

(5) In lieu of a comprehensive internal audit, an international bank agency may satisfy this audit requirement by having a continuous audit performed by a party qualified pursuant to subsection (2) above.

(6) Within 90 days after the completion of the internal audit, and within 45 days of acceptance by the board of directors or other entity charged with supervision of the international bank agency, the board of directors other entity charged with supervision of the international bank agency shall submit the following to the Department:

(a) A copy of the completed internal audit report, including the date or dates on which the audit was conducted;

(b) A statement indicating that all of the areas outlined in this rule were reviewed, or specific reasons why certain areas were not reviewed;

(c) A statement of condition and a statement of income and expense for the financial institution (and the holding company if appropriate) as of the audit date;

(d) A statement describing the findings and recommendations of the audit;

(e) A copy of the international bank agency's response to the auditors' findings and recommendations; and

(f) A letter from the international banking corporation's board of directors or other entity charged with supervision of the international bank agency stating that the audit report, the auditors' recommendations and the international bank agency's response to the auditors' recommendations have been reviewed and accepted, or in the alternative why they have been rejected.

(g) All audit documentation specified herein shall be forwarded to: Division of Banking, Suite 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350

(7) The Department shall review each audit and, if it finds that the internal audit does not comprehensively address all relevant areas of concern or accurately reflect the condition of the financial institution, the Department shall require an audit pursuant to paragraph 655.045(3)(a), Florida Statutes.

Specific Authority 655.012(3), 655.045(3), 663.09, 663.13 FS. Law Implemented 120.53(1)(b), 655.045(3), 663.09 FS. History--New 3-29-83, Formerly 3C-15.12, Amended 8-19-86, 5-22-90, 10-29-91, 2-17-92, Formerly 3C-15.012, Amended _____. Cf. Rule 3C-1.022, F.A.C., which governs Reports Required for Certain Currency Transactions.

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLE: Proof of Entitlement to Unclaimed Property
RULE NO.: 3D-20.0022
PURPOSE AND EFFECT: The purpose of the proposed amendments is to revise the Estate Affidavit form that is incorporated by reference in this rule.
SUBJECT AREA TO BE ADDRESSED: Estate Affidavit form.

SPECIFIC AUTHORITY: 717.138 FS.

LAW IMPLEMENTED: 92.525, 717.124, 717.126 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., January 8, 2001

PLACE: Room 330, 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: Donna Clay, Bureau of Unclaimed Property, Room 330, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9544

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-20.0022 Proof of Entitlement to Unclaimed Property.

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

(c) If an owner died testate but the will was not probated, provide a certified copy of the will and an affidavit stating that the assets of the estate of the owner, excluding the unclaimed property, are sufficient to pay all just claims and that no probate proceedings have been instituted upon the estate. The affidavit shall be submitted on Form DBF-AP-1243, Estate Affidavit (revised 10/00 effective 1-18-99), which is hereby incorporated by reference and available from the Department of Banking and Finance, Unclaimed Property Program Division of Finance, Room 330, Fletcher Building, 101 East Gaines Street, Room 330, Tallahassee, Florida 32399-0350.

(d) through (e) No change.

(4) through (5) No change.

Specific Authority 717.138 FS. Law Implemented 92.525, 717.124, 717.126 FS. History--New 3-20-91, Amended 3-13-96, 8-18-96, 1-28-97, 1-18-99, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Definition of Qualified Instructional Personnel
RULE NO.: 6A-1.0503

PURPOSE AND EFFECT: The purpose of the proposed rule development is to amend the rule to reflect statutory changes enacted in Chapter 2000-301, Laws of Florida, expanding the options by which a teacher is designated as "infield," meaning qualified for teaching the course. The effect will be a rule that accurately reflects all provisions of law.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed will be the requirements and guidelines for school districts in the selection and assignment of instructional personnel, the identification of "out-of-field" teachers, and the inservice or college credit requirements for continued school board appointment of teachers to out-of-field positions.

SPECIFIC AUTHORITY: 229.053(1), 236.02(4) FS.

LAW IMPLEMENTED: 236.02(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: David Ashburn, Director, Division of Professional Educators, Department of Education, 325 West Gaines Street, Room 203, Tallahassee, Florida 32399-0400, (850)487-3663

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.0503 Definition of Qualified Instructional Personnel.

A qualified instructional person is defined as an instructional staff member who meets one (1) of the following conditions:

(1) Holds a valid Florida educator's certificate with the appropriate coverage as provided for in the Course Code Directory as adopted by reference in Rule 6A-1.09441, FAC., or

(2) Holds a valid educator's certificate and has a minor field of study in the subject matter in which instruction is provided, with the exception of a minor in the area of English to Speakers of Other Languages, or

(3) Holds a valid educator's certificate and has demonstrated sufficient subject areas expertise in the subject area in which instruction is provided, with the exception of instruction in the primary English or language arts to students with limited English proficiency, or

~~(4)(2) Is a selected noncertificated person employed under the provisions of Rule 6A-1.0502, FAC., or~~

~~(5)(3) Holds a valid educator's certificate and does not qualify under the provisions of Subsection (1), (2), or (3) of this rule and has been approved for an out-of-field assignment by the school board after determination that a teacher who meets the requirements of Subsection (1), (2), or (3) of this rule is not available, and is approved for an out-of-field assignment by the school board only under one (1) of the following conditions: Holds a valid Florida educator's certificate with coverage other than that deemed appropriate by subsection (1) and has been approved by the school board to teach out-of-field after determination that a teacher with appropriate certification coverage is not available. All evidence of such qualifications and approval must be reflected in the individual's~~

~~official personnel record; provided, however, that such approval may be granted by the school board only under one (1) of the following conditions:~~

(a) The individual is in the first year of employment in the out-of-field assignment and has not been granted, during any preceding year in the district, approval by ~~either~~ the school board ~~or the Department~~ to be employed out-of-field in an area for which specific certification is otherwise required, or

(b) The individual has earned the following college credit or inservice training in an approved district add-on program:

1. Out-of-field assignment other than ESOL (English to Speakers of Other Languages). A teacher out of field in a subject other than ESOL shall complete at least six (6) semester hours of college credit or the equivalent toward the appropriate certification required in subsection (1) of this rule within one (1) calendar year from date of initial appointment to the out-of-field assignment and each calendar year thereafter until all course requirements are completed for the appropriate certification;

2. Out-of-field assignment in only ESOL. A teacher out of field in only ESOL shall complete at least three (3) semester hours of college credit or the equivalent toward the ESOL requirements within the first two (2) calendar years from date of initial assignment to a class with limited English proficient (LEP) students and three (3) semester hours or the equivalent during each calendar year thereafter until all course requirements for certification in ESOL are completed; or

3. Out-of-field assignment in ESOL and another subject. A teacher out of field in ESOL and another subject shall complete at least six (6) semester hours of college credit or the equivalent toward the appropriate certification required by subsection (1) within one (1) calendar year from date of initial appointment to the out-of-field assignment and each calendar year thereafter until all course requirements are completed for the appropriate certification. The training shall be completed in the following manner: During the first two years, at least three (3) of the required twelve (12) semester hours or the equivalent shall be completed in ESOL strategies. Beginning with the third year and each year thereafter, at least three (3) semester hours or the equivalent shall be completed in ESOL strategies and at least three (3) semester hours in the other out-of-field subject requirements. When either all ESOL or all other out-of-field subject requirements are completed, a teacher shall comply with the schedule specified in subparagraph (5)(b)1. or 2. ~~(3)(b)1. or 2.~~ of this rule as appropriate until all requirements are completed for both ESOL and the other out-of-field subject.

4. Waivers of college credit or inservice training in an approved district add-on program may be obtained by one of the following provisions:

a. In lieu of college credit or the equivalent specified in subparagraph ~~(5)(b)1., 2., or 3.~~ ~~(3)(b)1., 2., or 3.~~ of this rule, an individual shall provide a doctor's statement certifying to medical inability to earn such credit during the prescribed time;

b. In lieu of college credit or the equivalent specified in subparagraph ~~(5)(b)1.~~ ~~(3)(b)1.~~ of this rule, the district superintendent shall provide a statement certifying to extenuating circumstances beyond the control of the teacher to earn such credit during the prescribed time; or

c. In lieu of college credit or the equivalent specified in subparagraph ~~(5)(b)1.~~ ~~(3)(b)1.~~ or the criteria in paragraph ~~(5)(3)(a)~~ of this rule, the Commissioner of Education may grant to the district or individual school sites a waiver of the requirements for a period of one (1) year on a one-time basis. The district superintendent shall, pursuant to school board approval for such waiver, show extenuating circumstances that create a hardship for the district or teachers in meeting the specified requirements, or

~~(6)(4)~~ Is a nondegreed teacher of vocational education employed under the provisions of Section 231.1725, Florida Statutes. The requirements in Section 231.1725(1)(c)2.a. and b., Florida Statutes, must be satisfied prior to initial appointment to the position.

(7) All evidence of such qualifications and approval for subsections (1) through (6) of this rule shall be reflected in the individual's official personnel record.

Specific Authority 229.053(1), ~~231.095~~, 231.15(1), 231.17(4) FS. Law Implemented 229.053, ~~231.095~~, 231.145, 231.15, 231.17 FS. History—New 4-19-74, Repromulgated 12-5-74, Amended 9-8-76, Formerly 6A-1.503, Amended 10-30-90, 10-3-91, 2-18-93, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Critical Teacher Shortage Tuition Reimbursement Program

RULE NO.: 6A-20.012

PURPOSE AND EFFECT: The purpose of this rule development is to revise the rule to align with changes enacted during the 2000 legislative session relating to the designation of out-of-field teachers and to align the application process and program timelines with the fiscal year. The effect will be a rule that is in alignment with legislative changes, that reflects the timelines and procedures of the current implementation process, and that includes a change of name and address for the program office.

SUBJECT AREA TO BE ADDRESSED: Procedures for the critical teacher shortage areas and tuition reimbursement programs will be the subject areas to be addressed.

SPECIFIC AUTHORITY: 240.4064(2) FS.

LAW IMPLEMENTED: 240.4064 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A

TIME AND DATE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Theresa Antworth, Bureau of Financial Assistance, Department of Education, 325 West Gaines Street, Room 124, Collins Building, Tallahassee, Florida 32399-0400, (850)410-5200

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-20.012 Critical Teacher Shortage Tuition Reimbursement Program.

(1) To receive aid, teachers shall meet the provisions of Section 240.4064, Florida Statutes, and Rule 6A-20.001, FAC., and:

(a) Submit, ~~each term~~ by the date established by the Department, Form TR-1, Tuition Reimbursement Application Critical Teacher Shortage Tuition Reimbursement Program and Exceptional Student Education Training Grant Program for ~~Out-of-Field~~ Teachers, which is hereby incorporated by reference and made a part of this rule to become effective March, ~~2001~~ ~~1994~~. A copy of Form TR-1 may be obtained from the ~~Bureau Office~~ of Student Financial Assistance, Department of Education, The Florida Education Center, Tallahassee, Florida 32399-0400.

(b) Have as a minimum a valid temporary Florida teacher's certificate.

(c) Intend to gain or renew certification, or to earn a graduate degree, in a designated critical teacher shortage area.

(d) Not receive reimbursement for tuition and registration fees for a course(s) from other sources.

(e) Not owe a repayment of a grant received under the Pell Grant, Supplemental Educational Opportunity Grant, or any state scholarship or grant program.

(f) Not be in default on a National Defense Loan, National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan program, unless satisfactory arrangements to repay the loan have been made.

(2) By ~~November~~ ~~August~~ 15 of each year, the Department shall distribute to Florida public school district superintendents applications and a description of the application process and the program.

(3) Publicly funded schools shall be responsible for providing teachers with information regarding the Tuition Reimbursement Program and the necessary forms.

(4) ~~An~~ The Department shall make awards each academic term; however, an applicant may receive aid for a maximum of nine (9) credit hours during a period beginning with the fall ~~summer~~ term and ending with the close of the summer term ~~second semester, or equivalent~~.

(5) The Department shall make awards after the application deadline ~~on a first come, first served basis~~.

(6) The Department shall notify applicants of their award eligibility and shall provide for the delivery of funds to eligible applicants on a funds available basis.

Specific Authority 240.4064(2) FS. Law Implemented 240.4064 FS. History—New 5-24-84, Formerly 6A-7.163, Formerly 6A-7.0163, Amended 12-25-86, 3-22-89, 3-6-94, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Critical Teacher Shortages 6A-20.0131

PURPOSE AND EFFECT: the purpose of this rule development is to amend the rule to reflect statutory changes enacted in Chapter 2000-301, Laws of Florida, expanding the definition of “out-of-field” teacher; thereby, necessitating a change in this rule governing the procedures for recommending critical teacher shortage areas. The effect will be a rule that reflects the new provisions in law.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed is the use of data of the number and percentage of teachers not certified in an appropriate field as one measure of shortage and need.

SPECIFIC AUTHORITY: 229.053(1), 231.62(1) FS.

LAW IMPLEMENTED: 231.62, 231.621, 240.4064 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE, AND PLACE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Martha J. Miller, Office of Strategy and Planning, Department of Education, 400 South Monroe Street, Room 1702, The Capitol, Tallahassee, Florida 32399-0400, (805)487-1630

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-20.0131 Critical Teacher Shortages.

(1) On or before December 1 ~~September 1~~ of each year, the Commissioner shall recommend to the State Board for approval the specific teaching areas and high priority locations

in which critical teacher shortages are projected for the public schools during the year following the academic year in which approval is made.

(2) In accordance with procedures approved by the Commissioner, a list of critical teacher shortage areas shall be prepared based on consideration of current supply and demand information related to Florida public school instructional personnel including but not limited to:

(a) The number and percentage of vacant positions in each teaching discipline;

(b) The number and percentage of positions in each discipline filled by ~~out-of-field~~ teachers not certified in the appropriate field in each discipline;

(c) The projected annual supply of graduates of state approved Florida teacher education programs for each discipline; and

~~(d) The projected annual supply of teachers from out-of-state in each discipline; and~~

~~(d)(e)~~ Critical teacher shortage areas which may be identified pursuant to rules adopted by district school boards. Such areas shall be identified based on consideration of at least the information specified in Paragraphs (2)(a) and (b) of this rule and shall be submitted to the Department no later than June 1 of each year.

(3) Based on data submitted annually by each school district, the Commissioner shall rank all public schools in accordance with the criteria provided in Section 231.62, Florida Statutes, and shall select from this ranked list those schools to be identified as high priority locations.

(4) Based on the recommendations of the Commissioner, the State Board shall adopt a list of approved critical teacher shortage areas and high priority locations to be used in conjunction with the programs described in Rules 6A-20.012, and 6A-20.013, FAC.

Specific Authority 229.053(1), 231.62(1) FS. Law Implemented 231.62, 231.621, 240.4064 FS. History—New 5-24-84, Formerly 6A-7.16, Formerly 6A-7.016, Amended 10-18-94, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Grants for Teachers for Special Training in 6A-20.025
Exceptional Student Education

PURPOSE AND EFFECT: The purpose of this rule development is to align the rule with changes enacted during the 2000 legislative session relating to the designation of out-of-field teachers, to delete a requirement for selective service registration that is no longer required, and to align the application process and program timelines with the fiscal year. The effect will be a rule that is in alignment with legislative changes, that reflects the timelines and procedures of the current implementation process, and that includes name and address changes for the program office.

SUBJECT AREA TO BE ADDRESSED: The reimbursement program for teachers of exceptional students timelines and a review to eliminate obsolete requirements will be the subject areas to be addressed.

SPECIFIC AUTHORITY: 120.55(1)(a)4., 229.053(1), 240.405(5) FS.

LAW IMPLEMENTED: 240.405 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE, AND PLACE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Theresa Antworth, Bureau of Financial Assistance, Department of Education, 325 West Gaines Street, Room 124, Collins Building, Tallahassee, Florida 32399-0400, (850)410-5200

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-20.025 Grants for Teachers for Special Training in Exceptional Student Education.

(1) Eligibility criteria. To be eligible to receive a tuition reimbursement grant for special training in exceptional student education, the applicant shall:

(a) Hold a full-time contract to teach in a district school system, a state operated or a state supported program, or an agency or organization under contract with the Department.

(b) Hold a valid Florida educator's certificate that does not reflect an exceptional student education coverage or endorsement which is appropriate for the assignment.

(c) Complete specialization course(s) needed for certification in the area in which he or she is assigned to teach with a minimum grade of 3.0 on a 4.0 scale.

~~(d) Comply with the Selective Service System registration requirements.~~

~~(d)(e)~~ Submit for each institution, and by the established deadline ~~for each term~~, a completed Form TR-1, Tuition Reimbursement Application Critical Teacher Shortage Tuition Reimbursement Program and Exceptional Student Education Training Grant Program for ~~Out-of-Field~~ Teachers, which is hereby incorporated by reference and made a part of this rule to become effective March, ~~2001~~ 1994. This form may be obtained from the Bureau of Student Financial Assistance, Teacher Training Grant Program, Bureau of Education for Exceptional Students, Department of Education, The Florida Education Center, Tallahassee, Florida 32399-0400.

(2) Review agency. Pending review of the application by the Department of Education, the applicant shall receive notification of award eligibility.

(3) Reimbursement. Eligible applicants may receive tuition reimbursement not to exceed nine (9) semester hours, or the equivalent quarter hours, per term. Reimbursement shall be at a rate consistent with that established for programs authorized by Section 240.4064, Florida Statutes. No special fees charged by the universities or colleges shall be included in the payment to a recipient nor shall payments be made if tuition has been waived or assumed, in full or in part, through other public sources. ~~For each fiscal year, grants are awarded on a first come, first served basis to the extent of funds appropriated for this program.~~

~~(4) The Department shall make awards after the application deadline. Certification agency. The Bureau of Education for Exceptional Students shall certify to the Office of Student Financial Assistance, Department of Education, eligible applicants with specified amounts to be disbursed to each.~~

(5) Fiscal agency. The Bureau Office of Student Financial Assistance, Department of Education, upon receipt of eligible applicants, shall provide for payment of eligible applicants to the extent of funds appropriated for the program.

Specific Authority 120.55(1)(a)4., 229.053(1), 240.405(5) FS. Law Implemented 240.405 FS. History—New 4-13-87, Amended 3-6-94,_____.

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Student Discipline
 RULE NO.: 6C-6.0105

PURPOSE AND EFFECT: The Board proposes amendments to this rule following the review of the Student Discipline process under the requirements of Section 120.81(1)(g), F.S.

SUBJECT AREA TO BE ADDRESSED: The student disciplinary process for all 10 university campuses.

SPECIFIC AUTHORITY: 120.81(1)(g), 240.209(1),(3)(m) FS.

LAW IMPLEMENTED: 120.81(1)(g), 240.209(1),(3)(m) FS.

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

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

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Specific Exemptions RULE NO.: 12A-1.001

PURPOSE AND EFFECT: The First District Court of Appeal reversed the Department’s conclusion that a sales tax exemption is not available for materials purchased by municipally owned utilities for use in the repair, replacement, or refurbishment of their existing electric energy transmission or distribution systems. (Florida Municipal Power Agency and Florida Municipal Electric Association, Inc. v. Department of Revenue, Appellee, No. 1D99-3770) On September 1, 2000, the court issued a mandate to initiate rulemaking proceedings to amend paragraph (9)(b) of Rule 12A-1.001, F.A.C., as it is currently in conflict with s. 212.08(6), F.S. The effect of this rule development will be to comply with this mandate.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development is the amendments to paragraph (9)(b) of Rule 12A-1.001, F.A.C., as mandated by the appellate court.

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

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

TIME AND DATE: 10:00 a.m., January 10, 2001
 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: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 12A-1.001 Specific Exemptions.
- (1) through (8) No change.
- (9) GOVERNMENTAL UNITS.

(a) No change.

~~(b) Sales of machines and equipment and parts and accessories therefor for generation, transmission, or distribution of electrical energy by systems owned and operated by a political subdivision or municipality in this state shall be subject to the tax except sales, rental, use, consumption, or storage for which bonds or revenue certificates are validated on or before January 1, 1973, for transmission or distribution expansion only. See s. 212.08(5)(e), F.S.~~

~~(c) Fire fighting and rescue service equipment and supplies purchased by volunteer fire departments, duly chartered under the Florida Statutes as corporations not for profit, are exempt.~~

~~(b)(4)~~ No change.

(10) through (21) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.525, 212.02(10),(12),(16),(20),(21), 212.03, 212.031, 212.04, 212.05, 212.0515, 212.06(2),(9), 212.08(4),(5)(a),(e),(6),(7)(a),(b),(c),(d),(f),(g),(h),(i),(k),(l),(m),(n),(o),(p),(q),(r),(s),(u),(v),(x),(bb),(cc),(dd),(8), 212.085, 212.17, 212.18, 213.12(2), 213.37, 403.715 FS. History-Revised 1-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 12-11-74, 5-27-75, 10-21-75, 9-7-78, 9-28-78, 10-18-78, 9-16-79, 2-3-80, 6-3-80, 7-7-80, 10-29-81, 12-3-81, 12-31-81, 7-20-82, 11-15-82, 10-13-83, 4-12-84, Formerly 12A-1.01, Amended 7-9-86, 1-2-89, 12-1-89, 7-7-92, 9-14-93, 5-18-94, 12-13-94, 3-20-96, 4-2-00, 6-28-00, _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES: Exemption for Qualified Production Companies RULE NOS.: 12A-1.085

Public Use Forms 12A-1.097

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.085, F.A.C., Exemption for Qualified Production Companies, is to: (1) incorporate the changes to the exemption provided for certain production companies provided in Chapter 2000-182, L.O.F.; (2) change the title to “Exemption for Qualified Production Companies” to reflect the changes required by this law; and (3) remove provisions rendered obsolete by this law.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C., Public Use Forms, is to incorporate and certify the forms created by the Department necessary to implement the provisions of Chapter 2000-182, L.O.F.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development is the proposed substantial rewording of Rule 12A-1.085, F.A.C., and the proposed amendments to Rule 12A-1.097, F.A.C., that are necessary to implement the provisions of Chapter 2000-182, L.O.F.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 288.1258(4)(c) FS.

LAW IMPLEMENTED: 212.031(1)(a)9., 212.06(1)(b), 212.08(5)(f),(12), 212.17(6), 212.18(2),(3), 288.1258 FS.

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

TIME AND DATE: 10:00 a.m., January 9, 2001

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

Copies of the agenda for the rule development workshop may be obtained from Karen Kugell, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4834.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Kugell, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4834

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 12A-1.085 follows. See Florida Administrative Code for present text.)

12A-1.085 Exemption for Qualified Production Companies Recording Motion Picture, or Television Studios.

(1) For purposes of this rule, a “qualified production company” means any company engaged in this state in the production of motion pictures, made-for-TV motion pictures, television series, commercial advertising, music videos, or sound recordings that has been approved by the Office of the Film Commissioner and has obtained a Certificate of Sales Tax Exemption for a Qualified Production Company (form DR-231, incorporated by reference in Rule 12A-1.097, F.A.C.) from the Department of Revenue.

(2)(a) Any production company conducting motion picture, television or sound recording business in this state desiring to obtain a Certificate of Exemption from Department must submit to the Department of Revenue:

1. an Entertainment Industry Qualified Production Company Application for Certificate of Exemption (form DR-230, incorporated by reference in Rule 12A-1.097, F.A.C.); and
2. documentation sufficient to substantiate the applicant’s claim for qualification as a production company pursuant to s. 288.1258, F.S.

(b)1. The Department will issue a single Certificate of Sales Tax Exemption for a Qualified Production Company for a period of 90 consecutive days to a qualified production

company, as provided in s. 288.1258(3)(b), F.S. The certificate will expire 90 days after the effective date indicated on the certificate.

2. The Department will issue a Certificate of Sales Tax Exemption for a Qualified Production Company for a period of 12 consecutive months to a qualified production company that has operated a business in Florida at a permanent address for a period of 12 consecutive months, as provided in s. 288.1258(3)(a), F.S.

(c) Qualified production companies that hold a Certificate of Sales Tax Exemption for a Qualified Production Company issued for a period of 90 consecutive days may request an extension of their certificate. Qualified production companies that hold a Certificate of Exemption issued for 12 consecutive months may renew their certificates annually for up to five years. To request an extension or a renewal of a certificate, qualified production companies must submit an Entertainment Industry Production Company Request for Renewal/Extension of Exemption (form DR-232, incorporated by reference in Rule 12A-1.097, F.A.C.) to the Office of the Film Commissioner. Upon approval by the Office of the Film Commissioner, an extension to the 90-day certificate or a renewal of the 12-month certificate will be issued by the Department.

(3)(a) A qualified production company that holds a valid Certificate of Sales Tax Exemption for a Qualified Production Company may issue a copy of its certificate to the selling dealer or lessor to:

1. Lease, rent, or hold a license in real property used as an integral part of the performance of qualified production services, as provided in s. 212.031(1)(a)9., F.S., tax exempt;
2. Purchase or lease motion picture or video equipment and sound recording equipment, as provided in s. 212.08(5)(f), F.S., tax exempt; or
3. Purchase or lease master tapes, master records, master films, or master video tapes, as provided in s. 212.08(12), F.S., tax exempt.

(b) The selling dealer or lessor is only required to obtain one copy of the qualified production company’s Certificate of Sales Tax Exemption for a Qualified Production Company to make tax exempt sales, as indicated on the certificate, to the company during the effective period indicated on the certificate. A selling dealer or lessor who accepts in good faith the required certificate will not be held liable for any tax due on sales made to a qualified production company during the effective period indicated on the certificate. The selling dealer or lessor must maintain the required exemption certificates in its books and records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

(4) A qualified production company that holds a valid Certificate of Sales Tax Exemption for a Qualified Production Company is not required to pay use tax on fabrication labor associated with the production of a qualified motion picture, as provided in s. 212.06(1)(b), F.S.

(5) Upon expiration of a Certificate of Sales Tax Exemption for a Qualified Production Company, all certificate holders are required to return their expired certificates to the Department. All certificate holders that cease to do business are required to return their certificates to the Department. Certificates are to be returned to:

Florida Department of Revenue
Central Registration
P. O. Box 6480
Tallahassee, Florida 32314-6480

(6) Copies of form DR-230 (Entertainment Industry Qualified Production Company Application for Certificate of Exemption), form DR-230N (Information and Instructions for Completing Entertainment Industry Qualified Production Company Application for Certificate of Exemption), and form DR-232 (Entertainment Industry Production Company Request for Renewal/Extension of Exemption) are available, without cost, by: 1) calling the Offices of the Film Commissioner at (877)352-3456; or 2) downloading selected forms from the Office of the Film Commissioner’s Internet site at www.filminflorida.com; or 3) from any local Film Commission offices throughout Florida. These forms are also available, without cost, by : 1) writing the Florida Department of Revenue, Forms Distribution Center, 1678 Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Forms Distribution Center at (850)922-2208; or 3) using a fax machine telephone handset to call the Department’s FAX on Demand System at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1(800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department’s Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department’s TDD at 1(800)367-8331.

Specific Authority 212.17(6), 212.18(2), 213.06(1), ~~288.1258(4)(c)~~ FS. Law Implemented ~~212.02(4),(14), (15),(19),(20),(21), 212.031(1)(a)9,(9), 212.05(4)-(b), 212.06(1)(b)(2)(a), 212.08(5)(f),(12), 288.1258 215.26(2)~~ FS. History–New 2-21-77, Amended 5-28-85, Formerly 12A-1.85, Amended 3-12-86, 12-13-88,_____.

12A-1.097 Public Use Forms.

(1) No change.

Form Number	Title	Effective Date
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(2) through (25) No change.

(26) DR-230	<u>Entertainment Industry Qualified Production Company Application for Certificate of Exemption (N. 11/00)</u>	_____
(27) DR-230N	<u>Information and Instructions for Completing Entertainment Industry Qualified Production Company Application for Certificate of Exemption (N. 11/00)</u>	_____
(28) DR-232	<u>Entertainment Industry Production Company Request for Renewal/Extension of Exemption (N. 12/00)</u>	_____

(26) through (27) renumbered (29) through (30) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.17(6), 212.18(2),(3) FS. History–New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00,_____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Public Use Forms	12A-1.097
Enterprise Zone and Florida Neighborhood Revitalization Programs	12A-1.107

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C., is to incorporate amendments to form DR-15JZ, Florida Enterprise Zone Jobs Credit Certificate of Eligibility, and form DR-15JEZ, Application for the Exemption of Electric Energy Used in an Enterprise Zone, and incorporate the creation of form DR-26RP, Florida Neighborhood Revitalization Program, and certify those forms.

The purpose of the proposed substantial rewording of Rule 12A-1.107, F.A.C., is to: (1) change the title to “Enterprise Zone and Florida Neighborhood Revitalization Programs” to reflect the changes made to the rule; (2) provide guidelines on how to obtain an enterprise zone jobs credit and when the required form must be filed with the Department; (3) provide guidelines for when an Application for Refund must be filed with the Department to obtain a refund of tax paid on building materials used in the rehabilitation of real property located in an enterprise zone, business property used in an enterprise zone, building materials for construction of single-family homes in an enterprise zone, empowerment zone, or Front Porch Florida Community, or building materials used in redevelopment projects; (4) provide guidelines on how to claim an exemption for electrical energy used in an enterprise zone; (5) provide guidelines for the Florida neighborhood revitalization programs provided in s. 212.08(5)(n) and (o),

F.S.; and (6) provide current guidelines on how to obtain forms, who is required to certify or sign the required forms, and when such forms must be submitted to the Department to be eligible for an exemption from tax or a refund of tax paid.

SUBJECT AREA TO BE ADDRESSED: The purpose of this rule development workshop is to provide an opportunity for public comment regarding the proposed amendments to Rule 12A-1.107, F.A.C., Enterprise Zone and Florida Neighborhood Revitalization Programs, and the proposed form changes related to the administration of these programs incorporated by reference in Rule 12A-1.097, F.A.C.

SPECIFIC AUTHORITY: 212.08(5)(g)6.,(h)6.,(n)4., (o)4.,(15)(e), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.08(5)(g),(h),(n),(o),(15), 212.096, 212.15(2), 212.17(6), 212.18(2),(3), 212.19(2) FS.

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

TIME AND DATE: 10:00 a.m., January 9, 2001
PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

Copies of the agenda for the rule development workshop may be obtained from Suzanne Paul, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4733

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Suzanne Paul, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4733

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.097 Public Use Forms.

(1) No change.

Form Number Title

Effective Date

(2) through (9)(c) No Change.

(d) DR-15JZ	<u>Florida Enterprise Zone Jobs Credit Certificate of Eligibility Application for the Credit Against Sales Tax Effective July 1, 1996 For Job Creation</u> (r. 01/00 10/88)	_____ 08/92
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(e) DR-15JEZ	<u>Application for the Exemption of Electric Energy Used in an Enterprise Zone Effective July 1, 1995</u> (r. 10/97 6/87)	_____ 08/92
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(f) through (10) No change.

(11) DR-26RP	<u>Florida Neighborhood Revitalization Program</u> (r. 06/00)	_____
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(11) though (27) renumbered (12) through (28) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.17(6), 212.18(2),(3) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00,_____.

(Substantial Rewording of Rule 12A-1.107 follows. See Florida Administrative Code for present text.)

12A-1.107 Enterprise Zone and Florida Neighborhood Revitalization Programs Program.

(1) ENTERPRISE ZONE JOBS CREDIT.

(a) How to Claim the Credit. An application that includes the information required by s. 212.096(3)(a)-(f), F.S., must be filed with the Enterprise Zone Development Agency for the enterprise zone where the business is located to the claim the enterprise zone jobs credit. The Department of Revenue prescribes form DR-15JZ, Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Sales Tax-Effective July 1, 1996 (incorporated by reference in Rule 12A-1.097, F.A.C.) for this purpose.

(b) Forms Required. Taxpayers claiming the enterprise zone jobs credit against sales and use tax, must use form DR-15JZ to apply for, calculate, and claim the credit with the Department of Revenue. Form DR-15JZ must be certified by the Enterprise Zone Development Agency, attached to a sales and use tax return, and delivered directly to the Department, or post-marked, within four months after the new employee is hired.

(2) BUILDING MATERIALS USED IN THE REHABILITATION OF REAL PROPERTY LOCATED IN AN ENTERPRISE ZONE.

(a) How to Claim the Refund. An application that includes the information required by s. 212.08(5)(g)1., F.S., must be filed with the Enterprise Zone Development Agency for the enterprise zone where the building materials are used, to claim a refund of tax paid on building materials used in the rehabilitation of real property located in an enterprise zone. The Office of Tourism, Trade, and Economic Development prescribes form EZ-M, Florida Enterprise Zone Program-Building Materials Sales Tax Refund Application for Eligibility (hereby incorporated by reference), for this purpose. For the applicant to be eligible to receive a refund, the Enterprise Zone Coordinator for the enterprise zone where the building materials are used must certify, using form EZ-M, that the applicant meets the criteria provided in s. 212.08(5)(g),

F.S. The Enterprise Zone Coordinator will certify form EZ-M, including the required attachments, and return the form and attachments to the applicant. The applicant is responsible for attaching the certified form EZ-M and the required attachments to form DR-26 and forwarding the package to the Department of Revenue.

(b) Forms Required. Taxpayers claiming the refund must file an Application for Refund (form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) and form EZ-M with the Department of Revenue. Form DR-26 must be attached to form EZ-M and its attachments, and the package must be delivered directly to the Department, or postmarked, within 6 months after the rehabilitation of the property is deemed substantially completed by the local building inspector. The completed form DR-26, the certified form EZ-M, and the required attachment, should be mailed to:

Florida Department of Revenue

Refund Subprocess

P. O. Box 6490

Tallahassee, Florida 32314-6490

(3) BUSINESS EQUIPMENT USED IN AN ENTERPRISE ZONE.

(a) How to Claim the Refund. An application that includes the information required by s. 212.08(5)(h)2., F.S., must be filed with the Enterprise Zone Development Agency for the enterprise zone where the business is located to obtain a refund of tax paid on business property used in an enterprise zone. The Office of Tourism, Trade, and Economic Development prescribes form EZ-E, Florida Enterprise Zone Program-Business Equipment Sales Tax Refund Application for Eligibility (hereby incorporated by reference), for this purpose. For an applicant to be eligible to receive a refund, the Enterprise Zone Coordinator for the enterprise zone where the business property is used, must certify, using form EZ-E, that the applicant meets the criteria set forth in s. 212.08(5)(h), F.S. The Enterprise Zone Coordinator will certify form EZ-E, including the required attachments, and return the form and attachments to the applicant. The applicant is responsible for attaching the certified form EZ-E, and the required attachments, to form DR-26 and forwarding the package to the Department of Revenue.

(b) Forms Required. Taxpayers claiming the refund must file an Application for Refund (form DR-26) and form EZ-E with the Department of Revenue. The applicant is responsible for submitting an Application for Refund (form DR-26), the completed and certified form EZ-E, and the required attachments to the Department of Revenue. Form DR-26 must be attached to form EZ-E and attachments and delivered directly to the Department, or postmarked, within 6 months after the business property is purchased. The completed form DR-26, the certified form EZ-E, and the required supporting documentation should be mailed to:

Florida Department of Revenue

Refund Subprocess

P. O. Box 6490

Tallahassee, Florida 32314-6490

(4) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.

(a) How to Claim the Exemption. An application that includes the information stated in s. 212.08(15)(b), F.S., must be filed with the Enterprise Zone Development Agency for the enterprise zone where the business is located to claim an exemption from sales tax imposed on electrical energy. The Department of Revenue prescribes form DR-15JEZ, Application for the Exemption of Electrical Energy Used in an Enterprise Zone Effective July 1, 1995 (incorporated by reference in Rule 12A-1.097, F.A.C.), for this purpose. For an applicant to be eligible to receive an exemption from tax on electrical energy purchased in an enterprise zone, the Enterprise Zone Coordinator for the enterprise zone where the business is located must certify that the applicant meets the criteria set forth in s. 212.08(15)(b), F.S. The Enterprise Zone Coordinator for the enterprise zone where the property is located will sign form DR-15JEZ and return it to the applicant. The applicant is responsible for forwarding the certified form DR-15JEZ to the Department of Revenue.

(b) Forms Required. Taxpayers claiming the exemption must file form DR-15JEZ with the Department of Revenue. Form DR-15JEZ, must be certified by the Enterprise Zone Coordinator of the enterprise zone where the business is located. Form DR-15JEZ must be delivered directly to the Department, or postmarked, within 6 months after qualifying for the exemption. Form DR-15JEZ should be mailed to:

Florida Department of Revenue

Sales Tax Registration

5050 W. Tennessee Street

Tallahassee, Florida 32399-0100

(5) BUILDING MATERIALS AND LABOR FOR CONSTRUCTION OF SINGLE-FAMILY HOMES IN AN ENTERPRISE ZONE, EMPOWERMENT ZONE, OR FRONT PORCH FLORIDA COMMUNITY.

(a) How to Claim the Refund. An application that includes the information required by s. 212.08(5)(n)2., F.S., must be filed with the Department of Revenue to obtain a refund of tax paid on building materials and labor used in construction of single-family homes. The Department of Revenue prescribes form DR-26RP, Florida Neighborhood Revitalization Program (incorporated by reference in Rule 12A-1.097, F.A.C.), for this purpose. When the building materials and labor are used for construction of single-family homes located within an enterprise zone or empowerment zone, or Front Porch Florida Community, the Enterprise Zone Coordinator or the Chair of the Front Porch Community where the single-family home is located must sign form DR-26RP. The Enterprise Zone Coordinator or the Chair of the Front Porch Community will

sign the application and return it to the applicant. The applicant is responsible for forwarding the completed form DR-26RP, and the required documentation, to the Department of Revenue.

(b) Forms Required. Taxpayers claiming the refund must file an Application for Refund (form DR-26) with the Department of Revenue. Form DR-26RP, signed by the Enterprise Zone Coordinator or the Chair of the Front Porch Community, and all the documentation listed on form DR-26RP, must be attached and forwarded to the Department. Form DR-26, form DR-26RP, and the required documentation must be delivered directly to the Department, or postmarked, within 6 months after the date the single-family home is deemed to be substantially completed by the local building inspector. Form DR-26, form DR-26RP, and the required documentation should be mailed to:

Florida Department of Revenue
Refund Subprocess
P. O. Box 6490
Tallahassee, Florida 32314-6490

(6) BUILDING MATERIALS USED IN REDEVELOPMENT PROJECTS.

(a) How to Claim the Refund. An application that includes the information required by s. 212.08(5)(o)2., F.S., must be filed with the Department of Revenue to obtain a refund of tax paid on building materials used in redevelopment projects. The Department prescribes form DR-26RP, Florida Neighborhood Revitalization Program, for this purpose. The contact person of the enterprise zone, empowerment zone, Front Porch Florida Community, Urban High Crime Area, Brownfield Area, or Urban Infill and Redevelopment Area where the building materials are used must sign form DR-26RP. The contact person will sign the completed form DR-26RP and return it to the applicant. The applicant is responsible for forwarding the completed form DR-26RP and the required documentation to the Department of Revenue.

(b) Forms Required. Taxpayers claiming the refund must file an Application for Refund (form DR-26) with the Department of Revenue. Form DR-26RP, signed by the contact person, and all the documentation listed on form DR-26RP, must be submitted to the Department. Form DR-26, form DR-26RP, and required documentation must be delivered directly to the Department, or postmarked, within 6 months after the date the housing project or mixed-use project is deemed to be substantially completed by the local building inspector. Form DR-26, form DR-26RP, and the required documentation should be mailed to:

Florida Department of Revenue
Refund Subprocess
P. O. Box 6490
Tallahassee, Florida 32314-6490

(7) OBTAINING FORMS.

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

(b) These forms may also be obtained from the Enterprise Zone Development Agency for the enterprise zone in which the business is located.

(8) Questions relating to enterprise zones created on July 1, 1995, should be directed to:

Executive Office of the Governor
Tourism, Trade, and Economic Development
The Capitol
Tallahassee, Florida 32399-0001

Specific Authority 212.08(5)(g)6.,(h)6.,(n)4.,(o)4.,(15)(e), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 166.231, 212.08(5)(g),(h),(n),(o),(15), 212.096, 212.15(2), 212.17(6), 212.18(2); 290.0055, 290.0065 FS. History—New 1-3-96, Amended _____.

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Reimbursement Contract	19-8.010
Reimbursement Premium	19-8.028
Insurer Reporting Requirements	19-8.029

PURPOSE AND EFFECT: To discuss proposed amendments to the contract rule, the premium formula rule and the insurer reporting requirements rule for the 2001-2002 contract year for the Florida Hurricane Catastrophe Fund.

SUBJECT AREA TO BE ADDRESSED: Contract requirements, premium formula requirements, and insurer reporting requirements for the 2001-2002 contract year for the Florida Hurricane Catastrophe Fund.

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555 FS.

REGARDLESS OF WHETHER OR NOT REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 noon, Tuesday, January 16, 2001

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jack E. Nicholson, Chief Operating Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, telephone (850)413-1340

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION JANUARY 2, 2001.

Copies of the proposed amended rules and the agenda for the workshop may be obtained from: Patti Elsbernd, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, Telephone (850)413-1346. Any person requiring special accommodations to participate in this proceeding is asked to advise Patti Elsbernd at least five (5) calendar days before such proceeding.

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Codes and Standards Adopted

RULE NO.: 25-12.005

PURPOSE AND EFFECT: The purpose of this rule is to update the Commission's reference to existing federal gas pipeline safety regulations previously adopted. The rule will revise the adoption dates to reflect the most current changes as amended by the United States Department of Transportation in Parts 191, 192 and 199 of Title 49, Code of Federal Regulations.

SUBJECT AREA TO BE ADDRESSED: Federal gas pipeline safety regulations updates.

SPECIFIC AUTHORITY: 368.05(2), 350.127(2) FS.

LAW IMPLEMENTED: 368.03 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED AT A LATER DATE.

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO EDWARD MILLS, DIVISION OF SAFETY & ELECTRIC RELIABILITY, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Edward Mills, Division of Safety and Electric Reliability, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-12.005 Codes and Standards Adopted.

The Minimum Federal Safety Standards and reporting requirements for pipeline facilities and transportation of gas prescribed by the United States Department of Transportation in Parts 191 and 192 of Title 49, Code of Federal Regulations (CFR) as amended through January 1, 2001 ~~October 20, 1998~~, are adopted as part of these rules. Part 199, "Drug and Alcohol Testing" as amended through January 1, 2001 ~~October 20, 1998~~ is adopted to control drug use, by setting standards and requirements to apply to the testing and use of all emergency response personnel under the direct authority or control of a gas utility or pipeline operator, as well as all employees directly or indirectly employed by gas pipeline operators for the purpose of operation and maintenance and all employees directly or indirectly employed by intrastate gas distribution utilities for on-site construction of natural gas transporting pipeline facilities. Part 199 also is adopted to prescribe standards for use of employees who do not meet the requirements of the regulations.

Specific Authority 368.05(2), 350.127(2) FS. Law Implemented 368.03 FS. History--New 11-14-70, Amended 9-24-71, Revised 9-21-74, Amended 10-7-75, 11-30-82, 10-2-84, 8-8-89, Formerly 25-12.05, Amended 1-7-92, 5-13-99,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Employee Grooming, Uniform and Clothing Requirements

RULE NO.: 33-208.101

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify procedures relating to employee uniforms. The effect of the proposed rule is authorize the wearing of western style riding hats by correctional officers assigned to field labor squads and the purchase and retention of assigned correctional officer badges by officers removed from the correctional officer class under specified circumstances.

SUBJECT AREA TO BE ADDRESSED: Employee Grooming, Uniform and Clothing Requirements.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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: Giselle Lysten Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) through (4)(h)4. No change.

5. Western style riding hats- authorized for wear by correctional officers assigned to field labor squads when outside the secured perimeter of the correctional facility. Western style riding hats will be furnished by the department.

~~6.5-~~ Correctional officer badges. Badges shall be issued to all certified correctional officers regardless of their work location. Correctional officer badges will be issued by the department to be worn as part of the class A, class B, and class C uniform. The badge will be worn approximately one-half inch above the left shirt pocket centered on the fashion seam and affixed through the pre-sewn holes, or for uniforms without pre-sewn holes, affixed through the fabric. Wearing the department issued badge carries a significant responsibility. The wearer is not only representing the Department of Corrections, but the law enforcement community and the State of Florida. The badge shall be routinely cleaned and presented in a manner so as to reflect the pride and professionalism of the Department of Corrections. Use of the issued badges as credentials for personal purposes is prohibited. Only badges issued by the department shall be used to conduct officially designated duties. The badge shall be 2-1/4" x 1-15/16" in size, silver colored metal for correctional officers and sergeants and gold color for lieutenants and above with black lettering, and pre-numbered with a pin clasp for securing to the shirt. The badges shall be issued to certified officers upon employment and will be not be provided to uncertified officers until after certification is received. Correctional officers shall be responsible for reimbursing the department for any issued badge which is lost. Issued badges are considered state property and, except for retirement under specific conditions, shall be returned to the department upon the officer's termination of employment with the department or removal from a position within the correctional officer class series. Correctional officers who retire from the department under honorable conditions and are eligible to retire under the State of Florida retirement system, including retirement under medical disability, shall be authorized to retain their issued badges. Correctional officers of any rank who are promoted, transferred, or otherwise relocated into non-security positions or who are otherwise removed from the correctional officer class, who are in good standing with the department, will be authorized to purchase and retain their assigned correctional officer badge. Retention of the correctional officer badge will result in the indefinite retirement of the badge number. Those officers in good standing who are promoted, transferred, or otherwise relocated into non-security positions or who are otherwise removed from the correctional officer class, who elect not to purchase and retain their authorized correctional

officer badges shall return their badges to the warden of the institution the staff member is departing. The institution receiving the staff member will issue a new badge to the officer from that institution's inventory. Badges will not be issued to canines.

6. through 27. renumbered 7. through 28. No change.

(i) through (11) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History-- New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Transfer of Inmates
RULE NO.: 33-603.201

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify procedures relating to the transfer of inmates. The effect of the proposed rule is to clarify relevant titles and procedures relating to: the transfer of medical records of inmates and security measures and the use of restraints for inmates who fall within specific classification levels.

SUBJECT AREA TO BE ADDRESSED: Transfer of Inmates.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE 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: Giselle Lysten Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-603.201 Transfer of Inmates.

(1) For the purposes of this rule "transfer" shall mean the reassignment and movement of inmates from one institutional facility to another. "Transfer" does not include such movement as may be required for the normal operations of the Department such as outside trips sponsored by religious, Jaycee and Alcoholics Anonymous groups and trips by work and maintenance crews. The institutional inmate record and all sub-files must accompany any inmate being routinely transferred between department facilities, except in emergency situations. In emergency situations medical records will be transferred with the inmate except that in emergencies such as the evacuation of a facility, the medical records will be packaged and forwarded to the receiving institution(s) as soon as possible no inmate shall be transferred without the medical record. The institutional inmate record shall also accompany the inmate unless the inmate's health and welfare would be

jeopardized if the transfer were delayed for the amount of time required to obtain the record. Local procedures shall be established to ensure that appropriate facility staff have access to the institutional inmate record during weekends, holidays, and after normal business hours. Such procedures shall ensure that the security of the record is not compromised and that accountability for the record is maintained in the event that access is required other than during normal working hours. Following an emergency transfer, all other sub-files, such as the visiting record, educational record, property record, etc., shall be forwarded by the sending facility within 72 hours following the transfer.

(2) through (3) No change.

(4) The transfer officer shall be responsible for maintaining schedules approved by the Bureau of Sentence Structure and Transportation Transfer Authority, supervising and instructing additional personnel assigned, guarding inmates, maintaining order and discipline and ensuring the secure and safe custody of inmates being transferred.

(5) No change.

(6) The vehicle shall be thoroughly searched and all security features inspected prior to boarding any inmates. Continuing checks shall be made periodically by the transfer officer while in route. Vehicle inspection shall be performed given during the time the transfer vehicle is stopped prior to departing on or continuing a trip.

(7) through (9) No change.

(10) In transferring any death row, maximum, close management, or disciplinary confinement inmate, or any inmate determined by the Chief of Security Correctional Officer Chief to be a high security risk inmate, the following will be required:

(a) through (c) No change.

(d) Communication between the two vehicles is essential and is required recommended between both vehicles and the home station.

(e) The Chief of Security or shift supervisor is authorized to make individual exceptions to the assignment of a trailing escort vehicle for close management III and disciplinary confinement inmates.

(11) through (12) No change.

(13) Manpower requirements shall vary depending upon the mode of transfer, the distance to be traveled and the type and number of inmates. Each situation must be thoroughly evaluated by the Chief of Security Correctional Officer Chief or shift supervisor prior to departure and appropriate personnel assigned. A minimum of one armed correctional officer shall be assigned when there are close custody inmates to transfer except when special approval is received from the Director of Institutions Assistant Secretary for Security and Institutional Management. At all times, there must be at least one officer of the same sex as that of the inmate present during the transferring of medium, ~~or~~ close, or maximum custody

inmates. There shall be no gender restrictions regarding the transfer of minimum custody inmates. Minimum custody inmates do not require restraints unless they are being transferred with close custody inmates or pose a security risk; however, there shall be an adequate number of officer escorts to provide appropriate supervision.

(14) Standard restraint equipment for the normal situation will be handcuffs and a restraint chain. Except as specifically outlined below, additional restraints, such as waist chains with a C and S handcuff cover (black box) and leg irons, shall be necessary when transferring maximum and close custody inmates, inmates who are extreme escape risks, inmates with serious assaultive tendencies, or any inmate determined by the Chief of Security Correctional Officer Chief to be a high security risk. Being legally responsible for the custody of inmates, the transfer officer in charge is unrestricted in the necessary application of restraints.

(a) Use of restraint equipment, except for death row, close custody, or any high security inmates, will not be necessary when inmates are transferred within the state from one secure perimeter to another secure perimeter provided a specially designed secure transfer bus is used. When a secure bus is used, close custody inmates may shall be restrained with leg irons only and any other approved restraints deemed necessary by the transfer officer in charge. Death row and high security inmates will require restraints as noted in (10) above during any transport.

(b) through (d) No change.

(e) During prenatal and postpartum periods, female inmates will not be restrained with their hands behind the back nor will leg irons be utilized due to the possibility of a fall. Waist chains with the C&S handcuff cover (black box) will not be worn when there is any danger of causing harm to the inmate or fetus.

(e) through (h) renumbered (f) through (i) No change.

(15) through (16) No change.

(17) Transfer by Commercial Airlines. The majority of transfers via airlines shall be coordinated by the Bureau of Sentence Structure and Transportation Central Transfer Authority. The Bureau of Sentence Structure and Transportation Central Transfer Authority shall maintain liaison with the airlines and formulate standard operating procedures in accordance with Federal Aviation Agency and airline regulations.

(18) through (b)8. No change.

9. Correctional administrators will refuse to release external supervision level 4 and 5, or other identified high risk inmates to a private transport company or other law enforcement agencies that do not have an armed officer assigned or who do not provide a secure vehicle for transport. In these situations, the Bureau of Sentence Structure and Transportation will be notified during normal working hours.

On weekends, holidays, or after normal working hours, the Emergency Action Center will be contacted and will notify appropriate central office staff.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 7-12-86, Amended 5-21-92, 1-6-94, 2-12-97, 11-8-98, Formerly 33-7.009, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
 RULE NO.: 61G15-19.004

PURPOSE AND EFFECT: The Board proposes to discuss this rule for possible amendments.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines; range of penalties; aggravating and mitigating circumstances.

SPECIFIC AUTHORITY: 455.227, 471.008, 471.031, 471.033 FS.

LAW IMPLEMENTED: 455.227, 471.031, 471.033 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 DATES: 8:30 a.m. or shortly thereafter, February 20-21, 2001

PLACE: The Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Natlie Lowe, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Re-examination
 RULE NO.: 61G15-21.007

PURPOSE AND EFFECT: The Board proposes to discuss this rule for possible amendments.

SUBJECT AREA TO BE ADDRESSED: Re-examination.

SPECIFIC AUTHORITY: 455.217(2) FS.

LAW IMPLEMENTED: 455.217(2), 471.011 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 DATES: 8:30 a.m. or shortly thereafter, February 20-21, 2001

PLACE: The Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Natlie Lowe, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES: Examination Administration
 RULE NOS.: 61G15-21.010
 Conduct at Test Site, and Notice of Protection Privileges by and to the Board
 61G15-21.011

Licensure Examinations Format and Examination Procedures for Handicapped Candidates
 61G15-21.012

Security and Monitoring Procedures for Licensure Examination
 61G15-21.013

PURPOSE AND EFFECT: The Board proposes to promulgate four new rules to be included in Chapter 61G15-21.

SUBJECT AREA TO BE ADDRESSED: Examination administration; conduct at test site, and notice of protection privileges by and to the Board; licensure examinations format and examination procedures for handicapped candidates; security and monitoring procedures for licensure examination.

SPECIFIC AUTHORITY: 455.203(5), 471.008 FS.

LAW IMPLEMENTED: 455.217(1), 471.015 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 DATES: 8:30 a.m. or shortly thereafter, February 20-21, 2001

PLACE: The Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Natlie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE CHAPTER TITLE: Continuing Education Requirements
 RULE CHAPTER NO.: 61G15-22

for Reactivation of Inactive License

PURPOSE AND EFFECT: The Board proposes to discuss this rule chapter to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for reactivation of inactive license.

SPECIFIC AUTHORITY: 471.019(2) FS.

LAW IMPLEMENTED: 471.019(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 DATES: 8:30 a.m. or shortly thereafter, February 20-21, 2001

PLACE: The Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Natlie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Change of Status Fee
 RULE NO.: 61G15-24.003

PURPOSE AND EFFECT: The Board proposes to discuss this rule for possible amendments.

SUBJECT AREA TO BE ADDRESSED: Change of status fee.

SPECIFIC AUTHORITY: 455.271 FS.

LAW IMPLEMENTED: 455.271 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 DATES: 8:30 a.m. or shortly thereafter, February 20-21, 2001

PLACE: The Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Natlie Lowe, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES: Definitions
 RULE NOS.: 61G15-32.002

Common Requirements to All Fire Protection Engineering Documents 61G15-32.003

Design of Water Based Fire Protection Systems 61G15-32.004

PURPOSE AND EFFECT: The Board proposes to amend Rule 61G15-32.002 to update the rule text to further clarify the definitions and to add new definitions. Rule 61G15-32.003 is being amended to update the requirements. The Board proposes to update the rule text to Rule 61G15-32.004 to further clarify the design of water based fire protection systems and to delete rule text that is no longer desired by the Board.

SUBJECT AREA TO BE ADDRESSED: Definitions; Common Requirements to All Fire Protection Engineering Documents; and Design of Water Based Fire Protection Systems.

SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.005(6), 471.033 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: Natlie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-32.002 Definitions.

(1) through (4) No change.

(5) Fire Protection Engineering Documents: The fire protection engineering drawings, specifications, design calculations, prescriptive and performance criteria, water supply analysis and other materials or representations that set forth the overall design requirements for the construction, alteration, demolition, renovation, repair, modification, permitting and such, for any public or private fire protection system(s), which are prepared, signed, dated and sealed by the Engineer of Record for the Fire Protection System(s).

(6) Fire Protection Submittals: Layout drawings, Submittals, catalog information on standard products, and other construction data or drawings prepared solely to serve as

a guide for fabrication and installation and requiring no engineering input. These submittals do not require the seal of a Florida registered engineer.

(7) No change.

(8) Material Deviation: Any deviation from the design parameters established and documented by the engineer or record.

(9) Layout: The location of risers, cross mains, branch lines, sprinkler heads, sizing of pipe, hanger locations, and hydraulic calculations based on engineering documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(6), 471.033(2) FS. History--New 5-19-93, Formerly 21H-32.002, Amended 4-2-00,_____.

61G15-32.003 Common Requirements to All Fire Protection Engineering Documents.

(1) No change.

(2) The Fire Protection Engineering ~~Design~~ Documents shall specify the applicable requirements for the acceptance testing of the fire protection system and components, which shall be based upon applicable codes and standards, where available.

(3) No change.

(4) The applicable code and standard used in the preparation of the Fire Protection System shall be shown on the Fire Protection Engineering ~~Design~~ Documents. When applicable codes and standards are not available or applicable, and said documents are based on engineering judgment, which constitutes a deviation from applicable codes and standards, any reasons and assumptions made to develop the fire protection concept shall be identified on the documents.

(5) Structural support and openings required by the Fire Protection System shall be shown on the Fire Protection Engineering Documents and shall be referenced on structural engineering documents. The documents shall provide construction details of the structure, when applicable, that supports the Fire Protection System and Fire Protection Components. Such structural support details are not required to be shown on the Fire Protection Engineering Design Documents provided that the construction documents are submitted to the permitting agency for review as a common submittal. The construction documents shall acknowledge the structural loading capacity of the structure.

(6) When submittals contain material deviation ~~require additional engineering work consisting of design or recalculation~~ from the Engineer of Record's Fire Protection Engineering ~~Design~~ Document, such submittals ~~documents~~ shall be accompanied by revised Engineering Documents made and sealed by the Engineer of Record for the Fire Protection System.

(7) through (8) No change.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(6), 471.033(2) FS. History--New 5-19-93, Formerly 21H-32.003, Amended 4-2-00,_____.

61G15-32.004 Design of Water Based Fire Protection Systems.

(1) No change.

(2) To ensure minimum design quality in Fire Protection Engineering Documents, said documents shall include as a minimum the following information when applicable:

(a) The Point of Service for the fire protection water supply as defined by 633.021(17), F.S.

(b) Applicable NFPA standard to be applied, or in the case where no such standard exists, the engineering study, judgments, and/or performance based analysis and conclusions.

(c) Classification of hazard occupancy for each room or area.

(d) Design densities, device temperature rating, and spacing for each separate hazard occupancy.

(e) Characteristics of water supply to be used, such as main size and location, whether it is dead-end or circulating; and if dead-end, the distance to the nearest circulating main, as well as its minimum duration and reliability for the most hydraulically demanding design area.

(f) When private or public water supplies are used, the flow test data, including date and time of test, who conducted test or supplied information, test elevation, static gauge pressure at no flow, flow rate with residual gauge pressure, hydrant butt coefficient, and location of test in relation to the hydraulic point of service.

(g) Valving and alarm requirements to minimize potential for impairments and unrecognized flow of water.

(h) Microbiologically Influenced Corrosion (MIC). The Engineer of Record shall establish, as part of the design process, that the quality of water is adequate to prevent the occurrence of MIC. Should the water quality prove to be unsuitable, the engineer is responsible for designing corrective measures.

(i) Backflow prevention and metering specifications and details to meet local water purveyor requirements including maximum allowable pressure drop.

(j) Quality and performance specifications of all yard and interior fire protection components.

(3) Contractor submittals which deviate from the above minimum design parameters shall be considered material deviations and require supplemental engineering approval and documentation.

(4) In the event the Engineer or Record provides more information and direction than is established above, he or she shall be held responsible for the technical accuracy of the work in accordance with applicable codes, standards, and sound engineering principles. The design criteria and documents shall be based on applicable NFPA standards when such applicable standards are published, or on alternate sources as provided in the definition of codes and standards.

~~(b) The Point of Service for the fire protection water supply as defined by 633.021(17), F.S.~~

~~(c) In storage occupancies the Engineer of Record shall determine the commodity classification as determined by applicable standards or on alternate sources as provided in the definition of codes and standards. The NFPA commodity classification shall be provided on the Fire Protection Engineering Documents for all storage occupancies. In cases where applicable hazard classification is not identified in NFPA codes or standards, or a higher hazard classification is required for insurance purposes, the engineer of record shall provide the basis for the design decisions.~~

~~(d) All required hydraulic calculations conducted for the system(s) shall be completed in accordance with the minimum standards for detail and information as required by NFPA 13. The source and location of water supply test results shall be indicated on the documents.~~

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(6), 471.033(2) FS. History--New 5-19-93, Formerly 21H-32.004, Amended 4-2-00,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES:	RULE NOS.:
Common Requirements to All Fire Protection Engineering Documents	61G15-32.003
Design of Fine Water Spray (Mist) Fire Suppression and Control Systems	61G15-32.009

PURPOSE AND EFFECT: The Board proposes to discuss these rules for possible amendments.

SUBJECT AREA TO BE ADDRESSED: Common requirements to all fire protection engineering documents; design of fine water spray (mist) fire suppression and control systems.

SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.005(6), 471.033(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 DATES: 8:30 a.m. or shortly thereafter, February 20-21, 2001

PLACE: The Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Natlie Lowe, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES:	RULE NOS.:
General Responsibility	61G15-35.001
Definitions	61G15-35.002
Qualification Program for Special Inspectors of Threshold Buildings	61G15-35.003
Common Requirements to all Engineers Providing Threshold Building Inspection Services	61G15-35.004

PURPOSE AND EFFECT: The Board proposes to create a new Chapter entitled "Responsibility Rule of Professional Engineers Providing Threshold Building Inspection", numbered 61G15-35. Within this chapter, four proposed rules will be created which will provide language for general responsibilities, definitions, the qualification program for special inspectors of threshold buildings, and common requirements for all engineers providing threshold building inspection services.

SUBJECT AREA TO BE ADDRESSED: General responsibility; definitions; qualificaion program for special inspectors of threshold buildings, and common requirements for all engineers providing threshold building inspection services.

SPECIFIC AUTHORITY: 471.008, 471.033(2), 553.79(5)(a)-(d) FS.

LAW IMPLEMENTED: 471.033, 471.045 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: Natlie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-35.001 General Responsibility.

Professional Engineers offering Threshold Building Inspection services pursuant to Section 553.79, F.S. shall provide inspections in accordance with the structural inspection plan provided by the engineer or architect of record to insure compliance with permitted documents. In addition to inspections in accordance with the structural inspection plan, the engineer will inspect the shoring and reshoring for conformance with shoring and reshoring plans submitted to the enforcing agency.

Specific Authority 471.008, 471.033(2), 553.79(5)(a)-(d) FS. Law Implemented 471.033, 471.045 FS. History--New _____.

61G15-35.002 Definitions.

(1) Threshold Building Inspector: A registered professional engineer who meets the qualifications and standards set by this Rule Chapter.

(2) Authorized Representative: A representative of the Threshold Building Inspector who undertakes inspections and site visits under the responsible charge of the Threshold Building Inspector.

(3) Structural Inspection Plan: The plan filed for public record by the engineer of record to the enforcing agency to provide specific inspection procedures and schedules.

(4) Shoring and Reshoring Plan: The plan submitted to the enforcing agency regarding the shoring and reshoring of the building.

Specific Authority 471.008, 471.033(2), 553.79(5)(a)-(d) FS. Law Implemented 471.033 FS. History—New

61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings.

(1) The minimum qualifying criteria for Special Inspectors of Threshold Buildings, also referred to as Threshold Inspectors, established by the Board shall be as follows:

(a) Proof of current licensure in good standing as a licensed professional engineer whose principal practice is structural engineering in the State of Florida.

(b) Three years of experience in performing structural field inspections on threshold type buildings.

(c) Two years of experience in the structural design of threshold type buildings. For the purpose of these criteria, structural design shall mean the design of all structural components of the building and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

(d) Experience in the structural inspection and/or design of at least three threshold type buildings. This experience must be within the ten calendar years preceding submission of the application.

(e) Self-certification as to the competency of the applicant to perform structural inspections on threshold buildings.

(2) All registered professional engineers who are certified Special Inspectors and on the Roster of Special Inspectors maintained by the Department of Community Affairs, pursuant to rule 9B-3.043, F.A.C., as of June 30, 2000 shall be qualified pursuant to this rule and shall continue to be certified Special Inspectors of threshold buildings.

(3) Applications.

(a) The instructions and application form for Special Inspector, Form FBPE/TBI/08/00 is hereby incorporated by reference, effective _____, entitled "Special Inspector Application and Instructions". Copies of Form FBPE/TBI/08/00 may be obtained from the Board by writing to the Florida Board of Professional Engineers, c/o Florida

Engineers Management Corporation, 1208 Hays Street, Tallahassee, Florida 32301, or by downloading it from the internet web site www.fbpe.org.

(b) All applications for certification as a Special Inspector shall be submitted to the Board on Form FBPE/TBI/08/00 by mailing to the address listed above.

(c) Applications shall contain the following basic information pertaining to the applicant:

1. Name;

2. Florida license number;

3. Educational and experience dates and sufficient description of each to clearly demonstrate that the minimum qualification criteria has been met;

4. Letters of recommendation from three registered professional engineers whose principal practice is structural engineering in the State of Florida, one of whom must be certified as a Special Inspector;

5. The signature, date and seal by the applicant attesting to the competency of the applicant to perform structural inspections on threshold buildings; and

6. Completed form FBPE/TBI/08/00.

(d) Upon a determination that the application contains all of the information requested by these rules, review of the application shall be scheduled for consideration by the Board. Such applications may be approved, rejected or deferred for further information by the Board. If the Board defers an application for additional information, it shall notify the applicant of the information needed. Applicants shall be notified in writing of the Board's actions as soon as practicable and, in the case of rejected applications, the Board shall set forth the reasons for such rejection.

(4) Temporary Certification. Professional engineers who have been granted temporary licensure in Florida pursuant to the provisions of Section 471.021, F.S., may also be granted temporary certification as a Special Inspector provided the criteria set forth in these rules have been met. Such temporary certification shall be limited to work on one specific project in this state for a period not to exceed one year.

(5) Roster of Special Inspectors. The Board shall maintain a roster of all persons certified as Special Inspectors pursuant to the criteria established in these rules and the law. The roster shall be made available to interested parties upon request. The roster shall be updated on a continuing basis and additions or deletions to the latest published roster may be verified by contacting the Florida Board of Professional Engineers, c/o Florida Engineers Management Corporation, 1208 Hays Street, Tallahassee, Florida 32301.

Specific Authority 471.008, 471.033(2), 553.79(5)(a)-(d) FS. Law Implemented 471.033 FS. History—New

61G15-35.004 Common Requirements to All Engineers Providing Threshold Building Inspection Services.

(1) For each Threshold Building, a notice shall be filed for public record, bearing the name, address, signature, date and seal of the Special Inspector, certifying that the Special Inspector is competent to provide the engineering services for the specific type of structure.

(2) Threshold Building Inspectors utilizing Authorized Representatives shall insure the Authorized Representative is qualified by education or licensure to perform the duties assigned by the Threshold Building Inspector. The qualifications shall include licensure as a professional engineer or architect; graduation from an engineering education program in civil or structural engineering; graduation from an architectural education program; successful completion of the NCEES Fundamentals Examination; or registration as building inspector or general contractor.

(3) Threshold Building Inspectors shall be in responsible charge of the work of the Authorized Representative, including reviewing reports and spot checks.

(4) Threshold Building Inspectors shall institute quality assurance procedures to include but not be limited to requiring unscheduled visits, utilization or relevant check lists, use of a Daily Inspection Report and insuring that the Inspector or the Authorized Representative is at the project whenever so required by the inspection plan.

Specific Authority 471.008, 471.033(2), 553.79(5)(a)-(d) FS. Law Implemented 471.033 FS. History-New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: RULE NO.:
Seals Acceptable to the Board 61G17-7.001

PURPOSE AND EFFECT: The Board proposes to introduce a new, updated seal.

SUBJECT AREA TO BE ADDRESSED: Seals acceptable to the Board.

SPECIFIC AUTHORITY: 472.008, 472.025 FS.

LAW IMPLEMENTED: 472.025 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., January 10, 2001

PLACE: 1940 N. Monroe Street, Northwood Centre, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sherry Landon, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

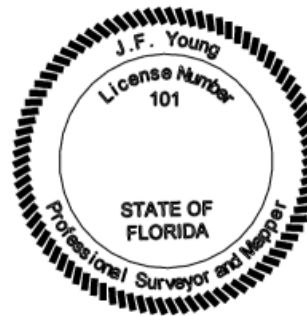
61G17-7.001 Seals Acceptable to the Board.

(1) through (3) No change.

(4) Registrants who ~~were~~ ~~are~~ initially licensed ~~on or after~~ between July 1, 1995 and July 1, 1999, shall use ~~only~~ the type of seal on the right or that provided for in subsection (6) below.

(5) No change.

(6) Seals for registrants licensed after July 1, 1999 shall state that the registrant is a professional surveyor and mapper of the state of Florida and set forth the registrant's license number as set forth below:



Specific Authority 472.008, 472.025 FS. Law Implemented 472.025 FS. History-New 1-3-80, Amended 6-9-80, Formerly 21HH-7.01, 21HH-7.001, Amended 5-30-95, 10-25-95, 12-13-99, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: RULE NO.:
Continuing Professional Education 61H1-33.003

PURPOSE AND EFFECT: The Board proposed to amend this rule to add the reference to 61H1-27.001(1) which defines accredited institution.

SUBJECT AREA TO BE ADDRESSED: Continuing Professional Education.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 473.304, 473.312 FS.

LAW IMPLEMENTED: 473.312 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: Martha Willis, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite #1, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-33.003 Continuing Professional Education.

(1)(a) through (4) No change.

(5) In order for a licensee to receive credit for programs of learning, as defined above, the following formalities and further requirements must be met:

(a) Courses taken at institutions of higher education:

1. Higher education credit courses taken from an accredited institution as defined in 61H1-27.001(1) shall be credited for continuing professional education purposes at the rate of 15 hours for each semester hour of higher education credit and 10 hours for each quarter hour of higher education credit, provided the number of contact hours (hours in the classroom) totals at least 90% of the continuing professional education credit so determined. Otherwise, continuing professional education credit shall be limited to the actual number of contact hours.

2. through (7) No change.

Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312 FS. History--New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 7-7-85, 8-20-85, 9-18-88 Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98, 12-17-00,

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-59R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Ground Water Permitting and Monitoring Requirements 62-522

RULE TITLE: RULE NO.:

General Provisions for Ground Water Permitting and Monitoring 62-522.300

PURPOSE AND EFFECT: Concurrent rulemaking with Chapter 62-528 to allow a zone of discharge for Class V underground injection control wells associated with Department approved remediation projects and aquifer storage and recovery wells.

SUBJECT AREA TO BE ADDRESSED: To provide for zone of discharges for primary and secondary drinking water standards for Class V, Group 4, underground injection control wells associated with Department approved aquifer remediation projects and for secondary drinking water standards and sodium for Class V, Group 7, underground injection control wells for aquifer storage and recovery.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088 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 AT NO CHARGE OF THE PRELIMINARY DRAFT IS: Donnie McClaugherty, Department of Environmental Protection, Bureau of Watershed Management, MS 3575, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9438

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-60R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Underground Injection Control 62-528

RULE TITLE: RULE NO.:

Well Construction Standards for Class V Wells 62-528.605

PURPOSE AND EFFECT: Concurrent rulemaking with Chapter 62-522 to allow a zone of discharge for Class V underground injection wells associated with Department approved remediation projects and aquifer storage and recovery wells.

SUBJECT AREA TO BE ADDRESSED: To provide for zone of discharges for primary and secondary drinking water standards for Class V, Group 4, underground injection control wells associated with Department approved aquifer remediation projects and for secondary drinking water standards and sodium for Class V, Group 7, underground injection control wells for aquifer storage and recovery.

SPECIFIC AUTHORITY: 373.309, 403.061, 403.087 FS.

LAW IMPLEMENTED: 373.308, 373.313, 373.323, 403.061, 403.062, 403.087 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 AT NO CHARGE IS: Richard Deuerling, Department of Environmental Protection, Bureau of Water Facilities Regulation, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9417

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-54R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Permitting, Construction, Operation, and Maintenance of Public Water Systems 62-555

RULE TITLES: RULE NOS.:

Siting Requirements for Public Water Systems 62-555.310

Location of Public Water System Supply Wells 62-555.312

Location of Public Drinking Water Piping 62-555.314

Public Water System Supply Wells – Number and Capacity; Under the Direct Influence of Surface Water; and Disinfection and Bacteriological Sampling	62-555.315	Scope of Additional Requirements for Surface Water Systems	62-555.600
Design and Construction of Public Water Systems	62-555.320	Surface Water Treatment Requirements	62-555.610
Prohibition on Use of Lead Pipes, Solder, and Flux	62-555.322	Surface Water Filtration	62-555.620
Fluoridation	62-555.325	Surface Water Disinfection	62-555.630
Engineering References for Public Water Systems	62-555.330	Forms and Instructions	62-555.900
Guidance Documents for Public Water Systems	62-555.335	PURPOSE AND EFFECT: The Department is developing rule amendments to clarify and update permitting, construction, operation, and maintenance requirements for public water systems.	
Disinfection and Bacteriological Sampling of Public Drinking Water Facilities	62-555.340	SUBJECT AREA TO BE ADDRESSED: Rule 62-555.310 may be amended to make this rule consistent with 40 CFR 141.5. Rule 62-555.312 may be amended to include a list of “other sanitary hazards” and to require that suppliers of water isolate new wells from “other sanitary hazards” by maintaining control of land within 50 feet of new non-community water system wells or 100 feet of new community water system wells. Rule 62-555.314 may be amended to clarify and reduce required separation distances between buried public drinking water piping and other utilities, including sanitary or storm sewers, wastewater force mains, and reclaimed water piping. Rule 62-555.315 may be amended to delete all well construction requirements, which are or will be addressed in Chapter 62-532, F.A.C.; to specify the minimum required capacity of public water system supply wells; and to clarify requirements regarding disinfection and bacteriological sampling of public water system supply wells. Rule 62-555.320 may be amended to clarify and revise requirements regarding chemicals or components that come into contact with drinking water, well pump housing and discharge piping, disinfection of drinking water, chlorination or hypochlorination facilities, auxiliary power, high-service or booster pumps, finished drinking water meters, and drinking water piping. Rule 62-555.320 also may be amended to address innovative or alternative processes or equipment; flood protection; security; odor, noise, and lighting control; capacity of water treatment plants; finished drinking water sampling taps; and finished drinking water storage capacity. Rule 62-555.322 may be amended to require that plumbing fittings and fixtures used in the installation, alteration, or repair of public water systems be lead free. Rule 62-555.325 may be amended to clarify and revise requirements for public water systems that fluoridate. Rules 62-555.330 and 62-555.335 may be amended to update, and add to, the list of engineering references and the list of guidance documents. Rule 62-555.340 may be amended to clarify requirements for disinfection and bacteriological sampling of public drinking water facilities. Rule 62-555.345 may be amended to clarify requirements regarding clearance of new or altered public water system facilities. Rule 62-555.348 may be added to require appropriate planning for expansion of community water systems and to require submittal of treatment/storage capacity analysis reports for such water systems. Rule 62-555.350 may be amended to clarify and revise requirements	
Certification of Construction Completion and Clearance for Public Water Systems	62-555.345		
Planning for Expansion of Public Drinking Water Collection, Treatment, or Storage Facilities	62-555.348		
Operation and Maintenance of Public Water Systems	62-555.350		
Capacity Development Operations Plan	62-555.357		
General Permit for the Construction of Lead or Copper Corrosion Control Treatment Facilities (or Iron or Manganese Sequestration Treatment Facilities) for Small or Medium Public Water Systems	62-555.401		
General Permit for the Construction of a Piping Extension to a Public Drinking Water Distribution System	62-555.405		
General	62-555.500		
Application for a Permit to Construct or Repair a Public Water System Supply Well	62-555.510		
Application for a Public Drinking Water Facility Construction Permit	62-555.520		
Capacity Development Provisions of Public Water System Permitting	62-555.525		
Capacity Development for Transferred Drinking Water Systems	62-555.527		
Application for a Rerating of the Permitted Operating Capacity of a Public Drinking Water Treatment Plant	62-555.528		
Processing an Application for, and Issuance or Denial of, a Public Drinking Water Facility Construction Permit	62-555.530		
Modification, Transfer, or Revocation of a Public Drinking Water Facility Construction Permit	62-555.533		
Conditions for Specific Public Drinking Water Facility Construction Permits	62-555.536		
General Permit for the Construction of an Extension to a Public Drinking Water Distribution System	62-555.540		

regarding the minimum residual disinfectant concentration in distribution systems, water system operation personnel, necessary notifications to the Department, and operation and maintenance logs. Rule 62-555.350 also may be amended to address cleaning and inspection of finished drinking water storage tanks, monitoring and recordkeeping associated with disinfection of drinking water, monthly operation reports, operation and maintenance manuals, and emergency operation plans. Rule 62-555.357 may be amended to revise a rule reference. Rule 62-555.401 may be amended to clarify and revise the general permit for construction of lead or copper corrosion control treatment facilities (or iron or manganese sequestration treatment facilities) for small or medium public water systems. Rule 62-555.405 may be added to clarify and revise the general permit for construction of a piping extension to a public drinking water distribution system. Rule 62-555.500 may be amended to clarify existing rule language. Rule 62-555.510 may be amended to clarify permitting requirements for the construction or repair of public water system supply wells. Rule 62-555.520 may be amended to clarify and revise requirements regarding inspection of projects during construction by a professional engineer, documents to be submitted in support of permit applications, and permit processing fees. Rule 62-555.520 also may be amended to address circumstances under which construction permits are not required and circumstances under which facilities need not be designed by a professional engineer. Rule 62-555.525 may be amended to clarify existing rule language and correct rule references. Rule 62-555.527 may be amended to require submittal of a capacity development financial and managerial operation plan by transient non-community water systems that become non-transient non-community or community water systems through infrastructure expansion. Rule 62-555.528 may be added to address procedures for obtaining a rerating of the permitted operating capacity of a water treatment plant when no construction is necessary for the rerating. Rule 62-555.530 may be amended to clarify procedures for processing applications for, and issuing or denying, construction permits for public water systems. Rule 62-555.533 may be added to address procedures for modification, transfer, or revocation of construction permits for public water systems. Rule 62-555.536 may be added to address conditions applicable to specific construction permits for public water systems. Rule 62-555.540 may be transferred to Rule 62-555.405. Rules 62-555.600, 62-555.610, 62-555.620, and 62-555.630 may be repealed because the USEPA's surface water filtration and disinfection requirements (and the USEPA's enhanced surface water filtration and disinfection requirements) will be adopted and incorporated by reference into Chapter 62-550, F.A.C. Rule 62-555.900 may be amended to update the list of forms used by the Department in the Public Water System Supervision Program.

SPECIFIC AUTHORITY: 373.309, 373.309(1),(2), 373.337, 403.087(2), 403.814(1), 403.853(3), 403.861, 403.861(2),(6),(9),(10), 403.862(1), 403.8615 FS.

LAW IMPLEMENTED: 367.031, 372.309, 373.308, 373.309, 373.309(1), 373.313, 403.087(4),(6)(a), 403.814(1),(4), 403.815, 403.852(12),(13), 403.853(1),(3),(5), 403.861, 403.861(2),(6),(7),(9),(10),(12),(17), 403.0877, 403.8615 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE YET TO BE DETERMINED. THE WORKSHOP WILL BE NOTICED IN THE FLORIDA ADMINISTRATIVE WEEKLY AT LEAST TWO WEEKS BEFORE THE WORKSHOP DATE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Steffi T. Dragovitsch, Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)487-1762

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Probable Cause Determinations

RULE NO.: 64B8-1.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the composition of the probable cause panels.

SUBJECT AREA TO BE ADDRESSED: The Board's probable cause panels.

SPECIFIC AUTHORITY: 120.53, 456.073(4) FS.

LAW IMPLEMENTED: 456.073(4) 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:

64B8-1.001 Probable Cause Determinations.

(1) The determination as to whether probable cause exists that a violation of the provisions of Chapters ~~456 455~~ and 458, Florida Statutes, and/or the rules promulgated pursuant thereto, has occurred shall be made by a majority vote of a probable cause panel of the Board.

(2) There shall be two probable cause panels of the Board. Each probable cause panel shall be composed of three members, one of whom may be a physician who was a past Board member who is not currently appointed to the Board and one of whom may be a past lay member who is not currently appointed to the Board shall be a lay member of the Board. One member of the probable cause panel must be a current Board member.

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

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

Specific Authority 120.53, 456.073(4) ~~455.621, 458.307(2)(b), 458.309~~ FS. Law Implemented 456.073(4) ~~455.621, 458.307(2)(b)~~ FS. History—New 12-5-79, Amended 11-26-80, 5-27-81, Formerly 21M-18.06, Amended 12-4-86, 7-4-88, 1-1-92, Formerly 21M-18.006, 61F6-18.006, 59R-1.006, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standard of Care for Office Surgery

RULE NO.: 64B8-9.009

PURPOSE AND EFFECT: The Board proposes the developments of rule amendments to address recommendations of the Outpatient Surgery Commission and the Board with regard to surgery performed in physicians offices.

SUBJECT AREA TO BE ADDRESSED: Office surgery.

SPECIFIC AUTHORITY: 458.309(1),(3), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g),(t),(v),(w) 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:

64B8-9.009 Standard of Care for Office Surgery.

- (1) No change.
- (2) General Requirements for Office Surgery.
 - (a) through (b) No change.

(c) The requirement set forth in subsection (2)(b) above for written informed consent is not necessary for minor Level I procedures limited to the skin and mucosa.

~~(d)(e)~~ The surgeon must maintain a log of all Level II and Level III surgical procedures performed, which must include a confidential patient identifier, the type of procedure, the type of anesthesia used, the names of the anesthesiologist, nurse anesthetist, or other anesthesia provider, assistants and nurses; the duration of the procedure, the type of post-operative care, and any adverse incidents, as identified in Section 458.351, F.S. 497, Chapter 99-397, Laws of Florida. The log and all surgical records shall be provided to investigators of the Department of Health upon request.

(e) For a period of one year from the effective date of this rule, all office surgical logs for Level II and Level III procedures shall be submitted to the Department of Health at the end of each calendar month for data collection purposes. The logs must include a confidential patient identifier. The logs shall be submitted to the Department of Health no later than the 10th day following each calendar month.

~~(f)(d)~~ No change.

(g) Liposuction may be performed in combination with another separate surgical procedure during a single Level II or Level III operation, only in the following circumstances:

- 1. When combined with abdominoplasty, liposuction may not exceed 1000 cc of aspirant;
- 2. When liposuction is associated and directly related to another procedure, the liposuction may not exceed 1000 cc of aspirant;
- 3. Major liposuction in excess of 1000 cc aspirant may not be performed in a remote location from any other procedure.

~~(h)(e)~~ No change.

(i) The Board of Medicine adopts the “Standards of the American Society of Anesthesiologists for Basic Anesthetic Monitoring,” approved by House Delegates on October 21, 1986 and last amended on October 21, 1998, as the standards for anesthetic monitoring by any qualified anesthesia provider.

1. These standards apply to all anesthesia care although, in emergency circumstances, appropriate life support measures take precedence. These standards may be exceeded at any time based on the judgment of the responsible anesthesiologist. They are intended to encourage quality patient care, but observing them cannot guarantee any specific patient outcome. They are subject to revision from time to time, as warranted by the evolution of technology and practice. They apply to all general anesthetics, regional anesthetics and monitored anesthesia care. This set of standards address only the issue of basic anesthesia monitoring, which is one component of anesthesia care.

2. In certain rare or unusual circumstances some of these methods of monitoring may be clinically impractical, and appropriate use of the described monitoring methods may fail to detect untoward clinical developments. Brief interruptions of continual monitoring may be unavoidable. For purpose of

this rule, "continual" is defined as "repeated regularly and frequently in steady rapid succession" whereas "continuous" means "prolonged without any interruption at any time."

3. Under extenuating circumstances, the responsible anesthesiologist may waive the requirements marked with an asterisk (*); it is recommended that when this is done, it should be so stated (including the reasons) in a note in the patient's medical record. These standards are not intended for the application to the care of the obstetrical patient in labor or in the conduct of pain management.

a. Standard I

I. Qualified anesthesia personnel shall be present in the room throughout the conduct of all general anesthetics, regional anesthetics and monitored anesthesia care.

II. OBJECTIVE. Because of the rapid changes in patient status during anesthesia, qualified anesthesia personnel shall be continuously present to monitor the patient and provide anesthesia care. In the event there is a direct known hazard, e.g., radiation, to the anesthesia personnel which might require intermittent remote observation of the patient, some provision for monitoring the patient must be made. In the event that an emergency requires the temporary absence of the person primarily responsible for the anesthetic, the best judgment of the anesthesiologist will be exercised in comparing the emergency with the anesthetized patient's condition and in the selection of the person left responsible for the anesthetic during the temporary absence.

b. Standard II

I. During all anesthetics, the patient's oxygenation, ventilation, circulation and temperature shall be continually evaluated.

II. OXYGENATION

(A) OBJECTIVE – To ensure adequate oxygen concentration in the inspired gas and the blood during all anesthetics.

(B) METHODS:

(I) Inspired gas: During every administration of general anesthesia using an anesthesia machine, the concentration of oxygen in the patient breathing system shall be measured by and oxygen analyzer with a low oxygen concentration limit alarm in use.*

(II) Blood oxygenation: During all anesthetics, a quantitative method of assessing oxygenation such as a pulse oximetry shall be employed.* Adequate illumination and exposure of the patient are necessary to assess color.*

III. VENTILATION

(A) OBJECTIVE – To ensure adequate ventilation of the patient during all anesthetics.

(B) METHODS:

(I) Every patient receiving general anesthesia shall have the adequacy of ventilation continually evaluated. Qualitative clinical signs such as chest excursion, observation of the

reservoir breathing bag and auscultation of breath sounds are useful. Continual monitoring for the presence of expired carbon dioxide shall be performed unless invalidated by the nature of the patient, procedure or equipment. Quantitative monitoring of the volume of expired gas is strongly encouraged.*

(II) When an endotracheal tube or laryngeal mask is inserted, its correct positioning must be verified by clinical assessment and by identification of carbon dioxide analysis, in use from the time of endotracheal tube/laryngeal mask placement, until extubation/removal or initiating transfer to a postoperative care location, shall be performed using a quantitative method such as capnography, capnometry or mass spectroscopy.*

(III) When ventilation is controlled by a mechanical ventilator, there shall be in continuous use a device that is capable of detecting disconnection of components of the breathing system. The device must give an audible signal when its alarm threshold is exceeded.

(IV) During regional anesthesia and monitored anesthesia care, the adequacy of ventilation shall be evaluated, at least, by continual observation of qualitative clinical signs.

IV. CIRCULATION

(A) OBJECTIVE – To ensure the adequacy of the patient's circulatory function during all anesthetics.

(B) METHODS:

(I) Every patient receiving anesthesia shall have the electrocardiogram continuously displayed from the beginning of anesthesia until preparing to leave the anesthetizing location.*

(II) Every patient receiving anesthesia shall have arterial blood pressure and heart rate determined and evaluated at least every five minutes.*

(III) Every patient receiving general anesthesia shall have, in addition to the above, circulatory function continually evaluated by at least one of the following: palpation of a pulse, auscultation of heart sounds, monitoring of a tracing of intra-arterial pressure, ultrasound peripheral pulse monitoring, or pulse plethysmography or oximetry.

V. BODY TEMPERATURE

(A) OBJECTIVE – To aid in the maintenance of appropriate body temperature during all anesthetics.

(B) METHODS: Every patient receiving anesthesia shall have temperature monitored when clinically significant changes in body temperature are intended, anticipated or suspected.

(f) through (i) renumbered (j) through (m) No change.

(3) through (5) No change.

(6) Level III Office Surgery.

(a) Scope.

1. No change.

2. Only patients classified under the American Society of Anesthesiologist's (ASA) risk classification criteria as Class I ~~or~~ II, ~~or~~ III are appropriate candidates for Level III office surgery.

a. All Level III surgeries on patients classified as ASA III and higher are to be performed only in a hospital or ambulatory surgery center. For ASA Class III patients, the surgeon must document in the patient's record the justification and precautions that make the office an appropriate forum for the particular procedure to be performed.

b. For all ASA II patients above the age of 40, the surgeon must obtain, at a minimum, an EKG and a complete workup performed prior to the performance of Level III surgery in a physician office setting. If the patient is deemed to be a complicated medical patient, the patient must be referred to an appropriate consultant for an independent medical clearance. This requirement may be waived after evaluation by the patient's anesthesiologist.

(b) No change.

Specific Authority 458.309(1), 458.331(1)(v) FS., ss. 92 and 197, Chapter 99-397, Laws of Florida Law Implemented 458.331(1)(g),(t),(v),(w), 458.351 FS., ss. 92 and 197, Chapter 99-397, Laws of Florida History-New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, _____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: Application Fees for Initial Licensure and
 PROVIDERSHIP OF CONTINUING EDUCATION

RULE NO.: 64B18-12.0011

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

SUBJECT AREA TO BE ADDRESSED: Application fees for initial licensure and providership of continuing education.

SPECIFIC AUTHORITY: 456.025, 456.025(3), 461.005, 461.006(1) FS.

LAW IMPLEMENTED: 456.025, 456.025(3), 461.006(1)(a) FS.

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

TIME AND DATE: 9:00 a.m. or shortly thereafter, February 23, 2001

PLACE: The Clarion, 2101 Dixie Clipper Road, Jacksonville, Florida 32218

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE CHAPTER TITLE: Boating Safety Forms
 RULE CHAPTER NO.: 68D-1

PURPOSE AND EFFECT: The purpose of this rulemaking action is to adopt by reference boating related forms the Fish and wildlife Conservation Commission is required by statute to produce and distribute.

SUBJECT AREA TO BE ADDRESSED: Boating related forms.

SPECIFIC AUTHORITY: 327.301, 327.302, 327.35215, 327.74 FS.

LAW IMPLEMENTED: 327.301, 327.302, 327.35215, 327.74 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 IS: Captain Alan S. Richard, Boating Law and Waterway Management Coordinator, Office of Enforcement Planning and Policy, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE CHAPTER TITLE: Uniform Waterway Markers in
 Florida Waters
 RULE CHAPTER NO.: 68D-23

PURPOSE AND EFFECT: The purpose of this rulemaking action is to update the rule pertaining to the placement of aids to navigation, regulatory markers, mooring buoys, and other markers on waters of this state which need marking for safety or navigation purposes. The effect will be to clarify permitting procedures and to require that these markers conform to the United States Aids to Navigation System, 33 C.F.R. part 62.

SUBJECT AREA TO BE ADDRESSED: Permitting procedures and design, construction, and maintenance requirements for uniform waterway markers.

SPECIFIC AUTHORITY: 327.40, 327.41 FS.

LAW IMPLEMENTED: 327.40, 327.41 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 IS: Captain Alan S. Richard, Boating Law and Waterway Management Coordinator, Office of Enforcement Planning and Policy, 620 South Meridian Street, Tallahassee, Florida 32399-1600
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE CHAPTER TITLE: Minimum Standards for Mandatory Boating Safety Courses

RULE CHAPTER NO.: 68D-36

PURPOSE AND EFFECT: This rulemaking action will update the boating safety training requirements to include a component on diving safety, incorporate changes in the curriculum approved by the National Association of State Boating Law Administrators, establish guidelines under which liveries, marinas, and other persons the Commission has appointed as its agents administer the course, course equivalency examination, or temporary certificate examination and issue identification cards, and provide specifications for training and information that must be provided by vessel liveries.

SUBJECT AREA TO BE ADDRESSED: Boating safety information, training, curricula, and examinations.

SPECIFIC AUTHORITY: 327.39, 327.395, 327.54 FS.

LAW IMPLEMENTED: 327.39, 327.395, 327.54 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 IS: Captain Alan S. Richard, Boating Law and Waterway Management Coordinator, Office of Enforcement Planning and Policy, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Library and Information Services

RULE CHAPTER TITLE:	PUBLIC RECORDS SCHEDULING	RULE CHAPTER NO.:	
	Public Records Scheduling and Dispositioning		1B-24
RULE TITLES:	Definitions	RULE NOS.:	1B-24.002
	Developing Requests for Records Retention Schedules		1B-24.004
	Submitting Proposed Records Retention Schedules		1B-24.005
	Division Criteria for Processing Proposed Records Retention Schedules		1B-24.006
	Division Action		1B-24.007
	Revising Records Retention Schedules		1B-24.008
	General Records Schedules		1B-24.009
	Records Disposition		1B-24.010
	Division Criteria for Approval of Records Disposition Requests		1B-24.011
	Disposition Certificate		1B-24.012

PURPOSE AND EFFECT: This repeal eliminates certain rules relating to the records management program of the Department of State which have been revised, to become effective January 2000. The above rules are redundant following the revision of Chapter 1B-24. The purpose is to comply with the revision of section 257.36, Florida Statutes.

SUMMARY: Repeals 1B-24.002, 1B-24.004, 1B-24.005, 1B-24.006, 1B-24.007, 1B-24.008, 1B-24.009, 1B-24.010, 1B-24.011 and 1B-24.012.

SPECIFIC AUTHORITY: 120.53(1)(b) FS.

LAW IMPLEMENTED: 120.53(1)(b) FS.

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

TIME AND DATE: 9:00 a.m., January 16, 2001

PLACE: Florida Records Storage Center, 4319 Shelfer Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lynn Rawls, Bureau of Archives and Records Management, Department of State, Mail Station 9A, The Capitol, Tallahassee, Florida 32399-0250

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the hearing should advise the Department at least 5 calendar days before the hearing by contacting Lynn Rawls, (850)487-2180.

THE FULL TEXT OF THE PROPOSED RULES IS:

1B-24.002 Definitions.

Specific Authority 257.14, 257.36(7) FS. Law Implemented 257.36 FS. History—New 1-8-80, Amended 1-4-86, Formerly 1A-24.02, 1A-24.002, Amended 1-7-88, 3-23-93, Repealed.

1B-24.004 Developing Requests for Records Retention Schedules.

Specific Authority 257.14, 257.36(7) FS. Law Implemented 257.36 FS. History—New 1-8-80, Amended 1-4-86, Formerly 1A-24.04, 1A-24.004, Amended 1-7-88, 3-23-93, Repealed.

1B-24.005 Submitting Proposed Records Retention Schedules.

Specific Authority 257.14, 257.36(7) FS. Law Implemented 257.36 FS. History—New 1-8-80, Formerly 1A-24.05, 1A-24.005, Amended 1-7-88, 3-23-93, Repealed.

1B-24.006 Division Criteria for Processing Proposed Records Retention Schedules.

Specific Authority 257.14, 257.36(7) FS. Law Implemented 257.36 FS. History—New 1-8-80, Formerly 1A-24.06, 1A-24.006, Amended 1-7-88, 3-23-93, Repealed.

1B-24.007 Division Action.

Specific Authority 257.14, 257.36(7) FS. Law Implemented 257.36 FS. History—New 1-8-80, Formerly 1A-24.07, 1A-24.007, Amended 1-7-88, 3-23-93, Repealed.

1B-24.008 Revising Records Retention Schedules.

Specific Authority 257.14, 257.36(7) FS. Law Implemented 257.36 FS. History—New 1-8-80, Amended 1-4-84, Formerly 1A-24.09, 1A-24.009, Amended 1-7-88, 3-23-93, Repealed.

1B-24.009 General Records Schedules.

Specific Authority 257.14, 257.36(7) FS. Law Implemented 257.36 FS. History—New 1-8-80, Formerly 1A-24.07, 1A-24.007, Amended 1-7-88, 3-23-93, Repealed.

1B-24.010 Records Disposition.

Specific Authority 257.14, 257.36(7) FS. Law Implemented 257.36 FS. History—New 1-8-80, Amended 1-4-84, Formerly 1A-24.10, 1A-24.010, Amended 1-7-88, 3-23-93, 7-1-95, Repealed.

1B-24.011 Division Criteria for Approval of Records Disposition Requests.

Specific Authority 257.14, 257.36(7) FS. Law Implemented 257.36 FS. History—New 1-8-80, Formerly 1A-24.11, 1A-24.011, Amended 1-7-88, 3-23-93, Repealed.

1B-24.012 Disposition Certificate.

Specific Authority 257.14, 257.36(7) FS. Law Implemented 257.36 FS. History—New 1-8-80, Formerly 1A-24.12, 1A-24.012, Amended 1-7-88, 3-23-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynn Rawls

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barratt Wilkins, Director, Division of Library and Information Services, Department of State, 500 S. Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2000

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: RULE NO.:

Minor Violating; Notice of Noncompliance 3F-11.002

PURPOSE AND EFFECT: The Board proposes to revise this rule to update the list of minor violations for which the Department may issue a notice of noncompliance in keeping with the statutes.

SUMMARY: Pursuant to statute, this rule sets forth minor violations which the Department may issue notices of noncompliance.

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

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

SPECIFIC AUTHORITY: 497.103, 497.413 FS.

LAW IMPLEMENTED: 497.131(3) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-11.002 Minor Violations; Notice of Non-Compliance.

(1) Pursuant to section 497.131(3), F.S., the Department may issue notice of non-compliance to a certificateholder, licensee, or registrant for an initial offense of a minor violation. Failure of the person, to whom a notice of non-compliance is issued, to take corrective action which is set forth in the notice of violation, within 15 days of the receipt of the notice may result in further disciplinary action.

(2) The following violations are minor violations for which the Department may issue a notice of non-compliance:

F.S., which prohibits use of accreditation by a private organization as a requirement for issuance or maintenance of a certificate of need.

It is expected that the revised need methodology will show a greater need for additional adult open heart surgery programs than is shown by the current methodology. Additional programs could then be approved, provided other criteria are met.

The agency has recently adopted rule amendments that renumber subsection 59C-1.002(43) as 59C-1.002(41), with no changes in the text of that subsection. The renumbering is reflected in this Notice.

SUMMARY: The proposed amendments eliminate adult open heart surgery from the list of services defined as tertiary, and revise the methodology used to determine need for additional adult open heart surgery programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 408.034(5), 408.15(8) FS.

LAW IMPLEMENTED: 408.036(1)(f),(h) 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: 11:00 a.m., January 17, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jeff Gregg, Certificate of Need Office, 2727 Mahan Drive, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULES IS:

59C-1.002 Definitions.

(1) through (40) No change.

(41) "Tertiary health service" means a health service which, due to its high level of intensity, complexity, specialized or limited applicability, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost effectiveness of such service. Examples of such service include, but are not limited to, organ transplantation, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, and medical or surgical services which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given

service. The types of tertiary services to be regulated under the Certificate of Need Program in addition to those listed in Florida Statutes include:

- (a) Heart transplantation;
- (b) Kidney transplantation;
- (c) Liver transplantation;
- (d) Bone marrow transplantation;
- (e) Lung transplantation;
- (f) Pancreas and islet cells transplantation;
- (g) Heart/lung transplantation;
- ~~(h) Adult open heart surgery;~~
- ~~(h)(i) Neonatal and pediatric cardiac and vascular surgery;~~

and

- ~~(i)(j) Pediatric oncology and hematology.~~

In order to determine whether services should be added or deleted, the listing shall be reviewed annually by the agency.

- (42) through (43) No change.

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented ~~408.031, 408.032, 408.033(1)(a), 408.033(2), 408.036(1)(2)(d), 408.036(1)(h), 408.037(1)(2)(a), 408.039(1)(2), 409.6045, 651.118(2)(3)~~ FS. History—New 1-1-77, Joint Administrative Procedures Committee Objection Filed – See FAW. Vol. 3 No. 10 March 11, 1977, Amended 11-1-77, 9-1-78, 6-5-79, 4-25-80, 2-1-81, 3-31-82, 7-29-82, 12-23-82, Formerly 10-5.02, Amended 11-17-87, 12-5-90, 1-31-91, 1-1-92, Formerly 10-5.002, Amended 12-14-92, 2-27-94, 6-23-94, 10-18-95, 10-8-97, _____.

59C-1.033 Open Heart Surgery Program.

(1) Agency Intent. This rule specifies the requirements for the establishment of an adult or pediatric open heart surgery program, including minimum requirements for staffing and equipment; and it specifies a methodology for determining the numeric need for additional ~~a new~~ programs. A certificate of need for the establishment of an open heart surgery program shall not normally be approved unless the applicant meets the applicable review criteria in section 408.035, F.S., and the standards and need determination criteria set forth in this rule. Hospitals operating more than one hospital on separate premises under a single license shall obtain a separate certificate of need for the establishment of open heart surgery services in each facility. Separate certificates of need are required for the establishment of an adult or a pediatric open heart surgery program.

(2) through (f) No change.

(g) "Open Heart Surgery Operation." Surgical procedures ~~Surgery assisted by a heart lung by pass machine~~ that are ~~is~~ used to treat conditions such as congenital heart defects, and heart and coronary artery diseases, including replacement of heart valves, cardiac vascularization, and cardiac trauma. One open heart surgery operation equals one patient admission to the operating room. Open heart surgery operations are classified under the following diagnostic related groups (DRGs): DRGs 104, 105, 106, 107, 108, and 109, ~~and 110.~~

(h) through (4) No change.

(5) Service Quality.

~~(a) Accreditation. Any institution proposing to provide adult or pediatric open heart surgery must meet the Joint Commission on Accreditation of Healthcare Organizations accreditation standards for special care units or standards for accreditation by the American Osteopathic Association.~~

~~(b) through (c) renumbered (a) through (b) No change.~~

~~(6) No change.~~

(7) Adult Open Heart Surgery Program Need Determination.

(a) Except as provided in paragraphs (c) and (d), additional A new adult open heart surgery programs shall not normally be approved in the district if any of the following conditions exist:

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

2. One or more of the operational adult open heart surgery programs in the district that were operational for at least 12 months as of 3 months prior to the beginning date of the quarter of the publication of the fixed need pool performed less than 250 350 adult open heart surgery operations during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool; or,

3. One or more of the adult open heart surgery programs in the district that were operational for less than 12 months during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool performed less than an average of 21 29 adult open heart surgery operations per month.

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

NN = (POH/500) - OP, with the result rounded up or down to the nearest whole integer ((Ue X Px)/ 350)) - OP ≥ 0.5

where:

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

2. POH = The projected number of adult open heart surgery operations that will be performed in the district in the 12-month period beginning with the planning horizon. To determine POH, the agency will calculate COH/CPOP x PPOP, where:

a. COH = the current number of adult open heart surgery operations, defined as the number of adult open heart surgery operations performed in the district during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool.

b. CPOP = the current district population age 15 years and over.

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

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

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

(c) Regardless of whether need for additional a new adult open heart surgery programs is shown in paragraph (b) above, need for one a new adult open heart surgery program is demonstrated for a county that meets the following criteria:

1. None of the hospitals in the county has an existing or approved open heart surgery program;

2. Residents of the county are projected to generate at least 1200 annual hospital discharges with a principal diagnosis of ischemic heart disease, as defined by ICD-9-CM codes 410.0 through 414.9. The projected number of county residents who will be discharged with a principal diagnosis of ischemic heart disease will be determined as follows:

$$PIHD = (CIHD/CoCPOP \times CoPPOP)$$

where:

PIHD = the projected 12-month total of discharges with a principal diagnosis of ischemic heart disease for residents of the county age 15 and over;

CIHD = the most recent 12-month total of discharges with a principal diagnosis of ischemic heart disease for residents of the county age 15 and over, as available in the agency's hospital discharge data base;

CoCPOP = the current estimated population age 15 and over for the county, included as a component of CPOP in subparagraph 7(b)2.;

CoPPOP = the planning horizon estimated population age 15 and over for the county, included as a component of PPOP in subparagraph 7(b)2.

If the result is 1200 or more, need for one adult open heart surgery program is demonstrated for the county will not normally be approved for a district if the approval would reduce the 12 month total at an existing adult open heart

~~surgery program in the district below 350 open heart surgery operations. In determining whether this condition applies, the agency will calculate $(Ue \times Px) / (OP + 1)$. If the result is less than 350 no additional open heart surgery program shall normally be approved.~~

(d) County-specific need identified under paragraph (c) is a need occurring because of the special circumstances in that county, and exists independent of, and in addition to, any district need identified under the provisions of paragraph (b).

(e) A program approved pursuant to need identified in paragraph (c) will be included in the subsequent identification of approved and operational programs in the district, as specified in paragraph (a).

(8) No change.

Specific Authority ~~408.034(5), 408.15(8) 408.034(3)(5)~~ FS. Law Implemented ~~408.034(3), 408.035, 408.036(1)(f)(e)(h)~~ FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 6-11-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(f), Amended 1-26-92, Formerly 10-5.033, Amended 6-17-93, 8-24-93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jeff Gregg, Chief, Health Facility Regulation
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary, Agency for Health Care Administration
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLES:	RULE NOS.:
Certificate of Need Application Procedures	59C-1.008
Certificate of Need Application Review Procedures	59C-1.010

PURPOSE AND EFFECT: Section 408.039(3)(a), Florida Statutes, requires an applicant for a certificate of need (CON) to provide a copy of the application to the Local Health Council. No deadline for this action is specified in statute. Existing Rules 59C-1.008(1)(f)1. and 59C-1.008(4) specify that the Local Health Council must receive a copy of the CON application no later than 5 p.m. on the same day that the application must be submitted to the agency. Additionally, existing Rules 59C-1.010(3)(a)3. and 59C-1.010(4)(d)3. require that a copy of the applicant's additional information, submitted in response to omissions in the CON application, must be received by the Local Health Council no later than 5 p.m. on the same day that the omissions response must be submitted to the agency. There is no specific statutory requirement for submission to the Local Health Council.

These rules also state that the agency cannot accept an application for review, or must withdraw the application from review, if the Local Health Council fails to receive a copy of the application and the omissions response by the deadlines specified.

The proposed rule amendments eliminate the language that prohibits the agency from proceeding with review of the application and review of the omissions response. To ensure that the local health councils remain informed about proposals submitted for CON review, and can fulfill obligations specified in s. 408.033(1)(b) and (c), F.S., the proposed amendments specify that the applicant must provide a copy of the application and the omissions response to the Local Health Council bearing a postmark or shipping date that is no later than the agency's deadline dates.

The amendments also correct references to the agency Director appearing elsewhere in Rule 59C-1.010.

SUMMARY: The amendments revise the applicant's deadline for submitting a completed CON application to the Local Health Council, and allow the agency to proceed with review independent of deadlines for submission to the Local Health Council.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 408.034(5), 408.15(8) FS.

LAW IMPLEMENTED: 408.033(1)(b),(c), 408.039(3) FS.

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

TIME AND DATE: 2:00 p.m., January 17, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

59C-1.008 Certificate of Need Application Procedures.

(1) Letters of Intent and applications subject to comparative review shall be accepted in two batching cycles annually each for hospital projects, and for nursing facility projects, as specified in paragraph (g) of this subsection. All other projects subject to comparative review shall be reviewed in the hospital batching cycle. "All other projects" include projects by or for hospices and intermediate care facilities for the developmentally disabled.

(a) through (e) No change.

(f) Certificate of Need Application Submission. An application for a certificate of need shall be submitted on AHCA Form CON-1, July 2000, which includes Schedules A or A-Trn, B or B-Trn, C, D, D-1, 1 or 1-Trn, 2, 3, 4, 5, 6, 6A, 7, 7A, 7B, 8, 8A, 9, 10, and 11-Trn which are incorporated by reference herein. A copy of Form CON-1 and the Schedules may be obtained from:

Agency for Health Care Administration
 Certificate of Need
 2727 Mahan Drive, Building 3
 Tallahassee, FL 32308

1. The application must be actually received by the agency by 5 p.m. local time ~~and a copy must actually be received by the local health council by 5 p.m. local time~~ on or before the application due date. The Local Health Council must receive a copy of the application bearing a postmark or shipping date that is no later than the application due date.

~~2. An application submitted to the agency shall not be accepted by the agency, and the application fee will be returned if a copy of the application is not received by the appropriate local health council as provided above.~~

~~2.3.~~ Applications for projects which exceed the proposed number of beds contained in the letter of intent shall not be deemed complete for review by the agency.

~~3.4.~~ Applications may propose a lesser number of beds than that contained in the letter of intent.

(g) through (3) No change.

(4) Submission to Local Health Council. Each applicant shall submit a copy of its application to the ~~applicable L~~ocal ~~H~~health ~~C~~ouncil consistent with the requirements established under subsection (1)(f)1. of this rule at the same time the application is submitted to the agency. Failure to timely file with the local health council as set forth in paragraph (1)(f) of this rule will result in the application not being accepted by the agency.

(5) through (6) No change.

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented 408.033, 408.037, 408.038, 408.039 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, 12-12-00, _____.

59C-1.010 Certificate of Need Application Review Procedures.

(1) through (2) No change.

(3) Comparative Review. Applications subject to comparative review shall be reviewed according to the following timetable:

(a) Completeness Review.

1. Within 15 calendar days after the application submission deadline promulgated under rule 59C-1.008(1)(g), F.A.C., the agency shall determine whether the application is complete.

2. If the application is deemed incomplete by the agency, the agency shall request in writing from the applicant specific information necessary for the application to be deemed complete.

3. If an applicant does not provide the specific additional information required by statute and rule in writing to the agency ~~and the Local Health Council~~ within 21 calendar days of the receipt of the agency's request, the application shall be deemed withdrawn from consideration. The applicant's response must be received by the agency ~~and the Local Health Council~~ no later than 5 p.m. local time on or before the omissions due date promulgated under Rule 59C-1.008(1)(g), F.A.C. The Local Health Council must receive a copy of the additional information bearing a postmark or shipping date that is no later than the omissions due date.

(b) through (d) No change.

(4) Expedited Review. Applications subject to expedited review shall be reviewed according to the following timetable:

(a) through (c) No change.

(d) Completeness Review.

1. Within 15 calendar days of receipt of an application by the agency, the agency shall determine whether the application is complete.

2. If the application is deemed incomplete by the agency, the agency shall request in writing from the applicant specific information necessary for the application to be deemed complete.

3. If an applicant does not provide the specific additional information required by statute and rule in writing to the agency ~~and the Local Health Council~~ within 21 calendar days of the receipt of the agency's request, the application shall be deemed withdrawn from consideration. The Local Health Council must receive a copy of the additional information bearing a postmark or shipping date that is no later than the omissions due date.

(e) through (g) No change.

(5) Issuance of State Agency Action Report.

(a) No change.

(b) If there is no challenge to all or any part of the agency decision embodied in the State Agency Action Report within 21 days after the publication of the notice of intent, consistent with section 59C-1.012, F.A.C., the State Agency Action Report shall become the final order of the agency. The certificate of need shall be signed by the ~~Secretary Director~~ of the agency or his designee and shall become effective on the date when the final order is filed in the Office of the Agency Clerk.

(c) If a request for an administrative hearing is filed timely, and a final order is subsequently entered which grants a certificate of need in whole or in part, a certificate of need shall be signed by the ~~Secretary Director~~ of the agency or his designee. The certificate of need shall become effective on the

date when the final order is filed in the Office of the Agency Clerk. The agency shall provide a copy of the final order to the local health councils.

(d) through (7) No change.

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented 408.033(1), 408.036(2), 408.039(3),(4) FS. History--New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 4-25-80, 2-1-81, 3-31-82, 12-23-82, Formerly 10-5.10, Amended 11-24-86, 11-17-87, 3-23-88, 8-28-88, 1-31-91, 7-1-92, 7-14-92, Formerly 10-5.010, Amended 10-8-97, 12-12-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Gregg, Chief, Health Facility Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Liz Dudek, Assistant Deputy Director, Managed Care and Health Quality

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLES: Acquisition of Health Care Facilities
Medicare Certified Home Health Agencies

RULE NOS.: 59C-1.023
59C-1.031

PURPOSE AND EFFECT: Statutory changes effective July 1, 2000 eliminated former s. 408.036(1)(h), F.S., which required certificate of need (CON) review of the acquisition of a health care facility under specified circumstances; and eliminated former s. 408.036(1)(e), F.S., which required CON review of the establishment of a Medicare-certified home health agency. The repeal of Rules 59C-1.023 and 59C-1.031 eliminates rules adopted to implement the former statutory requirements. Repeal of 59C-1.023 does not eliminate the need for notification to the CON Office when there is an application for licensure that would change the licensed operator of an existing hospital or nursing home.

SUMMARY: The repeals reflect statutory changes which eliminated CON review of proposed acquisition of a health care facility and review of proposed establishment of a Medicare-certified home health agency.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 408.034(5), 408.15(8) FS.

LAW IMPLEMENTED: 408.036(1)(e),(h) FS.

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

TIME AND DATE: 3:00 p.m., January 17, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

59C-1.023 Acquisition of Health Care Facilities.

Specific Authority 408.034(5), 408.036(1)(i) FS. Law Implemented 408.032, 408.034, 408.036(1)(i) FS. History--New 7-25-89, Amended 5-15-90, Formerly 10-5.023, Repealed.

59C-1.031 Medicare Certified Home Health Agencies.

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented 408.034(3), 408.036(1)(f) FS. History--New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 6-11-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(d), Amended 1-26-92, Formerly 10-5.031, Amended 6-17-93, 8-24-93, 4-17-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Gregg, Chief, Health Facility Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Liz Dudek, Assistant Deputy Director, Managed Care and Health Quality

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Outpatient Hospital Services
RULE NO.: 59G-4.160

PURPOSE AND EFFECT: The purpose of this rule development is to incorporate by reference the Florida Medicaid Hospital Coverage and Limitations Handbook, May 2000. The handbook revision incorporates Florida legislature's July 1, 2000, increase of the outpatient hospital cap from \$1000 to \$1500 for adult Medicaid recipients. It includes narrative revisions of existing policy in Chapters 1, 2, and 3, deleting unnecessary and duplicative language, realignment of topics, and rewording policy items for greater clarity. Appendices B through J in the handbook contain codes for different billing circumstances and all have been updated with current year 2000 code revisions, effective January 1, 2000. Portions of Appendix K have been deleted and certain narrative sections have been reworded for greater clarity. The effect will be to incorporate by reference in the rule the current Florida Medicaid Hospital Coverage and Limitation Handbook. The rule development is also for the purpose of repealing portions of the rule that are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations. The

effect will be to incorporate by reference in the rule the current Florida Medicaid Hospital Coverage and Limitations Handbook and to eliminate duplication.

SUMMARY: The proposed rule incorporates by reference the Florida Medicaid Hospital Coverage and Limitations Handbook, May 2000. The handbook is revised to incorporate the outpatient hospital cap increase approved by the Florida Legislature, from \$1000 to \$1500, effective July 1, 2000. The policy narrative in Chapters 1, 2, and 3 is revised to reflect current and existing policy; delete unnecessary or duplicative language; realign topics for easier reading; reword policy items for greater clarity. Appendices B through J contain codes for different billing circumstances and have been updated with current year 2000 code revisions, effective January 1, 2000. Portions of Appendix K have been deleted and certain narrative sections have been reworded for greater clarity.

The rule promulgation is also for the purpose of repealing portions of the rule that are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 – 10:00 a.m., January 8, 2001

PLACE: 2728 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ouida Mazzoccoli, Medical/Health Care Program Analyst, Medicaid Program Development Office, 2728 Fort Knox Boulevard, Building 3, Tallahassee, FL 32308, (850)922-7351

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of 59G-4.160 follows. See Florida Administrative Code for present text.)

59G-4.160 Outpatient Hospital Services.

(1) This rule applies to all hospital providers enrolled in the Medicaid program.

(2) All hospital providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospital Coverage and Limitations Handbook, May 2000, and the

Florida Medicaid Provider Reimbursement Handbook, UB-92, October 1998, both incorporated by reference in this rule. Both handbooks are available from the fiscal agent contractor.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ouida Mazzoccoli

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben King-Shaw, Jr., AHCA Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2000

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 proposes to promulgate a new rule that will set forth the requirements for continuing education exemption for spouses of military personnel.

SUMMARY: This rule elucidates the continuing education requirement of a licensed spouse of a member of the armed forces.

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

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

SPECIFIC AUTHORITY: 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 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:

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

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show proof to the Board of the absence and the spouse's military status.

Specific Authority 489.507(3) FS. Law Implemented 489.507(3), 489.517 FS. History--New _____.

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: September 8, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Definitions
RULE NO.: 61G15-18.011

PURPOSE AND EFFECT: The purpose is to amend this rule to delete rule text that is not necessary.

SUMMARY: The Board has determined that it is necessary to amend this rule to delete subsection (5) of this rule because it is no longer desired by the Board.

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: 471.008, 471.003(2)(f), 471.013(1)(a)1.,2. FS.

LAW IMPLEMENTED: 471.005(6), 471.025(3), 471.033(1)(j), 471.003(2)(f), 471.013(1)(a)1., 2. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natlie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-18.011 Definitions.

(1) through (4) No change.

~~(5) A "registered engineer whose principal practice is civil or structural engineering," as used in the ss. 471.003(3) and 481.229(4), F.S., shall mean an engineer licensed in Florida who either has a degree in civil or structural engineering, or has successfully completed the principles and practice examination in either discipline.~~

~~Specific Authority 471.008, 471.003(2)(f), 471.013(1)(a)1.,2. FS. Law Implemented 471.005(6), 471.025(3), 471.033(1)(j), 471.003(2)(f), 471.013(1)(a)1., 2. FS. History--New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended 12-22-99,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: State of Florida, Security Policies,
RULE NO.: 61G15-21.008

Procedures and Guidelines
PURPOSE AND EFFECT: The Board is repealing this rule because the rule is no longer desired by the Board.

SUMMARY: Repeal of Rule 61G15-21.008.
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: 120.54(8), 455.217 FS.

LAW IMPLEMENTED: 455.217 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natlie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-21.008 State of Florida, Security Policies, Procedures and Guidelines.

~~Security procedures for the Professional Engineers Examination given in the State of Florida shall be those contained in the State of Florida, Security Policies, Procedures, and Guidelines booklet incorporated herein by reference.~~

Specific Authority 455.217, 120.54(8) FS. Law Implemented 455.217 FS. History--New 7-14-82, Formerly 21H-21.08, 21H-21.008, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: RULE NO.:

Continuing Education Requirements for
Reactivation of Inactive License 61G15-22.001

PURPOSE AND EFFECT: The purpose is to amend this rule to change the score to a percentage.

SUMMARY: The Board has determined that it is necessary to amend this rule to change the score from 36 to 90%.

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: 471.019(2) FS.

LAW IMPLEMENTED: 471.019(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natlie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.001 Continuing Education Requirements for Reactivation of Inactive License.

A license which has been inactive for more than one year may be reactivated upon application to FEMC and demonstration to the Board by the licensee of having attended twelve hours of engineering related education per inactive year. The education

shall be related to the licensee's field of practice. Of the first twelve hours of such education, at least four shall involve the law and rules governing the practice of engineering in a course approved by the Board. Completion of the Board's Study Guide with a score of 90% 36 or above shall satisfy the laws and rules requirement. Licensees who can demonstrate that they have continued the active practice of engineering during the inactive period, either through an active license to practice in another state or through practice in an exempt setting during that period, shall only be required to comply with the laws and rules requirement. Verification of the above-mentioned education shall be in the form of tuition or registration receipts, records, or letters of verification from the institutions or entities providing the training in question.

Specific Authority 471.019(2) FS. Law Implemented 471.019(2) FS. History--New 8-19-80, Formerly 21H-22.01, Amended 5-14-86, Formerly 21H-22.001, Amended 6-22-99, 6-13-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: RULE NO.:

Seal, Signature and Date Shall be Affixed 61G15-23.002

PURPOSE AND EFFECT: The purpose of these rule amendments is to update the rule text with regard to signing and sealing documents.

SUMMARY: The Board proposes to amend this rule to include final bid documents and the requirements for a title block, and the sealing of plans.

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: 471.025 FS.

LAW IMPLEMENTED: 471.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natlie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) A professional engineer shall sign his name and affix his seal to all plans, specifications, reports, final bid documents provided to the owner or the owner's representative, or other documents prepared or issued by said registrant and being filed for public record. The date that the signature and seal is affixed as provided herein shall be entered on said plans, specifications, reports, or other documents immediately under the signature of the professional engineer.

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

(3) No change.

(4) A professional engineer should not seal preliminary plans which are not intended for permit, construction, or bidding purposes. If a permitting agency requires that

preliminary plans submitted for review purposes be signed and sealed, then the engineer should clearly note such limitations on the face of the plans, by using terms such as "Preliminary," "For Review Only," "Not for Construction," or any other suitable statement which denotes that the documents are for design review only and are not intended for permit, construction, or bidding purposes.

~~(5)~~(4) Engineers who wish to sign and seal electronically transmitted plans, specifications, reports, final bid documents, or other documents shall follow the procedures set forth in Rule 61G15-23.003, F.A.C.

Specific Authority 471.025 FS. Law Implemented 471.025 FS. History--New 1-8-80, Amended 1-20-85, Formerly 21H-23.02, Amended 5-14-86, Formerly 21H-23.002, Amended 11-15-94, 8-18-98, 2-3-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Design of Structures Utilizing Prefabricated Wood Components
 RULE NO.: 61G15-31.003

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard to a truss design package.

SUMMARY: The Board proposes to amend the rule text to add additional rule text which will include information for a truss design package and the requirements.

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: 471.033(2), 471.008 FS.

LAW IMPLEMENTED: 471.033(1)(g) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natlie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-31.003 Design of Structures Utilizing Prefabricated Wood Components.

(1) Apportionment of responsibilities between Structural Engineer of Record (Building Designer) and Delegated Engineer (Truss Designer) shall be as set forth in Chapter 2 of ANSI/TPI 1-1995.

(2) In the case of a truss design package, a cover or index sheet may be signed and sealed in lieu of signing and sealing each individual sheet, provided that the cover or index sheet contains the following information:

(a) The name, address and license number of the Engineer of Record for the truss design package.

(b) Identification of the project, name of the authority having jurisdiction (City, County), the loads, and the name and date of the applicable building code that the truss design is intended to meet and all loads imposed on the structure.

(c) Truss engineering design criteria with full identification of the source of the criteria. The source will be either the Engineer of Record (if there is an Engineer of Record for the structural engineering documents), or the engineer employed by the truss manufacturer. If there is an Engineer of Record for the structural engineering documents, that engineer shall be identified with his/her name, license number and address, along with a checkmark to ensure that the drawings have been reviewed as required by Rule 61G15-30.006(3).

(d) A truss layout plan by the Engineer of Record showing the location and designation of each component.

(e) Identification of the computer program used for engineering the trusses.

(f) An index of the attached drawings. The naming and numbering system utilized for the drawings shall be clear as to how many drawings there are in the set and the date of each of these drawings.

(g) Each of the drawings in the package shall bear a title block bearing the printed name, address, and license number of the Engineer of Record for the truss design, and the date of the drawing.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History--New 1-26-93, Formerly 21H-31.003, Amended 6-16-99,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2000

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE: Definitions RULE NO.: 61G16-1.009

PURPOSE AND EFFECT: The purpose and effect of the rule is to establish procedures for "Long-term, ongoing relationship."

SUMMARY: The rule provides guidelines for "Long-term, ongoing relationship".

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 492.104 FS.

LAW IMPLEMENTED: 492.105 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: D. A. O'Connor, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G16-1.009 Definitions.

As used in Chapter 492 and in these rules where the context will permit the following terms have the following meanings:

(1) "Responsible Position" shall mean direct control and personal supervision of geological work done by oneself or by others over whom which the applicant exercises supervisory authority.

(2) "Long-term, ongoing relationship" shall mean a contractual relationship between the professional geologist and the firm, corporation, or partnership, in which the professional geologist performed or is responsible for the supervision, direction, or control of the work contained in the geological papers, reports, or documents that are signed, dated, and sealed by the professional geologist.

Specific Authority 492.104 FS. Law Implemented 492.105, 492.111 FS. History--New 4-27-88, Formerly 21DD-1.009, Amended 11-15-93, 5-14-97,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Geologists

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE: Procedures for Signing and Sealing Geological Paper, Reports, or Other Documents
 RULE NO.: 61G16-2.005

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with regard to the procedures for signing and sealing geological papers, reports, or other documents.

SUMMARY: The rule amendment is for the purpose of updating procedures for signing and sealing geological paper, reports, or other documents.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 282.75, 492.104, 492.107 FS.

LAW IMPLEMENTED: 282.75, 492.107 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: D. A. O'Connor, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G16-2.005 Procedures for Signing and Sealing Geological Papers, Reports, or Other Documents.

(1) All geological papers, reports, or other documents prepared or issued by a licensed professional geologist shall be signed, dated, and sealed by the professional geologist who performed or is responsible for the supervision, direction, or control of the work contained in the papers, reports, or documents actually prepared the geological papers, reports, or documents or who had direct responsibility for the supervision, direction, or control of their preparation.

(2) through (4) No change.

Specific Authority 282.75, 492.104, 492.107 FS. Law Implemented 282.75, 492.107 FS. History—New 2-9-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Geologists

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE CHAPTER TITLE: Setback Line
 RULE CHAPTER NO.: 62B-26

RULE TITLE: Description of the Pinellas County Coastal Construction Control Line
 RULE NO.: 62B-26.011

PURPOSE AND EFFECT: To amend rule 62B-26.011, reestablishing the Pinellas County Coastal Construction Control Line to more accurately define that portion of the beach dune system which is subject to severe fluctuations based upon the 100-year storm surge and storm waves, and thus define the area within which special siting and design considerations are required to ensure protection of the beach dune system, proposed or existing structures, adjacent properties, and the preservation of public beach access.

SUMMARY: The proposed rule amendments consist of a legal description of the location of the Coastal Construction Control Line in Pinellas County.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The estimated cost to the Department for administration of the coastal construction control line program for the affected properties in Pinellas County was calculated as \$148,969. One-time costs for rulemaking including staffing, advertising, professional fees, travel, and notice for three public hearings, inclusive, are estimated to be approximately \$637,899. Upon reestablishment of the Pinellas County Coastal Construction Control Line, construction, excavation or alteration on property seaward of such line will be subject to the requirements of section 161.053, Florida Statutes and chapter 62B-33, Florida Administrative Code. Thus, developers of property will incur higher construction and regulatory costs and will benefit only as member of the general public or only if they intend to live in the constructed units. Owners of developed property will directly benefit through a lessened chance of damage to property and a lower probability of damage from adjacent properties. The general public will not bear direct costs and will receive certain benefits, including preservation of the beach dune system, less damage due to storm waves, and lower costs for disaster relief. This rule has no economic impact on those properties seaward of the existing Pinellas County Coastal Construction Control Line, as established in 1979.

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

SPECIFIC AUTHORITY: 161.053, 370.021 FS.
 LAW IMPLEMENTED: 161.053, 370.021 FS.

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

TIME AND DATE: 1:00 p.m., January 30, 2001

PLACE: Pinellas County, City Hall, Commission Chambers, 112 S. Osceola Ave., Clearwater, FL

If accommodation for a disability is needed to participate in this activity, please notify Rosaline Beckham, (850)487-1262, Extension 186, or 1(800)955-8771 (TDD), or 1(800)955-8770 (Voice), VIA, Florida Relay Service, at least seven days before the meeting.

Aerial photo maps depicting the coastal construction control line, as recommended, a copy of the Statement of Estimated Regulatory Cost, a copy of the Pinellas County Storm Surge Model Study, a copy of the Pinellas County Coastal Construction Control Line Study, and a copy of the proposed rule, section 62B-26.011, Florida Administrative Code, are available for inspection at the Office of Beaches and Coastal Systems, 5050 West Tennessee Street, Capital Center, Building B, Tallahassee, Florida and commencing December 22, 2000, will be on display at the following locations:

Belleair Town Hall, Lobby 901 Ponce de Leon Blvd.	Belleair Beach Town Hall, Lobby 444 Causeway Blvd	Clearwater 112 S. Osceola Ave. City Hall, Lobby.
Indian Rocks Beach 1507 Bay Palm Blvd. Town Hall, Auditorium	Indian Shores 19305 Gulf Blvd. Town Hall, Auditorium	Madeira Beach 300 Municipal Dr. Town Hall, Lobby
North Redington Beach 190 173rd Ave. Town Hall, Lobby	Redington Beach 105 164th Ave. Town Hall, Lobby	Redington Shores 17725 Gulf Blvd. Town Hall, Lobby
St. Pete Beach 7701 Boca Ciega Dr. Town Hall, Lobby	Treasure Island 120 108th Ave. Town Hall, Auditorium	

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rosaline Beckham, Environmental Specialist, The Florida Department of Environmental Protection, Office of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)487-1262, Extension 186

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of 62B-26.011 follows. See Florida Administrative Code for current text.)

62B-26.011 Description of the Pinellas County Coastal Construction Control Line.

(1) There is hereby established, pursuant to Section 161.053, Florida Statutes, the Pinellas County Coastal Construction Control Line. The legal description of said line is attached hereto.

(2) This rule shall take effect on the date of filing with the Florida Department of State; and the rule shall be recorded in the public records in the office of the Clerk of the Circuit Court, in and for Pinellas County, Florida, together with each affected municipality.

(3) After this rule becomes effective, a permit under Section 161.053, Florida Statutes, and Chapter 62B-33, Florida Administrative Code, to alter, excavate or construct on property seaward of the established control line is required from the Department of Environmental Protection.

METES AND BOUNDS DESCRIPTION FOR THE COASTAL CONSTRUCTION CONTROL LINE PINELLAS COUNTY, FLORIDA

DESCRIPTION OF THE COASTAL CONSTRUCTION CONTROL LINE (CCCL) IS ESTABLISHED IN COMPLIANCE WITH SECTION 161.053 OF THE FLORIDA STATUTES. SAID CONTROL LINE LYING ALONG THE COAST OF THE GULF OF MEXICO FROM MEAN HIGH WATER LINE AT THE NORTHERN END OF HONEYMOON ISLAND SOUTHERLY TO THE MEAN HIGH WATER LINE AT THE SOUTHERN END OF HONEYMOON ISLAND. THENCE RECOMMENCING AT THE MEAN HIGH WATER LINE AT THE NORTHERN END OF CALADESI ISLAND SOUTHERLY TO THE NORTH MEAN HIGH WATER LINE OF DUNEDIN PASS. THENCE RECOMMENCING AT THE SOUTH MEAN HIGH WATER LINE OF DUNEDIN PASS SOUTHERLY TO THE NORTH MEAN HIGH WATER LINE OF LITTLE PASS. THENCE RECOMMENCING AT THE SOUTH MEAN HIGH WATER LINE OF LITTLE PASS SOUTHERLY TO THE NORTH MEAN HIGH WATER LINE OF JOHNS PASS. THENCE RECOMMENCING AT THE SOUTH MEAN HIGH WATER LINE OF JOHNS PASS SOUTHERLY TO THE NORTH MEAN HIGH WATER LINE OF BLIND PASS. THENCE RECOMMENCING AT THE SOUTH MEAN HIGH WATER LINE OF BLIND PASS SOUTHERLY TO THE NORTH MEAN HIGH WATER LINE OF PASS-A-GRILLE CHANNEL. THENCE RECOMMENCING AT THE SOUTH MEAN HIGH WATER LINE OF BUNCES PASS ON MULLET KEY SOUTHERLY AND EASTERLY TO ITS TERMINUS AT THE MEAN HIGH WATER LINE OF TAMPA BAY.

SAID COASTAL CONSTRUCTION CONTROL LINE IS RELATED TO A SERIES OF "PERMANENT REFERENCE MONUMENTS" (P.R.M.) DESIGNATED AND HEREINAFTER REFERRED TO AS "15-90-DA01 THRU 15-90-DA03", "R001 PNLS 1990", "R022 PNLS 1974", "R032 PNLS 1974", "15-99-DA08A", "15-90-DA08", "R036 PNLS 1974", "15-99-DA07", "15-90-DA09", "15-99-DA10A", "15-99-DA11A", "NOS 6724 N", "15-77-B09A", "15-77-B09", "15-90-DA12", "15-90-DA12A", "R050 PNLS 1974", "15-99-DA13A", "15-99-DA13B", "15-90-DA14", "15-99-DA15A THRU 15-99-DA15D", "15-90-DA16", "15-90-DA17", "15-90-DA17A", "NARROW-D", "15-90-DA17B", "NARROW 1973", "NARROW-F", "15-99-DA17D", "15-99-DA17E", "15-90-DA18", "15-90-DA19", "15-90-DA19A", "REDINGTON-B THRU REDINGTON-D",

"15-90-DA20", "15-99-DA21B", "15-77-B08", "15-90-DA22 THRU 15-90-DA25", "RAINEY 1973", "MADERIA", "15-90-DA25A THRU 15-90-DA25C", "15-90-DA26", "15-90-DA27", "15-90-DA27A", "RAINEY-J", "RAINEY-K", "PBE 144 68", "BLIND-D", "15-90-DA27B", "15-90-DA27D", "15-90-DA28", "15-90-DA29", "COE BLIND PASS", "PBE 133", "BLIND-P", "15-77-B04", "NOAA-D", "15-99-DA31", "NOAA 1973", "15-99-DA31A", "15-99-DA32", "NOAA-A", "NOS 6430 J 1988", "R170 PNLS 1974", "R172 PNLS 1990", "T174 PNLS 1977", "T177 PNLS 1977", "15-90-DA30", "DESOTO 1973", "15-90-B01-2", "DESOTO-B".

FOR MONUMENTS ESTABLISHED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, STATE OF FLORIDA, OR REFERRED TO BY STATION NAME FOR MONUMENTS ESTABLISHED BY NATIONAL GEODETIC SURVEY (N.G.S.). SAID PERMANENT REFERENCE MONUMENTS ARE ESTABLISHED ON THE WEST ZONE OF THE STATE OF FLORIDA PLANE COORDINATE SYSTEM. ALL STATIONS IN THIS DESCRIPTION ARE BASED ON NORTH AMERICAN 1983 DATUM ADJUSTMENT OF 1990.

THE BEARING BASE FOR THIS DESCRIPTION IS GRID NORTH, DETERMINED BY GLOBAL POSITIONING SYSTEM (G.P.S.) OBSERVATIONS MADE AT ALL PERMANENT REFERENCE MONUMENTS (P.R.M.).

COMMENCE AT P.R.M. R001 PNLS 1990; THENCE S 34 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 595.00 FEET TO THE POINT OF BEGINNING; THENCE N 16 DEG. 55 MIN. 07 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF SAINT JOSEPH SOUND, SAID POINT BEING THE NORTHERN TERMINUS OF THE COASTAL CONSTRUCTION CONTROL LINE FOR PINELLAS COUNTY; THENCE RETURN ALONG THE SAME COURSE TO THE POINT OF BEGINNING; SAID POINT BEING S 34 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 595.00 FEET FROM (P.R.M.) R001 PNLS 1990.

THENCE S 16 DEG. 55 MIN. 07 SEC. W A DISTANCE OF 370.11 FEET TO A POINT; THENCE S 05 DEG. 40 MIN. 31 SEC. W A DISTANCE OF 661.90 FEET TO A POINT; THENCE S 06 DEG. 12 MIN. 57 SEC. W A DISTANCE OF 945.06 FEET TO A POINT; THENCE S 01 DEG. 31 MIN. 21 SEC. W A DISTANCE OF 1146.15 FEET TO A POINT; THENCE S 03 DEG. 42 MIN. 56 SEC. E A DISTANCE OF 763.91 FEET TO A POINT; THENCE S 00 DEG. 03 MIN. 53 SEC. E A DISTANCE OF 207.31 FEET TO A POINT; THENCE S 00 DEG. 37 MIN. 05 SEC. E A DISTANCE OF 1003.95 FEET TO A POINT; SAID POINT BEING N 44 DEG. 45 MIN. 09 SEC. E A DISTANCE OF 1512.10 FEET FROM P.R.M. 15-90-DA-01.

THENCE S 27 DEG. 58 MIN. 45 SEC. E A DISTANCE OF 862.90 FEET TO A POINT; THENCE S 42 DEG. 09 MIN. 25 SEC. E A DISTANCE OF 1075.26 FEET TO A POINT; SAID POINT BEING N 73 DEG. 07 MIN. 36 SEC. E A DISTANCE OF 1429.70 FEET FROM P.R.M. 15-90-DA-02.

THENCE S 45 DEG. 42 MIN. 01 SEC. E A DISTANCE OF 1024.55 FEET TO A POINT; THENCE S 56 DEG. 30 MIN. 30 SEC. E A DISTANCE OF 1107.39 FEET TO A POINT; THENCE S 65 DEG. 18 MIN. 05 SEC. E A DISTANCE OF 663.85 FEET TO A POINT; SAID POINT BEING N 57 DEG. 18 MIN. 26 SEC. E A DISTANCE OF 1537.30 FEET FROM P.R.M. 15-90-DA-03.

THENCE S 65 DEG. 18 MIN. 09 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF HURRICANE PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 57 DEG. 18 MIN. 26 SEC. E A DISTANCE OF 1537.30 FEET FROM P.R.M. 15-90-DA03.

RECOMMENCE AT P.R.M. R022 PNLS 1974, THENCE N 37 DEG. 56 MIN. 38 SEC. E A DISTANCE OF 1031.43 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 09 DEG. 14 MIN. 01 SEC. E TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE WESTERN SHORE OF SAINT JOSEPH SOUND; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 37 DEG. 56 MIN. 38 SEC. E A DISTANCE OF 1031.43 FEET FROM P.R.M. R022 PNLS 1974.

THENCE S 09 DEG. 06 MIN. 51 SEC. W A DISTANCE OF 954.86 FEET TO A POINT; THENCE S 33 DEG. 22 MIN. 48 SEC. W A DISTANCE OF 1092.11 FEET TO A POINT; THENCE S 19 DEG. 22 MIN. 56 SEC. W A DISTANCE OF 1021.21 FEET TO A POINT; THENCE S 27 DEG. 16 MIN. 23 SEC. E A DISTANCE OF 1588.30 FEET TO A POINT; THENCE S 13 DEG. 39 MIN. 47 SEC. W A DISTANCE OF 1009.83 FEET TO A POINT; THENCE S 22 DEG. 29 MIN. 50 SEC. W A DISTANCE OF 1005.17 FEET TO A POINT; THENCE S 22 DEG. 34 MIN. 25 SEC. W A DISTANCE OF 930.69 FEET TO A POINT; THENCE S 05 DEG. 06 MIN. 23 SEC. W A DISTANCE OF 940.49 FEET TO A POINT; THENCE S 03 DEG. 58 MIN. 35 SEC. W A DISTANCE OF 1017.58 FEET TO A POINT; SAID POINT BEING N 52 DEG. 31 MIN. 51 SEC. E A DISTANCE OF 1676.16 FEET FROM P.R.M. R032 PNLS 1974.

THENCE S 02 DEG. 38 MIN. 40 SEC. W TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF DUNEDIN PASS. THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL

LINE, SAID POINT BEING N 52 DEG. 31 MIN. 51 SEC. E A DISTANCE OF 1676.16 FEET FROM P.R.M. R032 PNLS 1974.

RECOMMENCE AT P.R.M. 15-99-DA08A, THENCE S 40 DEG. 09 MIN. 26 SEC. W A DISTANCE OF 230.05 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 08 DEG. 36 MIN. 10 SEC. E A DISTANCE OF 548.17 FEET TO A POINT; THENCE N 47 DEG. 59 MIN. 58 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SOUTHERN SHORE OF DUNEDIN PASS; THENCE RETURN ALONG THE SAME COURSES TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING S 40 DEG. 09 MIN. 26 SEC. W A DISTANCE OF 230.05 FEET FROM P.R.M. 15-99-DA08A.

THENCE S 04 DEG. 45 MIN. 03 SEC. E A DISTANCE OF 362.24 FEET TO A POINT; THENCE S 07 DEG. 12 MIN. 57 SEC. E A DISTANCE OF 1019.07 FEET TO A POINT; SAID POINT BEING N 70 DEG. 39 MIN. 14 SEC. W A DISTANCE OF 557.46 FEET FROM P.R.M. 15-90-DA-08.

THENCE S 01 DEG. 08 MIN. 12 SEC. E A DISTANCE OF 1122.52 FEET TO A POINT; THENCE S 15 DEG. 19 MIN. 17 SEC. W A DISTANCE OF 960.89 FEET TO A POINT; SAID POINT BEING N 82 DEG. 07 MIN. 00 SEC. W A DISTANCE OF 1344.80 FEET FROM P.R.M. 15-99-DA-07.

THENCE S 01 DEG. 08 MIN. 17 SEC. W A DISTANCE OF 994.66 FEET TO A POINT; THENCE S 00 DEG. 00 MIN. 32 SEC. E A DISTANCE OF 976.10 FEET TO A POINT; THENCE S 00 DEG. 14 MIN. 03 SEC. W A DISTANCE OF 1009.25 FEET TO A POINT; SAID POINT BEING S 32 DEG. 48 MIN. 40 SEC. E A DISTANCE OF 171.68 FEET FROM P.R.M. 15-90-DA-09.

THENCE S 00 DEG. 24 MIN. 35 SEC. W A DISTANCE OF 1044.61 FEET TO A POINT; THENCE S 04 DEG. 29 MIN. 19 SEC. E A DISTANCE OF 1061.44 FEET TO A POINT; SAID POINT BEING N 35 DEG. 49 MIN. 11 SEC. E A DISTANCE OF 574.18 FEET FROM P.R.M. 15-99-DA-10A.

THENCE S 08 DEG. 45 MIN. 37 SEC. W A DISTANCE OF 974.92 FEET TO A POINT; THENCE S 08 DEG. 12 MIN. 29 SEC. W A DISTANCE OF 1121.67 FEET TO A POINT; SAID POINT BEING N 21 DEG. 41 MIN. 45 SEC. E A DISTANCE OF 1017.42 FEET FROM P.R.M. 15-99-DA-11A.

THENCE S 08 DEG. 52 MIN. 07 SEC. W A DISTANCE OF 1034.34 FEET TO A POINT; SAID POINT BEING N 10 DEG. 21 MIN. 07 SEC. E A DISTANCE OF 196.23 FEET FROM P.R.M. NOS 6724 N.

THENCE S 00 DEG. 03 MIN. 59 SEC. E A DISTANCE OF 975.89 FEET TO A POINT; SAID POINT BEING S 37 DEG. 17 MIN. 36 SEC. E A DISTANCE OF 301.23 FEET FROM P.R.M. 15-77-B-09A.

THENCE S 07 DEG. 22 MIN. 33 SEC. W A DISTANCE OF 1038.28 FEET TO A POINT; THENCE S 07 DEG. 22 MIN. 35 SEC. W A DISTANCE OF 417.55 FEET TO A POINT; THENCE S 21 DEG. 47 MIN. 15 SEC. W A DISTANCE OF 461.78 FEET TO A POINT; SAID POINT BEING S 62 DEG. 24 MIN. 42 SEC. W A DISTANCE OF 126.53 FEET FROM P.R.M. 15-77-B-09.

THENCE S 42 DEG. 14 MIN. 02 SEC. E A DISTANCE OF 996.91 FEET TO A POINT; SAID POINT BEING S 80 DEG. 24 MIN. 23 SEC. W A DISTANCE OF 333.91 FEET FROM P.R.M. 15-90-DA-12.

THENCE S 57 DEG. 38 MIN. 09 SEC. E A DISTANCE OF 1038.26 FEET TO A POINT; SAID POINT BEING S 37 DEG. 20 MIN. 25 SEC. W A DISTANCE OF 314.52 FEET FROM P.R.M. 15-99-DA-12A.

THENCE S 66 DEG. 53 MIN. 59 SEC. E A DISTANCE OF 876.82 FEET TO A POINT; SAID POINT BEING N 30 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 39.00 FEET FROM P.R.M. R050 PNLS 1974.

THENCE S 66 DEG. 53 MIN. 58 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF LITTLE PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 30 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 39.00 FEET FROM P.R.M. R050 PNLS 1974.

RECOMMENCE AT P.R.M. 15-99-DA13A, THENCE N 74 DEG. 08 MIN. 53 SEC. W A DISTANCE OF 561.49 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 49 DEG. 14 MIN. 18 SEC. E TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SOUTHERN SHORE OF LITTLE PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 74 DEG. 08 MIN. 53 SEC. W A DISTANCE OF 561.49 FEET FROM P.R.M. 15-99-DA13A.

THENCE S 60 DEG. 49 MIN. 53 SEC. W A DISTANCE OF 1351.13 FEET TO A POINT; THENCE S 20 DEG. 49 MIN. 30 SEC. W A DISTANCE OF 523.18 FEET TO A POINT; SAID POINT BEING N 79 DEG. 14 MIN. 27 SEC. W A DISTANCE OF 949.37 FEET FROM P.R.M. 15-99-DA-13B.

THENCE S 21 DEG. 26 MIN. 17 SEC. W A DISTANCE OF 1201.11 FEET TO A POINT; THENCE S 33 DEG. 14 MIN. 07 SEC. W A DISTANCE OF 87.63 FEET TO A POINT; THENCE S 32 DEG. 38 MIN. 56 SEC. W A DISTANCE OF 1109.83 FEET TO A POINT; SAID POINT BEING N 89 DEG. 12 MIN. 19 SEC. W A DISTANCE OF 188.67 FEET FROM P.R.M. 15-90-DA-14.

THENCE S 21 DEG. 19 MIN. 46 SEC. W A DISTANCE OF 1035.41 FEET TO A POINT; THENCE S 25 DEG. 20 MIN. 58 SEC. W A DISTANCE OF 996.90 FEET TO A POINT; THENCE S 28 DEG. 29 MIN. 36 SEC. W A DISTANCE OF

2014.70 FEET TO A POINT; THENCE S 18 DEG. 58 MIN. 04 SEC. W A DISTANCE OF 1044.56 FEET TO A POINT; THENCE S 14 DEG. 31 MIN. 51 SEC. W A DISTANCE OF 955.26 FEET TO A POINT; THENCE S 17 DEG. 55 MIN. 52 SEC. W A DISTANCE OF 889.75 FEET TO A POINT; THENCE S 15 DEG. 08 MIN. 30 SEC. W A DISTANCE OF 894.64 FEET TO A POINT; THENCE S 15 DEG. 21 MIN. 58 SEC. W A DISTANCE OF 1009.26 FEET TO A POINT; SAID POINT BEING N 75 DEG. 11 MIN. 13 SEC. W A DISTANCE OF 100.26 FEET FROM P.R.M. 15-99-DA-15A. THENCE S 15 DEG. 35 MIN. 07 SEC. W A DISTANCE OF 1111.93 FEET TO A POINT; THENCE S 11 DEG. 10 MIN. 40 SEC. W A DISTANCE OF 948.55 FEET TO A POINT; THENCE S 12 DEG. 37 MIN. 53 SEC. W A DISTANCE OF 922.91 FEET TO A POINT; SAID POINT BEING S 83 DEG. 43 MIN. 06 SEC. W A DISTANCE OF 179.55 FEET FROM P.R.M. 15-99-DA-15B.

THENCE S 12 DEG. 21 MIN. 06 SEC. W A DISTANCE OF 960.23 FEET TO A POINT; THENCE S 12 DEG. 50 MIN. 56 SEC. W A DISTANCE OF 1005.99 FEET TO A POINT; SAID POINT BEING S 54 DEG. 43 MIN. 47 SEC. W A DISTANCE OF 294.71 FEET FROM P.R.M. 15-99-DA-15C.

THENCE S 14 DEG. 34 MIN. 58 SEC. W A DISTANCE OF 1021.79 FEET TO A POINT; THENCE S 08 DEG. 58 MIN. 38 SEC. W A DISTANCE OF 1068.46 FEET TO A POINT; SAID POINT BEING N 18 DEG. 23 MIN. 53 SEC. W A DISTANCE OF 445.48 FEET FROM P.R.M. 15-99-DA-15D.

THENCE S 07 DEG. 32 MIN. 47 SEC. W A DISTANCE OF 1042.35 FEET TO A POINT; THENCE S 11 DEG. 21 MIN. 09 SEC. W A DISTANCE OF 1068.35 FEET TO A POINT; THENCE S 08 DEG. 34 MIN. 07 SEC. W A DISTANCE OF 937.18 FEET TO A POINT; SAID POINT BEING S 52 DEG. 55 MIN. 00 SEC. W A DISTANCE OF 391.59 FEET FROM P.R.M. 15-90-DA-16.

THENCE S 09 DEG. 02 MIN. 22 SEC. W A DISTANCE OF 925.87 FEET TO A POINT; THENCE S 08 DEG. 26 MIN. 56 SEC. W A DISTANCE OF 842.15 FEET TO A POINT; SAID POINT BEING S 83 DEG. 18 MIN. 33 SEC. W A DISTANCE OF 294.00 FEET FROM P.R.M. 15-90-DA-17.

THENCE S 08 DEG. 58 MIN. 42 SEC. W A DISTANCE OF 1003.31 FEET TO A POINT; THENCE S 09 DEG. 44 MIN. 12 SEC. W A DISTANCE OF 999.70 FEET TO A POINT; THENCE S 07 DEG. 06 MIN. 36 SEC. W A DISTANCE OF 1018.74 FEET TO A POINT; SAID POINT BEING S 58 DEG. 34 MIN. 03 SEC. W A DISTANCE OF 286.29 FEET FROM P.R.M. 15-90-DA-17A.

THENCE S 03 DEG. 13 MIN. 41 SEC. W A DISTANCE OF 945.73 FEET TO A POINT; SAID POINT BEING N 81 DEG. 56 MIN. 00 SEC. W A DISTANCE OF 185.57 FEET FROM P.R.M. NARROW-D.

THENCE S 03 DEG. 04 MIN. 13 SEC. E A DISTANCE OF 1007.95 FEET TO A POINT; SAID POINT BEING S 65 DEG. 19 MIN. 29 SEC. W A DISTANCE OF 224.06 FEET FROM P.R.M. 15-90-DA-17B.

THENCE S 07 DEG. 10 MIN. 52 SEC. E A DISTANCE OF 992.16 FEET TO A POINT; THENCE S 01 DEG. 26 MIN. 06 SEC. E A DISTANCE OF 1052.88 FEET TO A POINT; SAID POINT BEING N 38 DEG. 18 MIN. 22 SEC. W A DISTANCE OF 165.58 FEET FROM P.R.M. NARROW 1973 THENCE S 06 DEG. 16 MIN. 25 SEC. E A DISTANCE OF 1026.24 FEET TO A POINT; THENCE S 05 DEG. 09 MIN. 02 SEC. E A DISTANCE OF 987.26 FEET TO A POINT; THENCE S 05 DEG. 44 MIN. 05 SEC. E A DISTANCE OF 1008.15 FEET TO A POINT; THENCE S 09 DEG. 31 MIN. 40 SEC. E A DISTANCE OF 1026.84 FEET TO A POINT; THENCE S 10 DEG. 15 MIN. 12 SEC. E A DISTANCE OF 1055.82 FEET TO A POINT; THENCE S 08 DEG. 21 MIN. 08 SEC. E A DISTANCE OF 807.89 FEET TO A POINT; SAID POINT BEING S 47 DEG. 45 MIN. 21 SEC. W A DISTANCE OF 198.85 FEET FROM P.R.M. NARROW-F.

THENCE S 16 DEG. 22 MIN. 08 SEC. E A DISTANCE OF 945.97 FEET TO A POINT; THENCE S 14 DEG. 05 MIN. 54 SEC. E A DISTANCE OF 1055.33 FEET TO A POINT; THENCE S 18 DEG. 31 MIN. 36 SEC. E A DISTANCE OF 1000.74 FEET TO A POINT; THENCE S 20 DEG. 00 MIN. 49 SEC. E A DISTANCE OF 955.41 FEET TO A POINT; THENCE S 23 DEG. 14 MIN. 21 SEC. E A DISTANCE OF 1143.32 FEET TO A POINT; SAID POINT BEING N 33 DEG. 07 MIN. 28 SEC. W A DISTANCE OF 306.41 FEET FROM P.R.M. 15-99-DA-17D.

THENCE S 26 DEG. 26 MIN. 13 SEC. E A DISTANCE OF 1042.97 FEET TO A POINT; THENCE S 27 DEG. 40 MIN. 08 SEC. E A DISTANCE OF 909.61 FEET TO A POINT; SAID POINT BEING S 21 DEG. 34 MIN. 34 SEC. E A DISTANCE OF 413.73 FEET FROM P.R.M. 15-99-DA-17E.

THENCE S 23 DEG. 13 MIN. 08 SEC. E A DISTANCE OF 1041.21 FEET TO A POINT; SAID POINT BEING S 52 DEG. 14 MIN. 08 SEC. W A DISTANCE OF 243.78 FEET FROM P.R.M. 15-90-DA-18.

THENCE S 32 DEG. 43 MIN. 28 SEC. E A DISTANCE OF 986.47 FEET TO A POINT; SAID POINT BEING S 81 DEG. 06 MIN. 22 SEC. W A DISTANCE OF 372.27 FEET FROM P.R.M. 15-90-DA-19.

THENCE S 30 DEG. 01 MIN. 06 SEC. E A DISTANCE OF 1141.23 FEET TO A POINT; SAID POINT BEING S 87 DEG. 31 MIN. 26 SEC. W A DISTANCE OF 310.01 FEET FROM P.R.M. 15-90-DA-19A.

THENCE S 28 DEG. 33 MIN. 11 SEC. E A DISTANCE OF 1019.19 FEET TO A POINT; THENCE S 29 DEG. 48 MIN. 05 SEC. E A DISTANCE OF 1055.71 FEET TO A POINT; SAID POINT BEING S 64 DEG. 59 MIN. 28 SEC. W A DISTANCE OF 479.72 FEET FROM P.R.M. REDINGTON-C.

THENCE S 32 DEG. 33 MIN. 47 SEC. E A DISTANCE OF 897.43 FEET TO A POINT; THENCE S 28 DEG. 13 MIN. 59 SEC. E A DISTANCE OF 1251.16 FEET TO A POINT; SAID POINT BEING S 05 DEG. 58 MIN. 41 SEC. E A DISTANCE OF 368.31 FEET FROM P.R.M. REDINGTON-B.

THENCE S 30 DEG. 16 MIN. 33 SEC. E A DISTANCE OF 1049.54 FEET TO A POINT; SAID POINT BEING N 48 DEG. 34 MIN. 19 SEC. W A DISTANCE OF 431.12 FEET FROM P.R.M. REDINGTON-D.

THENCE S 41 DEG. 35 MIN. 40 SEC. E A DISTANCE OF 994.66 FEET TO A POINT; THENCE S 41 DEG. 22 MIN. 31 SEC. E A DISTANCE OF 1026.81 FEET TO A POINT; THENCE S 42 DEG. 16 MIN. 24 SEC. E A DISTANCE OF 1014.78 FEET TO A POINT; THENCE S 44 DEG. 17 MIN. 33 SEC. E A DISTANCE OF 1093.62 FEET TO A POINT; THENCE S 51 DEG. 16 MIN. 25 SEC. E A DISTANCE OF 1007.73 FEET TO A POINT; SAID POINT BEING S 42 DEG. 47 MIN. 55 SEC. E A DISTANCE OF 416.81 FEET FROM P.R.M. 15-90-DA-20.

THENCE S 53 DEG. 28 MIN. 17 SEC. E A DISTANCE OF 1021.65 FEET TO A POINT; THENCE S 53 DEG. 16 MIN. 45 SEC. E A DISTANCE OF 1013.94 FEET TO A POINT; THENCE S 49 DEG. 58 MIN. 44 SEC. E A DISTANCE OF 946.38 FEET TO A POINT; SAID POINT BEING N 55 DEG. 03 MIN. 21 SEC. W A DISTANCE OF 935.27 FEET FROM P.R.M. 15-99-DA-21B.

THENCE S 48 DEG. 27 MIN. 21 SEC. E A DISTANCE OF 1246.53 FEET TO A POINT; THENCE S 47 DEG. 56 MIN. 03 SEC. E A DISTANCE OF 664.00 FEET TO A POINT; THENCE S 49 DEG. 28 MIN. 22 SEC. E A DISTANCE OF 1004.20 FEET TO A POINT; SAID POINT BEING S 32 DEG. 26 MIN. 37 SEC. W A DISTANCE OF 76.33 FEET FROM P.R.M. 15-77-B-08.

THENCE S 48 DEG. 37 MIN. 59 SEC. E A DISTANCE OF 1138.52 FEET TO A POINT; THENCE S 46 DEG. 15 MIN. 52 SEC. E A DISTANCE OF 1018.71 FEET TO A POINT; SAID POINT BEING S 45 DEG. 27 MIN. 31 SEC. E A DISTANCE OF 146.57 FEET FROM P.R.M. 15-90-DA-22.

THENCE S 48 DEG. 24 MIN. 15 SEC. E A DISTANCE OF 999.23 FEET TO A POINT; SAID POINT BEING N 61 DEG. 25 MIN. 44 SEC. W A DISTANCE OF 281.75 FEET FROM P.R.M. 15-90-DA-23.

THENCE S 45 DEG. 40 MIN. 42 SEC. E A DISTANCE OF 1048.59 FEET TO A POINT; THENCE S 46 DEG. 48 MIN. 16 SEC. E A DISTANCE OF 1032.67 FEET TO A POINT; SAID POINT BEING S 08 DEG. 42 MIN. 56 SEC. E A DISTANCE OF 231.93 FEET FROM P.R.M. 15-90-DA-23A.

THENCE S 38 DEG. 53 MIN. 00 SEC. E A DISTANCE OF 1111.85 FEET TO A POINT; SAID POINT BEING S 75 DEG. 47 MIN. 09 SEC. W A DISTANCE OF 265.95 FEET FROM P.R.M. 15-90-DA-24.

THENCE S 33 DEG. 36 MIN. 42 SEC. E A DISTANCE OF 898.50 FEET TO A POINT; THENCE S 40 DEG. 23 MIN. 00 SEC. E A DISTANCE OF 1023.41 FEET TO A POINT; SAID POINT BEING S 32 DEG. 21 MIN. 48 SEC. W A DISTANCE OF 317.22 FEET FROM P.R.M. 15-90-DA-25.

THENCE S 40 DEG. 20 MIN. 19 SEC. E A DISTANCE OF 518.63 FEET TO A POINT; SAID POINT BEING N 17 DEG. 38 MIN. 08 SEC. W A DISTANCE OF 477.58 FEET FROM P.R.M. RAINEY 73.

THENCE S 30 DEG. 22 MIN. 57 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF JOHNS PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 17 DEG. 38 MIN. 08 SEC. W A DISTANCE OF 477.58 FEET FROM P.R.M. RAINEY 1973.

RECOMMENCE AT P.R.M. MADERIA 1934, THENCE N 09 DEG. 49 MIN. 49 SEC. E A DISTANCE OF 392.71 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 30 DEG. 23 MIN. 13 SEC. W TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SOUTHERN SHORE OF JOHNS PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 09 DEG. 49 MIN. 49 SEC. E A DISTANCE OF 392.71 FEET FROM P.R.M. MADERIA 1934.

THENCE S 07 DEG. 28 MIN. 16 SEC. E A DISTANCE OF 1210.21 FEET TO A POINT; SAID POINT BEING N 64 DEG. 59 MIN. 06 SEC. W A DISTANCE OF 707.25 FEET FROM P.R.M. 15-90-DA-25A.

THENCE S 27 DEG. 10 MIN. 23 SEC. E A DISTANCE OF 1091.59 FEET TO A POINT; SAID POINT BEING S 65 DEG. 59 MIN. 32 SEC. W A DISTANCE OF 412.19 FEET FROM P.R.M. 15-90-DA-25B.

THENCE S 60 DEG. 18 MIN. 50 SEC. E A DISTANCE OF 809.87 FEET TO A POINT; THENCE N 22 DEG. 51 MIN. 04 SEC. E A DISTANCE OF 184.68 FEET TO A POINT; THENCE S 64 DEG. 27 MIN. 27 SEC. E A DISTANCE OF 302.05 FEET TO A POINT; SAID POINT BEING S 13 DEG. 11 MIN. 12 SEC. E A DISTANCE OF 302.57 FEET FROM P.R.M. 15-90-DA-25C.

THENCE S 48 DEG. 21 MIN. 53 SEC. E A DISTANCE OF 1071.55 FEET TO A POINT; SAID POINT BEING S 23 DEG. 23 MIN. 36 SEC. E A DISTANCE OF 440.40 FEET FROM P.R.M. 15-90-DA-26.

THENCE S 48 DEG. 24 MIN. 04 SEC. E A DISTANCE OF 542.26 FEET TO A POINT; THENCE S 40 DEG. 54 MIN. 58 SEC. E A DISTANCE OF 706.14 FEET TO A POINT; SAID POINT BEING S 24 DEG. 39 MIN. 00 SEC. E A DISTANCE OF 521.14 FEET FROM P.R.M. 15-90-DA-27.

THENCE S 30 DEG. 07 MIN. 48 SEC. E A DISTANCE OF 1172.16 FEET TO A POINT; SAID POINT BEING S 04 DEG. 05 MIN. 13 SEC. W A DISTANCE OF 465.39 FEET FROM P.R.M. 15-90-DA-27A.

THENCE S 24 DEG. 33 MIN. 20 SEC. E A DISTANCE OF 1142.70 FEET TO A POINT; SAID POINT BEING S 10 DEG. 24 MIN. 32 SEC. E A DISTANCE OF 126.62 FEET FROM P.R.M. RAINEY-J.

THENCE S 21 DEG. 11 MIN. 28 SEC. E A DISTANCE OF 1047.43 FEET TO A POINT; SAID POINT BEING S 15 DEG. 42 MIN. 34 SEC. W A DISTANCE OF 195.52 FEET FROM P.R.M. RAINEY-K.

THENCE S 15 DEG. 15 MIN. 18 SEC. E A DISTANCE OF 1211.04 FEET TO A POINT; SAID POINT BEING S 11 DEG. 16 MIN. 44 SEC. E A DISTANCE OF 722.72 FEET FROM P.R.M. PBE 144 68.

THENCE S 21 DEG. 41 MIN. 59 SEC. E A DISTANCE OF 893.40 FEET TO A POINT; SAID POINT BEING S 24 DEG. 02 MIN. 29 SEC. E A DISTANCE OF 495.77 FEET FROM P.R.M. BLIND-D.

THENCE S 16 DEG. 18 MIN. 40 SEC. E A DISTANCE OF 1119.54 FEET TO A POINT; SAID POINT BEING S 21 DEG. 01 MIN. 38 SEC. E A DISTANCE OF 323.48 FEET FROM P.R.M. 15-90-DA-27B.

THENCE S 18 DEG. 49 MIN. 11 SEC. E A DISTANCE OF 1041.18 FEET TO A POINT; SAID POINT BEING S 20 DEG. 51 MIN. 53 SEC. E A DISTANCE OF 108.74 FEET FROM P.R.M. 15-90-DA-27D.

THENCE S 22 DEG. 13 MIN. 09 SEC. E A DISTANCE OF 1009.65 FEET TO A POINT; SAID POINT BEING S 30 DEG. 19 MIN. 29 SEC. E A DISTANCE OF 501.40 FEET FROM P.R.M. 15-90-DA-28.

THENCE S 23 DEG. 02 MIN. 00 SEC. E A DISTANCE OF 1021.67 FEET TO A POINT; THENCE S 26 DEG. 50 MIN. 32 SEC. E A DISTANCE OF 987.89 FEET TO A POINT; SAID POINT BEING S 33 DEG. 41 MIN. 42 SEC. E A DISTANCE OF 607.43 FEET FROM P.R.M. 15-90-DA-29.

THENCE S 34 DEG. 21 MIN. 25 SEC. E A DISTANCE OF 1117.77 FEET TO A POINT; THENCE S 34 DEG. 46 MIN. 44 SEC. E A DISTANCE OF 748.16 FEET TO A POINT; SAID POINT BEING N 03 DEG. 24 MIN. 18 SEC. W A DISTANCE OF 133.78 FEET FROM P.R.M. COE BLIND PASS.

THENCE S 49 DEG. 54 MIN. 18 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF BLIND PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 03 DEG. 24 MIN. 18 SEC. W A DISTANCE OF 133.78 FEET FROM P.R.M. COE BLIND PASS.

RECOMMENCE AT P.R.M. COE BLIND PASS, THENCE S 58 DEG. 33 MIN. 41 SEC. E A DISTANCE OF 645.07 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 49 DEG. 56 MIN. 13 SEC. W TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SOUTHERN SHORE OF BLIND PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING S 58 DEG. 33 MIN. 41 SEC. E A DISTANCE OF 645.07 FEET FROM P.R.M. COE BLIND PASS.

THENCE S 42 DEG. 42 MIN. 17 SEC. E A DISTANCE OF 855.96 FEET TO A POINT; THENCE S 43 DEG. 56 MIN. 11 SEC. E A DISTANCE OF 1032.75 FEET TO A POINT; SAID POINT BEING N 80 DEG. 51 MIN. 12 SEC. W A DISTANCE OF 1193.82 FEET FROM P.R.M. PBE 133.

THENCE S 42 DEG. 11 MIN. 00 SEC. E A DISTANCE OF 818.84 FEET TO A POINT; THENCE S 38 DEG. 19 MIN. 30 SEC. E A DISTANCE OF 978.15 FEET TO A POINT; SAID POINT BEING S 76 DEG. 01 MIN. 02 SEC. W A DISTANCE OF 710.43 FEET FROM P.R.M. BLIND-P.

THENCE S 31 DEG. 31 MIN. 26 SEC. E A DISTANCE OF 1091.23 FEET TO A POINT; SAID POINT BEING N 56 DEG. 08 MIN. 09 SEC. W A DISTANCE OF 995.38 FEET FROM P.R.M. 15-77-B-04.

THENCE S 24 DEG. 27 MIN. 48 SEC. E A DISTANCE OF 1060.89 FEET TO A POINT; THENCE S 23 DEG. 59 MIN. 02 SEC. E A DISTANCE OF 1073.57 FEET TO A POINT; SAID POINT BEING S 55 DEG. 13 MIN. 27 SEC. W A DISTANCE OF 403.40 FEET FROM P.R.M. NOAA-D.

THENCE S 22 DEG. 31 MIN. 21 SEC. E A DISTANCE OF 1032.35 FEET TO A POINT; THENCE S 14 DEG. 48 MIN. 07 SEC. E A DISTANCE OF 1018.07 FEET TO A POINT; THENCE S 12 DEG. 10 MIN. 52 SEC. E A DISTANCE OF 1020.19 FEET TO A POINT; SAID POINT BEING N 33 DEG. 39 MIN. 35 SEC. W A DISTANCE OF 562.29 FEET FROM P.R.M. 15-99-DA-31.

THENCE S 08 DEG. 27 MIN. 55 SEC. E A DISTANCE OF 1012.46 FEET TO A POINT; THENCE S 09 DEG. 10 MIN. 34 SEC. E A DISTANCE OF 989.34 FEET TO A POINT; SAID POINT BEING N 18 DEG. 08 MIN. 28 SEC. W A DISTANCE OF 384.88 FEET FROM P.R.M. NOAA 1973.

THENCE S 08 DEG. 15 MIN. 54 SEC. E A DISTANCE OF 1060.18 FEET TO A POINT; SAID POINT BEING S 88 DEG. 33 MIN. 46 SEC. W A DISTANCE OF 360.21 FEET FROM P.R.M. 15-99-DA-31A.

THENCE S 05 DEG. 32 MIN. 47 SEC. E A DISTANCE OF 1034.32 FEET TO A POINT; THENCE S 01 DEG. 22 MIN. 16 SEC. E A DISTANCE OF 1011.97 FEET TO A POINT; THENCE S 01 DEG. 22 MIN. 34 SEC. E A DISTANCE OF 1033.06 FEET TO A POINT; SAID POINT BEING S 19 DEG. 27 MIN. 36 SEC. W A DISTANCE OF 768.07 FEET FROM P.R.M. 15-99-DA-32.

THENCE S 00 DEG. 14 MIN. 44 SEC. E A DISTANCE OF 982.27 FEET TO A POINT; THENCE S 00 DEG. 52 MIN. 40 SEC. W A DISTANCE OF 927.60 FEET TO A POINT; THENCE S 05 DEG. 44 MIN. 48 SEC. W A DISTANCE OF 997.35 FEET TO A POINT; SAID POINT BEING N 48 DEG. 49 MIN. 24 SEC. E A DISTANCE OF 461.65 FEET FROM P.R.M. NOAA-A.

THENCE S 07 DEG. 12 MIN. 21 SEC. W A DISTANCE OF 990.24 FEET TO A POINT; THENCE S 00 DEG. 53 MIN. 52 SEC. E A DISTANCE OF 949.29 FEET TO A POINT; THENCE S 00 DEG. 36 MIN. 47 SEC. E A DISTANCE OF 556.34 FEET TO A POINT; SAID POINT BEING S 90 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 120.00 FEET FROM P.R.M. NOS 6430 J 1988.

THENCE S 02 DEG. 09 MIN. 26 SEC. E TO THE POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE NORTHERN SHORE OF PASS-A-GRILLE CHANNEL; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING S 90 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 120.00 FEET FROM P.R.M. NOS 6430 J 1988.

RECOMMENCE AT P.R.M. R170 PNL5 1974, THENCE N 68 DEG. 46 MIN. 13 SEC. E A DISTANCE OF 2327.41 FEET TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE; THENCE N 11 DEG. 17 MIN. 25 SEC. E TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE SOUTHERN SHORES OF BUNCES PASS; THENCE RETURN ALONG THE SAME COURSE TO A POINT ON THE COASTAL CONSTRUCTION CONTROL LINE, SAID POINT BEING N 68 DEG. 46 MIN. 13 SEC. E A DISTANCE OF 2327.41 FEET FROM P.R.M. R170 PNL5 1974.

THENCE S 16 DEG. 08 MIN. 36 SEC. W A DISTANCE OF 1036.48 FEET TO A POINT; THENCE S 14 DEG. 26 MIN. 12 SEC. W A DISTANCE OF 619.62 FEET TO A POINT; THENCE S 70 DEG. 44 MIN. 02 SEC. W A DISTANCE OF 566.74 FEET TO A POINT; THENCE S 23 DEG. 22 MIN. 06 SEC. E A DISTANCE OF 739.95 FEET TO A POINT; SAID POINT BEING N 65 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 410.00 FEET FROM P.R.M. R172 PNL5 1990.

THENCE S 16 DEG. 33 MIN. 13 SEC. E A DISTANCE OF 608.99 FEET TO A POINT; THENCE S 03 DEG. 23 MIN. 06 SEC. E A DISTANCE OF 831.97 FEET TO A POINT; THENCE S 05 DEG. 51 MIN. 59 SEC. W A DISTANCE OF 1007.45 FEET TO A POINT; SAID POINT BEING N 85 DEG. 00 MIN. 00 SEC. E A DISTANCE OF 130.00 FEET FROM P.R.M. T174 PNL5 1977.

THENCE S 06 DEG. 22 MIN. 44 SEC. W A DISTANCE OF 1068.28 FEET TO A POINT; THENCE S 01 DEG. 44 MIN. 54 SEC. W A DISTANCE OF 1013.78 FEET TO A POINT; THENCE S 01 DEG. 16 MIN. 36 SEC. E A DISTANCE OF

1027.75 FEET TO A POINT; SAID POINT BEING N 77 DEG. 13 MIN. 35 SEC. W A DISTANCE OF 23.74 FEET FROM P.R.M. T177 PNL5 1977.

THENCE S 07 DEG. 24 MIN. 14 SEC. W A DISTANCE OF 993.28 FEET TO A POINT; THENCE S 42 DEG. 09 MIN. 08 SEC. E A DISTANCE OF 1037.55 FEET TO A POINT; THENCE S 78 DEG. 06 MIN. 46 SEC. E A DISTANCE OF 423.20 FEET TO A POINT; THENCE N 55 DEG. 36 MIN. 33 SEC. E A DISTANCE OF 811.86 FEET TO A POINT; THENCE N 60 DEG. 27 MIN. 43 SEC. E A DISTANCE OF 1077.90 FEET TO A POINT; THENCE N 61 DEG. 06 MIN. 45 SEC. E A DISTANCE OF 943.54 FEET TO A POINT; THENCE N 69 DEG. 34 MIN. 48 SEC. E A DISTANCE OF 1106.49 FEET TO A POINT; THENCE N 62 DEG. 48 MIN. 13 SEC. E A DISTANCE OF 942.77 FEET TO A POINT; THENCE N 62 DEG. 38 MIN. 22 SEC. E A DISTANCE OF 985.06 FEET TO A POINT; SAID POINT BEING S 80 DEG. 51 MIN. 05 SEC. W A DISTANCE OF 520.44 FEET FROM P.R.M. 15-90-DA-30.

THENCE N 62 DEG. 07 MIN. 42 SEC. E A DISTANCE OF 1206.85 FEET TO A POINT; SAID POINT BEING N 34 DEG. 11 MIN. 57 SEC. E A DISTANCE OF 589.49 FEET FROM P.R.M. DESOTO 1973.

THENCE N 62 DEG. 25 MIN. 10 SEC. E A DISTANCE OF 996.75 FEET TO A POINT; THENCE N 66 DEG. 29 MIN. 17 SEC. E A DISTANCE OF 992.41 FEET TO A POINT; THENCE N 60 DEG. 09 MIN. 37 SEC. E A DISTANCE OF 855.64 FEET TO A POINT; SAID POINT BEING N 71 DEG. 52 MIN. 35 SEC. W A DISTANCE OF 165.70 FEET FROM P.R.M. 15-90-B01-2.

THENCE N 53 DEG. 04 MIN. 23 SEC. E A DISTANCE OF 686.16 FEET TO A POINT; THENCE N 29 DEG. 43 MIN. 08 SEC. E A DISTANCE OF 800.27 FEET TO A POINT; THENCE N 23 DEG. 47 MIN. 42 SEC. E A DISTANCE OF 2362.79 FEET TO A POINT; SAID POINT BEING N 47 DEG. 13 MIN. 03 SEC. W A DISTANCE OF 198.20 FEET FROM P.R.M. DESOTO-B.

THENCE N 23 DEG. 47 MIN. 41 SEC. E; TO THE INTERSECTION WITH THE MEAN HIGH WATER LINE OF TAMPA BAY, SAID POINT BEING THE SOUTHERN TERMINUS OF THE COASTAL CONSTRUCTION CONTROL LINE FOR PINELLAS COUNTY.

Specific Authority 370.021(1) FS. Law Implemented 161.053 FS. History—New 1-16-79, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rosaline Beckham, Environmental Specialist, Office of Beaches and Coastal Systems

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Alfred Devereaux, Director, Office of Beaches and Coastal Systems

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

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLES: RULE NOS.:

Definitions 64B1-8.001

Monitoring Sterilization and Infection Control 64B1-8.002

PURPOSE AND EFFECT: The proposed changes to the current Rules will remove references to staples, and will further specify sterilization and infection control requirements.

SUMMARY: The proposed change to Rule 64B1-8.001 will remove the word "staples" from the definition of "Needles." The proposed changes to Rule 64B1-8.002 will clarify the requirement to sterilize non-sterilized needles, and will delete the provisions of the current Rule which address the procedures for the sterilization of contaminated needles.

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

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

SPECIFIC AUTHORITY: 457.102(1), 457.104, 457.1085 FS.

LAW IMPLEMENTED: 457.102(1), 457.1085 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B1-8.001 Definitions.

(1) Needles: solid filiform instruments used in the practice of acupuncture. This includes, but is not limited to, dermal needles, plum blossom needles, press needles, ~~staples~~, prismatic needles and disposable lancets.

(2) No change

Specific Authority 457.104, 457.1085 FS. Law Implemented 457.1085 FS. History—New 5-6-87, Amended 12-23-87, 6-7-89, Formerly 21AA-8.001, 61F1-8.001, 59M-8.001, Amended _____.

64B1-8.002 Monitoring Sterilization and Infection Control.

(1) through (2) No change.

(3) ~~Non-sterilized Contaminated~~ acupuncture needles shall be sterilized prior to use, in the following manner:

~~(a) Prior to handling and inspection the contaminated acupuncture needles shall be sterilized by autoclave.~~

~~(b) The acupuncture needles shall then be thoroughly cleansed with an antiseptic solution and hot water.~~

~~(c) Finally, said needles shall be sterilized again by autoclave prior to use.~~

~~(4) All equipment must be packaged properly and loaded correctly in the autoclave.~~

~~(4)(5) All sterilized items must be stored and handled in a manner which maintains sterility.~~

~~(6) Autoclaves must be cleaned regularly and serviced at least once a year.~~

~~(5)(7) Each acupuncture office utilizing autoclave sterilization techniques shall post the sterilization procedures and shall maintain documentation of all annual autoclave service.~~

~~(6)(8) It shall be the responsibility of the Certified Acupuncturist to insure that personnel responsible for performing sterilization procedures pursuant to this Rule shall be adequately trained.~~

~~(7)(9) The procedures and equipment used for sterilization must have their efficacy tested periodically. Adequacy of steam under pressure (e.g., autoclave) must have its efficacy verified by appropriate biological monitoring at least once every 40 hours (2400 minutes) of use or at least once every thirty days, whichever comes first.~~

Specific Authority 457.104, 457.1085 FS. Law Implemented 457.1085 FS. History—New 5-6-87, Amended 12-23-87, 6-7-89, 11-13-89, Formerly 21AA-8.002, 61F1-8.002, Amended 2-22-96, Formerly 59M-8.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

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

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Disciplinary Guidelines 64B8-30.015

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth penalties for first and subsequent violations for physician assistants.

SUMMARY: The proposed rule amendments set forth penalties for first and subsequent violations for physician assistants.

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: 456.072, 456.079, 458.309, 458.331(4) FS.

LAW IMPLEMENTED: 456.079, 456.072, 458.331(4) FS.

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

TIME AND DATE: 10:00 a.m., December 17, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial Rewording of Rule 64B8-30.015 follows. See Florida Administrative Code for present text.)

64B8-30.015 Disciplinary Guidelines.

(1) Purpose. Pursuant to Section 456.072, F.S., the Boards provide within this rule disciplinary guidelines which shall be imposed upon physician assistant applicants or licensees whom

it regulates under Chapters 458 and 459, F.S. The purpose of this rule is to notify such applicants and licensees of the ranges of penalties which will routinely be imposed unless the Boards find 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 the violations the Boards shall consider a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon physician assistant applicants and licensees, in proceedings pursuant to Section 120.57(1) and 120.57(2), Florida Statutes, 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 verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATIONS

RECOMMENDED PENALTIES

First Offense

Subsequent Offenses

(a) Attempting to obtain a license or certificate by bribery, fraud or through an error of the Department or the Board.

(458.331(1)(a), F.S.)

(456.072(1)(h), F.S.)

(b) Action taken against license by another jurisdiction.

(458.331(1)(b), F.S.);

(456.072(1)(f), F.S.)

(a) From suspension of license to revocation, with ability to reapply, or denial of licensure.

(b) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to reprimand through suspension or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and an administrative fine ranging from \$1,000.00 to \$2,500.00.

(a) From denial of license to revocation of license with ability to reapply in not less than three years and a fine up to \$5,000.00 to denial of license without ability to reapply.

(b) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to suspension and revocation or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$2,500.00 to \$5,000.00.

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| <p><u>1. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts in excess of \$5,000.00.</u></p> | <p><u>1. From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</u></p> | <p><u>1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</u></p> |
| <p><u>2. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts of \$5,000.00 or less.</u></p> | <p><u>2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand through suspension of the license, or in case of application for licensure, denial of licensure.</u></p> | <p><u>2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, and suspension of the license, followed by a period of probation to revocation, or in case of application for licensure, denial of licensure.</u></p> |
| <p><u>(c) Guilty of crime directly relating to practice or ability to practice.</u>
<u>(458.331(1)(c), F.S.);</u>
<u>(456.072(1)(c), F.S.)</u></p> | <p><u>(c) From reprimand to revocation or denial of license, and an administrative fine of \$1,000.00 to \$5,000.00.</u></p> | <p><u>(c) From probation to revocation or denial of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p> |
| <p><u>1. Involving a crime directly related to healthcare fraud in dollar amounts in excess of \$5,000.00.</u></p> | <p><u>1. From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</u></p> | <p><u>1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</u></p> |
| <p><u>2. Involving a crime directly related to healthcare fraud in dollar amounts of \$5,000.00 or less.</u></p> | <p><u>2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand through suspension of the license, or in case of application for licensure, denial of licensure.</u></p> | <p><u>2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, and suspension of the license, followed by a period of probation to revocation, or in case of application for licensure, denial of licensure.</u></p> |
| <p><u>(d) False, deceptive, or misleading advertising.</u>
<u>(458.331(1)(d), F.S.)</u></p> | <p><u>(d) From a letter of concern to reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</u></p> | <p><u>(d) From a letter of concern to reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</u></p> |
| <p><u>(e) Failure to report another licensee in violation.</u>
<u>(458.331(1)(e), F.S.);</u>
<u>(456.072(1)(i), F.S.)</u></p> | <p><u>(e) From a letter of concern to probation and an administrative fine ranging from \$1,000.00 to \$2,500.00, or denial of licensure.</u></p> | <p><u>(e) From reprimand to suspension or denial of licensure, and an administrative fine from \$2,500.00 to \$5,000.00.</u></p> |
| <p><u>(f) Aiding unlicensed practice.</u>
<u>(458.331(1)(f), F.S.);</u>
<u>(456.072(1)(j), F.S.)</u></p> | <p><u>(f) From reprimand to suspension, followed by probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u></p> | <p><u>(f) From probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p> |
| <p><u>(g) Failure to perform legal obligation.</u>
<u>(458.331(1)(g), F.S.);</u>
<u>(456.072(1)(k), F.S.)</u></p> | <p><u>(g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial of licensure and an administrative fine from \$1,000.00 to \$5,000.00.</u></p> | <p><u>(g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial and an administrative fine from \$2,500.00 to \$5,000.00.</u></p> |

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| <p><u>1. Continuing medical education (CME) violations. (456.072(1)(e), F.S.); (456.072(1)(s), F.S.); (456.033(9), F.S.).</u></p> <p><u>a. Failure to document required HIV/AIDS, or end of life care, or palliative health care.</u></p> <p><u>b. Failure to document required domestic violence CME or substitute end-of-life care CME.</u></p> <p><u>c. Failure to document required HIV/AIDS, or end-of-life-care, or palliative healthcare, and failure to document domestic violence CME.</u></p> <p><u>2. Failing to report to the Board within 30 days after the licensee has been convicted of a crime in any jurisdiction. (456.072(1)(w), F.S.)</u>
<u>Or failing to report to the Board convictions prior to the enactment of this section, in writing, on or before October 1, 1999. (456.072(1)(w), F.S.)</u></p> <p><u>3. Failing to disclose financial interest to patient. (456.052, F.S.)</u></p> <p><u>(h) Filing a false report or failing to file a report as required. (458.331(1)(h), F.S.); (456.072(1)(l), F.S.)</u></p> <p><u>1. Involving healthcare fraud in dollar amounts in excess of \$5,000.00.</u></p> | <p><u>1. Document compliance with the CME requirements for the relevant period; AND:</u></p> <p><u>a. An administrative fine ranging from \$250.00 to \$500 .00.</u></p> <p><u>a. An administrative fine ranging from \$250.00 to \$500.00.</u></p> <p><u>c. An administrative fine ranging from \$500.00 to \$1,000.00.</u></p> <p><u>2. From an administrative fine ranging from \$1,000.00 to \$5,000.00 and a reprimand or denial of licensure, with the ability to reapply.</u></p> <p><u>3. A refund of fees paid by or on behalf of the patient and from an administrative fine of \$1,000.00 to a reprimand and an administrative fine of \$2,500.00.</u></p> <p><u>(h) From a letter of concern to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u></p> <p><u>1. From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</u></p> | <p><u>1. Document compliance with the CME requirements for the relevant period; AND:</u></p> <p><u>a. An administrative fine ranging from \$500.00 to \$1,000.00.</u></p> <p><u>b. An administrative fine of \$500.00 to \$1,000.00.</u></p> <p><u>c. An administrative fine ranging from \$1,000.00 to \$2,000.00.</u></p> <p><u>2. From an administrative fine ranging from \$2,500.00 to \$5,000.00 and a reprimand or denial of licensure, without the ability to reapply.</u></p> <p><u>3. A refund of fees paid by or on behalf of the patient and from a reprimand and an administrative fine of \$2,500.00 to a reprimand and an administrative fine of \$5,000.00.</u></p> <p><u>(h) From probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p> <p><u>1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</u></p> |
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2. Involving healthcare fraud in dollar amounts of \$5,000.00 or less.
- (i) Kickbacks or split fee arrangements.
(458.331(1)(i), F.S.)
- (j) Sexual Misconduct.
(458.331(1)(j), F.S.);
(458.329, F.S.);
(456.072(1)(u), F.S.)
- (k) Deceptive, untrue, or fraudulent representations in the practice of medicine.
(458.331(1)(k), F.S.);
(456.072(1)(a),(m), F.S.)
1. Deceptive, untrue, or fraudulent representations in the practice of medicine relating to healthcare fraud in dollar amounts in excess of \$5,000.00.
2. Deceptive, untrue, or fraudulent representations in the practice of medicine relating to healthcare fraud in dollar amounts of \$5,000.00 or less.
- (l) Improper solicitation of patients.
(458.331(1)(l), F.S.)
- (m) Failure to keep legible written medical records.
(458.331(1)(m), F.S.)
1. Failure to keep legible written medical records relating to healthcare fraud in dollar amounts in excess of \$5,000.00.
2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand through suspension of the license, or in case of application for licensure, denial of licensure.
- (i) A refund of fees paid by or on behalf of the patient and from a reprimand and an administrative fine of \$1,000.00 to a reprimand and an administrative fine of \$5,000.00, or denial of licensure.
- (j) From probation to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.
- (k) From a letter of concern to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.
1. From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.
2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand through suspension of the license, or in case of application for licensure, denial of licensure.
- (l) From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand to probation, or denial of licensure.
- (m) From letter of concern to a reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.000.
1. From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.
2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, and suspension of the license, followed by a period of probation to revocation, or in case of application for licensure, denial of licensure.
- (i) A refund of fees paid by or on behalf of the patient and from suspension to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
- (j) From suspension to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
- (k) From probation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00 to revocation.
1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.
2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, and suspension of the license, followed by a period of probation to revocation, or in case of application for licensure, denial of licensure.
- (l) From suspension to revocation or denial of licensure, and an administrative fine from \$2,500.00 to \$5,000.00.
- (m) From a reprimand to suspension followed by probation, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or denial of licensure.
1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.

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| <p><u>2. Failure to keep legible written medical records relating to healthcare fraud in dollar amounts of \$5,000.00 or less.</u></p> <p><u>(n) Exercising influence on patient for financial gain.</u>
<u>(458.331(1)(n), F.S.);</u>
<u>(456.072(1)(n), F.S.)</u></p> <p><u>(o) Improper advertising of pharmacy.</u>
<u>(458.331(1)(o), F.S.)</u></p> <p><u>(p) Performing professional services not authorized by patient.</u>
<u>(458.331(1)(p), F.S.)</u></p> <p><u>(q) Inappropriate or excessive prescribing.</u>
<u>(458.331(1)(q), F.S.)</u></p> <p><u>(r) Prescribing or dispensing of a scheduled drug by the physician assistant to himself or herself.</u>
<u>(458.331(1)(r), F.S.)</u></p> <p><u>(s) Inability to practice medicine with skill and safety.</u>
<u>(458.331(1)(s), F.S.)</u></p> <p><u>(t)1. Malpractice: practicing below acceptable standard of care.</u>
<u>(458.331(1)(t), F.S.)</u></p> <p><u>2. Gross Malpractice</u></p> <p><u>3. Repeated Malpractice.</u></p> | <p><u>2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand through suspension of the license, or in case of application for licensure, denial of licensure.</u></p> <p><u>(n) Payment of fees paid by or on behalf of the patient and from a reprimand to probation, or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p> <p><u>(o) From a letter of concern to probation, or a denial of licensure, and an administrative fine ranging from \$250.00 to \$2,500.00.</u></p> <p><u>(p) From a letter of concern to revocation, or denial of licensure, an and administrative fine ranging from \$1,000.00 to \$5,000.00.</u></p> <p><u>(q) From reprimand to probation and an administrative fine ranging from \$1,000.00 to \$5,000.00, or denial of licensure.</u></p> <p><u>(r) From probation to suspension or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</u></p> <p><u>(s) From reprimand to suspension, which may be stayed to allow a period of probation with supervision, and a demonstration by the licensee of the ability to practice with reasonable skill and safety, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</u></p> <p><u>(t)1. From a letter of concern to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u></p> <p><u>2. From a probation to revocation or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</u></p> <p><u>3. From a reprimand to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.000.</u></p> | <p><u>2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, and suspension of the license, followed by a period of probation to revocation, or in case of application for licensure, denial of licensure.</u></p> <p><u>(n) Payment of fees paid by or on behalf of the patient and from probation to revocation, or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p> <p><u>(o) From a reprimand and an administrative fine of \$2,500.00 to probation, and an administrative fine from \$2,500.00 to \$5,000.00, or denial of licensure.</u></p> <p><u>(p) From a reprimand to revocation, or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p> <p><u>(q) From probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p> <p><u>(r) From suspension to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p> <p><u>(s) From probation to revocation, until the licensee is able to demonstrate ability to practice with reasonable skill and safety, followed by probation, or denial of licensure, and an administrative fine from \$2,500.00 to \$5,000.00.</u></p> <p><u>(t)1. From reprimand to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p> <p><u>2. From suspension followed by probation to revocation or denial, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p> <p><u>3. From probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p> |
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<u>(u) Performing of experimental treatment without informed consent. (458.331(1)(u), F.S.)</u>	<u>(u) From a letter of concern to suspension, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u>	<u>(u) From suspension to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>
<u>(v) Practicing beyond scope permitted. (458.331(1)(v), F.S.); (456.072(1)(o), F.S.)</u>	<u>(v) From a letter of concern to reprimand and probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u>	<u>(v) From probation to suspension or revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>
<u>(w) Delegation of professional responsibilities to unqualified person. (458.331(1)(w), F.S.); (456.072(1)(p), F.S.)</u>	<u>(w) From reprimand to suspension, followed by probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u>	<u>(w) From probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>
<u>(x) 1. Violation of law, rule, or failure to comply with subpoena. (458.331(1)(x), F.S.); (456.072(1)(b),(q), F.S.)</u>	<u>(x)1. For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u>	<u>(x)1. From probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>
<u>2. Violation of an order of the Board.</u>	<u>2. From a letter of concern and an administrative fine of \$1,000.00 to a letter of concern and an administrative fine of \$5,000.00.</u>	<u>2. From a reprimand and an administrative fine of \$2,500.00 to a reprimand and an administrative fine of \$5,000.00 and probation.</u>
<u>(y) Conspiring to restrict another from lawfully advertising services. (458.331(1)(y), F.S.)</u>	<u>(y) From a letter of concern to a reprimand and an administrative fine ranging from \$1,000.00 to \$2,500.00.</u>	<u>(y) From a reprimand and an administrative fine of \$2,500.00 to a reprimand and an administrative fine of \$5,000.00.</u>
<u>(z) Aiding an unlawful abortion. (458.331(1)(z), F.S.)</u>	<u>(z) From probation to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u>	<u>(z) From suspension to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>
<u>(aa) Presigning prescription forms. (458.331(1)(aa), F.S.)</u>	<u>(aa) From a letter of concern to a reprimand and a administrative fine of \$1,000.00 to a letter of concern and an administrative fine of \$2,500.00.</u>	<u>(aa) From a reprimand to probation, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>
<u>(bb) Failure to adequately supervise assisting personnel. (458.331(1)(dd), F.S.)</u>	<u>(bb) From a reprimand to probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</u>	<u>(bb) From probation to suspension followed by probation, or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>
<u>(cc) Improper use of substances for muscle building or enhancement of athletic performance. (458.331(1)(ee), F.S.)</u>	<u>(cc) From a reprimand to suspension, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u>	<u>(cc) From suspension to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>
<u>(dd) Use of amygdaline (laetrile). (458.331(1)(ff), F.S.)</u>	<u>(dd) From a reprimand to probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</u>	<u>(dd) From suspension to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>

- (ee) Misrepresenting or concealing a material fact. (458.331(1)(gg), F.S.) (ee) From a reprimand to probation, and an administrative fine ranging from \$500.00 to \$2,500.00, or the denial of licensure with the ability to reapply, upon payment of a \$500.00 fine. (ee) From probation to revocation or denial of licensure without the ability to reapply, and an administrative fine ranging from \$500.00 to \$5,000.00.
- (ff) Improperly interfering with an investigation or a disciplinary proceeding. (458.331(1)(hh), F.S.); (456.072(1)(r), F.S.) (ff) From a reprimand to probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00. (ff) From probation to revocation or denial of licensure without ability to re-apply, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
- (gg) Failing to report any M.D., D.O. or PA, who is in violation of law. (458.331(1)(ii), F.S.); (456.072(1)(i), F.S.) (gg) From a letter of concern to probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00. (gg) From probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
- (hh) Providing medical opinion without reasonable investigation. (458.331(1)(jj), F.S.) (hh) From a letter of concern to a reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00. (hh) From probation to revocation or denial of licensure, and an administrative fine from \$2,500.00 to \$5,000.00.
- (ii) Theft or reproduction of an examination. (456.018, F.S.) (ii) Suspension to revocation, or denial of licensure without an ability to reapply. (ii) Revocation or denial of licensure without ability to reapply.

(3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. The Board shall consider as aggravating or mitigating factors the following:

- (a) Exposure of patients or public to injury or potential injury, physical or otherwise; none, slight, severe, or death;
- (b) Legal status at the time of the offense; no restraints, or legal constraints;
- (c) The number of counts or separate offenses established;
- (d) The number of times the same offense or offenses have previously been committed by the licensee or applicant;
- (e) The disciplinary history of the applicant or licensee in any jurisdiction and the length of practice;
- (f) Pecuniary benefit or self-gain inuring to the applicant or licensee;
- (g) Any other relevant mitigating factors.

(4) The certification of a Physician Assistant may be disciplined by the Board when, after due notice and a hearing in accordance with the provisions of this rule, it shall find: that the Physician Assistant has held himself out or permitted another to represent him as a licensed physician. If any person addresses the Physician Assistant in a medical setting as "Doctor," the Physician Assistant must immediately inform that person that the Physician Assistant is not a doctor. Upon a finding by the Board of failure to immediately inform the person, the following penalty shall be imposed: a letter of

concern, a reprimand, a 60-day suspension and/or a fine up to \$2,500.00; and for any subsequent offense, a fine up to \$5,000.00 and/or revocation of the certificate.

Specific Authority 455-627 456.079, 458.309, 458.331(4) FS. Law Implemented 455-627 456.079, 458.331(4) FS, s. 25, Chapter 88-1, Florida Laws, 456.072 FS. History-New 3-13-89, Formerly 21M-17.015, 61F6-17.015, 59R-30.015, Amended 6-7-98.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE TITLE: Disciplinary Guidelines
PURPOSE AND EFFECT: The Board has determined that it is necessary to substantially reword the rule text to further clarify the rule text.
SUMMARY: The Board proposes a substantial rewording of the disciplinary guidelines rule, which will set forth the penalties for second and subsequent violations for physician assistants.

RULE NO.:
64B15-6.011

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: 456.079, 459.015, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079, 459.015(5) 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: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B15-6.011 follows. See Florida Administrative Code for present text.)

64B15-6.011 Disciplinary Guidelines.

(1) Purpose. Pursuant to Section 456.072, F.S., the Boards provide within this rule disciplinary guidelines which shall be imposed upon physician assistant applicants or licensees whom

it regulates under Chapters 458 and 459, F.S. The purpose of this rule is to notify such applicants and licensees of the ranges of penalties which will routinely be imposed unless the Boards find 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 the violations the Boards shall consider a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon physician assistant applicants and licensees, in proceedings pursuant to Section 120.57(1) and 120.57(2), Florida Statutes, 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 verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATIONS

RECOMMENDED PENALTIES

First Offense

Subsequent Offenses

(a) Attempting to obtain a license or certificate by bribery, fraud or through an error of the Department or the Board.

(459.015(1)(a), F.S.);
(456.072(1)(h), F.S.)

(b) Action taken against license by another jurisdiction.

(459.015(1)(b), F.S.);
(456.072(1)(f), F.S.)

1. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts in excess of \$5,000.00.

2. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts of \$5,000.00 or less.

(c) Guilt of crime directly relating to practice or ability to practice.

(459.015(1)(c), F.S.);
(456.072(1)(c), F.S.)

1. Involving a crime directly related to healthcare fraud in dollar amounts in excess of \$5,000.00.

2. Involving a crime directly related to healthcare fraud in dollar amounts of \$5,000.00 or less.

(a) From suspension of license to revocation, with ability to reapply, or denial of licensure.

(b) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to reprimand through suspension or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and an administrative fine ranging from \$1,000.00 to \$2,500.00.

1. From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.

2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand through suspension of the license, or in case of application for licensure, denial of licensure.

(c) From reprimand to revocation or denial of license, and an administrative fine of \$1,000.00 to \$5,000.00.

1. From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.

2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand through suspension of the license, or in case of application for licensure, denial of licensure.

(a) From denial of license to revocation of license with ability to reapply in not less than three years and a fine up to \$5,000.00 to denial of license without ability to reapply.

(b) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to suspension and revocation or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$2,500.00 to \$5,000.00.

1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.

2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, and suspension of the license, followed by a period of probation to revocation, or in case of application for licensure, denial of licensure.

(c) From probation to revocation or denial of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00.

1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.

2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, and suspension of the license, followed by a period of probation to revocation, or in case of application for licensure, denial of licensure.

- (d) False, deceptive, or misleading advertising. (459.015(1)(d), F.S.) (d) From a letter of concern to reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00. (d) From reprimand to suspension or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
- (e) Failure to report another licensee in violation. (459.015(1)(e), F.S.); (456.072(1)(i), F.S.) (e) From a letter of concern to probation and an administrative fine ranging from \$1,000.00 to \$2,500.00, or denial of licensure. (e) From reprimand to suspension or denial of licensure, and an administrative fine from \$2,500.00 to \$5,000.00.
- (f) Aiding unlicensed practice. (459.015(1)(f), F.S.); (456.072(1)(j), F.S.) (f) From reprimand to suspension, followed by probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00. (f) From probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
- (g) Failure to perform legal obligation. (459.015(1)(g), F.S.); (456.072(1)(k), F.S.) (g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial of licensure and an administrative fine from \$1,000.00 to \$5,000.00. (g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial and an administrative fine from \$2,500.00 to \$5,000.00.
1. Continuing medical education (CME) violations. (456.072(1)(e), F.S.); (456.072(1)(s), F.S.); (456.033(9), F.S.) 1. Document compliance with the CME requirements for the relevant period; AND: 1. Document compliance with the CME requirements for the relevant period; AND:
- a. Failure to document required HIV/AIDS, or end of life care, or palliative health care. a. An administrative fine ranging from \$250.00 to \$500.00. a. An administrative fine ranging from \$500.00 to \$1,000.00.
- b. Failure to document required domestic violence CME or substitute end-of-life-care CME. a. An administrative fine ranging from \$250.00 to \$500.00. b. An administrative fine of \$500.00 to \$1,000.00.
- c. Failure to document required HIV/AIDS, or end-of-life-care, or palliative health care, and failure to document domestic violence CME. c. An administrative fine ranging from \$500.00 to \$1,000.00. c. An administrative fine ranging from \$1,000.00 to \$2,000.00.
2. Failing to report to the Board within 30 days after the licensee has been convicted of a crime in any jurisdiction. 456.072(1)(w), F.S.) 2. From an administrative fine ranging from \$1,000.00 to \$5,000.00 and a reprimand or denial of licensure, with the ability to reapply. 2. From an administrative fine ranging from \$2,500.00 to \$5,000.00 and a reprimand or denial of licensure, without the ability to reapply.
- Or failing to report to the Board convictions prior to the enactment of this section, in writing, on or before October 1, 1999. (456.072(1)(w), F.S.)

<p><u>3. Failing to disclose financial interest to patient.</u> (456.052, F.S.)</p>	<p><u>3. A refund of fees paid by or on behalf of the patient and from an administrative fine of \$1,000.00 to a reprimand and an administrative fine of \$2,500.00.</u></p>	<p><u>3. A refund of fees paid by or on behalf of the patient and from a reprimand and an administrative fine of \$2,500.00 to a reprimand and an administrative fine of \$5,000.00.</u></p>
<p><u>(h) Giving false testimony in a legal or administrative proceeding.</u> (459.015(1)(h), F.S.)</p>	<p><u>(h) From a reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</u></p>	<p><u>(h) From probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p>
<p><u>(i) Filing a false report or failing to file a report as required.</u> (459.015(1)(i), F.S.); (456.072(1)(l), F.S.)</p>	<p><u>(i) From a letter of concern to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u></p>	<p><u>(i) From probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p>
<p><u>1. Relating to healthcare fraud in dollar amounts in excess of \$5,000.00.</u></p>	<p><u>1. From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</u></p>	<p><u>1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</u></p>
<p><u>2. Relating to healthcare fraud in dollar amounts of \$5,000.00 or less.</u></p>	<p><u>2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand through suspension of the license, or in case of application for licensure, denial of licensure.</u></p>	<p><u>2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, and suspension of the license, followed by a period of probation to revocation, or in case of application for licensure, denial of licensure.</u></p>
<p><u>(j) Kickbacks or split fee arrangements.</u> (459.015(1)(j), F.S.)</p>	<p><u>(j) A refund of fees paid by or on behalf of the patient from a reprimand and an administrative fine of \$1,000.00 to a reprimand and an administrative fine of \$5,000.00, or denial of licensure.</u></p>	<p><u>(j) A refund of fees paid by or on behalf of the patient from suspension to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p>
<p><u>(k) Improper refusal to provide healthcare.</u> (459.015(1)(k), F.S.)</p>	<p><u>(k) From a letter of concern, and an administrative fine of \$1,000.00 to a letter of concern and an administrative fine of \$2,500.00, or denial of licensure.</u></p>	<p><u>(k) From a reprimand to probation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p>
<p><u>(l) Sexual Misconduct.</u> (459.015(1)(l), F.S.); (456.072(1)(u), F.S.)</p>	<p><u>(l) From probation to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u></p>	<p><u>(l) From suspension to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u></p>
<p><u>(m) Deceptive, untrue, or fraudulent representations in the practice of osteopathic medicine.</u> (459.015(1)(m), F.S.); (456.072(1)(a),(m), F.S.)</p>	<p><u>(m) From a letter of concern to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u></p>	<p><u>(m) From probation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00 to revocation.</u></p>

1. Deceptive, untrue, or fraudulent representations in the practice of osteopathic medicine relating to healthcare fraud in dollar amounts in excess of \$5,000.00.
2. Deceptive, untrue, or fraudulent representations in the practice of osteopathic medicine relating to healthcare fraud in dollar amounts of \$5,000.00 or less.
- (n) Improper solicitation of patients. (459.015(1)(n), F.S.).
- (o) Failure to keep written medical records. (459.015(1)(o), F.S.)
1. Failure to keep legible written medical records relating to healthcare fraud in dollar amounts in excess of \$5,000.00.
2. Failure to keep legible written medical records relating to healthcare fraud in dollar amounts of \$5,000.00 or less.
- (p) Fraudulent alteration or destruction of patient records. (459.015(1)(p), F.S.)
- (q) Exercising influence on patient for financial gain. (459.015(1)(q), F.S.); (456.072(1)(n), F.S.)
- (r) Improper advertising of pharmacy. (459.015(1)(r), F.S.)
- (s) Performing professional services not authorized by patient. (459.015(1)(s), F.S.)
1. From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.
2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand through suspension of the license, or in case of application for licensure, denial of licensure.
- (n) From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand to probation, or denial of licensure.
- (o) From letter of concern to a reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.
1. From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.
2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand through suspension of the license, or in case of application for licensure, denial of licensure.
- (p) From a reprimand to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.
- (q) Payment of fees paid by or on behalf of the patient and from a reprimand to probation, or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
- (r) From a letter of concern to probation, or a denial of licensure, and an administrative fine ranging from \$250.00 to \$2,500.00.
- (s) From a letter of concern to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.
1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.
2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, and suspension of the license, followed by a period of probation to revocation, or in case of application for licensure, denial of licensure.
- (n) From suspension to revocation or denial of licensure, and an administrative fine from \$2,500.00 to \$5,000.00.
- (o) From a reprimand to suspension followed by probation, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or denial of licensure.
1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.
2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, and suspension of the license, followed by a period of probation to revocation, or in case of application for licensure, denial of licensure.
- (p) From probation to revocation, or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
- (q) Payment of fees paid by or on behalf of the patient and from probation to suspension, or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
- (r) From a reprimand and an administrative fine of \$2,500.00 to probation, and an administrative fine from \$2,500.00 to \$5,000.00, or denial of licensure.
- (s) From a reprimand to revocation, or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.

<u>(t) Inappropriate or excessive prescribing.</u> <u>(459.015(1)(t), F.S.)</u>	<u>(t) From reprimand to probation and an administrative fine ranging from \$1,000.00 to \$5,000.00, or denial of licensure.</u>	<u>(t) From probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>
<u>(u) Prescribing, dispensing, administering of a scheduled drug by the physician assistant to himself or herself.</u> <u>(459.015(1)(u), F.S.)</u>	<u>(u) From probation to suspension or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</u>	<u>(u) From suspension to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>
<u>(v) Use of amygdalin (laetrile).</u> <u>(459.015(1)(v), F.S.)</u>	<u>(v) From a reprimand to probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</u>	<u>(v) From suspension to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>
<u>(w) Inability to practice osteopathic medicine with skill and safety.</u> <u>(459.015(1)(w), F.S.)</u>	<u>(w) From reprimand to suspension, which may be stayed to allow a period of probation with supervision, and a demonstration by the licensee of the ability to practice with reasonable skill and safety, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</u>	<u>(w) From probation to revocation, until the licensee is able to demonstrate ability to practice with reasonable skill and safety, followed by probation, or denial of licensure, and an administrative fine from \$2,500.00 to \$5,000.00.</u>
<u>(x)1. Malpractice: practicing below acceptable standard of care.</u> <u>(459.015(1)(x), F.S.)</u>	<u>(x)1. From a letter of concern to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u>	<u>(x)1. From reprimand to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>
<u>2. Gross Malpractice</u>	<u>2. From a probation to revocation or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</u>	<u>2. From suspension followed by probation to revocation or denial, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>
<u>3. Repeated Malpractice</u>	<u>3. From a reprimand to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u>	<u>3. From probation to revocation or denial of licensure, and an administrative fine from \$5,000.00 to \$5,000.00.</u>
<u>(y) Performing of experimental treatment without informed consent.</u> <u>(459.015(1)(y), F.S.)</u>	<u>(y) From a letter of concern to suspension, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u>	<u>(y) From suspension to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>
<u>(z) Practicing beyond scope permitted.</u> <u>(459.015(1)(z), F.S.)</u>	<u>(z) From a letter of concern to reprimand and probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u>	<u>(z) From probation to suspension or revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>
<u>(aa) Delegation of professional responsibilities to unqualified person.</u> <u>(459.015(1)(aa), F.S.);</u> <u>(456.072(1)(p), F.S.)</u>	<u>(aa) From reprimand to suspension, followed by probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</u>	<u>(aa) From probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</u>

- (bb)1. Violation of law, rule, or failure to comply with subpoena. (459.015(1)(bb), F.S.); (456.072(1)(b), (q), F.S.)
- (bb)1. For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.
- (bb)1. From probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
2. Violation of an order of the Board.
2. From a letter of concern and an administrative fine of \$1,000.00 to a letter of concern and an administrative fine of \$5,000.00.
2. From a reprimand and an administrative fine of 2,500.00 to a reprimand and an administrative fine of \$5,000.00 and probation.
- (cc) Conspiring to restrict another from lawfully advertising services. (459.015(1)(cc), F.S.)
- (cc) From a letter of concern to a reprimand and an administrative fine ranging from \$1,000.00 to \$2,500.00
- (cc) From a reprimand and an administrative fine of \$2,500.00 to a reprimand and an administrative fine of \$5,000.00.
- (dd) Aiding an unlawful abortion. (459.015(1)(dd), F.S.)
- (dd) From probation to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.
- (dd) From suspension to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
- (ee) Presigning prescription forms. (459.015(1)(ee), F.S.)
- (ee) From a letter of concern to a reprimand and a administrative fine of \$1,000.00 to a letter of concern and an administrative fie of \$2,500.00.
- (ee) From a reprimand to probation, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
- (ff) Improperly – interfering with an investigation or a disciplinary procedure. (459.015(1)(kk), F.S.); (456.072(1)(r), F.S.)
- (ff) From a reprimand to probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.
- (ff) From probation to revocation or denial of licensure without ability to re-apply, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
- (gg) Failing to report any M.D., D.O., or PA, who is in violation of law. (459.015(1)(ll), F.S.); (456.072(1)(i), F.S.)
- (gg) From a letter of concern to probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.
- (gg) From probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
- (hh) Failure to adequately supervise assisting personnel. (459.015(1)(hh), F.S.)
- (hh) From a reprimand to probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.
- (hh) From probation to suspension followed by probation, or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
- (ii) Improper use of substances for muscle building or enhancement of performance. (459.015(1)(ii), F.S.)
- (ii) From a reprimand to suspension, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.
- (ii) From suspension to revocation or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.
- (jj) Misrepresenting or concealing a material fact during disciplinary or licensure procedure. (459.015(1)(jj), F.S.)
- (jj) From a reprimand to probation, and an administrative fine ranging from \$500.00 to \$2,500.00, or the denial of licensure with the ability to reapply, upon payment of a \$500.00 fine.
- (jj) From probation to revocation or denial of licensure without the ability to reapply, and an administrative fine ranging from \$500.00 to \$5,000.00.

- (kk) Providing medical opinion on claim without reasonable investigation. (459.015(1)(mm), F.S.) (kk) From a letter of concern to a reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00. (kk) From probation to revocation or denial of licensure, and an administrative fine from \$2,500.00 to \$5,000.00.
- (ll) Theft or reproduction of an examination. (456.018, F.S.) (ll) Suspension to revocation, or denial of licensure without an ability to reapply. (ll) Revocation or denial of licensure without ability to reapply.

(3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. The Board shall consider as aggravating or mitigating factors the following.

- (a) Exposure of patients or public to injury or potential injury, physical or otherwise; none, slight, severe, or death;
- (b) Legal status at the time of the offense; no restraints, or legal constraints;
- (c) The number of counts or separate offenses established;
- (d) The number of times the same offense or offenses have previously been committed by the licensee or applicant;
- (e) The disciplinary history of the applicant or licensee in any jurisdiction and the length of practice;
- (f) Pecuniary benefit or self-gain inuring to the applicant or licensee;
- (g) Any other relevant mitigating factors.

(4) The certification of a Physician Assistant may be disciplined by the Board when, after due notice and a hearing in accordance with the provisions of this rule, it shall find: that the Physician Assistant has held himself out or permitted another to represent him as a licensed physician. If any person addresses the Physician Assistant in a medical setting as "Doctor," the Physician Assistant must immediately inform that person that the Physician Assistant is not a doctor. Upon a finding by the Board of failure to immediately inform the person, the following penalty shall be imposed: a letter of concern, a reprimand, a 60-day suspension and/or a fine up to \$2,500.00; and for any subsequent offense, a fine up to \$5,000.00 and/or revocation of the certificate.

Specific Authority 456.079, 459.0015, 459.015(5)—455.2273 FS Law Implemented 456.072, 456.079 455.2273, 459.015(5) FS. s. 35, Chapter 88-1, Florida Laws: History—New 4-18-89, Formerly 21R-6.011, Amended 11-4-93, Formerly 61F9-6.011, 59W-6.011, Amended 6-7-98,_____.

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: December 1, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2000

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE TITLE: Inactive Status License
RULE NO.: 64B15-12.007

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to inactive status license of a licensee, and to delete rule text that is no longer desired by the Board.

SUMMARY: Additional language clarifies the renewal fee of an active/inactive license, and unnecessary language is being stricken.

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: 456.036 FS.
LAW IMPLEMENTED: 456.036 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: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.007 Inactive Status License.

(1) No change.

(2) An inactive status licensee may change to active status at any time provided the licensee meets the continuing education requirements of rule 64B15-13.001, pays the reactivation fee and the active status renewal fee. ~~and if~~ If the request to change licensure status is made at any time other than at the beginning of a licensure cycle, the licensee shall only pay the difference between the inactive status renewal fee and the active status renewal fee and pays the additional processing fee. However, a licensee whose license has been in inactive status for more than two consecutive biennial licensure cycles shall be required to appear before the board

before the license can be placed into active status. The board at the time of the appearance shall impose upon the licensee reasonable conditions necessary to insure that the licensee can practice with the care and skill sufficient to protect the health, safety and welfare of the public.

~~(3) Any inactive licensee who elects active status is not eligible to elect to return to inactive status until the next licensure renewal period.~~

Specific Authority ~~456.036 455.744~~ FS. Law Implemented ~~456.036 455.744~~ FS. History--New 11-28-94, Amended 3-28-95, Formerly 59W-12.007, Amended _____.

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: September 15, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 17, 2000

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLES:	RULE NOS.:
General Regulations; Definitions	64F-12.001
False and Misleading Labeling or Advertising	64F-12.002
Guaranty or Undertaking	64F-12.003
Prohibited Acts	64F-12.004
Requirements for Intrastate Investigational Drug Program; Suspension & Revocation	64F-12.005
Drugs and Devices; Labeling Requirements	64F-12.006
Complimentary Human Prescription Drug Samples: Distribution and Disposal	64F-12.008
Cosmetic Labeling Requirements	64F-12.009
Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized	64F-12.011
Records of Drugs, Cosmetics and Devices	64F-12.012
Prescription Drugs; Receipt, Storage and Security	64F-12.013
Licensing, Application, Permitting	64F-12.015
Product Registration	64F-12.016
Certificates of Free Sale	64F-12.017
Fees	64F-12.018
Inspections, Investigations, Monitoring	64F-12.019
Restricted Prescription Drug Distributor Permits; Special Provisions	64F-12.023
Administrative Enforcement	64F-12.024

PURPOSE AND EFFECT: The purpose and effect of the proposed rule revisions are to repeal redundant rules which were incorporated into the Florida Statutes during recent legislative sessions, repeal rules associated with the legislatively repealed Investigational Drug Program, update federal provisions incorporated by reference, provide for more

consistency with federal regulations, update application forms and requirements, clarify terms and concepts, establish a new permit and procedures for the transfer of prescription drugs by certain entities to university researchers, articulate inspection and investigation authority under the Florida Drug and Cosmetic Act, and reduce permit fees for certain restricted prescription drug distributor permits.

SUMMARY: The proposed rule clarifies terms used in the law and rule; repeals language that is redundant to recently enacted legislation; updates references to federal laws and regulations incorporated by reference; articulates another condition qualifying as an emergency medical reason exception to the prohibition of wholesaling by a health care entity; provides that a prescription or order for medical oxygen must be in the hands of the medical oxygen retailer within 30 days of delivery of the drug to the patient; clarifies recordkeeping requirements for pharmacies and other persons transferring prescription drugs to reverse distributors and destruction facilities; articulates recordkeeping requirements for donations of prescription drugs by health care entities; updates application forms incorporated by reference in the rule; clarifies that notification of a change of address of a permitted person must be in writing; identifies additional permit applications that do not require an on-site inspection or an initial application/on-site inspection fee prior to approval; requires submission of a clearance letter for new Prescription Drug Wholesaler and Prescription Drug Wholesaler – Broker Only applicants; reduces the fee requirements for certain restricted prescription drug distributor permit applicants; reinstates language regarding inspections, investigations and monitoring; provides for transfers of prescription drugs to institutional researchers under certain conditions; and modifies the administrative enforcement provisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There would be an additional administrative cost associated with recording the lot number on the donation record for prescription drugs donated by a health care entity to a charitable organization. Lot numbers tend to be five to ten digits in length and we estimate it would take an additional three to five seconds per item to record the lot number. The additional cost associated with a clearance letter for a new Prescription Drug Wholesaler and Prescription Drug Wholesaler – Broker Only permit applicant is estimated at \$25 per owner, officer, and manager-in-charge of a sole proprietorship, partnership, and closely held corporation. The cost for a Restricted Rx Drug Distributor – Institutional Research permit applicant is \$400 for a two-year permit.

Any person who wishes to provide information regarding the statement of estimatee 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: 499.01, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.028, 499.03, 499.04, 499.041, 499.05, 499.052, 499.61, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS.

LAW IMPLEMENTED: Chapter 499, Parts I and II 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., Monday, January 22, 2001

PLACE: 2818-A Mahan Drive, Tallahassee, Florida 32308; in the Bureau of Pharmacy Services Conference Room

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308; (850)487-1257 ext. 210; sandra_stovall@doh.state.fl.us.fl. You may also obtain information regarding the rule promulgation at the bureau's web site at doh.state.fl.us/pharm.

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-12.001 General Regulations; Definitions.

(1) A word or phrase defined in 21 U.S.C. ss. 301 et seq. or federal regulations promulgated thereunder in Title 21 Code of Federal Regulations(CFR), (as of 1/1/01 ~~12/1/98~~) which are incorporated by reference, shall have the same meaning as in those provisions unless specifically defined otherwise in Chapter 499, F.S., or rule chapter 64F-12, F.A.C.

(2) In addition to definitions contained in sections 499.003, 499.012(1), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to rule chapter 64F-12:

(a) No change.

(b) "Authorized recipient" – means a person permitted by or otherwise authorized by Chapter 499, F.S., to purchase, receive or possess prescription drugs; a pharmacy licensed by Chapter 465, F.S. except a Class I institutional pharmacy since it is only authorized to possess dispensed prescription drugs and medical oxygen for administration to its patients; a practitioner licensed by Florida law to purchase and receive prescription drugs; or a person who is authorized by the law where the delivery occurs to purchase, receive or possess prescription drugs. A licensed ship captain or first officer for a vessel engaged in international trade or in trade between ports of the United States and any merchant vessel belonging to the U.S. Government is an authorized recipient for prescription drugs intended solely for emergency medical purposes, provided the prescription drugs are delivered by the wholesaler directly to the ship.

(c) "Broker" – means a person participating in the wholesale distribution of a prescription drug that buys and sells the drug but does not take physical possession such that the drug is "sold to" the broker and "shipped to" a third party.

~~(d)(e)~~ "Change in Ownership" – means a majority (50% or more) of the ownership or controlling interest changes. A change in ownership occurs when there has been any change in a partnership amounting to 50% or more of the ownership or controlling interest. For a publicly traded corporation, the changing of officers or directors is not a change in ownership nor is the change in ownership of a parent company provided that such change does not result in a 50% change in the ownership or controlling interest of any permitted establishment.

~~(d) "Charitable institution or charitable organization" — means a health care entity, organization, institution, foundation, association, or corporation that has been granted an exemption under section 501(c)(3) of the Internal Revenue Code of 1954, as amended.~~

(e) No change.

~~(f) "Distribute" means to sell, offer to sell, give away, deliver, or offer to deliver other than to administer or dispense.~~

(g) through (h) renumbered (f) through (g) No change.

~~(i) "Group purchasing organization" means any entity established, maintained, and operated for the purchase of prescription drugs for distribution exclusively to its members with such membership consisting solely of hospitals and health care entities bound by a written contract with the entity.~~

~~(h)(j)~~ "Legend Device or Restricted Device" – is any device which can be dispensed only by the prescription or order of a licensed practitioner and which device on its label bears either the words: "Caution: Federal Law restricts this device to sale by or on the order of a _____," the blank to be filled with the word "physician," "dentist," "veterinarian," or with the descriptive designation of any practitioner licensed by law to use or prescribe the device; ~~or~~ "Caution: Federal Law prohibits dispensing without prescription;," "Rx Only;," or "Caution: Florida Law prohibits dispensing without prescription."

~~(i)(k)~~ "Ongoing relationship" means an association that exists when a manufacturer and a distributor enter into a written agreement under which the distributor is authorized to distribute ~~sell~~ the manufacturer's product(s) for a period of time or for a number of shipments, at least one sale is made under that agreement, and the name of the authorized distributor of record is entered on the manufacturer's list of authorized distributors of record or equivalent list. An ongoing relationship may also be documented by at least three purchases of a manufacturer's product(s) directly from that manufacturer within a six month period from the date for which the authorized distributor of record relationship is claimed and the distributor's name is entered on the manufacturer's list of authorized distributors of record or equivalent list.

(j) "Practitioner" means a persons who is duly licensed and authorized by laws of the state to administer, prescribe, or dispense, as appropriate, a drug or device for medical purposes.

(k) "Provides prescription services to the public" – means, for the purposes of the retail pharmacy wholesaler permit, holding the pharmacy out to the public through prominently displayed pharmacy signs on the exterior of the building and adequate inventory on hand to fill a variety of prescriptions for a variety of medical conditions that would be required by the public generally.

(l) through (s) No change.

(t) "State Current Good Manufacturing Practices" means current good manufacturing practices and quality system regulations as prescribed as of 1/1/01 12/1/98 in Title 21 Code of Federal Regulations, Parts 210, 211, 600-610, and 820, and the federal guidelines which are incorporated by reference herein and made a part of this rule, and the requirements of this chapter. Current good manufacturing practices for cosmetics means the guidelines for manufacturing cosmetics as set forth in rule in 64F-12.010.

(u) "Unapproved new drug" – means any drug which ~~is a new drug and~~ has not been approved or otherwise authorized for use under the federal act, 21 U.S.C. ss. 301 et seq., and the regulations promulgated thereunder or which does not have a Notice of Claimed Investigational Exemption on file with the United States Food and Drug Administration, ~~or is not authorized in Florida under s. 499.018, F.S.~~

(v) No change.

Specific Authority 499.003, 499.05, 499.61, 499.701 FS. Law Implemented Chapter 499, Parts I and II FS. History–New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, _____.

64F-12.002 False and Misleading Labeling or Advertising.

Specific Authority 499.05 FS. Law Implemented 499.007, 499.009, 499.018, 499.023, 499.054, 499.055, 499.057 FS. History–New 1-1-77, Amended 12-12-82, Formerly 10D-45.32, Amended 11-26-86, 7-1-96, Formerly 10D-45.032, Amended 1-26-99, Repealed _____.

64F-12.003 Guaranty or Undertaking.

(1) No change.

(2) A guaranty or undertaking may be limited or general and continuing as set forth in Title 21 CFR Sections 7.12 and 7.13, (as of 1/1/01 12/1/98) which are incorporated by reference.

Specific Authority 499.05 FS. Law Implemented 499.069 FS. History–New 1-1-77, Amended 12-12-82, Formerly 10D-45.33, Amended 7-1-96, Formerly 10D-45.033, Amended 1-26-99, _____.

64F-12.004 Prohibited Acts.

Specific Authority 499.05, 499.701 FS. Law Implemented 499.005, 499.012, 499.0121, 499.028, 499.03 FS. History–New 11-26-86, Amended 11-25-92, 7-1-96 Formerly 10D-45.0365, Amended 1-26-99, Repealed _____.

64F-12.005 Requirements for Intrastate Investigational Drug Program; Suspension & Revocation.

Specific Authority 499.05 FS. Law Implemented 499.018, 499.019 FS. History–New 12-12-82, Amended 1-30-85, Formerly 10D-45.375, Amended 11-26-86, Amended 7-1-96 Formerly 10D-45.0375, Amended 1-26-99, Repealed _____.

64F-12.006 Drugs and Devices; Labeling Requirements.

(1) The department adopts and incorporates by reference the labeling requirements for prescription drugs and over-the-counter drugs as set forth in the federal act at 21 U.S.C. ss. 301 et seq. and in Title 21 Code of Federal Regulations Parts 1-1299 (as of 1/1/01 12/1/98).

(a) through (c) No change.

(2) The department adopts and incorporates by reference the labeling requirements for medical devices as set forth in the federal act at 21 U.S.C. ss. 301 et seq. and in Title 21 Code of Federal Regulations Parts 800-895 (as of 1/1/01 12/1/98).

~~(a) the label of a kit which has been classified as a device by approval of a premarket notice submitted under 21 U.S.C. s. 510(k), which contains prescription drugs, shall also contain the following elements on the kit packaging unless the packaging allows full visibility of the prescription drug contents for the required information:~~

- ~~1. an accurate list of the prescription drug components, listed by common or usual or proprietary name, including the quantity and strength of each component;~~
- ~~2. the lot or control number for each component; and~~
- ~~3. an expiration date identical to the expiration date appearing on any component which will first expire. Under no circumstances can the expiration date of the kit be extended beyond any component's expiration date.~~

~~(b) in addition to the label requirements of paragraph (a) above, the label of a kit which contains a prescription drug shall bear the phrase:~~

~~"CAUTION: Federal Law Prohibits Dispensing Without a Prescription" or "CAUTION" State Law Prohibits Dispensing Without a Prescription."~~

~~(c) the label of a kit which contains any legend device as a component shall bear the phrase: "CAUTION: This Device is Restricted to Use By or On the Order of a Practitioner" or "CAUTION: Federal Law Restricts this Device to Sale By or On the Order of a _____", the blank to be filled with the word "physician", "dentist", "veterinarian", or with the descriptive designation of any other practitioner licensed by law to use or order the use of the device.~~

Specific Authority 499.05, 499.0122 FS. Law Implemented 499.007, 499.0122, 499.013 FS. History–New 1-1-77, Amended 12-12-82, 7-8-84, Formerly 10D-45.39, Amended 11-26-86, 7-1-96, Formerly 10D-45.039, Amended 1-26-99, _____.

64F-12.008 Complimentary Human Prescription Drug Samples: Distribution and Disposal.

~~(1) Distributions of complimentary or sample packages of prescription drugs listed within the provisions of s. 893.03, F.S., must also comply with provisions in Rule Chapter 64B-16-28, F.A.C., Chapter 465, F.S., and Title 21 CFR 1301, (as of _____ 12/1/98) which is incorporated by reference herein.~~

~~(1)(2)~~ Charitable Donations of Prescription Drug Samples. A physician or other authorized recipient of prescription drug samples may donate samples received according to s. 499.028, F.S., to a Restricted Prescription (Rx) Drug Distributor – Charitable Organizations permittee; to a charitable institutions in this state for administration or dispensing by the charitable institution provided the charitable institution ~~is enrolled with the FDA, if enrollment is required by the FDA, and is otherwise licensed to administer or dispense prescription drugs; or to a charitable organizations outside of this state that is are enrolled with the FDA, if so required by the FDA and licensed by that state, if so required.~~ The donation and transfer however, must be made in accordance with these provisions and the laws or regulations of other applicable jurisdictions.

(a) through (b) No change.

(c) A complete and accurate donation record must be prepared and maintained by the donor and recipient. The donation record shall include the elements set forth in Rule 64F-12.012(15):

- ~~1. the donor's name, address, telephone number, the practitioner's state license number and the D.E.A. number, if applicable;~~
- ~~2. the manufacturer, brand name, strength, and dosage form of the product; the quantity donated; and the expiration date of the product;~~
- ~~3. the date of the donation;~~
- ~~4. the name, address, FDA central file number and state license number of the charitable organization, if applicable;~~
- ~~5. the signature of the donor; and~~
- ~~6. a signature of the authorized agent or employee of the recipient charitable institution. If delivery is made by mail or common carrier, the recipient charitable institution must countersign the record, keeping a copy, and return it to the donor within 48 hours, excluding holidays and weekends.~~

(d) No change.

~~(2)(3)~~ Disposal. All complimentary or sample packages of prescription drugs which are expired shall be returned to the manufacturer or distributor. Complimentary or sample packages of prescription drugs which are otherwise unsuitable for the purpose of administering or dispensing may be returned to the manufacturer or distributor or may be destroyed in accordance with the provisions of paragraph ~~(4)(5)~~. Prescription drug samples may be sent to a reverse distributor if the manufacturer of the sample has authorized the reverse distributor to handle that manufacturer's prescription drug sample returns.

~~(3)(4)~~ Complimentary or sample packages of prescription drugs returned to the manufacturer or distributor from which obtained or to a reverse distributor acting on behalf of the manufacturer, must be documented with records which include the date of the return; the name, form and quantity of the substance by lot number; the name, address, and license or

permit number, of the person making the return; and the name, address, and license or permit number, of the manufacturer or person to whom the prescription drug samples are returned.

~~(4)(5)~~ The destruction of complimentary or sample packages of prescription drugs which may be destroyed ~~as provided in paragraph (3)~~ must be documented with a complete inventory identifying the items destroyed and a notation on the inventory as to the date and method of destruction.

Specific Authority 499.01, 499.0121, 499.0122, 499.013, 499.014, 499.028, 499.05 FS. Law Implemented 499.014, 499.028, Part I Ch 499 FS. History–New 12-12-82, Amended 7-8-84, Formerly 10D-45.445, Amended 11-26-86, 2-7-93, 7-1-96, Formerly 10D-45.0445, Amended 1-26-99,_____.

64F-12.009 Cosmetic Labeling Requirements.

The department adopts and incorporates by reference the labeling requirements for cosmetics as set forth in the federal act at 21 U.S.C. ss. 301 et seq. and in Title 21 Code of Federal Regulations Parts 700-799 (as of 1/1/01 ~~12/1/98~~).

Specific Authority 499.013, 499.05 FS. Law Implemented 499.009, 499.013 FS. History–New 1-1-77, Amended 12-12-82, Formerly 10D-45.48, Amended 7-1-96, Formerly 10D-45.048, Amended 1-26-99,_____.

64F-12.011 Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized.

(1) The exemption from the definition of wholesale distribution in s. 499.012(1)(a)2.b. ~~499.012(1)(a)5.~~, F.S., for "emergency medical reasons" includes:

(a) through (e) No change.

(f) transfers of prescription drugs from a health care entity to a pharmacy or other end-user practitioner for a named patient to treat or prevent a serious medical condition when a shortage of the product is documented by the manufacturer; but does not include regular and systematic sales of prescription drugs to licensed practitioners that will be used for routine office procedures.

(2) The revocation of a sale or the return of a prescription drug purchased by a hospital or other health care entity, or acquired at a reduced price by or donated to a charitable institution to the manufacturer or the wholesale distributor that sold, donated, or supplied the prescription drug, is not a wholesale distribution prohibited by s. 499.005(21), F.S., provided:

(a) through (b) No change.

(c) Prescription drugs returned or to be returned to a manufacturer or wholesale distributor must be kept under proper conditions for storage, handling, and shipping as set forth in s. 499.0121; and written ~~otherwise~~ documentation showing that these proper ~~proper~~ conditions were or were not maintained must be provided to the manufacturer or wholesale distributor to which the prescription drugs are returned.

Specific Authority 499.012, 499.014, 499.03, 499.05 FS. Law Implemented 499.012, 499.014, 499.03 FS. History–New 7-1-96, Formerly 10D-45.0525, Amended 1-26-99,_____.

64F-12.012 Records of Drugs, Cosmetics and Devices.

(1) No change.

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

(d) Records to document the distribution of prescription drugs required by s. 499.0121(6) and this rule are to be created during the transaction (i.e., at the time of order, receipt, processing, picking or shipping) and not retroactively created. A pharmacy or other person authorized to possess prescription drugs that transfers prescription drugs to an establishment performing reverse distribution services or destruction activities must prepare or have prepared an inventory or other record of the prescription drugs so transferred prior to the prescription drugs leaving the premises. In addition to the name, address, and license number of the sender and the name, address, and license number of the receiving establishment, the record must include the elements set forth in Rule 64F-12.023(3)(a).

(e) through (3) No change.

(4) Retailers of veterinary legend drugs or medical oxygen must also maintain a prescription or other order of an authorized practitioner evidencing the authority of the purchaser or recipient to receive the veterinary legend drug or medical oxygen. A veterinary legend drug retailer must have the prescription prior to delivery of the drug to the customer. In the case of a medical oxygen retailer, the prescription or order for medical oxygen Prescriptions or orders must be in writing, signed by the practitioner and must be in the possession of the retailer within 30 days of prior to delivery of the drug to the patient. An order or prescription for veterinary legend drugs or medical oxygen does not constitute authority for the retailer to sell to the purchaser beyond 12 months from the date of the original sale.

(5) A copy of the Florida Drug and Cosmetic Act, Chapter 499, Florida Statutes, and Rule 64F-12, Florida Administrative Code, Regulation for Drugs, Devices and Cosmetics, must be at the permitted establishment. Any person who manufactures devices, over the counter drugs, or cosmetics must maintain records which include the following information on one document: the name and principal address of the seller or transferor, the address of the location from which the products were shipped, the date of the transaction, the name and quantity of the product involved, and the name and principal address of the person purchasing the product.

(6) through (14) No change.

(15) Charitable Donations of Prescription Drug. A physician or other authorized recipient donating prescription drugs, including prescription drug samples, pursuant to s. 499.012(1),(2)(e), F.S., must prepare and maintain a donation record that includes at a minimum: Additional recordkeeping requirements for complimentary prescription drugs are detailed in Rule 64F-12.008.

(a) The donor's name, address, telephone number, the practitioner's state license number, and D.E.A. number if a controlled substance is donated;

(b) The manufacturer, brand name, strength, and dosage form of the product; the quantity donated by lot number; and the expiration date of the product;

(c) The date of the donation;

(d) The name, address, and state license number that authorizes the possession of prescription drugs by the charitable organization, if applicable; and

(e) Within 48 hours of receipt, excluding holidays and weekends, the recipient charitable institution must provide a written receipt to the donor acknowledging receipt of the donated prescription drugs.

Specific Authority 499.05, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.05, 499.051, 499.052 FS. History—New 1-1-77, Amended 12-12-82, 7-8-84, 1-30-85, Formerly 10D-45.53, Amended 11-26-86, 2-7-93, 7-1-96, Formerly 10D-45.053, Amended 1-26-99,_____.

64F-12.013 Prescription Drugs; Receipt, Storage and Security.

(1) No change.

~~(2)(a) Vehicles used for transporting prescription drugs which contain prescription drugs shall be secured at all times from unauthorized access to the prescription drugs. During deliveries, the vehicle must be securely locked while unattended.~~

~~(2)(a)(b)~~ While not being used to make deliveries, a vehicle of a permittee containing prescription medical oxygen must be parked at the permitted establishment and either locked inside a fenced compound or secured by a vehicle alarm system. A vehicle containing prescription medical oxygen may only be parked at a residence temporarily while the vehicle is making deliveries or while “on call” for emergency deliveries.

~~(b)(c)~~ When a vehicle used for prescription drug wholesale distributions or for distributions subject to a restricted prescription drug distributor’s permit contains prescription drugs and is not being used to make deliveries, it must be parked inside a building secured by an alarm system.

~~(c)(d)~~ A residence cannot be used to store any prescription drug which has not been dispensed, unless a natural person residing at that residence is licensed or otherwise authorized to possess prescription drugs.

(3) through (5) No change.

Specific Authority 499.0121(1), 499.05 FS. Law Implemented 499.004, 499.006, 499.007, 499.0121, 499.052 FS. History—New 7-8-84, Amended 1-30-85, Formerly 10D-45.535, Amended 11-26-86, 7-1-96, Formerly 10D-45.0535, Amended 1-26-99,_____.

64F-12.015 Licensing, Application, Permitting.

This section addresses the application and permitting requirements of persons regulated under Part I of Chapter 499, F.S.

(1) No change.

(2) A permit is valid only for the name and address to which it is issued. The name in which a permit is issued will be changed, at no cost, upon notification to the department.

(a) No change.

(b) A permit that authorizes the purchase of prescription drugs will not be issued in a name identical to the name used by any other establishment or licensed permit holder at that address authorized to purchase prescription drugs pursuant to Chapter 465, F.S., or the statutes regulating a practitioner authorized to purchase prescription drugs except:

~~1. a Retail Pharmacy Drug Wholesaler permit will be issued in the name of the retail pharmacy unless that name is identical to a health care entity at that address, in which case no retail pharmacy drug wholesaler permit will be issued,~~

~~2. a Restricted Rx Drug Distributor – Health Care Entity permit will be issued in the name of the health care entity,~~

~~3. a Restricted Rx Drug Distributor – Charitable Organization permit will be issued in the name of the charitable organization or health care entity, and~~

~~4. a Medical Oxygen Retailer permit may be issued in the name of a nursing home’s Class I Institutional Pharmacy permit.~~

(c) No change.

(3) ON-SITE INSPECTIONS. Passing an on-site inspection is a prerequisite to issuance of a new permit for the following permit types: Prescription Drug Manufacturer, Device Manufacturer, Compressed Medical Gases Manufacturer, Over-the-Counter Drug Manufacturer, Cosmetic Manufacturer, Prescription Drug Wholesaler, Compressed Medical Gases Wholesaler, Veterinary Legend Drug Retailer, Medical Oxygen Retailer, and ~~and Restricted Rx Prescription Drug Distributor permits for the Health Care Entity, Reverse Distributor, and Destruction facilities.~~ However, the department may elect to perform an inspection of the Restricted Rx Drug Distributor – Charitable Organization, Government Program, or Institutional Research as a condition of permitting but an on-site inspection fee will not be assessed.

~~(a)1. A person permitted as Prescription Drug Manufacturer that is applying for additional manufacturing permits or a Prescription Drug Wholesaler permit at that address does not require another on-site inspection and is not required to pay an initial application/on-site inspection fee when applying for the additional permits.~~

~~2. A person permitted as an Over-the Counter Drug Manufacturer that is applying for a Device Manufacturer permit or Cosmetic Manufacturer permit at that address does not require another on-site inspection and is not required to pay an initial application/on-site inspection fee when applying for the additional permit.~~

~~3. A person permitted as a Cosmetic Manufacturer or Device Manufacturer that is applying for a Device Manufacturing permit or Cosmetic Manufacturing permit does~~

not require another on-site inspection and is not required to pay an initial application/on-site inspection fee when applying for the additional permit.

(b) through (c) No change.

(d) The department will request from the applicant written documentation to evidence compliance with the requirements of Chapter 499, F.S., when an on-site inspection cannot be completed within 30 days of receipt of a completed ~~an~~ application for a permit requiring an on-site inspection or a written request for a change of address.

(4) No change.

(5) Notification to the department regarding the change of address of a permitted establishment must be in writing. A Change of Address form is available on the bureau’s web site. Notification regarding the closing of a permitted establishment shall also include the name and, address, ~~and telephone number~~ of a person to contact for up to two years after the closing of the business for regarding access to required records.

(6) MANUFACTURER PERMITS.

(a) No change.

~~(b) A device manufacturer’s permit is not required for a company manufacturing custom devices.~~

~~(b)(e)~~ A device manufacturer’s permit is required for an establishment that refurbishes medical devices for subsequent sale but is not required when the refurbishing is performed as a service for the owner of the medical device and the device is returned to the owner for further use.

~~(c)(d)~~ Application requirements for manufacturers include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective JUN00 ~~January 1999~~, which is incorporated by reference herein.

3. through 5. No change.

(7) WHOLESALER PERMITS.

(a) through (c) No change.

(d) Application requirements for Prescription Drug Wholesalers and Compressed Medical Gases Wholesalers include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective JUN00 ~~January 1999~~, which is incorporated by reference herein.

3. Pay the appropriate fee(s) as required by Rule 64F-12.018.

Comply with all the requirements for permitting provided in Chapter 499, F.S., and this rule chapter.

4. Submission of a “Clearance Letter” issued by a local law enforcement agency that discloses the presence or absence of past felony convictions of the owners, officers, and

managers-in-charge for sole proprietorships, partnerships, and closely held corporations for persons applying for a permit as a Prescription Drug Wholesaler and Prescription Drug Wholesaler-Broker Only.

(e) Application requirements for Out-of-State Prescription Drug Wholesalers include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S." effective JUN00 Jan. 1999, which is incorporated by reference herein.

3. Submit a photocopy of the resident state's license or permit that authorizes the wholesale distribution of prescription drugs. If the resident state does not require a license or permit for the wholesale distribution activities of the applicant in that state, submit a written confirmation on the resident state's letterhead that permitting of the applicant establishment is not required by that state. The Out-of-State Prescription Drug wholesaler application will not be approved until the license or permit status in the resident state is verified.

4. through 5. No change.

(f) Application requirements for Retail Pharmacy Wholesalers include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective JUN00 January 1999, which is incorporated by reference herein.

3. through 5. No change.

(8) OTHER DISTRIBUTORS. Persons conducting certain distributions of prescription drugs which are not considered wholesale distributions in the state of Florida must obtain a permit from the department prior to initiating that activity. These permits include Complimentary Drug Distributors, all of the designated Restricted Rx Drug Distributor permits as further discussed in rule 64F-12.023, Medical Oxygen Retailers, and Veterinary Legend Drug Retailers.

(a) Application requirements for Complimentary Drug Distributors include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective JUN00 January 1999, which is incorporated by reference herein.

3. through 5. No change.

(b) Application requirements for Restricted Rx Drug Distributor – Health Care Entity include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective JUN00 January 1999, which is incorporated by reference herein.

3. through 5. No change.

(c) Application requirements for Restricted Rx Drug Distributor – Charitable Organization include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective JUN00 January 1999, which is incorporated by reference herein.

3. through 6. No change.

(d) Application requirements for Restricted Rx Drug Distributor – Reverse Distributor or Restricted Rx Drug Distributor – Destruction include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective JUN00 January 1999, which is incorporated by reference herein.

3. through 4. No change.

(e) Application requirements for Restricted Rx Drug Distributor – Government Programs include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective JUN00 January 1999, which is incorporated by reference herein.

3. No change.

4. Submit a list of the intended contractors and subcontractors that will receive the entity's prescription drugs under this permit and the permit numbers that authorize them to administer or dispense. Also submit a copy of the provisions of the contract that address the requirements in s. 499.012(1)(a)1.d., F.S.

5. through 6. No change.

(f) Application requirements for a Restricted Rx Drug Distributor – Institutional Research include:

1. Contact the department's Bureau of Pharmacy Services to request an application or download the application from the bureau's web site.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective JUN00, which is incorporated by reference herein.

3. Comply with all the requirements for permitting provided in Chapter 499, F.S., and this rule chapter.

4. Pay the appropriate fee(s) as required by Rule 64F-12.018.

(g) Application requirements for a Veterinary Legend Drug Retailer include:

1. Contact the department's Bureau of Pharmacy Services to request an application or download the application from the bureau's web site.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective JUN00 January 1999, which is incorporated by reference herein.

3. Pay the appropriate fee(s) as required by Rule 64F-12.018.

4. Comply with all the requirements for permitting provided in Chapter 499, F.S., and this rule chapter.

~~(h)(g)~~ Application requirements for a Medical Oxygen Retailer include:

1. Contact the department's Bureau of Pharmacy Services to request an application or download the application from the bureau's web site.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective JUN00 January 1999, which is incorporated by reference to this rule.

3. Pay the appropriate fee(s) as required by Rule 64F-12.018.

4. Comply with all the requirements for permitting provided in Chapter 499, F.S., and these rules.

5. Have an FDA establishment registration number if the establishment will be transfilling medical oxygen.

(9) PERMIT RENEWALS. Submission of a renewal application represents to the department that conditions have not changed with the permitted person which would make the permitted person ineligible to renew the permit.

(a) No change.

(b) An applicant applying to renew a permit which has not expired, been revoked, suspended or otherwise terminated must:

1. file with the department a completed application for a permit using an "Application for Permit Renewal Under Chapter 499, F.S., " DOH Form 1034, effective JUN00 January 1999, which is incorporated by reference herein. The permittee should contact the department if the renewal application has not been received at least 30 days prior to the permit's expiration date.

2. through 5. No change.

(c) No change.

Specific Authority 499.01, 499.012, 499.0122, 499.013, 499.014, ~~499.018~~, 499.028, 499.04, 499.041, 499.05, ~~499.06~~, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS. Law Implemented 499.01, 499.012, 499.0121, 499.0122, 499.013, ~~499.018~~, 499.028, 499.04, 499.041, 499.05, 499.06, 499.062, 499.063, 499.064, 499.066, 499.067 FS. History—New 12-12-82, Amended 7-8-84, 1-30-85, Formerly 10D-45.54, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.054, Amended 1-26-99,_____.

64F-12.016 Product Registration.

~~(1)(a) The department will not register products that are not in compliance with the provisions of the federal Food, Drug, and Cosmetic Act, as amended, and Title 21 Code of Federal Regulations, (as of _____ 12/1/98) which are incorporated by reference herein, or which are not approved investigational drugs as provided for in s. 499.018, F.S.~~

~~However, registration of a product by the department does not mean that the product does in fact comply with all provisions of the federal Food, Drug, and Cosmetic Act, as amended.~~

~~(a)(b)~~ Each product that is registered shall be registered either as a drug, ~~device~~, or cosmetic, but shall not have duplicate registrations. Products that are both a cosmetic and a drug must be registered as a drug.

~~(b)(e)~~ A formula marketed under different brand names, sizes, quantities, or distributors is not considered a separate and distinct product for registration purposes. Furthermore, the adding of color, flavor, or scents to a formula does not make a separate and distinct product for registration purposes, even for fragrance preparations where the scent is the primary product. However, the different variations must be listed on the Identical Product Certification form.

~~(d) Devices having variations in physical characteristics such as size, package, shape, or color may be considered as one device for registration purposes provided the variation does not change the function or intended use of the device. Products having different 510K approvals or different premarket approvals from the FDA must be registered separately.~~

~~(e) Kits that have variable components may be registered as a separate and distinct product according to the particular procedure and intended use of the kit, i.e., surgical kit, obstetric kit, tonsillectomy kit, etc. The listing of individual components from which a customer could choose must be attached to the registration application.~~

~~(c)(f)~~ The separate and distinct drug, ~~device~~, or cosmetic product for a person who performs limited manufacturing operations at an establishment such as only encapsulating, sterilizing or other processing or manipulation of the product, but not labeling, may be the product resulting from such processing and not each separate and distinct product to which the limited manufacturing operation is performed.

(2)(a) Applicants applying for an initial product registration of a product must:

1. file with the department a completed application for the appropriate product registration using DOH Form 1035, "Application for Product Registration – Drugs," effective Jan 99; ~~DOH Form 1036, "Application for Product Registration—Devices," effective Jan 99;~~ or DOH Form 1037, Application for Product Registration – Cosmetics," effective Jan 99; and if applicable the Identical Product Certification, DOH Form 1039, effective January 1993; all of which are incorporated by reference herein;

2. submit a product label or copy thereof for every product registered on the Application and listed on the Identical Product Certification form. (An English translation is required for a product manufactured for export only which has labeling in a foreign language.);

3. submit documentation that supports the product is legal in interstate commerce (such as approval of a drug through a new drug application-NDA, ANDA, IND, NADA, etc., or the

monograph category to which the drug belongs, a ~~premarket approval or approved 510K for a device~~, or a product category identifier if the product is a cosmetic); and

- 4. pay the appropriate fee pursuant to Rule 64F-12.018.
- (b) No change.
- (3) No change.

Specific Authority 499.01, 499.015, 499.04, 499.05 FS. Law Implemented 499.01, 499.015, 499.04 FS. Formerly 10D-45.054, History–New 7-1-96, Formerly 10D-45.0542, Amended 1-26-99, _____.

64F-12.017 Certificates of Free Sale.

(1) A written request for a certificate of free sale must be submitted to the department by the Florida permitted manufacturer of the drug or cosmetic indicating the name and address of the company to be designated on the free sale certificate as the distributor or manufacturer or both; the name, address, and product registration number of the company who has registered the product; the specific name of the product(s) to be included in the certificate; the product label if a current label is not on file with the department; and the appropriate fee as provided in Rule 64F-12.018.

- (2) No change.

Specific Authority 499.05, 499.015 FS. Law Implemented 499.015, 499.04, 499.05 FS. History–New 7-1-96, Formerly 10D-45.0543, Amended _____.

64F-12.018 Fees.

- (1) through (2) No change.
- (3) Biennial fees for other distribution permits are as follows:

<u>Permit</u>	<u>Biennial Fee</u>
Complimentary Drug Distributor	\$500
Veterinary Legend Drug Retail Establishment	\$500
Medical Oxygen Retail Establishment	\$500
Restricted Rx Drug Distributors – <u>Health Care Entity</u>	\$500
<u>Restricted Rx Drug Distributor – Charitable Organization</u>	\$400
<u>Restricted Rx Drug Distributor – Reverse Distributor</u>	\$500
<u>Restricted Rx Drug Distributor – Destruction</u>	\$500
<u>Restricted Rx Drug Distributor – Government Programs</u>	\$400
<u>Restricted Rx Drug Distributor – Institutional Research</u>	\$400

- (4) Miscellaneous other fees are as follows:

<u>Description of other service fees</u>	<u>Fee</u>
<u>Initial Application/On-site Inspection (initial application)</u>	\$150
<u>(The initial application/on-site inspection fee is non-refundable.)</u>	
Prescription Drug Wholesaler Bond (refundable)	\$200
Change of Address Fee:	

A relocation fee of \$100 must be paid for each permitted person relocating for which an on-site inspection is required. If no on-site inspection is required, the relocation fee is \$25 per permit. If a permitted person has multiple permits under the

same permitted name and address and relocates any or all permitted activities concurrently to the new location, then only one \$100 fee is required plus \$25 for all other permits.

Product Registration (per drug or cosmetic product registered) \$ 20 *

* The registration fee for a drug or cosmetic product being amended to an existing product registration that has 12 months or less until it expires is \$10.

Listed Identical Products	\$-0-
Free Sale Certificate	\$25
Signature copy (requested concurrently)	\$2
Delinquent Establishment Permit Renewal (per permit)	\$100
Approval of Investigational Drug	\$1,000

- (5) No change.

Specific Authority 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS. Law Implemented 499.01, 499.012, 499.015, 499.04, 499.041 FS. History–New 7-1-96, Formerly 10D-45.0544, Amended _____.

(Substantial rewording of Rule 64F-12.019 follows. See Florida Administrative Code for present text.)

64F-12.019 Inspections, Investigations, Monitoring.

(1) An inspection or investigation is a review or examination of an establishment permitted under the provisions of chapter 499 or any rule adopted thereunder, or of a non-permitted establishment for the purpose of protecting public health from misbranded or adulterated drugs, devices, or cosmetics or from any other violation of chapter 499 and chapter 893 or any rules adopted thereunder. An inspection may also take place in a non-permitted establishment to assess whether the establishment complies with the requirements for a chapter 499 permit.

(2) The department may inspect, monitor, and investigate all drug, device and cosmetic manufacturers, wholesalers, repackagers, distributors, or other establishments where drugs, devices or cosmetics are made, stored, sold, offered for sale, exposed for sale, or kept for sale or use, for the purpose of determining compliance with the provisions of chapter 499 and chapter 893 or any rules adopted thereunder and to secure evidence of any non-compliance.

(3) Inspections and investigations may be announced or unannounced, at the discretion of the department. The owner, officer, or employee of the establishment shall make the premises and all records and other information required by chapter 499 and chapter 893 or any rules adopted thereunder available to the department inspector.

(4) Inspections and investigations under this rule may include:

(a) Review and copying of all records pertaining to the manufacture, advertisement, storage, holding, and distribution of any prescription, over-the-counter or investigational drug, device or cosmetic. These records include, but are not limited

to receiving documents, shipping documents, purchase orders, purchase requisitions, invoices, paid receipts, contracts, checks, deposits, and credits or debits in any form whatsoever;

(b) Entry to any establishment, vehicle or space therein in which drugs, devices, or cosmetics are manufactured, processed, repackaged, sold, brokered, held or transported;

(c) Entry to any establishment, vehicle, or space therein in which records related to drugs, devices, or cosmetics are held;

(d) Surveillance of procedures related to drugs, devices or cosmetics;

(e) Collection of facts and information related to drugs, devices or cosmetics;

(f) Questioning of persons who may have information relating to the inspection or investigation and taking sworn statements from these persons, all related to drugs, devices or cosmetics;

(g) Sampling any drug, device or cosmetic, including any related product (whether or not in finished form), material, component, document, literature, label, labeling or other evidence;

(h) Photographing any drug, device or cosmetic including any related component, materials, physical plant, storage condition, article or product;

(i) Observations and identification of:

1. Any drug, device or cosmetic consisting wholly or in part of filthy, putrid or decomposed substances;

2. Any undesirable conditions or practices bearing on filth, contamination, or decomposition which may result in a drug, device or cosmetic becoming adulterated or misbranded;

3. Any unsanitary conditions or practices which may render a drug, device or cosmetic injurious to health;

4. Any faulty manufacturing, processing, packaging, or holding of drugs, devices or cosmetics as related to current good manufacturing practices (CGMP) including recordkeeping;

5. Any deviation from recommended processing, storage or temperature requirements for any drug, device or cosmetic as specified by federal or state law;

6. Any deviation from FDA requirements for the label and labeling of any drug, device or cosmetic;

7. Any other action to determine compliance with chapters 499 and 893, F.S., and this rule chapter.

(j) Taking of evidence related to a drug, device or cosmetic that is or may be in violation of chapter 499 or 893 or any rules adopted thereunder; and

(k) Securing the removal of any potentially misbranded or adulterated drug, device, or cosmetic from commerce or public access.

(5) The department shall take reasonable steps to assure that a sampled product is not reintroduced into commerce if it is or has become adulterated or misbranded.

Specific Authority 499.05 FS. Law Implemented Chapter 499, Parts I and II FS. History—New 7-8-84, Formerly 10D-45.545, Amended 11-26-86, 7-1-96, Formerly 10D-45.0545, 64F-12.019 invalidated 2-22-00, Amended

64F-12.023 Restricted Prescription Drug Distributor Permits; Special Provisions.

The following Restricted Prescription Rx Drug Distributor permits will be issued by the department:

(1) through (b) No change.

(c) The charitable organization may transfer prescription drugs on a daily basis to a Florida licensed medical practitioner providing services to patients of the charitable organization on behalf of the charitable organization. If the practitioner leaves the charitable organization establishment with prescription drugs of the charitable organization, a record documenting the daily transfer to the practitioner must be prepared as well as a record of the prescription drugs administered or dispensed and the prescription drugs returned by the practitioner to the charitable organization upon completion of providing services for the charitable organization on that date.

(2) Restricted Rx Drug Distributor – Health Care Entity. This permit is required for a hospital or health care entity as defined in section 499.003(14), F.S., for the limited purpose of transferring prescription drugs among hospitals or other health care entities that are (1) under common control as provided in s. 499.012(1)(a)3., F.S.; or (2) members of a group purchasing organization as provided for in s. 499.012(1)(a)1., F.S. For the purpose of this permit and transfers thereunder, an independent contractor cannot be under "common control" as defined in s. 499.012(1)(a)3., F.S. Transfers are limited to a facility under common control or member of the group purchasing organization, either of which must be licensed with a pharmacy permit that authorizes the acquisition and possession of prescription drugs. This permit also authorizes a warehouse or purchasing depot of a university to transfer prescription drugs to practitioner or non-practitioner researchers for university sponsored research conducted in accordance with s. 240.241, F.S. All requirements of paragraph (6) of this rule related to the Restricted Rx Drug Distributor – Institutional Research permit must be complied with for transfers under this provision.

(3) through (4) No change.

(5) Restricted Rx Drug Distributor – Government Programs. This permit is required for a state or local government agency, or any entity eligible to purchase prescription drugs at public health services prices pursuant to s. 602, PL 102-585, hereafter "the entity," to distribute its prescription drugs to a contract provider or its subcontractor for administering or dispensing to eligible patients of the entity under the eligible program. A prescription drug distributed under this permit may not be sold or transferred for reimbursement or payment of any kind.

(a) No change.

(b) The contract provider or subcontractor that receives the prescription drugs under this paragraph must be authorized by law to administer or dispense prescription drugs.

(c) In the case of a subcontractor, the entity must be a part of and execute the subcontract for services involving a prescription drug distributed under this permit.

(d) A contract provider or subcontractor must maintain separate and apart any prescription drugs of the entity in its possession from other prescription drug inventory.

(e) The contract provider and subcontractor shall maintain and produce immediately for inspection by the bureau all records of movement or transfer of all the prescription drugs belonging to the entity including but not limited to the records of receipt and disposition of these prescription drugs. Each contractor and subcontractor dispensing or administering these drugs shall maintain and produce records to the bureau documenting the dispensing or administration. Records required to be maintained include, but are not limited to, a perpetual inventory itemizing prescription drugs received and prescription drugs dispensed by prescription number or administered by patient identifier, which shall be submitted to the entity quarterly.

(f) The contract provider or subcontractor shall either administer or dispense a prescription drug of the entity only to an eligible patient of the entity or shall return the prescription drug for or to the entity. Any other transfer constitutes a violation of s. 499.005. The contract provider or subcontractor shall require proof from each person seeking to fill a prescription or obtain treatment that the person is an eligible patient of the entity and shall, at a minimum, maintain a copy of this proof as part of the records of the contractor or subcontractor required by subparagraph (5)(e).

(g) The establishment of the contract provider and subcontractor and all records pertaining to prescription drugs distributed under this subsection must by contract be subject to inspection by the entity.

(b)(h) The entity must monitor the prescription drugs transferred under this permit. Discrepancies must be investigated and reported by the entity to the bureau.

(6) Restricted Rx Drug Distributor – Institutional Research. This permit is required for a licensed pharmacy of a university to transfer prescription drugs to practitioner or non-practitioner researchers for university sponsored research conducted in accordance with s. 240.241, F.S.

(a) A non-practitioner recipient researcher is not required to obtain an exemption letter pursuant to rule 64F-12.011(4) if the researcher and research activities are located on the university campus. However, if the researcher is not located on the university campus and the drug is not stored on the university campus, then an exemption letter is required prior to the transfer of any prescription drugs to the researcher.

(b) The Restricted Rx Drug Distributor – Institutional Research permit holder must maintain records that include at a minimum, the researcher; specific research project/grant number; location in which the research is done and/or storage location of the prescription drug and the researcher's exemption number if applicable; and the name, strength, dosage form, and quantity of the drug transferred to the researcher. The researcher's DEA number is also required if a controlled substance has been transferred to the researcher. The researcher must sign for the prescription drug with an acknowledgement that the drug cannot be sold, traded or transferred to anyone not directly involved in the specific research project for which the drug was obtained. If the permit holder is a pharmacy, these records must be maintained separate from the pharmacy dispensing records.

(c) The recipient researcher must maintain security over any prescription drugs and adequate recordkeeping to account for disposition of all prescription drugs received.

(d) The university must designate an individual responsible for periodic monitoring of the distributions under this permit. Such monitoring must include, but is not limited to, unannounced inspections and reconciliation of the inventory of prescription drugs in the researcher's possession and records of prescription drugs used by university researchers. Discrepancies must be investigated and corrective action implemented as indicated.

Specific Authority 499.014, 499.05 FS. Law Implemented 499.01, 499.012, 499.0121, 499.014 FS. History—New 7-1-96, Formerly 10D-45.059, Amended 1-26-99, _____.

64F-12.024 Administrative Enforcement.

(1) through (3) No change.

(4) The following codes outline department policy under s. 499.066(3)(a), F.S., and are used to designate the general severity in terms of the threat to the public health for violation and the range of action which the department will initiate.

3 = Warning Letter,

Letter of Violation with no fine or

Notice of Violation or Administrative Complaint with a fine ranging from \$250* to \$1,000 per violation per day.

(*) If medical oxygen is the prescription drug involved, the range of the fine is \$50 to \$1,000.

2 = Notice of Violation or Administrative Complaint with a fine ranging from \$500 to \$2,500 per violation per day.

1 = Notice of Violation or Administrative Complaint with a fine ranging from \$1,000 – \$5,000 per violation per day;

Suspension of the permit with a fine; or

Revocation of the permit with a fine.

<u>CITE</u>	<u>VIOLATION</u>	<u>GENERAL SEVERITY</u>			
499 refers to Chapter 499, F.S.			499.013(2)(d)	Device Manufacturer not following GMP	3-1
12 refers to Rule 64F-12			12.010	Cosmetic Manufacturer not following GMP/guidelines	3-1
<u>FACILITY, STORAGE:</u>			<u>499.005(1)</u>	Activity with drug which left regulatory control, GMP	3-1
No change.			12.004(2)		
<u>MISCELLANEOUS:</u>			<u>COUNTERFEIT:</u>		
No change.			No change.		
<u>OPERATING:</u>			<u>FALSE & MISLEADING:</u>		
499.005(6) & 499.67(5)	Refusing entry, inspection, taking evidence	2-1	499.005(5) & 12.002	Disseminating false/misleading ad	3
<u>499.005(6)</u>	Inaccessible during business hours	3	499.005(7)	Giving a false guaranty or undertaking	2
<u>12.015(2)(c)</u> 12.004(3)			499.005(10)	Forging, counterfeiting, falsely representing a product	2-1
499.005(22); 499.62 & 12.015	Failure to obtain proper permit; (cost of permit plus fine)	3	499.005(11) & 12.002	Labeling or advertisement of effectiveness when not	3
499.015 & 12.012	Failure to register products (\$50 per product per year)	3	499.005(19); 499.005(23); 499.66 & 499.67	Making false or fraudulent statements	2-1
499.01(4)(a) & 12.012(4)	Failure to notify dept. of address change	3	499.005(19) 499.64(4),499.67	Providing department with false/fraudulent records/statements	2-1
<u>RECORDKEEPING:</u>			499.0054	Advertising Violations	3
No change.			499.005(19) & 499.005(23)	Obtaining/attempting to obtain by fraud, deceit, misrepresentation, subterfuge	2-1
<u>SAMPLES:</u>			499.005(13)	Activity w/ self-testing HIV/AIDS products	2
499.005(17)	Sample drug distribution – activity with	1	<u>UNAUTHORIZED SOURCE OR RECIPIENT:</u>		
12.004(1)	Repackaging sample drugs	4	499.005(14) & 12.004(6)	Purchase or receipt of prescription drug from unauthorized source	3*
<u>499.005(25)</u>	Charging a dispensing fee for a prescription sample	<u>2-1</u>	499.005(16)	Purchase/receipt of Comp Med Gas from unauthorized source	3*
12.004(5)			499.005(15) & 12.004(4)	Sale or transfer of prescription drug to unauthorized person	3*
<u>ADULTERATED & MISBRANDED:</u>			<u>499.005(24)</u>	<u>Sale or transfer of legend device to unauthorized person</u>	<u>3</u>
499.005(1)	Activity with adulterated or misbranded product	3-1	12.004(7)	Distributing investigational drug to unauthorized person	3
499.005(2)	Adulterating or misbranding a product	3-1	499.0122(1)(d) & 12.012(4)	Improper sale of veterinary prescription drug	3
499.005(3)	Receiving adulterated/misbranded product	3	12.012(4)	Distribution of medical oxygen by a medical oxygen retailer without a prescription (order)	3
499.005(9)	Making a product misbranded	3-1			
12.007(3)	Improper labeling on medical oxygen	3			
499.013(2)(a)	Prescription Drug Manufacturer not following GMP	3-1			
499.013(2)(b)	OTC Drug Manufacturer not following GMP	3-1			
499.013(2)(c) & 12.007(1)	Compr. Med. Gas Manufacturer not following GMP	3-1			

499.66 Sale or transfer of ether to unauthorized person 3-2

POSSESSION:

No change.

(5) No change.

Specific Authority 499.05 FS. Law Implemented 499.066 FS. History--New 7-1-96, Formerly 10D-45.0595, Amended 1-26-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Hill, R.Ph, C.Ph, Chief of the Bureau of Pharmacy Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Leslie M. Beitsch, M.D., J.D., Assistant State Health Officer

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Fish Management Area Regulations **RULE NO.:** 68A-20.005

PURPOSE AND EFFECT: The proposed rule would close the newly-acquired Hardee Park Fish Management Area (FMA) in Hardee County to public fishing until park development is completed and fish populations develop sufficiently to support public use. The proposed rule would also establish fishing, angler access, and boating regulations in order to open Lake Piney Z FMA in Leon County to public fishing and effectively manage public use of freshwater fisheries resources to provide a quality fishing area and quality fishing opportunities for freshwater anglers.

SUMMARY: The proposed rule would close the newly established Hardee County Park FMA, Hardee County to fishing. The proposed rule establishes public access, fish harvest, and boating regulations for the Lake Piney Z FMA, Leon County.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$120 for administrative preparation, \$100 for advertising, and \$400 for signs and brochures.

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

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

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

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

TIME AND DATES: 8:30 a.m., each day, January 24-26, 2001
PLACE: Radisson Mart Plaza Hotel, 711 Northwest 72 Avenue, Miami, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-20.005 Specific Fish Management Area Regulations.

(1) Northwest Region:

(a) through (h) No change.

(i) Lake Piney Z, Leon County: ~~Closed to fishing.~~

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.

2. Watercraft shall be allowed only as prescribed by the City of Tallahassee. ~~Boats are prohibited.~~

3. Motor vehicles are prohibited on dams, spillways and earthen fishing fingers.

4. Use or possession of minnow seines or castnets is prohibited.

5. No person shall kill or possess any black bass.

6. No person shall take in any one day more than 20 panfish, in the aggregate.

7. Access is prohibited from sunset until sunrise.

(2) through (3) No change.

(4) South Region:

(a) through (t) No change.

(u) Hardee County Park, Hardee County – All water bodies closed to fishing.

(5) No change.

(6) This rule shall become effective on April 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 2-19-80, 5-19-80, 6-4-81, 9-28-81, 6-21-82, 7-1-83, 11-17-83, 7-1-84, 7-1-85, Formerly 39-20.05, Amended 2-27-86, 6-1-86, 5-10-87, 4-13-88, 12-12-88, 7-1-89, 7-1-90, 4-11-91, 7-1-91, 7-1-92, 7-2-92, 8-23-92, 4-20-93, 7-1-94, 8-15-95, 10-23-95, 4-1-96, 2-16-97, 6-1-97, 6-29-97, 1-1-98, 3-24-98, 7-1-98, 11-2-98, Formerly 39-20.005, Amended 4-30-00, 7-1-00, 10-10-00, 4-1-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darrell L. Scovell

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Designation of Species of Special Concern; Prohibitions; Permits

RULE NO.: 68A-27.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to remove the common snook (*Centropomus undecimalis*) from the list of species of special concern.

SUMMARY: A petition to remove the common snook from the list of species of special concern was received in September 10, 1999. The Commission approved starting Phase 1 of the listing action process at its December 8-9, 1999 meeting. A notice requesting written comments on the biological status of the common snook was issued on December 23, 1999. No comments were received. A biological status report was developed that recommended that the common snook be removed from the list of species of special concern. The Commission determined at its September 6-8, 2000 meeting that removing the common snook from the Species of Special Concern list was warranted, thereby ending Phase 1 and beginning Phase 2 of the listing action process. A notice requesting information on the conservation needs of the common snook and any economic and social factors that should be considered in its management was issued October 20, 2000. No comments have been received as of the date of this Notice of Proposed Rule. Commission staff believe that existing regulations of snook in Rule 68B-21 are sufficient for managing common snook and no additional management plan is necessary. Therefore, staff has recommended that Phase 2 be closed and the common snook removed from the list of species of special concern at the January 24-26, 2001 Commission meeting.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$215 for administrative preparation and \$235 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIME AND DATES: 8:30 a.m., January 24-26, 2001

PLACE: Radisson Mart Plaza Hotel, 711 Northwest 72nd Avenue, Miami, Florida 33126

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits.

(1) The following species are hereby declared to be of special concern, and shall be afforded the protective provisions specified.

(a) No person shall take, possess, transport, or sell any species of special concern included in this subsection or parts thereof or their nests or eggs except as authorized by Commission regulations or by permit from the executive director or by statute or regulation of any other state agency, permits being issued upon reasonable conclusion that the permitted activity will not be detrimental to the survival potential of the species.

1. No change.

~~2. Common snook (*Centropomus undecimalis*) (1, 4) Deleted.~~

3. through 50. renumbered 2. through 49. No change.

The above listed species have been further categorized by the numbers in parentheses under the following criteria:

(1) through (5) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-22-80, 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.05, Amended 6-1-86, 5-10-87, 4-27-89, 10-22-92, 5-26-94, 6-23-99, Formerly 39-27.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: September 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Cobia

RULE TITLES: RULE NOS.:

Definitions 68B-19.001

Cobia, Size Limit 68B-19.002

Designation as Restricted Species; Bag and Possession Limits 68B-19.004

PURPOSE AND EFFECT: The purpose of these rule amendments is to address complaints received from the public concerning increasing sales of recreationally-harvested cobia

and the effect such harvest and sales have on the abundance of the species. Cobia is one of the few commercially-valuable marine fish not designated as a restricted species, allowing recreational harvesters to sell the fish with only the purchase of a \$50 saltwater products license. Appropriately, the rule amendments include designation of cobia as a restricted species, reduction of the recreational daily bag limit to one fish, and establishment of a uniform possession limit aboard a vessel of 4 cobia. Standard language is also included to aid in the enforcement of size and bag limits. The effect of these rule amendments should be to safeguard the abundance of cobia and alleviate the need to adopt more stringent regulations in the future.

SUMMARY: Rule 68B-19.001, F.A.C., is amended to add definitions of the terms "fishing pier," "land," and "trip" for purposes of the chapter. Subsection (2) of Rule 68B-19.002, F.A.C., is amended to update provisions requiring cobia to be landed in a whole condition to include possession on fishing piers, bridges, and jetties within the ambit of the requirement. Rule 68B-19.004, F.A.C., is amended to designate cobia as a restricted species, decrease the daily bag limit for recreational harvesters from 2 to 1 cobia, establish a commercial daily bag limit of 2 cobia, and establish a maximum possession limit for all harvesters aboard a vessel to 4 cobia at any time.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, January 24-26, 2001

PLACE: Radisson Mart Plaza Hotel, 711 N. W. 72nd Avenue, Miami, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, 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 BASED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-19.001 Definitions.

For purposes of this chapter, except where the context clearly requires otherwise:

(1) "Cobia", also referred to in some areas as ling, means any fish of the species *Rachycentron canadum*.

(2) "Fishing pier" means a platform extending from shore over water, used primarily to provide a means for persons to harvest or attempt to harvest fish therefrom. The term shall not be construed to include any residential dock, marina, or facility at which vessels are launched or moored, but shall include any abandoned bridge serving the function of a fishing pier.

(3)(2) "Fork length" means the length of a fish as measured from the tip of the snout to the rear center edge of the tail.

(4)(3) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive and unharmed if undersize.

(5) "Land", when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(6)(4) "Person" means any natural person, firm, entity or corporation.

(7) "Trip" means a fishing trip of whatever duration which begins with departure of the fishing vessel from a dock, berth, beach, seawall, or ramp and which terminates with return to a dock, berth, beach, seawall, or ramp.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-13-85, Amended 1-1-90, Formerly 46-19.001, Amended _____.

68B-19.002 Cobia, Size Limit.

(1) No person shall harvest in or from the waters of the state or sell or offer for sale any cobia with a fork length less than 33 inches.

(2) All cobia shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of a cobia that has have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of cobia, or mere removal of gills, before landing is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-13-85, Amended 1-1-90, 8-31-98, Formerly 46-19.002, Amended _____.

68B-19.004 Designation as Restricted Species: Bag and Possession Limits Limit.

(1) Cobia are hereby designated as a restricted species pursuant to s. 370.01(21), Florida Statutes.

(2) Bag Limits:

(a) Recreational Daily Bag Limit – Except as provided in paragraph (b), no person shall harvest more than 1 2 cobia per day from waters of the state. No such person shall possess more than 1 2 cobia while fishing in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

(b) Commercial Daily Bag Limit – No person who fishes pursuant to a valid saltwater products license with a restricted species endorsement shall harvest more than 2 cobia per day from waters of the state. No such person shall possess more than 2 cobia while fishing in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

(c) Vessel Possession Limit – Whether fishing pursuant to paragraph (a) or (b), the possession of more than the applicable daily bag limit of cobia multiplied by the number of persons fishing aboard any vessel, or 4 cobia, whichever is less, is prohibited. On any single trip aboard a vessel, harvest of cobia shall either be recreational pursuant to paragraph (a) or commercial pursuant to paragraph (b), and the possession of recreational and commercial bag limits simultaneously aboard a vessel is prohibited.

(3) The possession limits of this rule limit shall not apply to any licensed seafood dealer or customer thereof possessing a receipt evidencing purchase of cobia.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-90, Formerly 46-19.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2000

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NOS.:	RULE TITLES:
1B-24.001	General
1B-24.003	Records Retention Scheduling and Dispositioning

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. 43, October 27, 2000, issue of the Florida Administrative Weekly.

The rule shall now read as follows:
(Substantial rewording of Rules 1B-24.001 and 1B-24.003 follows. See Florida Administrative Code for present text.)

1B-24.001 General.

(1) This chapter establishes standards and procedures for the scheduling and dispositioning of public records to promote economical and efficient management of records and to ensure that records of archival value under an agency’s control are so designated and ultimately transferred to the Florida State Archives.

(2) Each agency in the State of Florida is responsible for complying with the provisions of this chapter.

(3) For the purpose of this chapter:

(a) “Agency” means any state, county, or municipal officer, department, district, division, board, bureau, commission or other separate unit of government created or established by law.

(b) “Custodian” means the elected or appointed state, county, district, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.

(c) “Database Management System” means a set of software programs that controls the organization, storage, and retrieval of data (fields, records and files) in a database. The system also controls the security and integrity of the database.

(d) “Division” means the Division of Library and Information Services of the Department of State.

(e) “Florida State Archives” means the program maintained by the Division for the preservation of those public records and other papers that have been determined by the Division to have sufficient historical or other value to warrant their continued preservation by the State and which have been accepted by the Division for deposit in its custody.

(f) “General Records Schedules” means retention requirements issued by the Division to establish disposition standards for public records common to specified agencies within the State of Florida which state the minimum time such records are to be kept.

(g) “Electronic Records” means any information that is recorded in machine readable form.

(h) “Public Records” are those as defined in section 119.011, Florida Statutes.

(i) “Record (Master) Copy” means public records specifically designated by the custodian as the official record.

(j) “Duplicate (or Convenience) Records” means reproductions of record (master) copies, prepared simultaneously or separately, which are designated as not being the official copy.

(k) “Record Series” means a group of related documents arranged under a single filing arrangement or kept together as a unit because they consist of the same form, relate to the same subject, result from the same activity, or have certain common characteristics.

(l) “Records Retention Schedule” means a standard approved by the Division for the agency’s orderly retention, transfer, or disposition of public records taking into consideration their legal, fiscal, historical, and administrative values.

(m) “Records Management Liaison Officer” means an individual designated by the agency that serves as a contact person to the Division and is assigned responsibilities by the Custodian.

(n) “Intermediate Records” (Processing Files) are temporary records used to create, correct, reorganize, update, or derive output from master data files. Intermediate records are precursors of public records, and are not, in themselves, public records which must be retained. Intermediate records only exist provided a final product is subsequently generated which perpetuates, communicates, or formalizes knowledge of some type. In the absence of such a final product, processing files constitute final evidence of the knowledge to be recorded and shall not be construed as intermediate files for the purposes of this chapter.

(o) “Supporting Documents” means public records assembled or created to be used in the preparation of other records which are needed to trace actions, steps, and decisions covered in the final or master record.

(p) “Drafts” are materials, which constitute precursors of governmental “records” and are not, in themselves, intended as final evidence of the knowledge to be recorded. Information in a form which is not intended to perpetuate, communicate, or formalize knowledge of some type and which is fully represented in the final product is a “draft” and not a “public record.”

Specific Authority 257.36 FS. Law Implemented 257.36 FS. History—New 1-8-80, Amended 1-4-84, Formerly 1A-24.02, 1A-24.002, Amended 1-7-88, 3-23-93, _____.

1B-24.003 Records Retention Scheduling and Dispositioning.

(1) Each agency shall submit to the Division a request for records retention on Department of State Form LS5E 105R1-01, “Records Retention Schedule” which is hereby incorporated by reference and made part of this rule, for all records series. A copy of Form LS5E 105R1-01, effective, January 2001, may be obtained from the Bureau of Archives and Records Management, Department of State, Mail Station 9A, The Capitol, Tallahassee, Florida 32399-0250. This schedule shall be developed to reflect the legal, fiscal, historical and administrative requirements of the agency for each record series. The schedule shall designate whether the series constitutes a record (master) copy or duplicate. Form LS5E 105R1-01 is to be signed by the custodian of the records, or his or her designee, and submitted to the Division for determination of official retention requirements.

(2) Retention and scheduling of intermediate files are not feasible due to their transitory nature, and do not require submission of Form LS5E 105R1-01 “Records Retention Schedule”.

(3) Each Records Retention Schedule is analyzed by the Division in the context of an agency’s statutory functions and authorities. Florida Statutes, administrative rules, operating procedures, applicable federal regulations and other such sources shall be researched to assist in the determination of a record’s value.

(4) In addition, the Records Retention Schedule is reviewed to determine whether the records merit further retention by the State in the Florida State Archives. This determination is based upon whether the records have significant legal, fiscal, administrative or historical information value to merit such further retention. The main objectives of this determination are to preserve those records pertaining to the operation of government and to protect the rights and interests of the citizens of the state.

(5) In the event that records are of archival value, an indication is made on the Records Retention Schedule that such historical records are to be transferred to the Florida State Archives as part of the retention requirements.

(6) Local government records having archival value may be loaned to local historical records repositories for preservation provided they are maintained under the provisions of Chapter 119, Florida Statutes.

(7) The Division, with information submitted on Form LS5E 105R1-01, "Records Retention Schedule" and its own research into the legal, fiscal, historical and administrative value of the record series, shall create an official "Records Retention Schedule. Once approved by the Division, the Records Retention Schedule becomes the official retention for the record series of the submitting agency.

(8) After an agency has established an approved Records Retention Schedule in accordance with the foregoing procedures, it may become apparent that the schedule needs to be revised. When changes are necessary, the specific record series of the approved schedule shall be resubmitted by the agency, with an appropriate explanation for the revision. The approved Records Retention Schedule shall receive the next consecutive number.

(9) General Records Schedules are originated by the Division and are used by agencies designated by the Division. Utilization of General Records Schedules eliminates the need to comply with the provisions of Rule 1B-24.003(1) of this chapter.

(10) Prior to records disposition, an agency must ensure that retention requirements have been satisfied. The minimum requirements for each records disposition is the identification and documentation of the following:

- schedule number;
- item number;
- record series title;
- the inclusive dates;
- and the volume in cubic feet.

Photographic reproductions or reproductions through electronic recordkeeping systems may substitute for the original or paper copy, per section 92.29, F.S. Minimum standards for image reproduction shall be in accordance with rules 1B-26.0021 and 1B-26.003, Florida Administrative Code. A public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the Division.

(11) Each agency shall submit to the Division, once a year, a signed statement attesting to the agency's compliance with records disposition laws, rules, and procedures.

(12) Any record series identified, by either a General Records Schedule or approved Records Retention Schedule, indicating archival value cannot be destroyed without the approval of the Florida State Archives.

(13) The Division shall compile an annual summary of agency records scheduling and disposition activities to inform the Governor and the Legislature on statewide records management practices and program compliance.

Specific Authority 257.36 FS. Law Implemented 257.36 FS. History—New 1-8-80, Amended 1-4-84, Formerly 1A-24.010, Amended 1-7-88, 3-23-93, 7-1-95.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

<p>RULE NOS.:</p> <p>3F-7.0125</p> <p>3F-7.017</p>	<p>RULE TITLES:</p> <p>Alternative Form of Security for Permanent Outer Burial Receptacle Manufacturers</p> <p>Trust Fund Deposits; Funeral and Burial Services and Merchandise</p> <p>Preneed Contract Payments</p>
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NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Funeral and Cemetery Services hereby gives notice of an additional public hearing on the above-referenced rule(s) to be held on January 23, 2001 at 1:00 p.m., in the City Council Chambers, City Hall, 300 South Adams Street, Tallahassee, FL 32301. These rules were originally published in Vol. 26, No. 47, of the November 22, 2000, Florida Administrative Weekly.

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

<p>RULE NO.:</p> <p>3F-8.003</p>	<p>RULE TITLE:</p> <p>Cancellation of Preneed Contracts; Reasonable Time Defined</p>
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NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Funeral and Cemetery Services hereby gives notice of an additional public hearing on the above-referenced rule(s) to be held on January 23, 2001 at 1:00 p.m., in the City Council Chambers, City Hall, 300 South Adams Street, Tallahassee, FL 32301. These rules were originally published in Vol. 26, No. 47, of the November 22, 2000, Florida Administrative Weekly.

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.:	RULE TITLE:
3F-10.003	Remittances to the Preened Funeral Contract Consumer Protection Trust Fund

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Funeral and Cemetery Services hereby gives notice of an additional public hearing on the above-referenced rule(s) to be held on January 23, 2001 at 1:00 p.m., in the City Council Chambers, City Hall, 300 South Adams Street, Tallahassee, FL 32301. These rules were originally published in Vol. 26, No. 47, of the November 22, 2000, Florida Administrative Weekly.

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF INSURANCE

Division of Insurance Fraud

RULE NO.:	RULE TITLE:
4K-1.001	Anti-Fraud Reward Program

AMENDED 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)l., Florida Statutes, published in Vol. 26, No. 22, June 9, 2000, of the Florida Administrative Weekly; and a Notice of Change was published in Vol. 26, No. 25, June 23, 2000, of the Florida Administrative Weekly:

1. 4K-1.003(6)

We would add "and as set forth in Rule 4K-1.003(8), (9), and (10)." Therefore it would read: "(6) the criteria for evaluating the application is based on information submitted to the Division of Insurance Fraud after October 1, 1999, leading to the arrest and conviction of persons committing a complex or organized crime investigated by the Division of Insurance,

arising out of a violation of Section 440.105, 624.15, 626.9541, 626.989, or 817.234, Florida Statutes, and as set forth in Rule 4K-1.003(8), (9), and (10)."

2. 4K-1.003(10) (a)-(e)

We would write as follows:

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

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

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

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

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

(e) \$250,00 has been allocated to pay rewards. In the event the allocated \$250,000 has been distributed no further rewards shall be granted."

The remainder of the rule reads as previously published.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-602.220	Administrative Confinement

NOTICE OF CORRECTION

Notice is hereby given that a typographical error appeared in the second notice of change for proposed rule 33-602.220, Administrative Confinement, published in the December 15, 2000, Vol. 26, No. 50, issue of the Florida Administrative Weekly.

In (5)(h) of this rule, the first complete sentence should read "Counseling shall be provided to inmates in administrative ~~disciplinary~~ confinement in-cell or out of cell when deemed necessary by mental health staff."

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.:	RULE TITLE:
59A-5.022	Physical Plant Requirements for Ambulatory Surgical Centers

NOTICE OF ADDITIONAL PUBLIC HEARING

The Office of Plans and Construction hereby gives notice of an additional public hearing on the above-referenced rule to be held on January 16, 2001 at 1:00 p.m. The hearing will be held at 2727 Mahan Drive, Building One, Room 122. The rule was originally published in Vol. 26, No. 39, of the September 29, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James R. (Skip) Gregory, Bureau Chief, 2727 Mahan Drive, Building One, Room 145, Tallahassee, Florida 32308, (850)487-0713.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Mr. Gregory's office at least five calendar days prior to the hearing.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need Program

RULE NO.: RULE TITLE:
59C-1.005 Exemptions

NOTICE OF CHANGE

Proposed amendments to the above referenced rule are being modified in settlement of a challenge filed at the Division of Administrative Hearings (DOAH). The amendments were originally published in Vol. 26, No. 35, Florida Administrative Weekly, September 1, 2000.

The modifications are to proposed 59C-1.005(6)(e) and (f), which concern the exemptions for an addition to the licensed acute care bed capacity of a hospital, and for a temporary addition of acute care hospital beds. Accordingly, when adopted, the amendments numbered 59C-1.005(6)(e) and (f) will read as follows:

59C-1.005 Exemptions.

(6)(e) Addition of hospital beds in a number not exceeding 10 beds or 10 percent of the licensed capacity of the bed category being expanded, whichever is greater, except for the tertiary services beds and long term care hospital beds excluded under s. 408.036(3)(n), F.S. A request for exemption of a proposed addition of hospital beds shall specify:

1. The current number of licensed beds in the category of beds proposed to be expanded.
2. The exact number of beds proposed to be added.
3. Any inpatient beds of another type proposed to be delicensed or terminated in conjunction with the proposed increase.
4. The request shall certify that:

- a. The average occupancy rate for the 12-month period ending 1 month prior to the exemption request, in the category of licensed beds being expanded at the facility, meets or exceeds 80 percent; or, for a distinct part skilled nursing unit, the 12-month average occupancy rate meets or exceeds 96 percent. For the purpose of calculating average occupancy under this sub-subparagraph, the 12-month total of patient days shall be divided by 365 to determine an average daily census, and the average daily census shall then be divided by the total of licensed and approved beds located at the premises of the facility within the category of beds being expanded as of the end of the 12-month period. Approved beds are beds authorized for the facility consistent with the provisions of Rule 59C-1.008(2)(b).

- b. Any beds of the same type previously authorized for the facility by an exemption under this paragraph have been licensed and operational for at least 12 months.

5. An exemption granted under this paragraph is subject to the project monitoring requirements of s. 408.040(2)(a)-(c), F.S., and Rule 59C-1.013(2) and (3), F.A.C., including project progress reports, an 18-month validity period for the exemption, and the circumstances for extension of the validity period.

6. Beds authorized under this paragraph shall be inventoried as approved beds until the beds are licensed.

(f)1. Temporary addition of acute care hospital beds in a number not exceeding 10 beds or 10 percent of the licensed acute care bed capacity, whichever is greater. An exemption may be granted to a hospital which has previously experienced high seasonal occupancy or to a hospital that must respond to emergency circumstances. For purposes of this paragraph, "high seasonal occupancy" means that the average occupancy of acute care beds for a period of at least 3 consecutive months ~~but not more than 6 consecutive months~~, during the 12-month period ending one month prior to the exemption request, was at least 85 percent for the entire period of high occupancy considered as a whole. An exemption may be requested based upon the hospital's expectation that it will experience a comparable period of high seasonal occupancy during the 12 months following the exemption request.

2. A request for exemption of a proposed temporary addition of acute care beds shall:

- a. Indicate the exact number of acute care beds to be added, the reason for the temporary addition, and the proposed beginning and ending dates of the temporary addition.
- b. Certify that the applicant will comply with the provisions of s. 395.003(4), F.S., which requires approval from the hospital licensure unit within the agency's Bureau of Health Facility Regulation before operation of a number of beds that is greater than the number indicated on the hospital license.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-11.001	Application Deadlines
61-11.002	How to Apply
61-11.004	Certification of Eligibility
61-11.006	Examination Administration
61-11.010	Grading of Examinations and Grade Notification
61-11.012	Petitioning for a Formal Administrative Hearing and Requesting a Pre-hearing Review
61-11.013	Miscellaneous
61-11.015	Definition of a National Examination

- 61-11.016 Guidelines for Sharing Department – Developed Examinations with Other States' Licensing Authorities
- 61-11.017 Candidates' Post Exam Review of Examination Questions, Answers, Papers, Grades and Grading Key

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 41, October 13, 2000, issue of the Florida Administrative Weekly. The changes are in response to written comments received by the Joint Administrative Procedures Committee.

61-11.001 Application Deadlines.

(1) Unless otherwise provided below or in board rule, completed applications for licensure examinations shall be submitted on a form as required by board rule, or department rule when there is no board, to the Department at least 60 days prior to the scheduled examination.

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.002 How to Apply.

Law Implemented 455.213(1), 455.217(1) FS.

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.004 Certification of Eligibility.

(2) ~~When~~ The Department shall determine ~~determines~~ that an application is complete within ~~or~~ thirty (30) days after receipt, ~~whichever comes first~~, The ~~D~~e~~p~~a~~r~~t~~m~~e~~n~~t, where there is no board, shall determine whether the applicant is qualified to take the licensure examination, ~~or~~ Where there is a board, the application shall be scheduled for the next available meeting of the appropriate ~~b~~o~~a~~r~~d~~ for the ~~b~~o~~a~~r~~d~~ to determine whether the applicant is qualified to take the licensure examination. ~~If~~ This eligibility determination shall be ~~is not~~ made within the time requirements of section 120.60(1), Florida Statutes ninety (90) days from the receipt of the application or within sixty (60) days after receipt of timely requested additional information or correction of errors, the ~~Board or the department where there is no board must approve the application for licensure subject to passage of the required licensure examination.~~

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.006 Examination Administration.

(6) For CBT examinations, candidates are permitted to test out of state, subject to fees charged by the CBT vendor to the candidates for this service.

~~(7) The CBT vendor may with prior approval from the Department charge a fee to a third party for examination related services. Such services may include, but are not limited to, alternate site testing and statistical reporting.~~

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.010 Grading of Examinations and Grade Notification.

(1) Pursuant to section 455.217, Florida Statutes, grading of all examinations shall be processed only as follows:

(c) Departmentally developed practical examinations shall be graded by the Department or its designee. ~~After an examination has been administered, the Board may reject, credit, or give partial credit for any procedure or question which is inappropriately weighted or not consistent with examiner grading criteria.~~ The Department shall review the item analysis, if applicable, ~~and~~ examiner agreement report, and any procedure judged to be statistically questionable after the examination has been administered. Based upon this review, the Department shall ~~may~~ adjust the scoring criteria ~~key~~ by rejecting, crediting, or giving partial credit for any procedure or question which does not adequately and reliably measure the applicant's ability to practice the profession. The Department or its designee shall calculate each candidate's grade using the scoring criteria ~~key~~ or adjusted scoring criteria ~~key~~, if applicable, and shall provide ~~mail~~ each candidate with a grade report.

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.012 Petitioning for a Formal Administrative Hearing and Requesting a Pre-hearing Review.

(1) ~~Pursuant to Section 120.57(1), Florida Statutes, A candidate may petition for a formal hearing before the Division of Administrative Hearings pursuant to sections 120.569 and 120.57, Florida Statutes, and pursuant to the uniform rules in chapter 28-106, Florida Administrative Code, under the following terms and conditions:~~

~~(1) Two (2) copies of the petition shall be filed with the Department of Business and Professional Regulation. If the examination being challenged is an examination developed by or for a national board, council, association, or society (hereinafter referred to as national organization), the Department shall accept the development and grading of such examination without modification.~~

~~(2) Except as noted in (3) below, all petitions for formal hearings shall be filed no later than twenty one (21) days after the date on the Department's grade notification.~~

~~(3) If any candidate elected to review the examination pursuant to 61-11.017(3), Florida Administrative Code, the request for a hearing must be filed with the Chief, Bureau of Testing no later than twenty one (21) days after the post examination review.~~

~~(4) No petition received more than twenty-one (21) days from the date specified in paragraph (2) or (3), as applicable, will be accepted. The petition must state all disputed procedural or substantive facts in issue.~~

~~(5) After the petition has been filed, the candidate and the candidate's attorney will be permitted to review the examination questions and answers for the purpose of preparing for the Administrative Hearing. The request for such review will be submitted to the Department in writing.~~

RENUNCE SUBSEQUENT SECTIONS

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.013 Miscellaneous.

Specific Authority 455.203(5) FS. Law Implemented 455.217(1) FS. History—New 9-25-80, Formerly 21-11.13, 21-11.013, Amended 9-18-96, Repealed.

61-11.015 Definition of a National Examination.

~~(6) Review of examinations developed by or for a national council, association, or society shall be conducted.~~

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.016 Guidelines for Sharing Department – Developed Examinations with Other States' Licensing Authorities.

(1) The Department shall ~~may~~, under conditions listed below and for a fee which recovers costs associated with such an action, and with the concurrence of the appropriate board, share department-developed examinations with other state licensing authorities.

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.017 Candidates' Post Exam Review of Examination Questions, Answers, Papers, Grades and Grading Key.

(1) Subsections (1) through (7) shall apply to all examinations other than those given pursuant to chapter 475, Florida Statutes, and the Division of Real Estate, Pursuant to section 455.217(3)(4)(d), Florida Statutes, a candidate who has taken and failed a departmentally developed objective multiple choice examination, a departmentally developed practical examination, or an examination developed for the Department by a professional testing company shall have the right to review the examination items questions, answers, papers, grades, and grading grade keys for the parts of the examination failed or the questions the candidate answered incorrectly only. Review of examinations developed by or for a national council, association, or society (herein after referred as national organization) shall be conducted in accordance with national examination security guidelines and timeframes.

~~(3)(2)~~ Examination reviews shall be conducted in the presence of a representative of the Department or CBT vendor at the Department's its Tallahassee headquarters or in the same

city where the candidate sat for the exam during regular working hours which are defined as 8:00 a.m. through 4:30 p.m., Monday through Friday, excluding official state holidays.

~~(d) A representative of from the Department Bureau of Testing or the CBT vendor shall remain with all candidates throughout all examination reviews. The representative shall inform Candidates shall be informed that the representative cannot defend the examination or attempt to answer any examination questions during the review. Prior to the review candidates shall be provided written instructions titled "Review Candidates Instructions" form number BPR TLT 002 incorporated herein by reference and dated 08/01/96 and "Guidelines Governing Examination Reviews" form number BPR TLT 001, incorporated herein by reference and dated 08/01/96, concerning the conduct rules and guidelines for the review. Prior to any review, all candidates shall acknowledge receipt of these rules and affirm to abide by all such rules in writing.~~

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

(8) Division of Real Estate Examination Reviews.

~~(g) The candidate or the candidate's attorney shall notify the Division, in writing, within 60 days from the date of the failure notice, if the candidate desires a hearing as provided by ss. 120.569 and 120.57, Florida Statutes. The candidate or the candidate's attorney shall state with specificity the grounds of appeal, particular examination question(s) or procedures objected to and the objections.~~

~~(g)(h)~~ The review fee shall be \$75.

(h) If an examination review results in a regrade of an examination, that regrade shall be limited to the candidate who filed the examination challenge.

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.:

RULE TITLE:

61G15-20.0016

Laws and Rules Examination

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 49, December 8, 2000, issue of the Florida Administrative Weekly. The Board, at its meeting held on December 6, 2000, in Tallahassee, Florida, voted to change the rule to read as follows:

61G15-20.0016 Laws and Rules Examination.

All applicants for licensure shall successfully complete an examination in the Laws and Rules applicable to the practice of engineering in Florida as a condition of licensure. The Board hereby designates the "Laws and Rules Study Guide and Questionnaire" as the examination. A copy of said examination

shall be provided to every applicant free of charge, and each applicant shall complete and submit said examination to the Board office. The examination shall consist of multiple choice questions concerning Chapter 471, Florida Statutes and Rule Chapter 61G15, Florida Administrative Code. A passing score of 90% or more is required.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natlie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: 61G18-30.001
 RULE TITLE: Disciplinary Guidelines

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 35, September 1, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. The Board at its meeting held on December 7, 2000, in Palm Beach, Florida, voted to change Subsection (4) of this rule to read as follows:

(4) Based upon consideration of aggravating or mitigating factors present in an individual case, the Board may deviate from the penalties recommended in paragraphs (1), (2), and (3) above. The Board shall consider as aggravating and mitigating factors the following:

- (a) The danger to the public;
- (b) The length of time since the violation;
- (c) The number of times the licensee has been previously disciplined by the Board;
- (d) The length of time licensee has practiced;
- (e) The actual damage, physical or otherwise, caused by the violation;
- (f) The deterrent affect of the penalty imposed;
- (g) The affect of the penalty upon the licensee's livelihood;
- (h) Any effort of rehabilitation by the licensee;
- (i) The actual knowledge of the licensee pertaining to the violation;
- (j) Attempts by licensee to correct or stop violation or refusal by licensee to correct or stop violation;
- (k) Related violations against licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;
- (l) Actual negligence of the licensee pertaining to any violation;

(m) Penalties imposed for related offenses under subsections (1), (2) and (3) above;

(n) Pecuniary benefit or self-gain enuring to licensee;

(o) Any other relevant mitigating or aggravating factors under the circumstances.

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE CHAPTER NO.: 64B-4
 RULE TITLE: Fees
 RULE NO.: 64B-4.002
 RULE TITLE: Office Surgery Inspection Fee

NOTICE OF CHANGE

Notice is hereby given that changes have been made to this proposed new rule which was published in the November 9, 2000, issue of the Florida Administrative Weekly, Vol. 26, No. 45. The changes are in response to comments made at a public workshop on the rule, and to comments received from the Joint Administrative Procedures Committee. The new rule reads as follows:

Chapter 64B-4 ~~Fees Certification of Public Records Fee Rule~~

64B-4.002 Office Surgery Inspection Fee.

An inspection fee of \$1500 shall be paid annually for each practice location for which, pursuant to Rule 64B8-9.0091, F.A.C., a physician is required to register with the Board of Medicine, and be inspected by the Department of Health. Each practice location will be assessed the above referenced fee at the time of inspection regardless of the number of physicians who share this office location.

Specific Authority 456.004(6) FS. Law Implemented 458.309(3) FS. History—New _____.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE CHAPTER NO.: 64B-8
 RULE TITLE: Credentialing
 RULE NOS.: 64B-8.001
 RULE TITLES: Initial Registration of Credentials Verification Organizations
 64B-8.002 Biennial Renewal of Credentials Verification Organization Registration
 64B-8.003 Documentation of Accreditation or Certification of a Credentials Verification Organization by a National Accrediting Organization

- 64B-8.004 Documentation of Liability Insurance Coverage by a Credentials Verification Organization
- 64B-8.005 Requirement for Notification of Change in Accreditation or Certification Status or Insurance Status
- 64B-8.009 Forms
- 64B-8.013 Prohibitions – Registered Credentials Verification Organizations
- 64B-8.014 Prohibitions – Subscriber Authorized to Access Core Credentials Data
- 64B-8.015 Penalties – Registered Credentials Verification Organizations
- 64B-8.016 Definition of “Fully Accredited or Certified as a Credentials Verification Organization”
- 64B-8.017 Initial Reporting of Core Credentials
- 64B-8.018 Notification of Corrections, Updates, or Modifications to Core Credentials Data

NOTICE OF CHANGE

Notice is hereby given that changes have been made to these proposed new rules, which were published in the February 4, 2000, issue of the Florida Administrative Weekly, Vol. 26, No. 5. The changes are in response to comments made at a public workshop on the rules, and to comments received from the Joint Administrative Procedures Committee. The rules now read as follows:

64B-8.001 Initial Registration of Credentials Verification Organizations.

Pursuant to s. 456.047(5), Florida Statutes, any credentials verification organization that does business in this state must register with the department. The department shall register a credentials verification organization that has:

- (1) Submitted a completed Application for Credentials Verification Organization Registration Form, DH-MQA 1021, and;
- (2) Remitted an initial credentials verification organization registration fee in the amount of \$700; and
- (3) Submitted documentation of liability insurance coverage and accreditation or certification by a recognized national organization accrediting credentials verification organizations as defined in s. 456.047(2)(a), Florida Statutes.

Specific Authority 456.047(8) FS. Law Implemented 456.047(5),(7) FS. History–New _____.

64B-8.002 Biennial Renewal of Credentials Verification Organization Registration.

The department shall renew the biennial registration of a Credentials Verification Organization who has:

- (1) Submitted a completed and updated Application for Credentials Verification Organization Registration Form, DH MQA 1021; and
- (2) Shown proof to the department of accreditation or certification by a national accrediting organization as defined in s. 456.047(2)(a), Florida Statutes;
- (3) Remitted a biennial renewal registration fee in the amount of \$700.

Specific Authority 456.047(5),(8) FS. Law Implemented 456.047(5) FS. History–New _____.

64B-8.003 Documentation of Accreditation or Certification of a Credentials Verification Organization by a National Accrediting Organization.

Documentation of accreditation or certification of a credentials verification organization by a national accrediting organization means a copy of the accreditation or certification certificate or letter issued by the issuing organization that shows accreditation or certification status and date of expiration of accreditation or certification.

Specific Authority 456.047(8) FS. Law Implemented 456.047(2)(b),(1),(5) FS. History–New _____.

64B-8.004 Documentation of Liability Insurance Coverage by a Credentials Verification Organization.

Documentation of liability insurance coverage by a credentials verification organization means a copy of the liability insurance policy showing amount of coverage, type of coverage, and dates of coverage.

Specific Authority 456.047(8) FS. Law Implemented 456.047(5),(7) FS. History–New _____.

64B-8.005 Requirement for Notification of Change in Accreditation or Certification Status or Insurance Status.

A registered credentials verification organization must notify the department in writing within three (3) business days of revocation of accreditation or certification status or a change in liability insurance status.

Specific Authority 456.047(8) FS. Law Implemented 456.047(7),(2)(b),(5) FS. History–New _____.

64B-8.009 Forms.

The following forms used by the department in implementing the standardized credentials collection program are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Florida Department of Health, Division of Medical Quality Assurance, Bureau of Operations, at 4052 Bald Cypress Way, Bin #C-10, Tallahassee, Florida 32399-3260:

(1) Initial Reporting of Core Credentials Data Form, DH-MQA 1020, effective 12/99;

(2) Reporting of Corrections, Updates, Modifications to Core Credentials Data Form, DH-MQA 1023, effective 12/99;

(3) Practitioner Participation Agreement (Comprehensive Release Form), DH-MQA 1028, effective 1/2000;

(4) Application for Credentials Verification Organization Registration Form, DH-MQA 1021, effective 12/99;

(5) Application for Subscription to Access Authorized Core Credentials Data Form, DH-MQA 1022, effective 12/99.

Specific Authority 456.047(8) FS. Law Implemented 456.047(3)(b)3..4..(c)(5) FS. History–New _____.

64B-8.013 Prohibitions – Registered Credentials Verification Organizations.

(1) Each registered credentials verification organization shall:

(a) Maintain full accreditation or certification;

(b) Provide data authorized by the health care practitioner;

(c) Report to the department changes, updates, and modifications to a health care practitioner's core credentials data within forty-five (45) days of the change;

(d) Comply with the prohibition against collection of duplicate core credentials data from a practitioner;

(e) Maintain liability insurance according to the standards established by the applicable accrediting organization; and

(f) Use standardized forms or department approved electronic means for the initial reporting of core credentials data, for the health care practitioner to authorize the release of core credentials data, and for the subsequent reporting of corrections, updates, and modifications thereto.

(2) Failure of a registered credentials verification organization to fulfill the requirements of subsection (1) of this rule, shall result in the imposition of penalties against such registered credentials verification organization as provided in Rule 64B-8.015, FAC.

(3) In the event the department revokes or suspends the registration of a credentials verification organization, the organization must notify all Florida health care practitioners who have designated the organization to provide initial or updated core credentials data, of the department's action, within fifteen (15) days of the revocation or suspension.

Specific Authority 456.047(8) FS. Law Implemented 456.047(3),(4),(5),(7) FS. History–New _____.

64B-8.014 Prohibitions – Subscriber Authorized to Access Core Credentials Data.

No subscriber authorized to access core credentials data shall engage in the following prohibited acts:

(1) Release core credentials data without the authorization of the practitioner; and

(2) Fail to comply with the prohibition against collecting or attempting to collect duplicate core credentials data from a practitioner.

Specific Authority 456.047(8) FS. Law Implemented 456.047(3),(4) FS. History–New _____.

64B-8.015 Penalties – Registered Credentials Verification Organizations.

When the department finds a credentials verification organization has committed any of the prohibited acts set forth in Rule 64B-8.013, FAC, it shall issue an order imposing penalties as recommended in the following guidelines:

(1) Failure to maintain full accreditation or certification: the minimum penalty shall be suspension of a registration until full accreditation or certification has been obtained. The maximum penalty shall be denial of an application to renew a registration or revocation of a registration.

(2) Failure to provide data authorized by the health care practitioner: for a first offense, the usual penalty shall be a thirty (30) day suspension. For subsequent offenses, the usual penalty shall be denial of an application to renew a registration or revocation of a registration.

(3) Failure to report to the department changes, updates, and modifications to a health care practitioner's core credentials data within forty five (45) days of the change: for a first offense, the usual penalty shall be a thirty-day suspension. For subsequent offenses, the usual penalty shall be denial of an application to renew a registration or revocation of a registration.

(4) Failure to comply with the prohibition against collection of duplicate core credentials data from a practitioner: for a first offense, the usual penalty shall be a thirty (30) day suspension. For subsequent offenses, the usual penalty shall be denial of an application to renew a registration or revocation of a registration.

(5) Failure to maintain liability insurance according to the standards established by the applicable accrediting organization: the minimum penalty shall be suspension of a registration until appropriate liability insurance has been obtained. The maximum penalty shall be denial of an application to renew a registration or revocation of a registration.

(6) Failure to use standardized forms or department approved electronic means for the initial reporting of core credentials data for the health care practitioner to authorize the release of core credentials data, and for the subsequent reporting of corrections, updates, and modifications thereto: for a first offense, the usual penalty shall be a thirty (30) day suspension. For subsequent offenses, the usual penalty shall be denial of an application to renew a registration or revocation of a registration.

Specific Authority 456.047(8) FS. Law Implemented 456.047(2),(3),(4),(5) FS. History–New _____.

64B-8.016 Definition of "Fully Accredited or Certified as a Credentials Verification Organization."

"Fully accredited or certified as a credentials verification organization" as used in s. 456.047(5), Florida Statutes, is defined as:

(1) For the National Committee for Quality Assurance, certified in all credentialing elements, excluding site visits; and/or

(2) For the American Accreditation Healthcare Commission/URAC, full accreditation.

Specific Authority 456.047(8) FS. Law Implemented 456.047(5) FS. History--New _____.

64B-8.017 Initial Reporting of Core Credentials.

(1) Every health care practitioner shall report all core credentials data to the department that is not already on file with the department via department approved electronic means or on the Initial Reporting of Core Credentials Data Form, DH-MQA 1020, effective 12/99.

(2) A health care practitioner may designate a registered credentials verification organization to submit all core credentials data to the department that is not already on file with the department. A registered credentials verification organization designated by a health care practitioner to report core credentials data to the department shall do so via department approved electronic means or upon the Initial Reporting of Core Credentials Data Form, DH-MQA 1020, effective 12/99.

Specific Authority 456.047(8) FS. Law Implemented 456.047(3) FS. History--New _____.

64B-8.018 Notification of Corrections, Updates, or Modifications to Core Credentials Data.

(1) A health care practitioner shall notify the department within forty five (45) days of any corrections, updates, or modifications to the core credentials data by submitting the corrections, updates or modifications via department approved electronic means or on the Reporting of Corrections, Updates, Modifications to Core Credentials Data Form, DH-MQA 1023, effective 12/99.

(2) A health care practitioner may designate a registered credentials verification organization to submit corrections, updates, and modifications to core credentials data to the department. A registered credentials verification organization designated by a health care practitioner to notify the department of any corrections, updates, or modifications to core credentials data shall do so via department approved electronic means or upon a Reporting of Corrections, Updates, Modifications to Core Credentials Data Form, DH-MQA 1023, effective 12/99, within forty five (45) days of the change.

Specific Authority 456.047(8) FS. Law Implemented 455.557(3) FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.:

RULE TITLE:

64B3-10.005

Scope of Practice Relative to Specialty of Licensure

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 the Vol. 26, No. 38, September 22, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on October 27, 2000, in Tampa, Florida.

The rule shall now read as follows:

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

The following rules are not intended to prevent collection and storage of specimens or the performance of manual pretesting procedures by persons who are exempt by statute or statutorily authorized within their scope of practice. Clinical laboratory personnel qualified as a physician director, a licensed director, supervisor, technologist or technician in the specialty or specialties indicated can perform testing identified as being within the specialty. Tests, which are not yet classified, shall be assigned by the Board upon review.

(1) through (3) No change.

(4) The purpose of the specialty of serology/immunology is to detect and quantitate antibodies to infectious agents as well as microbial and non-microbial antigens. The specialty encompasses all the serological techniques (except those specific to immunohematology) used to detect the interaction of antigens with antibodies for evaluation of the consequences of the immune response. The specialty also encompasses all laboratory procedures performed in the specialty of histocompatibility as defined in subsection (15).

(5) through (10) No change.

(11) The purpose of the specialty of histology is to process cellular and tissue components through methods of fixation, dehydration, embedding, microtomy, frozen sectioning, staining, and other related procedures and techniques employed in the preparation of smears, slides, and tissues. This specialty also encompasses methods for antigen detection and other molecular hybridization testing methods where the purpose is analysis and/or quantification of cellular and tissue components for interpretation by a qualified physician. Technicians licensed in histology are limited to the performance of specimen processing, embedding, cutting, routine and special histologic staining, frozen sectioning and mounting of preparations under the direct supervision of a director, supervisor, or technologist.

(12) The purpose of the specialty of cytology is to process and interpret cellular material derived from the human body delineating data regarding human cytopathological disease. Cytology includes review and interpretation of gynecological cytology preparations in accordance with the provisions of Rule Chapter 64B3-7, F.A.C., and screening non-gynecological cytology preparations where final review and interpretation is the responsibility of a qualified physician.

(13) The purpose of the specialty of cytogenetics is to determine the presence or absence of quantitative (numerical) and qualitative (structural) chromosome abnormalities relating to constitutional and acquired disorders. Laboratory personnel providing counseling associated with the results of cytogenetics testing shall be licensed in cytogenetics at the director level.

(14) The purpose of the specialty of molecular genetics is to perform an analyses on human DNA, RNA and chromosomes to detect heritable or acquired disease-related genotypes, mutations, and phenotypes for clinical purposes. Such purposes would include predicting risk of disease, identifying carriers, and establishing prenatal or clinical diagnoses or prognoses in individuals, families, or populations.

(15) The purpose of the specialty of histocompatibility is to insure the best possible results of the determination of tissue compatibility, prevent transmitted infections, and to investigate and evaluate post-transplant problems. The specialty encompasses blood typing, HLA typing, HLA antibody screening, disease marker. Cluster Designation specific to tissue compatibility, flow cytometry, crossmatching, HLA antibody identification, lymphocyte immunophenotyping, immunosuppressive drug assays, allogenic, isogeneic and autologous bone marrow processing and storage, mixed lymphocyte culture, stem cell culture, cell mediated assays, and assays for the presence of cytokines. Individuals working toward the eligibility requirement for application to take the Board approved certification exam in histocompatibility must be currently licensed as technologists or technicians in either serology/immunology or immunohematology. They must meet the requirements for eligibility to take the Board approved examinations in histocompatibility by receiving at least one year's notarized, documented relevant full-time work experience in an ABHI approved laboratory performing histocompatibility testing. They are eligible to apply for licensure in histocompatibility by endorsement.

(16) In the specialties of clinical chemistry, hematology, immunohematology, microbiology and serology/immunology, clinical laboratory personnel licensed at the technician level may perform testing identified within the scope of each specialty in Rule 64B3-10.005(3)-(5), F.A.C., in any specialty for which they hold licensure if the tests are classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under the direct supervision of a licensed technologist, supervisor, or director

unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein, and the requirements contained in Rule 64B3-5.004(5).

(17) No change.

(18) Individuals using flow cytometry or molecular detection techniques must be able to demonstrate training or experience in this procedure, and must hold licensure in the specific discipline for which they are using flow cytometry and molecular detection techniques.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:
64B8-56.002

RULE TITLE:
Equipment and Devices; Protocols
for Laser and Light-based
Devices

SECOND 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. 24, of the June 16, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received at a public hearing held on the rule on December 2, 2000, in Tampa, Florida. These changes supercede the changes published in the previous notice of change, as published in Vol. 26, No. 45, of the October 27, 2000, Florida Administrative Weekly. The changes are as follows:

When changed, subsection (3) of the rule shall read:

(3) "Direct supervision and responsibility" as used herein and in Rule 64B8-52.004, and as used in Section 458.348, F.S. shall mean the responsible physician need not be physically present on the premises but must be within close physical proximity and easily accessible.

(a) The supervising physician, initially upon assuming duties as the supervisor and semiannually thereafter, shall review and inspect the techniques, procedures, and equipment utilized by the electrologist in the performance of laser and light-based hair removal or reduction.

(b) The supervising physician shall ensure that the electrologist has received semi-annual training in the areas of infection control, sterilization, and emergency procedures.

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

DEPARTMENT OF HEALTH

Board of Nursing

<p>RULE NOS.: 64B9-3.002 64B9-3.008</p>	<p>RULE TITLES: Qualifications for Examination Licensure by Endorsement</p>
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NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 36, of the September 8, 2000, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and public comments received on the rules. The Board held a public hearing on these rules on December 6, 2000, in Tallahassee Florida. The Board voted to make changes to the rules. The changes are as follows:

1. In Rule 64B9-3.002, subsection (1)(e)1., shall be changed to read as follows: "1. A minimum score of 550 on the TOEFL Examination, a minimum score of 80% on MELAB, or a minimum MELAB converted score of 80% on the Michigan ECPE Examination;"

2. In Rule 64B9-3.008, subsection (2) shall be changed to read as follows:

"(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. 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:

(a) the NCLEX examination for professional or practical nurses;

(b) 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;

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

(d) a state licensing examination for professional nurses given prior to 1951 or a state licensing examination for practical nurses given prior to 1952;

(e) 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:

1. the examination was developed using accepted psychometric procedures;

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

3. the security of the examination was maintained;

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

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

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

3. In Rule 64B9-3.008, subsections (3)(d) and (4) shall be deleted.

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

DEPARTMENT OF HEALTH

Board of Nursing

<p>RULE NO.: 64B9-9.009</p>	<p>RULE TITLE: Standard of Care for Office Surgery</p>
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NOTICE OF PARTIAL WITHDRAWAL OF RULE AMENDMENTS

Notice is hereby given that the Board of Medicine is partially withdrawing several amendments to the above referenced rule. The rule was originally noticed in Vol. 26, No. 49, of the Florida Administrative Weekly on December 8, 2000. The portions of the rule amendments which are being withdrawn are as follows:

The amendments to subsections (2)(c), (2)(e), (2)(g), and (6).

All other amendments to this rule shall remain as published in the December 8, 2000, Florida Administrative Weekly. The person to be contacted with regard to this rule is Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

<p>RULE NO.: 64B15-19.002</p>	<p>RULE TITLE: Violations and Penalties</p>
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NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 36, September 8, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on December 1-2, 2000, in Orlando, Florida, voted to change the first offense in subsections (9) and (49) of this rule to read as follows:

Subsection (9)

<p>FIRST OFFENSE:</p>	<p>reprimand and \$5,000 fine</p>	<p>suspension to be followed by probation and \$10,000 fine or denial with ability to reapply in not less than 1 year</p>
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Subsection (49)

FIRST OFFENSE: reprimand and \$5,000 fine probation and \$10,000 fine

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE NO.: 65-28.001 RULE TITLE: Alternate Service Procurement Method (ASPM)

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. 42, October 20, 2000 issue of the Florida Administrative Weekly.

THE FULL TEXT OF PROPOSED RULE CHANGES:

- 65-28.001(1)(a)-(i). Add the following definition:
 - (j) “Best And Final Offer” or “BAFO” means the last substantial concession made by a potential provider which conveys the message that there is no further room for movement – that the present offer is the final one and the provisions contained therein are the most advantageous provisions that will be offered to the department.
- 65-28.001(3)(a) Change the third sentence to read as follows: The department may advertise the project in newspapers of general circulation, professional journals, or in other publications or in electronic format.
- 65-28.001(4)(b) 5. Change to read as follows:
 - 5. The evaluation criteria, along with their relative importance;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NOS.: 65A-2.022 RULE TITLES: Rights and Responsibilities of Applicants and Recipients

65A-2.023 Application and Determination of Eligibility

65A-2.032 General Eligibility Criteria

65A-2.033 Eligibility Factors Other Than Need

65A-2.036 Amount of Optional State Supplementation Payments

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules identified above as published in the Vol. 26, No. 45, November 9, 2000, issue of the Florida

Administrative Weekly in accordance with subparagraph 120.54(3)(d)1., F.S. These changes are the result of comments made at a noticed public hearing held on December 4, 2000, and of potential objections raised by the Joint Administrative Procedures Committee in a letter dated November 29, 2000.

In Rule paragraph 65A-2.022(1), delete the second sentence, ~~“The OSS monthly payment is made to assist individuals residing in Assisted Living Facilities (ALFs) with the cost of room and board.”~~ In the same rule paragraph, amend the third sentence as follows, “The OSS payment is made to assist individuals residing in ~~other~~ special living arrangements with ~~is inclusive of~~ room, board and personal care.

In Rule paragraph 65A-2.023(3), at the end of the paragraph delete the last sentence, ~~“However, failure to mail the notice to the operator is not grievable under Chapter 120, F.S., or Chapter 65-2, F.A.C.”~~, and insert a new sentence to read, “The notice of decision is provided by form CF-ES 2235, Dec. 2000 (incorporated by reference).”

In Rule paragraph 65A-2.032(8), following the third parenthetical phrase of the single sentence, delete the word ~~“appropriately”~~ and further toward the end of the sentence delete the words ~~“approved department policies, as specified in”~~.

In the single sentence of rule paragraph 65A-2.032(9)(c) following the words “residential treatment facility”, amend the sentence to read, “meets is the most appropriate placement need.”

In the single sentence of rule paragraph 65A-2.032(9)(d) following the words “residential treatment facility”, amend the sentence to read, “meets is the most appropriate placement need.”

In Rule paragraph 65A-2.032(9)(f), delete the last sentence ~~“However, failure to mail the notice to the operator is not grievable under Chapter 120, F.S., or Chapter 65-2, F.A.C.”~~

In Rule paragraph 65A-2.033(1), the second sentence following the “and”, delete ~~“appropriate”~~ and following the word “placement” insert the word “need”.

In Rule paragraph 65A-2.036(1), delete the second sentence, ~~“Base provider rates may vary depending upon type of specialized living facility and covered services in such facilities.”~~

In Rule paragraph 65A-2.036(3), delete subparagraph (a), as follows:

~~“(a) The monthly income eligibility standard is \$608.40 for residents of assisted living facilities.”~~

In Rule paragraph 65A-2.036(3), amend subparagraphs (b) and (c) as follows:

~~“(a)(b) The monthly income eligibility standard is \$715 for residents of all other specialized living arrangements and for individuals protected under 65A-2.033(4).~~

“(b)(e) The personal needs allowance (PNA) is \$43 54.”

In Rule paragraph 65A-2.036(4), delete the text of subparagraph (a), as follows:

~~“(a) For Assisted Living Facilities (ALF), the base provider rate is inclusive of room and board only.~~

~~1. For OSS eligible individuals, the base (ALF) provider rate is \$554.40.~~

~~2. For individuals eligible for OSS, the assisted living facility may receive payment for the personal care provided by billing Medicaid for assistive care services. To receive such payments the individual must be Medicaid eligible and the assisted living facility must be enrolled as a Medicaid provider.”~~

Subparagraph (b) of Rule paragraph 65A-2.036(4) becomes an unlettered subparagraph and the first sentence is amended as follows:

“(b) For all special living arrangements ~~other than assisted living facilities~~ and for the individuals protected under 65A-2.033(4), the provider rate is inclusive of room, board and personal care.”

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Loans
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0041	Public Policy Criteria Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Private Placements of Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.016	Compliance Procedures
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for 501(c)(3) Corporations

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. 44, November 3, 2000, issue of the Florida Administrative Weekly.

67-21.002 Definitions.

(5) "Annual Household Income" means the gross income of a person, together with the gross income of all persons who intend to permanently reside with such person in the

Development to be financed by Florida Housing, as of the date of occupancy shown on the Income Certification promulgated from time to time by Florida Housing.

(7) "Application" means the completed Form MFMRB2001, its instructions, and its appendices together with exhibits submitted to Florida housing by the Applicant in accordance with the provisions of this Rule Chapter and in the Application in order to apply for the Program.

Application Instructions.

Second paragraph, page 1, has been changed to read as follows:

ONE ORIGINAL Application (with an original signature on Form 5) and THREE photocopies must be submitted, unless ~~the Development is proposing to use Florida Housing's Guarantee Fund Program (in which case ONE ORIGINAL and FOUR photocopies must be provided)~~ or the Development is proposing to participate in HUD Risk Sharing (in which case ONE ORIGINAL and ~~FOUR FIVE~~ photocopies must be provided). IN ALL CASES, THE BINDER CONTAINING THE ORIGINAL SHOULD BE CLEARLY IDENTIFIED AS THE ORIGINAL.

Fourth paragraph, page 1, has been changed to read as follows:

The Application fee is \$4,500 ~~11,500~~ [see Rule 67-21.007(2), F.A.C.] which includes the minimum estimated costs for the ~~Limited Restricted Appraisal, Market Study, Completeness and Threshold Check~~ and the TEFRA Fee. If actual costs exceed estimated costs for these items, Applicant shall be responsible for payment of the balance due as invoiced. The checks for this Application fee must be made payable to Florida Housing Finance Corporation and submitted with the completed Application. FAILURE TO SUBMIT THE FEE WITH THE APPLICATION WILL RESULT IN THE DETERMINATION THAT THE APPLICATION IS INCOMPLETE AND THE APPLICATION WILL NOT BE PROCESSED FURTHER.

Fifth paragraph, page 1 and continuing on page 2, has been changed to read as follows:

BE SURE TO ANSWER ALL QUESTIONS, FOLLOW ALL INSTRUCTIONS AND FILL IN ALL LINES. DO NOT LEAVE ANY BLANKS. IF AN ITEM IS NOT APPLICABLE TO THIS DEVELOPMENT, INDICATE BY USING "N/A". ONLY INFORMATION CONTAINED WITHIN THIS APPLICATION WILL BE CONSIDERED FOR PURPOSES OF THE COMPLETENESS AND THRESHOLD CHECK ("CTC"), AND FLORIDA HOUSING AND THE CREDIT UNDERWRITER SHALL NOT ACCEPT ANY ADDITIONAL INFORMATION TO BE CONSIDERED DURING THE CTC, EXCEPT AS PROVIDED FOR IN SECTION 67-21.003(4) AND EXCEPT THAT THE CREDIT UNDERWRITER WILL ORDER AND EVALUATE THE ~~LIMITED RESTRICTED~~ APPRAISAL AND THE MARKET STUDY.

Third paragraph, page 2, has been changed to read as follows:

The Corporation has attempted to simplify the Application process; however, if you have any questions about the Multifamily Mortgage Revenue Bond Program, please call Esrone McDaniels Don—Stuart, Administrator, at (850)488-4197.

”NOTE:”, page 2, has been changed to read as follows:

NOTE: Applications will not be accepted prior to February 6, 2000. Applications must be received by the Corporation and clocked in by 5:00 PM, Tallahassee time, February 9, 2000 ~~December 2, 1999~~. No fax transmissions will be received at the Corporation’s offices.

Ranking Criteria.

Fourth indented paragraph, page 1, has been changed to read as follows:

THIRD, Developments shall be prioritized based on the highest number of Public Policy Criteria, up to a maximum of five; the more Public Policy Criteria selected, the higher the priority. For example, those selecting 4 Public Policy Criteria shall receive a higher priority ranking than those selecting only 3, etc.;

Seventh indented paragraph, page 1, has been changed to read as follows:

(B) After application of the above-referenced criteria, an initial ranking list shall be established. The top-ranked Elderly, Urban In-Fill, Rehabilitation and Farmworker Developments (up to an aggregate allocation amount not to exceed \$17,000,000 each) shall be prioritized for funding. No more than one Elderly Development, one Urban In-Fill Development, one Rehabilitation Development and one Farmworker Development shall be prioritized pursuant to this paragraph (B).

Eighth indented paragraph, page 1, first sentence to the colon, has been changed to read as follows:

(C) After application of (B) above, a separate ranking list shall be developed which incorporates the provisions of (A) and (B) and the following:

First indented paragraph, page 2, has been changed to read as follows:

The amount of State Bond Allocation initially designated by the Board for multifamily housing (not the amount that may be available as identified in the Notice of Fund Availability, and exclusive of any amount reserved to address pending administrative or legal proceedings pursuant to Section 67-21.003(7), F.A.C.) will be allocated geographically according to county size based on population (small, medium or large) as shown on Page 5 of this Appendix C. Such initial amount will be allocated as follows:

Large	<u>64%</u>
Medium	<u>26%</u>
Small	<u>10%</u>

Second paragraph, page 2, has been changed to read as follows:

FHFC Staff shall select from the Master Ranking List the highest-ranked projects in each geographic category for inclusion on a separate “Geographic Set-Aside Ranking List”, up to the amounts in each geographic category which are sufficient to fully fund the next ranked project. In the event application of paragraph (B) necessitates an adjustment in the above-referenced geographic percentages (e.g., all four Developments prioritized in paragraph (B) are located in small counties), the percentages applicable to the other geographic categories shall be adjusted ratably. The remaining portion of the Master Ranking List not included in the allocations referenced above shall be maintained as the “Master Waiting List”.

Third paragraph, page 2, has been changed to read as follows:

The following shall be utilized in the application of the above-referenced criteria and development of the respective ranking lists:

No. 1, page 2, has been changed to read as follows:

1. In the event of a tie in ranking after the application of (A) through (C) ~~the above-referenced ranking criteria~~, the Board shall select by lot the Application to be ranked higher.

No. 2, page 2, has been changed to read as follows:

2. In the event the application of (A) ~~above-referenced ranking criteria~~ results in any criteria being rendered meaningless (e.g., if no ties exist prior to the application of the Fifth Criteria), such shall not affect the applicability of the prior-ordered criteria.

No. 5., page 3, has been changed to read as follows:

5. In the event the available amount of remaining allocation is insufficient to fully fund the next ranked Application, it shall be held for such next ranked Application until December 1 ~~November 15~~, 2001 at which point it shall be released to the next ranked unfunded Application on the Master Waiting List which can be fully funded. Applicants are not permitted to down-size their allocation request for purpose of becoming fully funded, except in the limited circumstances set forth in Section 67-21.003(7), F.A.C. Additional or returned allocation which becomes available for the Multifamily Bond Program, whether at the discretion of the Board, from the State Pool, released allocation as a result of the withdrawal or failure to proceed of any ranked Application designated for funding or from any other source, will be applied to the highest ranking Application on the Master Waiting List (without regard to geographic set-asides) to the extent that the Application can be fully funded.

Application Forms.

Form 1, page 1, first paragraph, second sentence, has been changed to read as follows:

Failure to completely, consistently and accurately respond to the requested information and provide the necessary backup documentation shall, after the cure period described in Section 67-21.003(4), F.A.C., to the extent applicable, result in the determination that the Application has failed the Completeness and Threshold Check (“CTC”).

Form 1, page 1, third paragraph, has been changed to read as follows:

All Financial Beneficiaries as defined by Rule 67-21.003(37)(38) must be fully disclosed. To the extent that all Financial Beneficiaries are not included in the disclosure of the Principals of the Applicant and/or the Developer, attach a listing of those Financial Beneficiaries. This information can be found behind tab labeled “Form 1, Exhibit _____”.

Form 1, page 2, Item B. “Designated Contact Person”, has been changed to read as follows:

Person with ~~verifiable decision-making authority~~ with whom the Corporation will correspond concerning the Application and this Development for the Applicant/Borrowing Entity (not a "third-party" consultant).

Form 1, page 2, Item I.C., “Principals of Applicant Entity”, each “Phone” identification block has been changed to read as follows:

Phone #: _____

Form 1, page 3, Item II.C., “Principals of Developer”, each “Phone” identification block has been changed to read as follows:

Phone #: _____

Form 1, page 4, Item III.C., “Principals of Management Agent”, each “Phone” identification block has been changed to read as follows:

Phone #: _____

Form 1, page 5, Item IV., “Architect or Engineer”, Item IV. A. has been changed as follows:

A. Name of Architect ~~or~~ Engineer: _____
 Engineer”, Item IV.C. has been changed as follows:

Form 1, page 5, Item IV., “Architect or Engineer”, Item IV.c. has been changed as follows:

C. Experience of Architect ~~or~~ Engineer:

The Architect ~~or~~ Engineer must complete the certification form provided on page ~~12~~ 9 of this form. The executed certification form can be found behind the tab labeled ~~the tab labeled~~ “Form 1, Exhibit _____”.

Form 1, page 6, Item VII., “Guarantor(s) Information”, has been changed to read as follows:

The information as indicated below should be provided for all proposed guarantors. Upon notification by the Credit Underwriter, Applicant must immediately provide financial statements for each guarantor for each of the past three years. The financial statements must be prepared and certified as accurately representing the guarantor’s financial condition. If audited statements are unavailable for each proposed

guarantor, unaudited financial statements and ~~or~~ federal tax returns for the past three years must be provided. These will be reviewed by the Credit Underwriter for several purposes, including determination of sufficient financial liquidity. If it is determined in credit underwriting that the proposed guarantors do not demonstrate sufficient financial liquidity, the Credit Underwriter may require additional guarantors or other additional security. This will not result in a penalty to the Applicant.

Form 1, page 8, “Certification of Member of Development Team, Developer”, last sentence of the paragraph, has been changed to read as follows:

I hereby certify that neither the Developer, Applicant, any Principal or Financial Beneficiary has any existing Developments participating in Florida Housing programs that remain in non-compliance with the Code, applicable rule chapter, or applicable loan documents and for which any applicable ~~the~~ cure period granted for correcting such non-compliance has ended.

Form 1, page 10, “Certification of Member of Development Team, Management Agent”, last sentence of the paragraph has been deleted.

Form 2, page 1, first paragraph, second sentence, has been changed to read as follows:

Failure to completely, consistently and accurately respond to the requested information and provide the necessary backup documentation shall, after the cure period described in Section 67-21.003(4), F.A.C., to the extent applicable, result in the determination that the Application has failed the Completeness and Threshold Check (“CTC”).

Form 2, page 1, Item I., “Amenities”, Item I.A. has been changed to read as follows:

A. A list of UNIT amenities (washer/dryer, microwave oven, ceiling fans, etc.) must be provided. Set forth in Form 4, Part VIII, Section _____ is a required list of amenities. This list can be found behind the tab labeled “Form 2, Exhibit _____”.

Form 2, page 5, Item IX., “Environmental Site Assessment – Phase I”, second paragraph, last sentence, has been changed to read as follows:

To ensure that the report is accurate and thorough, the provider must certify that the report(s) is (are) are in accordance with American Society for Testing and Materials (ASTM) format E 1527-~~0097~~.

Form 2, page 6, Item XII., “Soil Test Report”, first paragraph is changed to read as follows:

A report signed by a qualified geotechnical engineer stating that the site is acceptable for the Development being proposed must be provided as a part of this Application. The report ~~It~~ must, at a minimum, include the following:

Form 2, page 6, Item XII., “Soil Test Report, Item XII.A., has been changed to read as follows:

A. Standard penetration test in accordance with ASTM D 1586 which includes at least one boring per proposed building to a depth to be determined at the discretion of the engineer providing the report, ~~unless if~~ in the judgement of the engineer such amount of borings is impractical or unnecessary to construct the proposed Development, in which case said report shall so state. Larger buildings may require additional borings, also to be determined at the discretion of the engineer.

Form 2, page 11, "Verification of Availability of Infrastructure, Electricity", No. 3. has been changed to read as follows:

3. To the best of our knowledge. ~~n~~No variance or local hearing is required to make electricity available to the proposed Development.

Form 2, page 11, "Verification of Availability of Infrastructure, Electricity", No. 4., has been changed to read as follows:

4. To the best of our knowledge. ~~t~~There are no moratoriums pertaining to electric service which are applicable to the proposed Development.

Form 2, page 11, "Verification of Availability of Infrastructure, Electricity", No. 5. has been deleted.

Form 2, page 12, "Verification of Availability of Infrastructure, Water", No. 3. has been changed to read as follows:

3. To the best of our knowledge. ~~n~~No variance or local hearing is required to make potable water available to the proposed Development.

Form 2, page 12, "Verification of Availability of Infrastructure, Water", No. 4., has been changed to read as follows:

4. To the best of our knowledge. ~~t~~There are no moratoriums pertaining to potable water which are applicable to the proposed Development.

Form 2, page 12, "Verification of Availability of Infrastructure, Water", No. 5. has been deleted.

Form 2, page 13, "Verification of Availability of Infrastructure, Sewer Capacity, Package Treatment, or Septic Tank", No. 3. has been changed to read as follows:

3. To the best of our knowledge. ~~n~~No variance or local hearing is required to make this service available to the proposed Development.

Form 2, page 13, "Verification of Availability of Infrastructure, Sewer Capacity, Package Treatment, or Septic Tank", No. 4., has been changed to read as follows:

4. To the best of our knowledge. ~~t~~There are no moratoriums pertaining to this service which are applicable to the proposed Development.

Form 2, page 13, "Verification of Availability of Infrastructure, Sewer Capacity, Package Treatment, or Septic Tank", No. 5. has been deleted.

Form 2, page 14, "Verification of Availability of Infrastructure, Roads", No. 1. has been change to read as follows:

1. Existing roads provide access to the proposed Development, or paved roads will be constructed as part of the proposed Development.

Form 2, page 14, "Verification of Availability of Infrastructure, Roads", No. 3. has been changed to read as follows:

3. To the best of our knowledge. ~~n~~No variance or local hearing is required for these roads to be available to the proposed Development.

Form 2, page 14, "Verification of Availability of Infrastructure, Roads", No. 4. has been changed to read as follows:

4. To the best of our knowledge. ~~t~~There are no moratoriums pertaining to road usage which are applicable to the proposed Development.

Form 2, page 15, "Verification of Availability of Infrastructure, Natural Gas", No. 3. has been changed to read as follows:

3. To the best of our knowledge. ~~n~~No variance or local hearing is required to make gas available to the proposed Development.

Form 2, page 15, "Verification of Availability of Infrastructure, Natural Gas", No. 4. has been changed to read as follows:

4. To the best of our knowledge. ~~t~~There are no moratoriums pertaining to gas service which are applicable to the proposed Development.

Form 2, page 15, "Verification of Availability of Infrastructure, Natural Gas", No. 5. has been deleted.

Form 3, page 1, first paragraph, second sentence, has been changed to read as follows: Failure to ~~totally and~~ consistently and accurately respond to the requested information and provide the necessary backup documentation will, after the cure period described in Section 67-21.003(4), F.A.C., to the extent applicable, result in the determination that the Application has failed the Completeness and Threshold Check ("CTC").

Form 3, page 1, Item III., "Fifteen year income, expense, and occupancy projection:", has been changed to read as follows:

III. Fifteen year income, expense, and occupancy projection: Include a fifteen year income, expense, and occupancy projection consistent with all financing commitments. This projection must reflect rents increasing at a rate of 3% per year and expenses increasing at a rate of 4% per year. It must demonstrate that the Development can meet 1:10 debt service coverage requirements based on current ~~an assumed~~ interest rates ~~of ___% per annum for tax exempt~~

bonds, and an assumed interest rate per annum of ___% for taxable bonds. Use the format provided on pages 6-9 of this Form 3.

Form 3, page 3, "Use of Funds" block, first title has been changed to read as follows:

Actual Annual Construction Costs

Form 3, page 4, "Financial Costs" block, fourth item has been changed to read as follows:

~~Escrow~~ Deposit Fund

Form 3, pages 6, 7, 8 and 9, title at top of each page has been changed to read as follows:

15 YEAR INCOME, EXPENSE, AND OCCUPANCY PROJECTION

Form 4, page 1, first paragraph, second sentence, has been changed to read as follows:

Failure to ~~totally and~~ completely, consistently and accurately respond to the requested information and provide the necessary backup documentation will, after the cure period described in Section 67-21.003(4), F.A.C., to the extent applicable, result in the determination that the Application has failed the Completeness and Threshold Check.

Form 4, page 1, Item III., "Development Type:", this section has been changed to read as follows:

III. Development Type: Identify which of the following best describes the proposed Development:

New Construction (50% or more of the units are new construction)

Acquisition/Rehabilitation*(Less than 50% of the units are new construction)

Rehabilitation*(Meets the requirements in Rule 67-21.002, F.A.C. for a Rehabilitation Development ~~Less than 50% of the units are new construction~~)

Farmworker Development** (Meets the requirements in Rule 67-21.002, F.A.C. for a Farmworker Development)

Elderly Development** (Meets the requirements in Rule 67-21.002, F.A.C. for an Elderly Development)

Urban In-Fill Development (Meets the requirements in Rule 67-21.002, F.A.C. for an Urban In-Fill Development)

Applicant should check the box for either New Construction, Acquisition/Rehabilitation or Rehabilitation and any other box that is applicable.

* Note: If the Development is currently occupied, the Applicant must contact Florida Housing's Compliance Section to obtain information regarding requirements that must be met prior to closing on the bonds.

**Note: Applicants intending to qualify as Elderly Developments or Farmworker Developments must submit herewith (i) an independent market analysis demonstrating a local need for such housing, and (ii) a detailed plan to attract, serve and keep the targeted population, per Rules 67-21.002(29), F.A.C., and 67-21.002(32), F.A.C., respectively.

Form 4, Item V., "Public Policy Criteria", the entire section has been amended and now reads as follows:

V. PUBLIC POLICY CRITERIA: Please select a minimum of two Public Policy Criteria from Item 2 below. Item 1 is required of all Applications.

Note: Some of the Public Policy Criteria selections increase the actual numbers of units set aside for residents at different income levels. Please ensure that this is accurately reflected in Item IV above.

1. The following is required of ALL Applications:

At least 20% or 40% percent of each unit size larger than one bedroom and studio units in the Development shall be occupied or reserved for occupancy by Lower Income Tenants in proportion to minimum Set-aside requirement elected, as follows:

a. If the Development satisfies the 20/50 Set-aside, 20 percent of the units at or below 50 percent of area median gross income limit, adjusted for family size and determined in accordance with Section 142 (d) of the Code; or

b. If the Development satisfies the 40/60 Set-aside, 40 percent of the units at or below 60 percent of area median gross income limit, adjusted for family size and determined in accordance with Section 142(d) of the Code; or

c. In the case of Developments financed solely through the issuance of Taxable Bonds (or for specific cases pursuant to the Code, Tax-exempt Bonds), 20% of the units at or below 80 percent of state or county median income limit, whichever is higher, and with family size adjustment (for developments financed prior to the 1986 Code, as amended, without family size adjustment).

2. Choose at least two from a, b, c, d, e, f, g, h and i ~~g~~ below. (Provision of more than the minimal requirements in a given subsection (for example, picking both tenant programs for (b)) does not entitle the Applicant to more than one Public Policy Criteria for such subsection. The maximum number of Public Policy Criteria is five):

(a) For Developments other than Elderly Developments, at least 20% of the units in the Development shall constitute three bedroom units or greater.

(b) For Developments other than Elderly Developments, provision of one or more of the following tenant programs at no charge to the tenant:

Homeownership Opportunity Program – Applicant must provide a homeownership opportunity program available to all residents in compliance with their current lease. The program must set-aside 5% of the resident's gross rent towards a downpayment for that resident when the resident moves from the development into homeownership. The resident may be suspended from the program during the period of a lease if the resident violates any provision of the lease. Upon renewal of the lease, the resident must be reinstated into the program for the period of that renewal, with suspension permitted under the same terms as discussed above. The homeownership

opportunity program must also include financial counseling for all residents, with emphasis on credit counseling and other items necessary for successful purchase of, and maintenance of, a home.

After School Program for Children – This program requires the Applicant or its Management Agent to provide DAILY, SUPERVISED, STRUCTURED, age-appropriate activities for children during the after-school hours. Activities must be on-site and at no charge to the residents.

(c) For Developments other than Elderly Developments, provision of two or more of the following tenant programs at no charge to the tenant:

First Time Homebuyer Seminars – Applicant must arrange for and provide at no cost to the resident, in conjunction with local realtors or lending institutions, semiannual on-site seminars for residents interested in becoming homeowners.

Literacy Training – Applicant must make available, at no cost to the resident, a literacy tutor(s) to provide weekly literacy lessons to residents in private space on-site.

Job Training – Applicant must provide, at no cost to the resident, regularly scheduled classes in typing, computer literacy, secretarial skills or other useful job skills. Regularly scheduled means not less often than once each quarter.

(d) For Elderly Developments, provision of one or more of the following tenant programs at no charge to the tenant:

Meals – The Applicant commits to provide for daily (at least one meal per day) delivery of meals to the tenants or provide for the daily preparation and serving of meals in a designated common facility at a cost not to exceed \$3.00 per meal, subject adjust to a 3% annual cost of living adjustment. Programs such as “Meals on Wheels” will not qualify.

Private Transportation – This service must be provided by the Applicant or its Management Agent at a cost to the resident not to exceed \$3.00 per day, subject adjust to a 3% annual cost of living adjustment. The Development must make available a safe and serviceable vehicle that can transport residents to off-site locations for such things as medical appointments, public service facilities, and/or educational or social activities. A nearby bus stop or access to programs such as “Dial-A-Ride” will not be acceptable for purposes of this program.

(e) For Elderly Developments, provision of one or more of the following tenant programs at no charge to the tenant:

Daily Activities – Applicant or its Management Agent must provide supervised, structured activities at least five days per week. Activities must be on-site and at no charge to the residents.

Assistance with Light Housekeeping, Shopping and/or Laundry – Applicant must provide weekly assistance with at least two of the following: (1) light housekeeping, and/or (2) grocery shopping, and/or (3) laundry, at a rate which is at least 25% lower than market.

~~Residence Assurance Check In Program – Applicant commits to provide and use an established system for checking in with each resident on a pre-determined basis not less than once per day. Residents may opt out of this program with a written certification that they chose not to participate.~~

(f) For Elderly Developments, provision of one or more of the following tenant programs:

Residence Assurance Check-In Program – Applicant commits to provide and use an established system for checking in with each resident on a pre-determined basis not less than once per day. Residents may opt out of this program with a written certification that they chose not to participate.

~~Assistance with Light Housekeeping, Shopping and/or Laundry – Applicant must provide weekly assistance with at least two of the following: (1) light housekeeping, and/or (2) grocery shopping, and/or (3) laundry, at a rate which is at least 25% lower than market.~~

Manager On Call 24 Hours Per Day – Applicant must provide a manager and/or security guard on the Development’s premises at all times who is available and accessible to the tenants 24 hours per day, seven days per week at no charge to the tenant.

(g) For any Development, three or more of the following tenant programs at no charge to the tenant:

Health Care – Regularly scheduled visits by health care professionals such as nurses, doctors, or other licensed care providers. At a minimum, the following services must be provided at no cost to the resident: health screening, flu shots, vision and hearing tests. Regularly scheduled is defined as not less often than once each quarter. On-site space must be provided.

Tenant Activities – These specified activities are planned, arranged, provided and paid for by the Applicant or its Management Agent. These activities must be an integral part of the management plan. The Applicant must develop and execute a comprehensive plan of varied activities that brings the residents together and encourages community pride. The goal here is to foster a sense of community by bringing residents together on a REGULARLY SCHEDULED basis by providing activities such as holiday or special occasion parties, community picnics, newsletters, children’s special functions, etc.

Financial Counseling – This service must be provided by the Applicant or its Management Agent at no cost to the resident. Financial counseling must include the following components: must be regularly scheduled (not less often than once each quarter); must be free of charge to the residents; must include tax preparation assistance by qualified professionals; must include educational workshops on such topics as “Learning to Budget”, “Handling Personal Finances”, or “Comparison Shopping for the Consumer”²

Computer Lab – The Applicant commits to provide one computer per 50 units along with basic word processing, spreadsheets and assorted educational and entertainment software programs.

Day Care – Choose ONE of the following:

Licensed day care facility at least four hours per day five days per week for children or adults on-site.

OR

A discount of at least 20% at a day care facility for children or adults within 3 miles of the Development

Case Management/Resident Stabilization Services – This service must be provided by a qualified social worker at no cost ~~to~~ ~~of~~ the resident. This program requires that the following services be made available on-site no less often than once a week: crisis intervention, individual and family needs assessment, problem solving and planning, appropriate information and referral to community resources and services based on need, monitoring of ongoing ability to retain self-sufficiency, and advocacy to assist clients in securing needed resources.

(h) For any Development, the Applicant’s agreement to a Qualified Project Period that shall extend a minimum of 10 years beyond the period of time provided for in the Code.

(i) For refundings only, the commitment to set aside an additional 10% of units for Lower Income Tenants beyond the requirements of Rule 67-21.004(1), F.A.C.

Form 4, page 13, Item VIII., “Construction Standards/Amenities”, Item a. (1) has been amended to read as follows:

a.(1) In addition to meeting all building code, Fair Housing Act, and Americans with Disabilities Act Requirements, the following items are required for all Developments:

X Air conditioning (window units are not allowed), in all units

X Dishwasher, in all new construction units

X Garbage Disposal, in all new construction units

X Cable TV Hook-Up, in all units

X At least two full bathrooms in all 3 bedroom or larger new construction units

X At least 1 and a 1/2 bathrooms (one full bath and one with at least a toilet and sink) in all new construction 2 bedroom units

X Minimum square footage requirements for all new construction of units of ~~650~~ ~~700~~ square feet (one bedroom), 900 square feet (two bedroom), ~~1080~~ ~~1150~~ square feet (three bedroom), and 1300 square feet (four bedroom or greater)

X Full sized appliances in all units

X Bathtub in at least one bathroom in new construction non-elderly units

Form 4, page 15, Item VIII, “Construction Standards/Amenities”, Item VIII.a.(2), first paragraph is changed to read as follows:

For all Elderly Developments, the Developer must provide the following features in the specified percentages of all residential units in New Construction (NC) and ~~Substantial~~ Rehabilitation (SR) Developments. NOTE: Features required in less than 100% of the units must be provided in the SAME units so that the designated number/percentage of units is fully useable by handicapped or frail Elderly Households.

Form 4, page 15, Item VIII., “Construction Standards/Amenities”, Item VIII.b., first paragraph is changed to read as follows:

b. For New Construction Units, the Applicant may select items from the following list (Applicants must choose ~~choosing~~ items in this category totaling 25 points or more ~~receive credit for one public policy criteria for ranking purposes~~).

Form 4, page 15, Item VIII., “Construction Standards/Amenities”, Item VIII.c., first paragraph is changed to read as follows:

c. For Rehabilitation of ~~Existing~~ Developments, the Applicant may select items from the following list (Applicants must choose ~~choosing~~ items in this category totaling 16 points or more ~~receive credit for one public policy criteria for ranking purposes~~):

Form 4, page 16, Item VIII., “Construction Standards/Amenities”, Item VIII.d., first paragraph is changed to read as follows:

d. For Elderly Developments, or Developments with Elderly Units, the Applicant may select from the following list (Applicants must choose ~~choosing~~ items in this category totaling 16 points [2 points each] or more ~~receive credit for one public policy criteria for ranking purposes~~):

Form 4, page 16, Item VIII., “Construction Standards/Amenities”, Item VIII.d., fourth option is changed to read as follows:

All bathrooms in elderly units handicapped accessible ~~with grab bars per ANSI requirements~~.

Form 4, page 16, Item VIII., “Construction Standards/Amenities”, Item VIII. e., first paragraph is changed to read as follows:

e. For Non-Elderly Developments, or Developments with non-elderly units, the Applicant may select from the following list (Applicants must choose ~~choosing~~ items in this category totaling 16 points [2 points each] or more ~~receive credit for one public policy criteria for ranking purposes~~):

Form 4, page 17, Item VIII., “Construction Standards/Amenities”, Item VIII.f., first paragraph is changed to read as follows:

f. Energy Conservation Feature – For all Developments, the Applicant may select from the following list (Applicants ~~must choose choosing~~ items in this category totaling 15 points or more ~~receive credit for one public policy criteria for ranking purposes~~):

Form 4, page 18, “Jurisdiction of Development”, has been renumbered as follows:

~~VIII~~ IX. Jurisdiction of Development: Please complete the following information about the jurisdiction of the proposed Development.

Form 4, page 18, “Completion Date”, has been renumbered as follows:

IX. Completion Date: If funded, what is the estimated date by which all units will be completed?

(21) "Credit Underwriting Report" means a report that is produced by the Credit Underwriter designated by Florida Housing and includes a thorough analysis of the proposed Development and a statement as to whether a loan is recommended, and if so, the amount recommended. The Credit Underwriter or Florida Housing may request such additional information as is necessary to properly analyze the credit risk being presented to Florida Housing and the bondholders. The Applicant shall pay the cost of such credit underwriting in addition to any other fees payable to Florida Housing in conjunction with the Application and Program financing.

(34) "Final Board Approval" means formal action by the Board of Directors to adopt a resolution to authorize financing of award a portion of Florida Housing's State Bond Allocation to a Development and which triggers preparation of Program Documents.

(37) "Financial Beneficiary" means one who is to receive a financial benefit of:

(a) 3% or more of Total Development Cost (including deferred fees) if Total Development Cost is \$5 million or less; or

(b) 3% of the first \$5 million and 1% of any costs over \$5 million (including deferred fees) if ~~T~~total Development Cost is greater than \$5 million.

This definition includes any party which meets the above criteria, such as the Developer and its principals and principals of the Applicant entity. The definition does not include third party lenders, third party management agents or companies, housing credit syndicators, credit enhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or building contractors whose total fees are within the limit described in Rule 67-21.002(39)(35), F.A.C.

(39) "General Contractor" means an entity duly licensed in the State of Florida meeting the following criteria:

(a) The Development superintendent is an employee of the General Contractor and the costs of that employment are charged to the general requirements line item of the General Contractor's budget;

(b) The Development construction trailer and other overhead is paid directly by the General Contractor and charged to general requirements;

(c) Building permits are issued in the name of the General Contractor;

(d) Payment and performance bond (or approved alternate security for General Contractor's performance, such as a letter of credit or other guarantee acceptable to Florida Housing) is issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co. ~~and none of General Contractor duties can be subcontracted; and~~

(e) None of the General Contractor duties to manage and control the construction of the Development may be subcontracted; and

~~(f)(e)~~ No more than 20 percent of the construction cost is sub-contracted to any one entity.

(53) "Lower Income Tenants" means individuals or families whose annual income does not exceed either 50 percent or 60 percent (depending on the minimum Set-Aside elected) of the area median income as determined by HUD with adjustments for household size. In no event shall occupants of a Development unit be considered to be Lower Income Tenants if all the occupants of a unit are students (as defined in Section 151(c)(4) of the Code) or if the tenants do not comply with the provisions of the Code defining Lower Income Tenants. (See Section 142 of the Code.) If Taxable Bonds, (other than Taxable Bonds issued simultaneously with Tax-Exempt Bonds, in which case the above referenced provisions apply) or Bonds that do not require State Bond Allocation are being used to finance the Development, Lower Income Tenants shall be defined as an individual or family with an Annual Household Income not in excess of 80 percent of the state or county median income, whichever median income is higher. In the event Bonds are issued on behalf of a corporation organized under Section 501(c)(3) of the Code, the Set-Aside shall not be less than that required by the 501(c)(3) documents.

(57) "Notice of Funding Availability" or "NOFA" means the notification published in the Florida Administrative Weekly which shall contain the deadline for submission of Applications, the estimated funding amount, and any targeting requirements. Said notice shall be published at least 30 days prior to the deadline contained in such notice. ~~The NOFA shall be mailed to all entities on FHFC's Program mailing list.~~

(59) "Private Placement" or "Limited Offerings" means the sale of Florida Housing Bonds directly or through an underwriter or placement agent to 35 or fewer initial purchasers who are not purchasing the Bonds with the intent to offer the Bonds for retail sale and who are Qualified Institutional Buyers. ~~Private placements may only be used to finance Developments as specified in Section 67-21.013, F.A.C.~~

(67) "Rehabilitation Development" means a Development, the Rehabilitation Expenditures with respect to which equal or exceed 50% ~~45%~~ of the portion of the cost of acquiring such Development to be financed with Bond proceeds. "Rehabilitation Expenditures" has the meaning set forth in Section 147(d)(3) of the Code.

(77) "Urban In-Fill Development" means a Development (i) in a site or area that is targeted for in-fill housing or neighborhood revitalization by the local, county, ~~or state~~ or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone, HUD-designated qualified census tracts, Florida Enterprise Zone, areas designated under a Community Development Block Grant (CDBG) or areas designated as a HOPE VI or Front Porch Florida Communityies or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969, and (ii) in a site which is located in an area that is already developed and part of an incorporated area or existing urban service area.

67-21.003 Application and Selection Process for Loans.

(1) Florida Housing hereby adopts by reference the Application and its appendices (Form MFMRB2001) which provide the instructions and forms necessary for submission of an Application for participation in the Program. Said Application package may be obtained from Florida Housing by contacting the Multifamily Bond Program Administrator at 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301. ~~A detailed proposed timeline including deadlines for receipt of information necessary to complete the final Credit Underwriting, shall be provided to all Applicants, as soon as practical, after the cycle has closed. The detailed timeline shall include the deadlines which must be met for those Applicants using either or Florida Housing Guarantee Fund and the HUD Risk Sharing programs, and may be modified by action of the Board.~~

(2) An Application may be submitted at any time after the Application package is made available and subject to any limitations set forth in the NOFA; however, priority in reviewing and ranking Applications for award of State Bond Allocation for the current calendar year 2001 shall be given to Applications received by Florida Housing by the deadline specified in the Notice of Funding Availability published in the Florida Administrative Weekly and which received a satisfactory CTC based upon the initial Application, with permitted changes as specified in 67-21.003(4). Any Applications received after the noticed deadline shall not be processed, reviewed, or ranked in any way until such time as the list of Applications received by the noticed deadline has been exhausted. No modifications to Applications will be accepted after the noticed deadline, except for supplemental information to correct identified deficiencies as referenced in Section 67-21.003(4) and except for changes permitted by Section 67-21.003(19). Developments wholly owned by

not-for-profit entities ~~corporations~~ qualifying under Section 501(c)(3) of the Code which are not requesting State Bond Allocation are governed by Rule 67-21.019, F.A.C.

(3) All Applications must be complete, accurate, consistent, legible and timely when submitted, and must be accompanied by the applicable Application Fee which includes the estimated costs for the TEFRA and the CTC. An original and three photocopies shall be submitted, except if a Development is proposing to participate in HUD Risk Sharing, an original and four photocopies shall be submitted.

(4) Upon receipt of an Application, all required copies and all applicable fees, staff shall assign a tracking number and a Credit Underwriter for each Application. The Applications shall then be forwarded to the assigned Credit Underwriter for the CTC. Said draft CTC shall be completed by the Credit Underwriter within twenty-one (21) days after receipt of such Application from Florida Housing. Florida Housing shall cause a review committee selected by the Board to review the draft CTCs, including any noted deficiencies. After modification, if any, of such draft CTC based upon the actions of the review committee, the Credit Underwriter shall forward to each Applicant a list of any deficiencies identified in the CTC. The Applicant will thereupon have seven calendar days from the receipt of such deficiency list to correct any deficiencies, provided that the following information must be clearly provided in the initial Application and may not be modified or supplemented:

- (a) County,
- (b) Allocation request,
- (c) Number of units,
- (d) Whether the proposed Development is an Elderly Development, Farmworker Development, Rehabilitation Development, or an Urban In-Fill Development,
- (e) The public policy criteria selected, ~~and~~
- (f) The existence of credit enhancement resulting in the Bonds being rated AAA, AA or A by a nationally recognized rating service ~~The proposed financing structure (whether a private placement or credit enhancement, etc.)~~,

(g) The Financial Beneficiaries of the financing, except as permitted by Rule 67-21.003(20), F.A.C., after the expiration of the cure period, and

(h)(g) The Credit Enhancer; provided that an Applicant shall be permitted once before the issuance of a Final Credit Underwriting Report to change to a Credit Enhancer deemed by the Credit Underwriter to be equivalent to or better than the Credit Enhancer listed in the Application. ~~or,~~

~~(h) Any other factor which would otherwise affect an Applicant's ranking.~~ Applicant will not be provided any additional opportunity to cure any deficiency after the expiration of the seven calendar day cure period. Failure to cure any deficiency shall result in such Application failing CTC. In the event Florida Housing fails to identify any deficiency in the list of deficiencies forwarded to the

Applicant, it shall be foreclosed from later identifying such deficiency. The foregoing shall not be deemed to preclude rejection for failure to adequately cure an identified deficiency.

(7) Based on the order of the ranked Applications after informal appeals and the availability of State Bond Allocation designated by the Board for multifamily housing, the Board shall designate those Applications to be offered the opportunity to enter Final Credit Underwriting. Notwithstanding the rankings, a portion of the State Bond Allocation equal to the amount of allocation requested in any contested Program application, including applications from a previous cycle, shall be reserved by the Board for future allocation necessary to resolve administrative proceedings or legal proceedings with respect to Program private activity bond allocations. In the event any such administrative proceedings or legal proceedings remain outstanding on November 16~~5~~, 2001, allocation authority subject to any such prior reservation, together with allocation made available to Florida Housing pursuant to Section 159.809(4), Florida Statutes, shall be released for application to the current ranked list of Applicants, ~~and a Florida Housing shall make a new reservation with respect to such unresolved administrative proceedings or legal proceedings from the 2002 allocation shall be made from the next available allocation~~ authority. Any remaining 2001 allocation which as of ~~December 1 November 16~~, 2001 is insufficient to fully fund the next ranked Application shall be offered to the next ranked Applicant, continuing down the Master Waiting List until sufficient to fully fund a proposed Development. Applicants shall be permitted to downsize their allocation request by up to 15% of the original allocation request for the purpose of becoming fully funded but may not reduce the number of units or the unit sizes in the development. Any unused allocation shall be carried over and applied to the 2002 calendar year allocation. The Board may, upon a determination that such is necessary to assure timely processing of Applicants with respect to future State Bond Allocation which may become available, invite up to the next an additional five Developments on the Master Waiting List into Final Credit Underwriting beyond what is expected to be funded with the available State Bond Allocation designated by the Board for multifamily housing. Applicants shall be notified in writing of the opportunity to enter final Credit Underwriting. A detailed timeline for submitting required fees and information to the Credit Underwriter shall be included. Failure to meet the deadlines established by such timeline shall result in the immediate termination of Credit Underwriting activities and the Application shall be moved to the bottom of the Master Waiting List. Applicants electing to proceed to final Credit Underwriting do so at their own risk. Any Applicant which declines invitation to final Credit Underwriting shall be removed from the ranked list.

(10) Applications that successfully complete the CTC, as accepted by Florida Housing after review by the review committee after the 14 day cure period referenced in (8) above

shall be evaluated and ranked by staff subject to review by the review committee using the criteria established by the Board pursuant to Rule 67-21.004~~1~~, F.A.C. This ranking shall be presented to the Board for approval and authorization of invitations to Credit Underwriting. In the event that time constraints preclude presentation of this ranking to the Board for approval and authorization of Credit Underwriting, staff shall offer Applicants the opportunity to enter Credit Underwriting at their own risk only to the extent that there is sufficient State Bond Allocation designated by the Board for multifamily housing to fully fund the proposed Developments.

(14) Florida Housing shall notify the Applicant, in writing, of the Board's determination related to approval of the final Credit Underwriting Report and require ~~that~~ the Applicant to submit one-half of the Good Faith Deposit within 7 calendar days from the date of such notice. Developments designated for a portion of the current year's State Bond Allocation shall be required to close at such time as set forth in such designation. In the event the loan does not close within the designated time frame for reasons other than acts of God, acts of war, riot or insurrection or other matters beyond the control of the Developer or Applicant and the closing date is not extended in writing by FHFC, then the State Bond Allocation shall be forfeited.

(15) Upon favorable recommendation of the final Credit Underwriting report and preliminary recommendation of the method of bond sale from Florida Housing's Financial Advisor, ~~or from the staff,~~ the Board shall designate by resolution the method of bond sale considered appropriate for financing. The Board shall consider authorizing the execution of the Loan Commitment and shall consider final Board approval reserving State Bond Allocation for a Development. Requests for Taxable Bonds shall be considered by the Board in an amount recommended by the Credit Underwriter. The Board shall also assign a bond underwriter, structuring agent, or Financial Advisor and any other professionals necessary to complete the transaction. Staff shall assign FHFC counsel as needed.

(16) Following receipt of one-half of the Good Faith Deposit, Florida Housing's assigned counsel shall begin preparation of documenting the terms of the transaction, ~~including~~ the Loan Commitment.

(17) Upon execution of a Loan Commitment Applicant shall pay the balance of the Good Faith Deposit and Florida Housing shall authorize the preparation of the Program required Documents which shall include:

- (a) Loan Agreement;
- (b) Note;
- (c) Mortgage;
- (d) Guarantee Instrument Agreements, if any;
- (e) Land Use Restriction Agreement;
- (f) Trust Indenture;
- (g) Preliminary and Final Official Statements, if any;
- (h) Financial Monitoring Agreements;

- (i) Compliance Monitoring Agreements; and
- (j) Such other documents as are necessary to establish and secure the Mortgage Loan and the issuance of the Bonds.

(19) If an Applicant or any Principal or Financial Beneficiary of an Applicant or a Developer has any existing developments participating in any Corporation programs that remain in non-compliance with the Code, ~~or~~ the applicable Rule Chapter or applicable loan documents and any applicable ~~the~~ cure period granted for correcting such non-compliance has ended; at the time of submission of the Application or at the time of issuance of a ~~F~~final ~~C~~redit ~~U~~nderwriting ~~R~~eport, the requested allocation will, upon a determination by the Board that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing, be denied and the Applicant and ~~the~~ affiliates of the Applicant or Developer will be prohibited from new participation in any Florida Housing program ~~of the programs~~ for a period of one year and until such time as all of their existing developments participating in any Corporation programs are in compliance.

~~(21)(22)~~ At no time during the Application, CTC, and appeal process may Applicants or their representatives contact Board members concerning their own Development or any other Applicant's Development. If an Applicant or its representative does contact a Board Member in violation of this section, the Board shall, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

67-21.0035 Applicant Administrative Appeal Procedures.

(1) Following the cure period referenced in Rule 67-21.003(4) and the Credit Underwriter's completion and Florida Housing's review and acceptance of the CTC, a notice regarding whether or not the Application received a satisfactory CTC and a copy of the initial rankings shall be provided to each Applicant.

(2) Applicants who wish to contest the decision relative to the CTC for their own Application or their own ranking must petition for a review of the decision in writing within 21 calendar days of the date of the notice. The request must specify in detail the basis for the appeal and the issues to be appealed. Unless the appeal involves disputed issues of material fact, the appeal shall be conducted on an informal basis. Florida Housing staff shall review the appeal and shall provide to the Applicant a written position paper which indicates whether a change will be made regarding each issue appealed. If the Applicant disagrees with Florida Housing's position paper, the Applicant shall be given an opportunity to participate in an informal administrative hearing. If the appeal raises issues of material fact, a formal hearing shall be conducted pursuant to Section 120.57(1), Florida Statutes. Failure to timely file a petition shall constitute a waiver of the right of the Applicant to such an appeal.

(3) For purposes of 67-21.035(2) above, the written notification, petition, or request for review is deemed timely filed when it is received by the FHFC prior to 5:00 PM Tallahassee, Florida time of the last day of the designated time period at the following address: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Attention: Corporation Clerk. For the purpose of this subsection, "received" means delivery by hand, U.S. Postal Service, or other courier service; ~~or by facsimile~~. Petitions or requests for review that are not timely filed shall constitute a waiver of the right of the Applicant to such a review.

67-21.004 Federal Set-Aside Requirements.

Each Application shall designate one of the following minimum federal Set-Aside requirements that the Development shall meet commencing with the first day on which at least 10 percent of the units in the property are occupied:

(2) Forty percent of the residential units in the Development shall be occupied by or reserved for occupancy by one or more persons or a family whose Annual Household Income does not exceed 60 percent of the area median income limits adjusted for family size, (the 40/60 Set-Aside); or

(3) For refundings of Tax-exempt Bonds originally issued under the Internal Revenue Code of 1954, as amended, 20 percent of the residential units in the Development shall be occupied by or reserved for occupancy by one or more persons or a family whose Annual Household Income does not exceed 80 percent of the area median income limits adjusted for family size, (the 20/80 Set-Aside).

67-21.0041 Public Policy Criteria Requirements

(1) All Applicants shall commit to provide at least the following percentages of each unit size in excess of one bedroom and studio units in the Development to be occupied or reserved for occupancy by Lower Income Tenants in proportion to the minimum Set-Aside requirement elected:

(c) In the case of Developments financed solely through the issuance of Taxable Bonds or refundings of Tax-Exempt Bonds originally issued under the Internal Revenue Code of 1954, as amended, (or for specific cases pursuant to the Code, Tax-exempt Bonds), 20 percent of such units at or below 80 percent of state or county median income limit, whichever is higher, with family size adjustment (or for Developments financed prior to the Code, as amended, without family size adjustment). The foregoing shall not apply to Developments which are also financed with tax-exempt debt in which at least 50 percent of the Bonds issued are tax-exempt in nature.

(2) In addition to satisfying 67-21.0041(1) above, a Development Application shall reflect the Applicant's commitment to satisfy a minimum of two of the Public Policy Criteria listed in (a)-(i)~~(e)~~ below. The maximum number of Public Policy Criteria is five.

(c) For Developments other than Elderly Developments, provision of two or more of the following tenant programs identified in the Application: First Time Homebuyer Seminars, Literacy Training or Job Training.

(e) For Elderly Developments, provision of one or more of the following tenant programs identified in the Application:

1. Daily Activities,
2. Assistance with Light Housekeeping, Shopping and/or Laundry.
3. ~~Shopping and/or Laundry.~~

(i) For refundings only, the commitment to set aside an additional 10 percent of units for Lower Income Tenants beyond the requirements of Rule 67-21.0041(1), F.A.C.

(3) All Public Policy Criteria and factors selected by the Applicant shall be verified beginning with Credit Underwriting and continuing through the Qualified Project Period. Any proposed changes to the Public Policy Criteria selected by the Applicant and identified in its Development Application may be only changed to other Public Policy Criteria set forth in Rule 67-21.0041 and must be submitted to Florida Housing for prior approval. Florida Housing may grant such approval only if it would not alter the Application ranking.

(4) Initial consideration shall be given based on any or all of the criteria set forth below as shall be established by the Board and included in the Application and in such order of priority as set forth in the Application. Such criteria shall be incorporated in the Application as Appendix C.

(a) Developments with no other Florida Housing subsidy except ~~(Developments utilizing (i) Florida Housing's Guarantee Fund, (ii) HUD Risk-Sharing, (iii) the Predevelopment Loan Fund or (iv) SAIL to the extent specified in the Ranking Criteria shall not be considered as having a Florida Housing subsidy);~~

(m) Public Policy Criteria sSelected by the Applicant.

67-21.0045 Determination of Method of Bond Sale.

(5) For those transactions that Florida Housing's Financial Advisor recommends as candidates for a competitive sale, Florida Housing shall engage a structuring agent. The Applicant may, at its sole expense, engage a Financial Advisor for the transaction. Any cost to the Applicant for the Financial Advisor in excess of \$18,000 must be paid out of Developer Fee, in accordance with 67-21.002(24)(25).

67-21.006 Development Requirements.

A Development shall at a minimum meet the following requirements or an Applicant shall be able to certify that the following requirements shall be met with respect to a Development:

(5) All of the dwelling units shall be rented or shall be available for rent on a continuous basis to members of the general public, and the Applicant shall not give preference to any particular class or group in renting the dwelling units in the

Development, except to the extent that dwelling units are required to be occupied in compliance with the Code or are being held for Elderly Persons or ~~and~~ Farmworkers.

(15) The Applicant and Developer of a proposed Rehabilitation Development shall make every effort to rehabilitate existing housing (i) without displacing existing tenants or (ii) by temporarily moving existing tenants to unaffected units within the Development until the renovation of affected units is ~~are~~ completed.

67-21.007 Fees.

Florida Housing shall collect the following fees and charges in conjunction with the Program:

(13) Failure to pay any fee on or before ten days after the due date shall cause no further processing of ~~towards~~ the Loan ~~commitment~~.

67-21.008 Terms and Conditions of Loans.

(1) Each Mortgage Loan for a Development made by Florida Housing shall:

(b) Provide for a fully amortized payment of the Mortgage Loan in full beginning on the earlier of 24 months after closing or stabilized occupancy and ending no later than the expiration of the useful life of the property, and in any event, not later than 45 years from the date of the Mortgage Loan;

(5) Florida Housing shall charge such Program administration fees as are required to pay the cost of administering the Program during the life of the Bonds and Loan.

(12) The Applicant shall, prior to the requested date for funding, supply in draft form to Florida Housing the following documents with respect to the Development being financed, together with any other documents required by the Loan Agreement:

(h) A copy of the deed or form of deed conveying the land for the Development to the Applicant, or a copy of the lease creating a long-term leasehold estate in favor of the Applicant acceptable to the Credit Underwriter.

(14) Florida Housing ~~may require that all Loans be guaranteed or collateralized but~~ shall require all Loans to be secured to the extent necessary to protect Florida Housing and Bond holders.

~~(17) The Total Development Cost (excluding land cost and the amount of any applicable impact fees) for each Development selected for financing in the Program shall not exceed \$70,000 per unit.~~

67-21.010 Issuance of Revenue Bonds.

Florida Housing shall fund Mortgage Loans with the proceeds from the sale of Revenue Bonds. The issuance and sale of the Bonds shall be governed by resolutions adopted by Florida Housing and by applicable law and rule. If Bonds cannot be sold or cannot be sold in an amount or at an interest rate or under conditions which satisfy the Final Credit Underwriting

~~Report, as the same may be amended, are in the best interest of Florida Housing.~~ Florida Housing shall terminate its Loan Commitment and such other agreements as were executed in conjunction with the proposed Loan.

67-21.013 Private Placements of Multifamily Mortgage Revenue Bonds.

Any issuance of Revenue Bonds by means of a negotiated Private Placement shall be sold only to a Qualified Institutional Buyer. Such Private Placements may only be utilized for financings where the Applicant has demonstrated that the utilization of a Private Placement produces a substantial benefit to the Development not otherwise available from credit enhancement structures used to finance single room occupancy Developments wholly owned by a not for profit corporation, assisted living facilities, Farmworker Developments and Urban In-Fill Developments. Florida Housing shall designate the placement agent with respect to such Bonds, who shall be on Florida Housing's approved bond underwriters list. A Qualified Institutional Buyer who is an underwriter may contract to immediately resell such Bonds to other Qualified Institutional Buyers, which transaction shall continue to constitute a Private Placement. The amount of any placement agent fee and any amounts paid by any third party to an initial Qualified Institutional Buyer which is an underwriter shall be subject to the approval of Florida Housing or its designee. Unless such Bonds are rated in one of the three highest rating categories by a nationally recognized rating service, such Bonds shall not be held in a full book-entry system (but may be DTC-Eligible) and shall comply with at least one of the following criteria:

(1) The Bonds shall be issued in minimum denominations of \$100,000 and each purchaser of such Bond, including subsequent purchasers unless the requirements of (2) or (3) below are met, shall certify to Florida Housing prior to any purchase or transfer of any Bond that such purchaser is a Qualified Institutional Buyer; or

(2) The Bonds shall be issued in minimum denominations of \$250,000 and an investment letter satisfactory to Florida Housing and its counsel shall be obtained from each initial purchaser of the Bonds (including any purchaser purchasing such Bonds in an immediate resale from an underwriter), but shall not be required of subsequent purchasers of the Bonds, to the effect that, among other things, such purchaser is a Qualified Institutional Buyer, is purchasing such Bonds for its own account and not for immediate resale to other than another Qualified Institutional Buyer, and has made an independent investment decision as a sophisticated or institutional investor; or

(3) The Bonds shall be issued in minimum denominations of \$250,000 and an investment letter satisfactory to Florida Housing and its counsel shall be obtained from each initial purchaser of the Bonds and from each subsequent transferee of the Bonds prior to any transfer thereof, to the effect that such purchaser is a Qualified Institutional Buyer.

67-21.014 Credit Underwriting Procedures.

(1) After the cycle closing date, Florida Housing shall assign and forward all Applications to the Credit Underwriter for the Completeness and Threshold Check.

(a) A statement by Florida Housing's Credit Underwriter as to compliance with the Completeness and Threshold Checklist set forth in the Application after applicable cure periods shall be required for a Development to be invited to Final Credit Underwriting ~~except as provided in 67-21.003(10).~~

(2) The Credit Underwriter shall in final Credit Underwriting analyze and verify all information in the Application package in order to make a recommendation to the Board on the feasibility of the Development, without taking into account the willingness of a credit enhancer to provide Credit Enhancement.

(g) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process to complete the Credit Underwriting Report, the Credit Underwriter shall notify Florida Housing and request the information from the Applicant. Such requested information shall be submitted within ten five business days of receipt of the request therefor. Failure for any reason to submit required information on or before within ten days of the specified deadline shall result in the Application being moved to the bottom of the ranked list.

(h) If audited financial statements are unavailable from the Applicant or from those members of the development team that are guaranteeing completion, the Applicant shall submit unaudited financial statements and ~~or~~ federal tax returns for the past three years to the Credit Underwriter.

(j) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter from an appraiser qualified for the geographic area and product type not later than when an Application enters Final Credit Underwriting. The Credit Underwriter shall review the appraisals to properly evaluate the loan request in relation to the property value.

67-21.015 Use of Bonds with Other Affordable Housing Finance Programs.

(1) Subject to any ranking criteria which may be imposed pursuant to Rule 67-21.004~~1~~(4)(a), F.A.C., Applicants may use Tax-exempt or Taxable Bond financing in conjunction with other affordable housing finance programs administered by Florida Housing, including, by way of example, and not of limitation, the Housing Credit, the State Apartment Incentive Loan, the Florida Affordable Housing Guarantee, HOME Investment Partnerships Rental Loan, Predevelopment Loan Program and HUD Risk Sharing Programs.

67-21.016 Compliance Procedures.

(6) The Applicant shall submit Program Reports pursuant to the following: The initial Program Report shall be submitted prior to the time of Loan closing, if the Development is occupied, or by the 25th of the month following rental of the initial unit in the Development. Subsequent Program Reports shall be submitted each month and are due no later than the 25th of each month thereafter. The Program Reports shall be accompanied by the certificate of continuing program compliance and copies of all Tenant Income Certifications executed since the last Program Report and shall ~~(to be sent to Florida Housing and the monitoring agent).~~

67-21.018 Refundings and Troubled Development Review.

(4) In connection with all refundings, the following shall apply:

(c) A Credit Underwriting and an existing property valuation report shall be required, ~~(which may incorporate any Credit Underwriting undertaken within the past twelve months in connection with a transfer of ownership of the same Development);~~

67-21.019 Issuance of Bonds for 501(c)(3) Entities Corporations.

(1) Florida Housing shall entertain requests for it to serve as the issuer of Tax-exempt Bonds for the acquisition or construction of multifamily housing to be owned by a not-for-profit entity corporation ~~organized under Section 501(c)(3) of the Code.~~

(2) In connection with all Bonds issued pursuant to 67-21.019, F.A.C., Applicants shall be required to comply with the provisions of Rule 67-21.003, 67-21.004~~1~~ and Rule 67-21.0045 through 67-21.018, F.A.C., as if the 501(c)(3) Bonds are being issued as Tax-exempt Bonds under Section 141 of the Code, except that:

(a) With respect to Rule 67-21.004~~1~~, F.A.C., paragraph (4) does not apply;

(b) With respect to Rule 67-21.003~~7~~(4), F.A.C., and Rule 67-21.014, F.A.C., no CTC or CTC fee shall be required; and

(c) Only one Public Policy Criteria shall be satisfied in addition to the minimum federal Set-Aside.

(3) In addition, Applicant shall submit the following:

(c) An opinion from Applicant's counsel ~~(at Applicant's sole expense)~~ evidencing the Applicant's qualifications as a 501(c)(3) entity and Applicant's authority to incur bond debt for multifamily housing; and

(d) If ~~a the~~ Development to be acquired is intended to be exempt from ad valorem taxes, evidence that it has notified, ~~on forms provided by Florida Housing,~~ all local ad valorem applicable taxing authorities of the acquisition of the proposed Development by a 501(c)(3) entity Corporation.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-48.002	Definitions
67-48.003	Notice of Funding or Credit Availability
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.008	No Discrimination
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.012	SAIL Credit Underwriting and Loan Procedures
67-48.021	HOME Credit Underwriting and Loan Procedures
67-48.025	Qualified Allocation Plan
67-48.026	Housing Credit Underwriting Procedures
67-48.028	Carryover Allocation Provisions

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. 44, November 3, 2000, issue of the Florida Administrative Weekly.

67-48.002 Definitions.

(11) "Application Package" or "Form CAP01" means the computer disks, forms, tabs and instructions thereto, obtained from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, which shall be completed and submitted to the Corporation in accordance with this Rule Chapter in order to apply for the SAIL, HOME, and/or HC Program(s). The Application Package is adopted and incorporated herein by reference, effective on the date of the latest amendment to this Rule Chapter.

Application Instructions.

Third indented paragraph, page 1, has been changed to read as follows:

Pursuant to Rule 67-48.004(11), F.A.C., if it is necessary to supplement or revise the Application, such documentation must be bound with the original labeled "Original" and accompanied by three photocopies of the original. Pages of the Application that are not revised or otherwise changed may not be resubmitted. A computer disk containing all revised completed forms must also be provided. Each page of such additional documentation and revisions shall be marked as "revised."

"NOTE:.", page 3, has been changed to read as follows:

NOTE: Applications will NOT be accepted prior to February 6, 2001 January 30, 2001. Applications must be received by the Corporation and clocked in by 5:00 p.m., Tallahassee time, February 26, 2001 February 20, 2001. No fax or other electronic transmissions will be received at the Corporation's offices. Applications received after the deadline will be clocked-in and returned to the Applicant.

"IMPORTANT" note added to page 3, as follows:

IMPORTANT: PERIODICALLY THROUGHOUT THE APPLICATION, SCORING AND APPEALS PROCESS, ALL APPLICANTS SHOULD CHECK FLORIDA HOUSING'S WEB SITE FOR UPDATED INFORMATION CONCERNING THE 2001 COMBINED RENTAL CYCLE. THE WEB SITE ADDRESS IS www.floridahousing.org, choose "Multifamily Programs", choose "Combined Cycle", and choose "2001".

Threshold and Fee Requirements.

Section I, HC Item 2., page 3, Small County limits, has been changed to read as follows:

2. Housing Credit Allocations are limited by geographic distribution. No Applicant may request nor be given an allocation in excess of the following limits unless the Development is in a DDA or a QCT:

Small County: ~~\$750,000.00~~ \$585,000

Those Applicants whose Developments are located in a DDA or a QCT must conform to the following Housing Credit Allocation limits:

Small County: ~~\$975,000.00~~ \$760,500

Section I, Item I.2., page 4, has been changed to read as follows:

2.a. Each ~~HC and HOME~~ Applicant must understand, acknowledge and agree that by applying under this category, it will comply with the Federal Fair Housing Act requirements and rent at least 80% of the units to residents that qualify as elderly pursuant to that Act;

b. ~~SAIL Applications must have a minimum of 40% of the Development's residential units set aside for those at age 62 or older Elderly Households see 67-48.002(34), FAC], regardless of the income commitments indicated on Form 11. NOTE: Applicant further understands, acknowledges and agrees that by applying under this category, it will also comply with the Federal Fair Housing Act requirements and rent at least 80% of the units to residents that qualify as elderly pursuant to that Act;~~

Section I, Item J, has been changed to read as follows:

J. ~~In order for a proposed Development to be classified as a Universal Access Facility (UAF) for purposes of this Application, the Development must comply with ALL items listed in this section. The Development must provide the following features in the specified percentages of all residential units in New Construction (NC) and Substantial Rehabilitation (SR) Developments. NOTE: Features required in less than 100% of the units must be provided in the SAME units so that~~

~~the designated number/percentage of units is fully useable by handicapped households, and such units must be located on the ground floor or have elevator access.~~

Feature	NC	SR
At least One Bathroom with:	25%	20%
30" x 48" approach in front of fixtures		
30" x 60" curbless shower or tub with adequate	clearance for transfer to	or from a wheelchair
Offset controls in shower		
Mixer valve with pressure balancing and hot water limiter		
Knee space under lavatory		
Integral transfer seat in shower		
Full extension pull-out drawers with loop handler		
Kitchens with:	25%	20%
Front mounted controls on appliances		
Cook top staggered burners to eliminate dangerous reaching		
Knee space under sink		
Microwave at roll under workstation		
Dishwasher located directly next to sink		
Thermostat placed at 48" maximum height	100%	20%
Tight napped Berber type carpet	100%	100%
36" entrances on all exterior doors	100%	100%
All wall electrical outlets placed at 18" to 24"	100%	20%
Scald control valves on shower faucet	100%	100%
Fire retardant window treatments	100%	100%
Peephole at 4' 10" on all exterior doors	100%	100%
Toggle type switches for all lights, fans, etc.	100%	100%
Adjustable shelving in master bedroom closets	100%	100%
Lever action handles on all doors in units and public areas	100%	100%
Horizontal grab bars around shower per ANSI requirements	100%	20%
Horizontal grab bars around toilet per ANSI requirements	25%	20%
Grab bars or wooden hand/chair rails which protrude with a 3" 4" shelf-like top installed 33" 36" above the floor in hallways in specified percentage of units.	25%	20%
Site Amenities must include:		
Wheelchair accessible playground		
Wheelchair accessible sport courts		
Wheelchair accessible picnic table and BBQ		
Wheelchair accessible exercise room		
25% of the parking spaces which are van accessible		

In order for a syndication/equity commitment to be scored firm, it must expressly state the syndication rate (amount of equity being provided divided by the anticipated amount of credits the syndicator expects to receive), capital contribution pay-in schedule (stating the amounts to be paid prior to or simultaneous with the closing of construction financing and stating the amounts to be paid prior to completion of construction, the percentage of the anticipated amount of credit allocation being purchased, the total amount of equity being provided, and the anticipated Housing Credit Allocation.

Development Cost Pro Forma paragraph, page 5, has been changed to read as follows:

This section must include all anticipated costs of the Development construction, rehabilitation, or acquisition. Any amounts which are not an anticipated cost to the Development, such as waived fees or charges, should NOT be included in the Development Cost Pro Forma. NOTE: deferred Developer fees are NOT considered "waived fees". ~~Exact amounts must be shown for Developer fee, FHFC Application fee, administrative fee, and FHFC credit underwriting fee.~~

Developer Fees, the note following this paragraph, page 6, has been changed to read as follows:

NOTE: The maximum allowable Developer fee will be tested must be calculated by multiplying the Development Cost (Line B, Page 11) by the applicable percentage (16%, ~~18%~~ or 4%). This calculation will be carried to 2 6 decimal places and may NOT be rounded.

Section II. Development Cost Pro Forma

The NOTES paragraph, page 9, has been changed by the addition of a new item (7), as follows:

(7) Hard and soft cost contingency amounts cannot exceed the limits stated in Rule 67-48.

Form 5, Local Government Contributions.

Section I. Contributions

Second sentence of the opening paragraph, page 1, has been changed to read as follows:

For purposes of this form, examples that DO NOT qualify as contributions include, but are not limited to, the following: (1) reduction of local parking space requirements except for: (a) new construction or rehabilitation Developments which are Elderly Developments or Developments located in areas targeted for in-fill housing or neighborhood revitalization by the local or state government, and (b) the local government verifies that the existing code would require the additional parking, and (c) the local government verifies that the parking requirements were waived specifically for the subject Development, (2) density bonus, (3) rezoning, (4) zoning variances, ~~and~~ (5) Local Government recommendations, and (6) contributions given in exchange for consideration or promise of consideration.

Last sentence of the opening paragraph, page 1, has been changed to read as follows:

State, Federal, or local government funds initially obtained by or derived from a local government qualify as a local governmental contribution even though the funds are directly administered by an intermediary such as a housing finance authority, a public housing authority, a community reinvestment corporation, or a State-certified Community Housing Development Organization, provided that they otherwise meet the requirements of this Form, including those relating to the executed verification form and the letter of award or commitment.

Second "NOTE", page 5, first sentence has been changed to read as follows:

NOTE: Funds administered by the local government or public housing authority, including federal funds and SHIP funds, may be included in the contribution as long as the appropriate verification form and all required supporting documentation are included.

Local Government Verification Of Contribution – Grant form, page 7, has been changed to include the following:

The _____ does not expect to be repaid or reimbursed by the (City or County)

Applicant, or any other entity, provided the funds are expended solely for the Development referenced above. No consideration or promise of consideration has been given with respect to the grant. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This grant is provided specifically with respect to the proposed Development. The source of the grant is:

_____.

(e.g., SHIP, HOME, CDBG)

Local Government Verification Of Contribution – Fee Waiver form, page 8, has been changed to include the following:

No consideration or promise of consideration has been given with respect to the fee waiver. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This fee waiver is provided specifically with respect to the proposed Development.

Local Government Verification Of Contribution – Loan form, page 9, has been changed to include the following:

No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This loan is provided specifically with respect to the proposed Development.

Local Government Verification Of Contribution – Tax-Exempt Bond Financing form, page 10, has been changed to include the following:

No consideration or promise of consideration has been given with respect to the tax-exempt bond financing. For purposes of the foregoing, the promise of providing affordable

housing does not constitute consideration. This tax-exempt bond financing is provided specifically with respect to the proposed Development.

Local Government Verification Of Contribution – Other Contributions form, page 11, has been changed to include the following:

No consideration or promise of consideration has been given with respect to the contribution. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This contribution is provided specifically with respect to the proposed Development.

Local Government Verification Of Contribution – Exemption From Ad Valorem Tax form, page 13, has been changed to include the following:

No consideration or promise of consideration has been given with respect to the exemption from ad valorem tax. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This exemption from ad valorem tax is provided specifically with respect to the proposed Development.

Form 7, Development Feasibility and Ability to Proceed

Section I. Quality of Design, Item B, page 2 Introductory paragraph for Elderly features has been changed to read as follows:

Elderly. Must have at least 80% of the units set aside for the Elderly in order to receive points under this section as reflected on Form 2, Item II. ~~All common areas must be wheelchair accessible.~~ Two (2) points will be awarded for each item marked below up to a maximum of 16 points.

The list of design features has been changed to include the following:

- ___ Basic Furnishings in Each Unit (must have a bed, chest of drawers, table and two chairs)
- ___ Microwave Oven in Each Unit

Introductory paragraph for Non-Elderly features, Page 2, has been changed to read as follows:

Non-Elderly. The list below must be used for all demographic categories other than Elderly, e.g. family, homeless, disabled, ~~Assisted Living~~, Farmworker or Commercial Fishing Worker. NOTE: Applications which set-aside 80% or more of units for the Elderly as reflected on Form 2, Item II are NOT eligible to receive points in this sub-section. ~~All common areas must be wheelchair accessible.~~ Two (2) points will be awarded for each item marked below up to a maximum of 16 points.

The list of Non-Elderly features on Page 3 has been changed as follows:

- ___ Child care or Adult day care facility available within three miles of the property
- ___ ~~Library/study room~~

- ___ Two or more parking spaces per total number of units (Note: 25% of the parking spaces must be van accessible if Applicant commits to Universal Access Facility (UAF) on Forms 11, 16 and/or 21)
- ___ ~~24 Hour Emergency Call Service in Set Aside Units with “Panic Button” in all bathrooms, all bedrooms and kitchens~~
- ___ ~~Exercise Room with Appropriate Equipment~~
- ___ ~~Centrally Located Offices for Service Coordinators or Providers~~
- ___ ~~Food Preparation Facilities (conventional oven and range, refrigerator and sink) and Sanitary Facilities in Each Unit~~
- ___ ~~Car Care Area~~
- ___ ~~Bicycle Rack~~

Section I. Quality of Design, Item C, Energy Conservation Features, page 3, has been changed as follows:

C. Energy Conservation Features. Select items from the list below. Points will be awarded as indicated on each item to a maximum of ~~22~~ 30 points:

Section II. Site Control, option for Qualified Long-Term Lease, page 4, has been changed to read as follows:

Qualified Long-Term Lease AND Leasehold Policy of Title Insurance Showing

Marketable Title in the name of the lessor and proposed lessee of the subject property: If site control is demonstrated by a long-term lease, a copy of the executed lease must be provided. The lease must have an unexpired term of 50 years from the date of this Application and the Lessee MUST be the Applicant. The lease may be contingent only upon the receipt of SAIL or HOME and/or HC.

Section IV. Site Plan/Plat Approval, Item A.2., page 7, first sentence, has been changed to read as follows:

Applicant must provide a preliminary plat of the Development, certified by a licensed architect, surveyor or engineer, or a final recorded plat, along with an executed copy of the “Local Government Verification of Status of Plat Approval” form (found at Form 7, P. 15 of 22) directly behind tab labeled “Form 7, Exhibit ___”.

Scoring Matrix, page 11, has been changed as follows:

Scoring Matrix:

	Maximum Score
Quality of Design	53 64 points
Site Control – Threshold	0 points
Zoning – Threshold	0 points
Site Plan / Plat Approval	20 points
Environmental Safety	20 points
Use of Infrastructure	20 points

Maximum points for Form 7 are ~~113~~ 121

Local Government Verification of Status of Site Plan Approval (for Multifamily Developments) form, page 14, "Legally Authorized Body" language has been changed to read as follows:

*"Legally Authorized Body" is NOT an individual. Applicant must state the name of the City Council, County Commission, Board, Department, Division, etc., with authority over such matters.

Local Government Verification of Status of Plat Approval (for Single-Family Developments) form, page 15, "Legally Authorized Body" language has been changed to read as follows:

*"Legally Authorized Body" is NOT an individual. Applicant must state the name of the City Council, County Commission, Board, Department, Division, etc., with authority over such matters.

Verification of Environmental Safety Phase II Environmental Assessment form, page 18, has been changed to move the certification from the middle of the page to the bottom of the page.

Verification of Availability of Infrastructure – Electricity form, page 19, Item 2, has been changed to read as follows:

2. There are no impediments to the proposed Development for obtaining electric service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.

Verification of Availability of Infrastructure – Water form, page 20, Item 2, has been changed to read as follows:

2. There are no impediments to the proposed Development for obtaining potable water service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.

Verification of Availability of Infrastructure – Sewer Capacity, Package Treatment, or Septic Tank form, page 21, Item 2, has been changed to read as follows:

2. There are no impediments to the proposed Development for obtaining the specified waste treatment service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.

Verification of Availability of Infrastructure – Roads form, page 22, Item 2, has been changed to read as follows:

2. There are no impediments to the proposed Development using the roads other than payment of impact fees or providing curb cuts, turn lanes, or signalization.

Form 8, Resident Programs

Section B, introductory paragraph, page 2, has been changed to read as follows:

B. Qualified Resident Programs for Elderly; ~~or SRO, ALF or UAF~~ Developments. In order to receive points under this section, Applicant must have at least 80% of the residential units set aside for the Elderly as reflected on Form 2, Item II; OR must have selected "SRO", ~~"ALF" OR "UAF"~~ on Form 1, Section II.E as reflected on ~~Forms 11, 16 and/or 21~~. (Maximum Points = 20) NOTE: All SAIL Applicants shall be required to choose the "Welfare to Work or Self-Sufficiency Programs" activity set forth below. This is a required activity for SAIL; HOME and HC Applicants MAY NOT choose this activity under this Section B.

Section C, introductory paragraph, page 4, has been changed to read as follows:

C. Qualified Programs for Non-Elderly Developments. (Maximum Points = 20) NOTE: Applications which set aside 80% or more of the residential units for the Elderly, as reflected on Form 2, Item II, or which selected "SRO" on Form 1, Section II.E, ~~"ALF" or "UAF"~~ as reflected on ~~Forms 11, 16 and/or 21~~, ~~Item II~~ are NOT eligible to receive points for Part C. Mark the appropriate box for all programs to which the Applicant wishes to commit. NOTE: All SAIL Applicants shall be required to choose the "Welfare to Work or Self-Sufficiency Programs" activity set forth below.

Form 10, Leveraging

Section I, SAIL/HOME Applicants – Requirements for Leveraging on Amount of Loan, Scoring Matrix for SAIL Applicants who are eligible for a loan in excess of 25% per Rule 67-48.009, page 3, has been changed to read as follows:

Scoring Matrix for SAIL Applicants who are eligible for a loan in excess of 25% per Rule 67-48.009:	
25.01% to 45.99%	<u>40</u> 40 Points
46.00% to 54.99%	<u>30</u> 7 Points
55.00% to 65.99%	<u>15</u> 5 Points
66.00% to 100.0%	0 Points

Section II, Leveraging by Corporation Funding per Set-Aside Unit, Item A., page 4, has been changed to read as follows:

3. Form 23 HC Request Amount multiplied by 7.5 \$_____

(NOTE: Complete this item only if the Development has or is anticipating an allocation of 9% housing credits. For Developments that have received an allocation of 9% credits, enter the product of multiplying the sum of the allocated

amount of credits plus, if applicable, the binding commitment amount of credits, by 7.5. If Development is in a DDA/QCT, multiply such amount by .7692.)

6. EQUALS Total Corporation Funding Per Set-Aside Unit: \$ _____

THIS FIGURE MAY NOT EXCEED \$65,000.00 PER SET-ASIDE UNIT THE COMPUTED ITEM 6 FIGURE WILL BE USED AS A FINAL TIEBREAKER IN THE EVENT TWO OR MORE HOME APPLICATIONS TIE OR IN THE EVENT TWO OR MORE SAIL APPLICATIONS TIE. THE APPLICATION WITH THE LOWER FIGURE WILL BE RANKED HIGHER. For example: SAIL Application A received a score of 600 points and it has been determined it will receive \$60,000 per set-aside unit in Corporation funding. SAIL Application B received a score of 600 points and it has been determined it will receive \$59,000 per set-aside unit in Corporation funding. SAIL Application B will be ranked higher than SAIL Application A. The computed Item 6 figure will also be used to establish the leveraging tiebreaker priority for HC as set forth in the QAP.

Form 11, Demographic and Set-Aside Commitment

Section III, Commitment to Serve Lower Area Median Income, Instructions, page 2, has been changed as follows:

~~Instructions: Applicants that have committed on Form 11 to construct and maintain an Assisted Living Facility (ALF) are not required to complete this Section. NO POINTS will awarded to ALFs for this Section.~~

Section IV, Summary of Total Set-Aside Commitment, page 4, has been changed to read as follows:

IV. Summary of Total Set-Aside Commitment –

~~ALF Applicants (as reflected at Section VII.F. of this form) = Maximum 50 Points; Non-ALF Applicants = Maximum 35 Points;~~

Item A. 1, opening paragraph, page 4, has been changed as follows:

~~A. Scoring for Section IV:~~

~~1. All Applicants, other than those that have committed to construct and maintain an Assisted Living Facility on Form 11, are eligible to receive points in the following manner:~~

~~Item A. 2., page 4, has been changed as follows:~~

~~2. All Applicants that have committed to construct and maintain an Assisted Living Facility on Form 11 will be awarded points in the following manner:~~

~~Five points will be awarded for each whole percentage point that an Applicant commits to provide over the minimum set-aside it has chosen in Section II of this Form, up to a maximum of 50 points.~~

~~Examples: An Applicant that has chosen the minimum set-aside of 20% of the units at 50% AMI in Section II and commits to do 30% of the units at 50% AMI in Section IV will receive 50 points. If the same Applicant commits to do 29.9% of the units at 50% AMI in Section IV, it will receive 45 points.~~

~~No points would be awarded for the .9%. If an Applicant has chosen the minimum set-aside of 40% of the units at 60% AMI in Section II, commits to do 45% of the units at 60% AMI in Section IV and plans to do the rest of the units at market, then it would be awarded 25 points.~~

~~Section VII, Demographic Commitment~~

~~Introductory paragraph to Section VII, page 7, has been changed to read as follows:~~

~~VII. Demographic Commitment – A maximum of 30 points is available for Item VII. APPLICANT MAY SELECT ONLY ONE FROM ITEMS A, B, C; or D, ~~E, F OR G~~. IF MORE THAN ONE FROM ITEMS A, B, C; or D, ~~E, F OR G~~ IS SELECTED, THE APPLICATION WILL AUTOMATICALLY BE REJECTED. SEE RULE 67-48.004(18)(j), F.A.C. APPLICANT MAY ALSO SELECT ITEM E H IN CONJUNCTION WITH EITHER A, B, C; or D; ~~E, F OR G~~.~~

~~Items E, F, G and H, page 9, have been changed as follows:~~

~~E. SRO FOR HOMELESS AND/OR DISABLED (20 Points):-~~

~~1. Development must have, at a minimum, one full kitchen for every 16 units, one set of sanitary facilities for every 16 units (with a ratio of at least one sink, one shower, and one toilet for every 4 units). At least 50% of the Residential Units must be set-aside for homeless (as defined in the Stewart B. McKinney Homeless Assistance Act) or disabled (as defined in the Social Security Act) residents; and;~~

~~2. Attach a detailed plan to attract and serve this targeted population. The detailed plan can be found behind tab labeled "Form 11, Exhibit ____". Failure to provide the required plan will result in zero points for this section.~~

~~OR~~

~~F. ASSISTED LIVING FACILITY (ALF) (20 Points):~~

~~No less than 100% of the residential units must be set aside for Assisted Living Facility residents as defined in Section 67 48.002(14). The Development must be maintained as an Assisted Living Facility for the duration of the affordability period.~~

~~OR~~

~~G. UNIVERSAL ACCESS FACILITY (20 Points):~~

~~1. The Applicant agrees to comply with the requirements set forth in Section I.J. (pages 5-7) of the Threshold and Fee Requirements.~~

~~2. Attach a detailed plan to attract and serve this targeted population. The detailed plan can be found behind tab labeled "Form 11, Exhibit ____". Failure to provide the required plan will result in zero points for this section.~~

~~E.H. GEOGRAPHIC DISTRIBUTION BY TARGETED AREAS (10 Points):~~

~~Scoring Summary and NOTE, page 10, have been changed to read as follows:~~

SCORING SUMMARY for PART VII:

- A. Elderly 20 Points
- B. Large Family 20 Points
- C. Farmworker/Commercial Fishing Worker 20 Points
- D. Urban In-Fill 20 Points
- ~~E. SRO 20 Points~~
- ~~F. Assisted Living Facility 20 Points~~
- ~~G. Universal Access Facility 20 Points~~
- ~~E.H. Geographic Distribution by Targeted Areas 10 Points~~

NOTE: APPLICANT MAY CHOOSE OPTION A, B, C, ~~OR D, E, F OR G.~~ IF MORE THAN ONE FROM ITEMS A, B, C, ~~OR D, E, F OR G~~ IS SELECTED, THE APPLICATION WILL AUTOMATICALLY BE REJECTED. SEE RULE 67-48.004(18)(j), F.A.C. OPTION E ~~H~~ MAY BE COMBINED WITH OPTION A, B, C, ~~OR D, E, F OR G.~~

Local Government Verification of Qualification as Urban In-Fill Development form, page 11, has been changed to include the following:

1. The proposed Development is located on a site or in an area that is targeted for in-fill housing or neighborhood revitalization by the local, county, ~~or state or federal~~ government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone; ~~a~~ HUD-designated qualified census tracts; Florida Enterprise Zone; areas ~~that are~~ designated under a Community Development Block Grant (CDBG); areas designated as HOPE VI or Front Porch Florida ~~Community Communities, or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969; and~~

2. the site is in an area that is already developed and is part of an incorporated area or existing urban service area.

- Form 16, Special Targeting
- Section II, Targeted Resident Groups

Introductory paragraph to Section II, page 2, has been changed to read as follows:

Applicants who commit to provide Special Targeting, as indicated below, may earn a maximum of 20 points. The Applicant may select Section A, B, ~~OR C, D, E OR F.~~ IF MORE THAN ONE FROM ITEMS A, B, ~~OR C, D, E OR F~~ IS SELECTED, THE APPLICATION WILL AUTOMATICALLY BE REJECTED. SEE RULE 67-48.004(18)(i), F.A.C.

Items D, E and F, pages 3 and 4, have been changed as follows:

~~☐ D. SRO FOR HOMELESS AND/OR DISABLED (20 Points):-~~

~~1. Development must have, at a minimum, one full kitchen for every 16 units, one set of sanitary facilities for every 16 units (with a ratio of at least one sink, one shower, and one toilet for every 4 units). At least 50% of the Residential Units~~

~~must be set aside for homeless (as defined in the Stewart B. McKinney Homeless Assistance Act) or disabled (as defined in the Social Security Act) residents; and,~~

~~2. Attach a detailed plan to attract and serve this targeted population. The detailed plan can be found behind tab labeled "Form 16, Exhibit ____". Failure to provide the required plan will result in zero points for this section.~~

~~OR~~

~~☐ E. ASSISTED LIVING FACILITY (ALF) (20 Points): No less than 100% of the residential units must be set aside for Assisted Living Facility residents as defined in Section 67 48.002(14). The Development must be maintained as an Assisted Living Facility for the duration of the affordability period.~~

~~OR~~

~~☐ F. UNIVERSAL ACCESS FACILITY (20 Points): 1. The Applicant agrees to comply with the requirements set forth in Section I.J. (pages 5 —7) of the Threshold and Fee Requirements.~~

~~2. Attach a detailed plan to attract and serve this targeted population. The detailed plan can be found behind tab labeled "Form 16, Exhibit ____". Failure to provide the required plan will result in zero points for this section.~~

Scoring Summary and NOTE, page 4, have been changed to read as follows:

SCORING SUMMARY for PART II:

- A. Farmworker/Commercial Fishing Worker 20 Points
- B. Large Family 20 Points
- C. Elderly 20 Points
- ~~D. SRO 20 Points~~
- ~~E. Assisted Living Facility 20 Points~~
- ~~F. Universal Access Facility 20 Points~~

NOTE: APPLICANT MAY CHOOSE OPTION A, B, ~~OR C, D, E, OR F.~~ IF MORE THAN ONE FROM ITEMS A, B, ~~OR C, D, E, OR F~~ IS SELECTED, THE APPLICATION WILL AUTOMATICALLY BE REJECTED. SEE RULE 67-48.004(18)(j), F.A.C. MAXIMUM POINTS FOR SECTION II OF FORM 16 = 20.

Form 19, Commitment to Provide Set-Aside Units Beyond the Minimum Set-Aside Selected

Section II, Commitment to Serve Lower Area Median Income, Instructions, page 1, has been changed as follows:

~~Instructions: Applicants that have committed on Form 21 to construct and maintain an Assisted Living Facility (ALF) are not required to complete this Section. NO POINTS will be awarded to ALFs for this Section.~~

Section III, Summary of Total Set-Aside Commitment, page 4, has been changed to read as follows:

III. Summary of Total Set-Aside Commitment – ALF Applicants (as reflected at Section II.G. of Form 21) = Maximum 50 Points; Non-ALF Applicants = Maximum 35 Points:

Item A. 1, opening paragraph, page 4, has been changed as follows:

A. Scoring information for this Section:

~~1. All Applicants, other than those that have committed to construct and maintain an Assisted Living Facility on Form 21, are eligible to receive points in the following manner:~~

Item A. 2., page 5, has been changed as follows:

~~2. All Applicants that have committed to construct and maintain an Assisted Living Facility on Form 21 will be awarded points in the following manner:~~

~~Five points will be awarded for each whole percentage point that an Applicant commits to provide over the minimum set aside it has chosen in Section I of this Form, up to a maximum of 50 points.~~

~~Examples: An Applicant that has chosen the minimum set aside of 20% of the units at 50% AMI in Section I and commits to do 30% of the units at 50% AMI in Section III will receive 50 points. If the same Applicant commits to do 29.9% of the units at 50% AMI in Section III, it will receive 45 points. No points would be awarded for the .9%. If an Applicant has chosen the minimum set aside of 40% of the units at 60% AMI in Section I, commits to do 45% of the units at 60% AMI in Section III and plans to do the rest of the units at market, then it would be awarded 25 points.~~

Item B, page 5, has been changed as follows:

B. Complete the following:

DO NOT INCLUDE MANAGER UNITS, REGARDLESS OF INCOME ELIGIBILITY, AS A PART OF THE TOTAL RESIDENTIAL UNITS, PER INTERNAL REVENUE RULING 92-61.

1. Enter the number of Total Residential Units in the Development: _____

~~2. Has the Applicant committed to construct and maintain an Assisted Living Facility on Form 21 (Section II.G)?~~

Yes: _____ No: _____

~~2.3. Complete the following chart: Percentages may be taken out to two decimal points. Section III will be relied upon for scoring purposes and for the Applicant's commitment whenever there is an inconsistency between the Sections of this form.~~

Form 21, Special Targeting
Section II, Special Targeting

Introductory paragraph to Section II, page 2, has been changed to read as follows:

II. Special Targeting. If the Applicant commits to provide special targeting for the proposed Development, choose ONE of the following (25 points). **APPLICANT CAN ONLY CHOOSE EITHER OPTION A, B, C, D; or E, ~~F, G OR H~~. IF MORE THAN ONE FROM ITEMS A, B, C, D; or E, ~~F, G OR H~~ IS SELECTED, THE APPLICATION WILL AUTOMATICALLY BE REJECTED. SEE RULE 67-48.004(18)(i), F.A.C.**

Items F, G and H and the NOTE, pages 7 and 8, have been changed as follows:

~~**F. SRO FOR HOMELESS AND/OR DISABLED (25 Points):**~~

~~1. Development must have, at a minimum, one full kitchen for every 16 units, one set of sanitary facilities for every 16 units (with a ratio of at least one sink, one shower, and one toilet for every 4 units). At least 50% of the Residential Units must be set aside for homeless (as defined in the Stewart B. McKinney Homeless Assistance Act) or disabled (as defined in the Social Security Act) residents; and,~~

~~2. Attach a detailed plan to attract and serve this targeted population. The detailed plan can be found behind tab labeled "Form 21, Exhibit _____". Failure to provide the required plan will result in zero points for this section.~~

OR

~~**G. ASSISTED LIVING FACILITY (ALF) (25 Points):** No less than 100% of the residential units must be set aside for Assisted Living Facility residents as defined in Section 67 48.002(14). The Development must be maintained as an Assisted Living Facility for the duration of the affordability period.~~

OR

~~**H. UNIVERSAL ACCESS FACILITY (25 Points):**~~

~~1. The Applicant agrees to comply with the requirements set forth in Section I.J. (pages 5-7) of the Threshold and Fee Requirements.~~

~~2. Attach a detailed plan to attract and serve this targeted population. The detailed plan can be found behind tab labeled "Form 21, Exhibit _____". Failure to provide the required plan will result in zero points for this section.~~

NOTE: As described in the instructions to Sections C, D, and E, ~~F and H~~, all required attachments and/or verification forms must be included as exhibits to Form 21 in order to receive any points for the chosen category.

Scoring Summary and NOTE, page 9, have been changed to read as follows:

SCORING SUMMARY:

A. Large Family	25 Points
B. Elderly	25 Points
C. Farmworker/Commercial Fishing Worker	25 Points
D. HOPE VI and/or Front Porch	25 Points
E. Urban In Fill – NOT HOPE VI or Front Porch	25 Points
F. SRO	25 Points
G. Assisted Living Facility	25 Points
H. Universal Access Facility	25 Points

NOTE: APPLICANT MAY COMBINE ITEM I WITH ITEM II, OPTION A or B. APPLICANT CAN ONLY CHOOSE EITHER OPTION A, B, C, D; or E, ~~F, G OR H~~ OF SECTION II. IF MORE THAN ONE FROM ITEMS A, B, C, D; or E, ~~F, G OR H~~ IS SELECTED, THE APPLICATION

WILL AUTOMATICALLY BE REJECTED. SEE RULE 67-48.004(18)(i), F.A.C. MAXIMUM POINTS FOR FORM 21 = 25.

Local Government Verification of Qualification as Urban In-Fill Development form, page 11, has been changed to include the following:

1. The proposed Development is located on a site or in an area that is targeted for in-fill housing or neighborhood revitalization by the local, county, or state or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone; a HUD-designated qualified census tracts; Florida Enterprise Zone; areas that are designated under a Community Development Block Grant (CDBG); areas designated as HOPE VI or Front Porch Florida Community Communities, or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969; and

2. The site is in an area that is already developed and is part of an incorporated area or existing urban service area.

Form 22, Allocation Information

Following Section C. Historic Housing Credits, page 2, the following "NOTE" has been added:

NOTE: For your information, at the tab entitled "HC Calculation," found within this Application Package, you will find an optional form to assist you in calculating the qualified basis.

(20) "Categorical Set-Aside" means, with respect to the SAIL Program, the reservation of funds for Commercial Fishing Workers or Farmworkers, Families and Elderly persons, in accordance with Section 420.5087, Florida Statutes. "Categorical Set-Aside" means, with respect to the Housing Credit Program, the amount of Allocation Authority which has been designated by the Corporation and the QAP as a set-aside to be allocated for a specific purpose.

(45) "Farmworker" means any laborer who is employed on a seasonal, temporary or permanent basis in the planting, cultivating, harvesting or processing of agricultural or aquacultural products in rural areas as defined by the U.S. Census Bureau and who has derived at least 50% of his income in the immediately preceding 12 calendar months from such employment. "Farmworker" also includes a person who has retired as a laborer due to age, disability or illness. In order to be considered retired from farmwork due to age, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a farmworker immediately preceding retirement. In order to be considered retired from farmwork due to disability or illness, it must be:

(77) "Non-Profit" means a qualified non-profit entity as defined in the HUD Regulations, Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, if Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a

not-for-profit basis, which owns at least 51% of the ownership interest in the Development held by the general partner entity and which entity is acceptable to federal and state agencies and financial institutions as a Sponsor for affordable housing. The purpose of the Non-Profit must be, in part, to foster low-income housing and such purpose must be reflected in the Articles of Incorporation of the Non-Profit entity. Qualification as a Non-Profit entity must be evidenced to the Corporation by the receipt from the Applicant, upon Application, of a written opinion from legal counsel. The total cost of securing this written legal opinion will be borne entirely by the Applicant. ~~The IRS determination letter must be submitted during the credit underwriting process.~~ A Non-Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for-profit corporation; and shall materially participate in the development and operation of the Development throughout the total affordability period as stated in the Land Use Restriction Agreement and the Extended Use Agreement. If an Applicant submits Application to the Corporation as a Non-Profit entity but does not qualify as such, the Application will be rejected and the Applicant will be disqualified from participation for the current cycle.

(87) "Qualified Allocation Plan" or "QAP" means, with respect to the HC Program, the Qualified Allocation Plan which is adopted and incorporated herein by reference, effective on the date of the latest amendment to this Rule Chapter, and which was approved by the Governor of the State of Florida ~~on _____~~, pursuant to Section 42(m)(1)(B) of the Code and sets forth the selection criteria and the preferences of the Corporation for Developments which will receive Housing Credits. The QAP is included as an attachment to the Application Package.

Section 5, page 10, has been changed to add the following sentence:

In the event the per capita allocation available to the State is increased by Congress prior to October 1, 2001, such additional allocation shall be distributed among the Geographic Set-Asides in the percentages referenced in Section 4 above, and the 12% Non-Profit goal will be calculated based on the Allocation Authority available on March 22, 2001, plus the amount of any such per capita increase.

Section 6

First paragraph, page 10, has been changed to read as follows:

6. Following Board action on approval of informal appeal scoring, FHFC will endeavor to allocate not less than 12% of the 2001 Allocation Authority amount as of March 22, 2001 for Developments with Applicants qualified as Non-Profit pursuant to Rule 67-48.002(77), F.A.C. FHFC is required by Section 42, IRC to allocate not less than 10% of its Allocation Authority to qualified Non-Profits. FHFC has determined that an initial allocation of 12% to qualified Non-Profits will help

ensure that the 10% requirement will be met in the event that all Developments included in the initial 12% do not receive an allocation.

Paragraph f, page 13, has been changed to read as follows:

f. The last Non-Profit Applicant moved into the funding range in order to meet the initial 12% goal or in order to meet the minimum 10% federal requirement after October 1, 2001, will be fully funded contingent upon successful credit underwriting even though that may result in a total Non-Profit allocation in excess of 12% or, if applicable, 10%.

Section 7

The first two paragraphs, pages 13 through 15, have been changed to read as follows:

7. FHFC's goal is to have a diversified rental housing portfolio. Therefore, its special targeting goal is to allocate credits, regardless of Geographic Set-Aside and to the extent such targeting goals can be met in accordance with these procedures, to a minimum of ~~two~~ three Elderly Developments, one Farmworker/Fishing Worker Development in addition to any Developments funded under the Rural Development 514/516 Set-Aside, one Assisted Living Facility (ALF), ~~one Single Room Occupancy (SRO) Development for the homeless and/or disabled,~~ Urban In-Fill Development in which at least 75% of the set-aside units are located in one or more High Rise buildings (7 stories or higher) (a "UI High Rise"), and two additional Urban In-Fill Developments ~~and one Universal Access Facility (UAF).~~ Developments will be classified as Elderly, Farmworker/Fishing Worker, ~~ALF, SRO,~~ and Urban In-Fill ~~and UAF~~ only to the extent so designated on Form 21 of the Application. ~~A Development that has classified itself as an ALF on Form 21, will be classified as being Elderly as it relates to meeting the goal of having credits allocated to a minimum of three Elderly Developments (regardless of whether it constitutes an Elderly Development) and will also count towards meeting the goal of one ALF.~~ Developments funded within the HOPE VI/Front Porch Florida Set-Aside, as stated in Section 3 above, will count toward meeting the goal of funding Urban In-Fill Developments. Either a Front Porch Florida Development or HOPE VI Development in which at least 75% of the set-aside units are located in one or more High Rise buildings 7 stories or higher will meet the requirement of funding at least one UI High Rise. Developments which intend to qualify as a UI High Rise must also designate a High Rise design on Form 1 of the Application. No action will be taken to move an Elderly Development ~~other than an ALF~~ from below to above the tentative funding line in order to achieve the goal of ~~two~~ three Elderly Developments if by doing so, more than 20% of the Allocation Authority amount as of March 22, 2001 will be tentatively allocated to Elderly Developments. ~~Housing credits tentatively allocated to ALFs will be counted when determining whether or not more than 20% of the Allocation Authority amount as of March 22, 2001 will be tentatively allocated to Elderly Developments; however, if application of~~

~~the foregoing results in more than 20% of the allocation to Elderly Developments and an ALF has not been funded, the ALF will be funded by means of the special targeting procedure set forth in this Section 7.~~ Any adjustments made in the ranking of Developments to meet the special targeting goal will be made after any necessary adjustments have been made to insure FHFC has met its 12% Non-Profit set aside. No additional adjustments will be made to achieve the special targeting goal if the Executive Director or the Board of Directors determines, based on a negative recommendation from the Credit Underwriter, that an Elderly, Farmworker/Fishing Worker, ~~ALF, UAF, SRO~~ or Urban In-Fill Development in the initial funding range, should not receive a credit allocation.

The special targeting goals will be achieved by first looking at those Developments above the respective tentative funding lines (drawn for the purpose of this procedure) across all Set-Asides to determine if the special targeting goal has been met. The Elderly special targeting goal will be met if at least ~~two~~ three Elderly Developments are in the tentative funding range or more than 20% of the Allocation Authority amount as of March 22, 2001 is tentatively allocated to Elderly Developments in the tentative funding range. If more than 20% of the March 22, 2001 Allocation Amount is tentatively allocated to Elderly Developments by virtue of their scores, no action will be taken to reduce the amount allocated to Elderly Developments.

The fourth paragraph, pages 15 and 16, has been changed to read as follows:

Special targeting Developments will be funded in the following sequence, to the extent possible: first, a Development targeting Elderly, then a Development targeting Farmworker/Commercial Fishing Worker, then a Development located in an Urban In-Fill area, ~~then an ALF, then a SRO, then a UAF,~~ then a second Elderly, then a second Urban In-Fill, ~~then a third Elderly,~~ then a third Urban In-Fill. ~~An ALF will be counted as Elderly, as well as an ALF.~~ The highest scoring Applicant meeting threshold that is in the special target category chosen to be moved into funding will be chosen first to determine if it can be moved into the funding range. If not, then the next highest scoring Applicant meeting threshold with the same special target category will be chosen to determine if it can be moved into the funding range. This will be repeated as many times as needed until an Applicant in that special target category has been selected. In the event no Applicants meeting the special targeting criteria sought can be brought into the funding range, the highest scoring Applicant meeting threshold in the next special target category will be chosen. For example, if a Development targeting Elderly was needed but none could be brought into the tentative funding range, then, if needed, an attempt would be made to move a Farmworker/Commercial Fishing Worker Development into the funding range. Further explanation can be found in Situation C below. In the event there is any remaining allocation available after meeting the

Non-Profit and special targeting goals, the remaining allocation will be distributed to Applicants in scoring rank order within their respective Geographic Set-Asides.

The fifth paragraph, page 16, has been changed to read as follows:

The movement of Developments needed to meet the special targeting goals will be accomplished by moving the highest scoring Development meeting threshold required to meet special targeting from its current ranking to the first ranking position below the tentative funding line within its respective Geographic Set-Aside and the lowest ranked Applicant in the current funding range not required to achieve the 12% Non-Profit ~~goal Set-Aside~~ or a prior special targeting goal shall be moved below the application so moved up. This will be repeated as many times as it takes to get the Applicant required for special targeting into the funding range.

The sixth paragraph, page 17, has been changed to read as follows:

The procedure described above will be followed to bring each Development required for special targeting into the funding range. An exception to the procedure is that an Elderly Development that is below the tentative funding line that is located in a different county than Elderly Development(s) already in the tentative funding range will be moved up in ranking into the funding range before a higher ranked Elderly Development located in the same county as an Elderly Development already in the tentative funding range. A further exception is that if it is necessary to bring a UI High Rise into the funding range to achieve the special targeting goals, and the highest-ranked UI High-Rise has applied as either a Front Porch Applicant or a HOPE VI Applicant, such UI High Rise shall be moved to the highest ranked position below the tentative funding line in the Front Porch/HOPE VI Set-Aside and the lowest-ranked Applicant in the funding range in the Front Porch/HOPE VI Set-Aside not otherwise required to meet a special targeting goal or the 12% Non-Profit goal shall be moved to a position immediately below the UI High Rise so moved. If all ranked Applicants in the Front Porch/HOPE VI Set-Aside are required to meet a special targeting goal, such UI High Rise shall not be moved up as aforesaid and the highest ranking UI High Rise which can be moved into the funding range in accordance with the following paragraph shall be moved up in its Geographic Set-Aside as specified in the following paragraph.

Section 8

Situation A, third paragraph, page 20, has been changed to read as follows:

In order to bring E1 into the funding range, it will be brought up in ranking to fourth position. NR2 will then be brought down one position below E1 in ranking. This puts E1 into third position. Therefore, the Applicants now in the funding range are: R1 in first position, requesting \$1,500,000; R3 in second position, requesting \$750,000; E1 in third

position, requesting \$500,000; and NR2 in fourth position requesting \$1,000,000 with only \$250,000 available in credits to fund it (\$3,000,000 minus \$1,500,000 minus \$750,000 minus \$500,000). Applicant NR2 would not be funded for it fails to meet the provisions of Section 14 of the QAP. Applicant U1 would then be picked to determine if it could be moved into funding range. If it could be, then Applicant E2 would be picked. If Applicant U1 could not be moved into funding range then an attempt would be made to move Applicant U2 followed by an attempt to move Applicant E2.

Situation G, page 22, has been changed to read as follows:

Situation G: This situation is completely different than those above. FHFC Board has approved the Final Ranking and Scoring Spreadsheet which includes ~~two three~~ Elderly Applications in the funding range. The ~~two three~~ Elderly Applications are invited into credit underwriting but one of the Elderly Applications is unable to successfully complete credit underwriting or receives a negative recommendation from the credit underwriter as of October 15, 2001. The credits reserved for this Application will be first used to fund those Applications that have been partially funded, in the order specified in Section 9 of the QAP. Any remaining funds will be carried over to the 2002 cycle. An Elderly Application below the funding line will have no priority.

Section 9, first sentence, page 22, has been changed to read as follows:

With the exception of additional Allocation Authority received as a result of a per capita increase as provided in Section 5, any additional Allocation Authority received by FHFC from the national pool or returned housing credits between March 22, 2001 and September 30, 2001 or such later date as the Board shall approve final rankings, or any unused Allocation Amount within a Set-Aside as provided in Sections 1, 2, 3 and 5 hereof will be used (a) to fund any Development that has been partially funded (excluding Applicants not funded because their total Allocation request exceeds the permissible Binding Commitment limits set forth in Section 14 hereof) in the following order of Set-Asides: (i) Large County, (ii) Medium County, (iii) Small County, (iv) Front Porch/HOPE VI, (v) Rural Development 514/516 and (vi) Rural Development 515, and then (b) to fund the next highest scoring Application regardless of Set-Aside until all available housing credits are allocated.

Section 13, page 24, has been changed to read as follows:

13.a. Florida Housing will assign each Housing Credit Application received by the Application Deadline a random lottery number at or prior to final rankings. This will be accomplished as follows: Each Application received before the deadline will receive an Application number. Florida Housing will run the total of such numbers through a computer program similar to that used by the State Division of Bond Finance, in

order to assign a random lottery number to each such Application. The foregoing procedure shall be verified for accuracy by Florida Housing's external auditors.

b. The total number of Housing Credit Applications will then be multiplied by 65%. The resulting figure will be rounded up to the next whole number (such resulting figure after rounding is referred to herein as the "Leveraging Cut-Off").

c. Florida Housing will thereafter establish a list of each Housing Credit Applicant's Total Corporation Funding Per Set-Aside Unit, as indicated on Form 10, Part II(A)(6) of the Application, from lowest to highest.

d. Florida Housing will then, beginning with the Application with the lowest Total Corporation Funding Per Set-Aside Unit, go down the list of Applications until it reaches the Application whose place on the list is equal to the Leveraging Cut-Off, and draw a line below this Application. In the event that an Application below the line has the same Total Corporation Funding Per Set-Aside Unit as the Application immediately above the line, the line will be moved down to incorporate this Application. The group of Applications above the line will be classified as "Group A" and those Applications below the line will be classified as "Group B".

e. Unless otherwise specified herein, any determination of priority among Applications with tied scores (including any determination of which tied Application shall be dropped to bring up a Non-Profit Applicant or meet a special targeting goal) shall be determined first by giving priority to Applications within Group A, and then by lowest lottery number by lot. A lottery will be held for all tied scores, providing a stratification of priority for each such tie, prior to making adjustments for achieving the 12% Non Profit goal or the special targeting goals. The procedures for any such determination by lot shall be as set forth by rule of FHFC. In the event an Applicant has challenged its score through a formal administrative hearing and a final order has not been entered at time of final ranking and, if successful in its challenge, said Applicant would be tied and included in any determination by lot, Florida Housing shall include such Applicant in the determination by lot as if said Applicant had been successful in its challenge for purposes of establishing its priority. Such Applicant will only be funded to the extent it is ultimately successful in its challenge and, based upon its resulting score, would have been above the funding line after application of the procedures set forth above if included in the final rankings.

Example: There are 70 Housing Credit Applications. Each Application is assigned a lottery number as described above. The Applications are listed from lowest Total Corporation Funding Per Set-Aside Unit to highest Total Corporation Funding Per Set-Aside Unit (the list). The Leveraging Cut-Off is calculated by multiplying 70 (the total amount of HC Applications) by 65%. This results in 46 (45.5 rounded up to

the next whole number). Within the 70 Applications are three Applications: Application A, Application B and Application C. Application A received a lottery number of 22 and is listed as the 46th Application on the leveraging list. Application B received a lottery number of 15, is the only other Application that has the same amount of Total Corporation Funding Per Set-Aside Unit as Application A and is listed as the 47th Application on the leveraging list. Application C received a lottery number of 1 and is listed as the 55th Application on the leveraging list. A line is drawn below Application B. If Application B had not had the same amount of Total Corporation Funding per Set-Aside Unit as Application A, then the line would have been drawn below Application A. As such, Applications A and B are in Group A and Application C is in Group B. Subsequently, after scoring, Applications A, B and C are the only Applications that receive maximum points in the Large County Geographic Set-Aside. The Applications would be ranked as follows: Application B is ranked in first place because it is in Group A and has a lower lottery number than Application A. Application A is ranked in second place because it is in Group A while Application C is in Group B. Application C would be ranked in third place because it is in Group B, even though it received the lowest lottery number.

Section 14, page 24, has been changed to read as follows:

14. ~~Except as otherwise set forth~~ ~~Notwithstanding anything to the contrary contained~~ herein ~~and except for Binding Commitments awarded pursuant to Chapter 67-48.005(2), F.A.C.~~, no Binding Commitment shall be awarded for an amount in excess of 40% of the Applicant's total allocation request. In the event the Applicant's total allocation request is in excess of 105% of the sum of the amount of Allocation available for such Applicant and the Binding Commitment limitation, such Applicant will not be funded. Applicants ranked lower than the subject Applicant in the applicable Set-Aside will not be funded, and any excess Allocation Authority shall be applied as provided in Section 9 hereof. All determinations regarding Binding Commitments and application of the above-referenced limitation shall be made after application of Sections 6, 7 and 13 hereof.

Part I, Selection Criteria

Section C, Development Characteristics, Special Targeting, page 28, has been changed as follows:

- ~~*~~ An Assisted Living Facility will be targeted.
- ~~*~~ Developments which provide Single Room Occupancy housing for the homeless and/or disabled will be targeted.
- ~~*~~ Developments which provide specific facilities for the Disabled will be targeted.
- * Developments which address family housing will be targeted.
- * Developments which address Elderly housing will be targeted.

This criterion is specifically addressed in the Application at Form 21 entitled Special Targeting which is incorporated in FHFC rules by reference.

Section E, Tenant Populations with Special Housing Needs, page 29, has been changed to read as follows:

- * Developments which will serve large families will be targeted.
- * Developments which will serve the Elderly will be targeted.
- * Developments which will serve Farmworker/Fishing Worker will be targeted.
- * ~~Developments which will serve the homeless and/or disabled will be targeted.~~

These criteria are specifically addressed at Form 21 entitled Special Targeting which is incorporated in FHFC rules by reference.

Section F, Participation of Local Tax Exempt Organizations, page 30, has been changed to read as follows:

- F. Participation of ~~Local~~ Tax-Exempt Organizations:
- * Developments sponsored by ~~local~~ (Florida) tax-exempt organizations will be targeted.

This criterion is specifically addressed in the Application at Form 1 entitled Applicant and Development Data, which is incorporated in FHFC rules by reference.

Part II, Priorities

Section A, page 30, has been changed to read as follows:

A. Developments which serve either Elderly, Large Family, Farmworker/Fishing Worker, Developments financed with USDA RD 514 and/or RD 516 that reserve 100% of their units for Farmworker/Fishing Worker households, Developments financed with USDA RD 515, ~~Developments which serve as Assisted Living Facilities, Developments which provide Single Room Occupancy for the homeless and/or disabled, Developments which serve the Disabled through Universal Access facilities,~~ or Developments which are located in an Urban In-Fill area, including those which meet the criteria to be classified as either a HOPE VI or Front Porch Florida Development, will be targeted.

- * This criterion is specifically addressed in the Application at Form 21 entitled Special Targeting and in Sections 1, 2, 3 and 7 above.

Section E, page 32, has been changed to read as follows:

E. Developments which require the least amount of housing credits to produce an affordable unit will be targeted.

- * This criterion is specifically addressed in Section 13 of this QAP.

~~E.E.~~ The FHFC will initially allocate not less than 12% (as described in Section 64 of this QAP) of the state's Allocation Authority to Developments involving qualified, Non-Profit Applicants, provided they are Non-Profits organized under Chapter 617, Florida Statutes or similar state statute if

incorporated outside Florida, and as set forth in Section 42(h)(5) of the Internal Revenue Code, as amended, and Rule Chapter 67-48, Florida Administrative Code.

Section G, page 33, has been changed to read as follows:

~~G.F.~~ FHFC has a goal to allocate housing credits to a minimum of two ~~three~~ Elderly Developments. No action, though, will be taken to move an Elderly Development from below to above the tentative funding line in order to achieve the goal of two ~~three~~ Elderly Developments if more than 20% of the Allocation Authority amount as of March 22, 2001 is tentatively allocated to Elderly Developments already above the tentative funding line. If an Elderly Development meeting threshold has to be brought from below to above the tentative funding line to meet this objective, then priority will go to the highest scoring Elderly Development located in a county different than those Elderly Developments already above the tentative funding line.

Section H, page 33, has been changed to read as follows:

~~H.G.~~ In the event Developments have to be brought from below the tentative funding line to above the line in order to meet special targeting goals then the Developments will be moved into the funding range by first selecting an Elderly Application, then a Farmworker/Commercial Fishing Worker, then an Urban In-Fill, ~~then an Assisted Living Facility, then a SRO, then a UAF.~~ An ALF counts as an Elderly Development as well as an ALF. If funds remain, allocation will be provided to a second Elderly Development, then a second Urban In-Fill Development, then a third Urban In-Fill Development, as necessary this sequence, excluding Farmworker/Commercial Fishing Worker, ALF, SRO and UAF, will be repeated as necessary until all available Allocation Authority is used.

(107) "Urban In-Fill Development" means a Development (i) in a site or area that is targeted for in-fill housing or neighborhood revitalization by the local, county, ~~or~~ state or federal government (as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone, a HUD-designated qualified census tracts, Florida Enterprise Zone, areas designated under a Community Development Block Grant (CDBG), areas designated as HOPE VI or Front Porch Florida Community Communities), or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969, and (ii) in a site which is located in an area that is already developed and part of an incorporated area or existing urban service area.

67-48.003 Notice of Funding or Credit Availability.

(1) Applications shall be received by the Corporation by the deadline noticed in the Florida Administrative Weekly, which notice shall be published at least 45 Calendar Days prior to any such deadline. ~~Such notice shall also be mailed to each person and entity on the Corporation's HOME/SAIL/HC mailing list.~~

(3)(b) The Corporation shall utilize at least 15% of the HOME allocation for CHDOs pursuant to the HUD Regulations, to be divided between the multifamily and single family cycles as approved by the Board of Directors; In the event of CHDO Applications in excess of 15% of the HOME allocation designated for multifamily, such Applications shall be funded up to a cumulative maximum of 25%, including partial funding of any such Application. Any remaining unfunded portion of such CHDO Application(s) shall remain eligible to compete for non-CHDO designated funding provided; however, that no single multifamily Application shall be funded in an amount in excess of 25% of the HOME allocation designated for multifamily unless such Application is the only CHDO Application seeking funding in the current Application cycle. In order to apply under the CHDO set-aside, Applicants must have at least 51% ownership interest in the Development held by the General Partner entity.

(3)(c)1. Funds will be allocated to qualified CHDOs in order of ranking, until 15% of the available funds have been allocated, subject to the provisions of Rule 67-48.003(3)(b).

(3)(d) The Board shall determine any geographic or other targeting requirements that will be included in said notice and published in the Florida Administrative Weekly ~~and mailed to all interested parties on the Corporation mailing list.~~

~~(10) Trailers, mobile homes, manufactured housing and other such non-site built housing are not eligible for any FHFC funding.~~

67-48.004 Application and Selection Procedures for Developments.

(3) All Applications must be complete, consistent, accurate, legible and timely when submitted, except as described further below. All Applications must be received by the Application Deadline as specified in the Notice of Funding or Credit Availability for each Program. Neither Applications nor any additional information described in paragraph (11) below will be accepted by facsimile transmission or other electronic means. Corporation staff may not assist any Applicant by copying, collating, or adding documents to an Application nor shall any Applicant be permitted to use the Corporation's facilities or equipment for purposes of compiling or completing an Application. Applications must be submitted on the forms provided in the Application Package and ~~or~~ on forms generated by the computer disk(s) provided in the Application Package. Failure to comply with this provision will result in rejection of the Application.

(4) An original Application and three photocopies shall be securely bound in separate three ring binders with numbered index tabs for each form and exhibit with the materials provided in the Application Package when submitted. Exhibits must be placed behind each form to which they refer. The submitted Application which is considered the original shall contain authentic, penned in ink signatures on those forms which specifically request original signatures. Signatures

which are faxed, scanned, photocopied, or otherwise duplicated will not be considered acceptable signatures within the original Application and the Corporation will reject the Application. Each Applicant must submit a computer disk containing all completed forms. Nothing on the computer disk that is not otherwise contained within the original Application will be considered. In the event of an inconsistency between the written Application and the computer disk, the written Application shall govern. Information on the computer disk will not be used for scoring purposes.

(9) Applicants who wish to notify the Corporation of possible scoring errors relative to another Applicant's Application must file with the Corporation, within 10 Calendar Days of the date of receipt of the preliminary scores, a written request for a review of the other Applicant's score. Each request must specify the assigned Application number and the forms and the scores in question, as well as describe the alleged deficiencies in detail. Each request is limited to the review of only one Application's score. Requests which seek the review of more than one Application's score will be considered improperly filed and ineligible for review. There is no limit to the number of requests which may be submitted. The Review Committee will review each written request timely received. Failure to timely and properly file a request shall constitute a waiver of the right of the Applicant to such a review of the preliminary score; however, Applicants shall retain the rights set forth in paragraph (12) below.

(11) Within 15 Calendar Days of the notice set forth in subsection 10 above, each Applicant shall be allowed to submit additional documentation, revised forms and such other information as the Applicant deems appropriate to address the issues raised pursuant to paragraphs (8) and (10) above that could result in rejection of the Application, imposition of penalties or a score less than the maximum available on each form. Where specific pages of the Application are revised, changed or added, each new page(s) must be marked as "revised," and submitted. Failure to mark each new page(s) "revised" will result in the Corporation not considering the revisions, changes or additions to that new page. Pages of the Application that are not revised or otherwise changed may not be resubmitted. Where revised or additional information submitted by the Applicant creates an inconsistency with another item in that Application, the Applicant shall also be required in its submittal to make such other changes as necessary to keep the Application consistent as revised. The Applicant shall submit an original and three copies of all additional documentation and revisions. Only revisions, changes and other information Received by the deadline set forth herein will be considered. Any subsequent revision submitted prior to the deadline shall include a written request from the Applicant for withdrawal of any previously submitted revision(s). Each Applicant must submit a computer disk

containing all revised completed forms. Nothing on the computer disk that is not otherwise contained within the original of the revised forms will be considered.

(12) Within 10 Calendar Days of the deadline for receipt by the Corporation of the documentation set forth in paragraph (11) above, all Applicants may submit to the Corporation a notice of alleged deficiencies in any other Application. Each notice is limited only to issues created by documents revised and/or added by the Applicant submitting the Application pursuant to paragraph (11) above. Each request must specify the assigned Application number, the forms and the documents in question, as well as describe the alleged deficiencies in detail. Each notice is limited to the review of only one Applicant's submission. However, there is no limit to the number of notices which may be submitted. Notices which seek the review of more than one Applicant's submission will be considered improperly filed and ineligible for review. The Review Committee will only review each written notice timely Received.

(15) Applications shall be limited to one submission per subject property with exception of Tax-Exempt Bond-Financed Developments applying noncompetitively for Housing Credits. Two or more Applications with the same Financial Beneficiary for Developments located within a five mile radius of one another will be considered to be submissions for the same subject property for purposes of the foregoing. In the event any two or more Applications are considered to be submissions for the same subject property as described above, the highest ranked Application shall be considered and all others rejected.

(16) If any Applicant or any Affiliate of an Applicant is determined by the Corporation to have engaged in fraudulent actions or to have deliberately and materially misrepresented information within the current Application or in any previous Applications for financing or Housing Credits administered by the Corporation, the Applicant and any of Applicant's Affiliates will be ineligible to participate in any program administered by the Corporation for a period of up to two years, which will begin from the date the Board approves the disqualification of the Applicant's Application. Such determination shall be either pursuant to a factual hearing before the Board at which the Applicant shall be entitled to present evidence or as a result of a finding by a court of law or recommended order of an administrative law judge. The Applicant or Affiliate of the Applicant determined to be ineligible shall be entitled to file a petition contesting such determination within 21 Calendar Days of notice by the Corporation pursuant to the provisions of Chapter 120, Florida Statutes. Failure to timely file a petition shall constitute a waiver of the right to contest the determination.

(18) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the

Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(g) Whether the Development design constitutes a High Rise as set forth in Form 1, Section II;

(h)(g) County as set forth in Form 2, Section I;

(i)(h) Targeted resident population as set forth in Form 16, Sections II and III, and Form 21, Sections I and II;

(j)(i) Total number of units, residential units, set-aside units, Categorical Set-Aside and demographic commitment as set forth in Form 11, Sections I, III, IV, V and VII for the SAIL Program;

(k)(j) Total number of units and set-aside units as set forth in Form 13, Section III for the HOME Program unless the change results from the revision allowed under (m) below;

(l)(k) Total number of units, residential units and set-aside units as set forth in Form 19, Sections I, II, III and IV for the HC Program;

(m)(l) Requested amount as set forth in Forms 12, 18, and 23, as applicable; notwithstanding the foregoing, requested amounts exceeding the Corporation and Program funding limits can be reduced by the Applicant to reflect the maximum request amount allowed (and no other changes to this amount will be allowed);

(n)(m) The Applicant fails to file its Application by the Application Deadline;

(o)(n) The Application is not accompanied by the correct Application fee as specified in this Rule Chapter;

(p)(o) The Application is scanned or submitted on altered or retyped forms.

(20) If an Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with the Code, ~~or~~ this Rule Chapter, or applicable loan documents, and any applicable the cure period granted for correcting such non-compliance has ended, at the time of submission of the Application or at the time of issuance of a final credit underwriting report the requested allocation will, upon a determination by the Board that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing, be denied and the Applicant and the Affiliates of the Applicant or Developer will be prohibited from new participation in any of the Programs for the subsequent cycle and continuing until such time as all of their existing Developments participating in any Corporation programs are in compliance.

(21) With respect to the SAIL; and HOME and HC Program Applications, when two or more Applications receive the same numerical score, except as otherwise set forth in the QAP with respect to the HC Program, the Application which

has the higher total score on Forms 3, 4, and 7 shall be ranked higher to be prioritized will be determined by lot. With respect to the SAIL and HOME Program Applications, if two or more Applications remain tied, the Corporation shall give priority to the Application with the lowest total Corporation funding per set-aside unit based on the calculation set forth in Form 10, Part II. With respect to the HC Program Application, when two or more Applications receive the same numerical score, the Application to be prioritized will be determined as provided in the QAP.

(22) At no time during the Application, scoring and appeal process may Applicants or their representatives contact Board members concerning their own Development or any other Applicant's Development. At no time from the Application Deadline until the issuance of the pre-appeal scores as set forth in paragraph subsection 14 above, may Applicants or their representatives verbally contact Corporation staff concerning their own Application or any other Applicant's Development. If an Applicant or its representative does contact a Board member in violation of this section, the Board shall, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

67-48.005 Applicant Administrative Appeal Procedures.

(1) Following the Review Committee's determination of pre-appeal scores as set forth in Rule 67-48.004(14), ~~notice of intended funding or denial of funding will be provided to each Applicant will be provided~~ with a statement that Applicants who wish to contest the decision relative to their own Application must petition the Corporation for review of the decision in writing within 21 Calendar Days of the date of receipt of the notice. Only petitions Received by the deadline set forth herein will be considered. The petition must specify in detail each issue, form and score sought to be appealed. Unless the appeal involves disputed issues of material fact, the appeal will be conducted on an informal basis. If the appeal raises disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), Florida Statutes. Failure to timely file a petition shall constitute a waiver of the right of the Applicant to such an appeal. Written notifications, petitions or requests for review will NOT be accepted via telefax or other electronic means. No Applicant or other person or entity will be allowed to intervene in the appeal of another Applicant.

(2) Following the entry of all final orders in all appeals resolved pursuant to Section 120.57(2), Florida Statutes, and in accordance with the prioritization of the QAP and Rule 67-48, F.A.C., the Corporation shall prepare post-appeal scores and a final ranking. For those Applicants with Section 120.57(1), Florida Statutes, appeals that have not yet had final orders entered as of the date of the final ranking, the Corporation shall, if any such Applicant ultimately obtains a final order that would have put its Application in the funding range had it been entered prior to the final ranking, provide the requested

funding and allocation (as applicable) from the next available funding and allocation (as applicable), whether in the current year or a subsequent year. Applications that have applied for both Housing Credits and SAIL or HOME will only be funded if in the funding range for both programs at the time of the final rankings at such time as funds and credits are both available together. Nothing contained herein shall affect any applicable credit underwriting requirements.

67-48.008 No Discrimination.

~~The Corporation, its staff or agents, Applicants, or participants in any Program shall not discriminate under that Program against any person or family, on the basis of race, creed, color, national origin, age, sex, religion, marital or familial status, or handicap, or against persons or families on the basis of their having minor children.~~

67-48.009 SAIL General Program Procedures and Restrictions.

(9) SAIL loans proceeds shall not be used to fund any contingency reserves.

(10) Except for small county requests, Applicants may not request SAIL funding for Developments receiving priority in FHFC's multifamily bond program for having no other FHFC funding.

67-48.0095 Additional SAIL Application Ranking and Selection Procedures.

~~(5) To the extent that funds are available in the 10% amount reserved for counties with a population of 100,000 or less, those Applicants that have successfully competed for HC in the same cycle and require SAIL for financial feasibility will receive SAIL funds in conjunction with the requirements of Section 67-48.009, F.A.C., if the Development has no more than 60 total units.~~

(5)(6) In the event that the 10% of program funds required to be allocated to counties with a population of 100,000 or less remains unallocated at the conclusion of a successive three-year cycle, the unallocated funds shall be carried forward and shall be added to the funds reserved for counties with a population of 100,000 or less for the next successive three-year period.

(6)(7) After the six-month period referenced in Rule 67-48.0095(1) has expired, the Corporation shall allocate SAIL funds to Applicants meeting threshold requirements, without regard to demographic category.

(7)(8) Based upon fund availability, the Corporation shall notify Applicants of selection for participation in the SAIL Program in rank order within each set-aside category, as clarified in (4) above. When the amount of an Applicant's loan request exceeds the remaining funds available, the Corporation shall offer the Applicant a tentative loan amount equal to the remaining funds. Rejection of such offer will cause the Corporation to make the offer to the next highest ranked Applicant within the category. This process shall be followed

until all funds in the category are either committed in this category or combined with available funds from other categories and offered to the next highest scorer in any category.

~~(8)(9)~~ Selection for SAIL Program participation is contingent upon fund availability after determination of final loan amounts and the appeals process as set forth in Rule 67-48.005, F.A.C.

67-48.012 SAIL Credit Underwriting and Loan Procedures.

(2) The Credit Underwriter shall verify all information in the Application Package, including information relative to the Applicant, Developer, Syndicator, General Contractor and other members of the Development team.

(e) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. An appraisal shall be required during the credit underwriting process. The Applicant may choose an appraiser from the Credit Underwriter's approved list of appraisers; however, the Credit Underwriter shall order, at the Applicant's expense, the appraisal of the subject property. The Credit Underwriter shall use the same appraiser as the first mortgage lender provided the appraisal has not been ordered. The Credit Underwriter shall review the appraisal to properly evaluate the loan request in relation to the property value. Appraisals and separate market studies which have been ordered and submitted by third party credit enhancers, first mortgagors or syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal or market study referenced above.

(h) In addition to ~~an~~ operating expenses ~~reserve~~, the Credit Underwriter must include an estimate for replacement reserves and operating expense reserves deemed appropriate by the Credit Underwriter when calculating the final net operating income available to service the debt. A minimum amount of \$200 per unit must be used for all Developments. However, the amount may be increased based on a physical needs assessment. An Applicant may choose to fund a portion of the replacement reserves at closing. The amount cannot exceed 50% of the required replacement reserves for 2 years and must be placed in escrow at closing.

(k) Contingency reserves which total no more than 5% of hard and soft costs for new construction and no more than 15% of hard and soft costs for Substantial Rehabilitation may be included within the Total Development cost for Application and underwriting purposes. Contingency reserves shall not be paid from SAIL funds. ~~However, contingency reserves which total no more than 3% of hard and soft costs may be included within the total Development cost.~~

(o) If audited financial statements are unavailable from the Applicant, the Credit Underwriter shall request federal tax returns and unaudited or internally prepared financial statements for the past two years.

67-48.021 HOME Credit Underwriting and Loan Procedures.

(2) Based upon availability of funds, the Corporation shall issue a preliminary commitment notifying each Applicant of selection for participation in the HOME Program in the order of each Applicant's ranking within each set-aside category. When an Applicant's tentative loan amount exceeds the remaining fund availability, the Corporation shall offer the Applicant a tentative loan amount equal to the remaining funds. Rejection of such an offer will cause the Corporation to make the offer to the next highest ranked Applicant within the category. This process shall be followed until all funds for the set-aside category are committed.

(e) The Credit Underwriter shall use the following procedures during the underwriting evaluation:

3. Require audited financial statements and, if unavailable from the Applicant or Affiliates, the Credit Underwriter shall request federal tax returns and unaudited or internally prepared financial statements for the past two years.

7. Contingency reserves which total no more than 5% of hard and soft costs for new construction and no more than 15% of hard and soft costs for Rehabilitation may be included within the Total Development cost for Application and underwriting purposes. ~~Any~~ Contingency reserves shall not be paid from HOME funds.

(f) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. An appraisal shall be required during the credit underwriting process. The Applicant may choose an appraiser from the Credit Underwriter's approved list of appraisers; however, the Credit Underwriter shall order the appraisal for the subject property. The Credit Underwriter shall use the same appraiser as the first mortgage lender provided the appraisal has not been ordered. The Credit Underwriter shall review the appraisal to properly evaluate the loan request in relation to the property value. Appraisals and separate market studies which have been ordered and submitted by third party credit enhancers, first mortgagors or syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal or market study referenced above.

Marshal filed Emergency Rule 4ER00-3, which incorporated an ordinance of the City of Plantation into a rule identical to 4ER00-1 because that ordinance was not available when the first emergency rule was filed, and Emergency Rule 4ER00-4. 4. The Department held four workshops on July 6, 7, 10, and 11, 2000 and proposed a rule on August 4, 2000. A public hearing was held on the proposed rule on August 29, 2000. The proposed rule was challenged on September 7, 2000. Negotiations with the challengers are ongoing. Because of the pending rule challenge it is still legally impossible to adopt a permanent rule by the expiration date of 4ER00-4, which is December 14, 2000.

5. This emergency rule continues the standards of the prior emergency rulemaking by adopting the respective county and municipal standards for a period of 90 days to allow the permanent rulemaking process to occur. The materials incorporated by reference in this emergency rule are the same as those incorporated in emergency rule 4ER00-4.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department of Insurance believes that adopting an emergency rule is the fairest method to protect the public because CS/SB 772 became effective immediately upon the Governor's signature. Even with the initiation of the rule development workshop procedure prior to the Governor's action, there was not sufficient time to accomplish standard rulemaking. Standard rulemaking is in progress, giving parties the ability to participate in the rulemaking. In fact, affected parties are actively participating in the ongoing litigation and negotiation over the permanent rules. Where consistent with law implemented, the division has crafted the emergency rule in a way that preserves the status quo by maintaining standards equivalent to those previously enacted by local authorities. In jurisdictions where there are no properly enacted standards, the State Fire Marshal will continue to enforce the requirements of Chapter 552, Florida Statutes.

SUMMARY OF THE RULE: This emergency rule adopts the local standards for a period of 90 days to allow the permanent rulemaking process to occur.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Terry Hawkins, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0342, phone (850)413-3624

THE FULL TEXT OF THE EMERGENCY RULE IS:

4ER00-5 Emergency Restrictions and Limitations on Construction Materials Mining Activities.

(1) The Division of State Fire Marshal adopts the following ordinances which are in effect as of the effective date of section 552.30, Florida Statutes, and which are applicable to the use, handling, and licensure of explosives generally as the standards, limits, and regulations applicable to

the use, handling, and licensure of explosives in conjunction with construction materials mining activities as defined in section 552.30, Florida Statutes, conducted within the applicable jurisdiction, except to the extent that ground vibration limits established in such ordinances do not conform with subsection (2) of this rule. Any person or company using explosives in conjunction with construction materials mining activities as defined in section 552.30, Florida Statutes, shall continue to abide by, and be fully and completely bound by, such ordinances of local government in all respects, as if the local government's ordinance regarding the operation and handling of explosives were still in full force and effect:

<u>LOCAL GOVERNMENT</u>	<u>ORDINANCE</u>
<u>Alachua</u>	<u>Code of Ordinances County of Alachua, Florida, Part III Unified Land Development Code, Title 35 Environment, Chapter 352 Surface Mining: Land Reclamation</u>
<u>Broward</u>	<u>Ordinance 97-01 Blasting Ordinance & Policy Blasting Policy 12</u>
<u>Citrus</u>	<u>Part II Citrus County, Florida Code Chapter 66 Natural Resources Sec. 66-1. Mining</u>
<u>City of Miramar</u>	<u>Pre-Blast Meeting Agenda, Sunset Lakes; May 28, 1997; City of Miramar Procedure Manual for Resolution of Blasting Damage Complaints 1/22/97</u>
<u>City of Plantation</u>	<u>City of Plantation Code or Ordinances, Article III, Explosives, Section 8-51 through and including Section 8-67</u>
<u>Collier</u>	<u>Collier County Land Development Code, Division 3.4 Explosives</u>
<u>Dade</u>	<u>Code of Metropolitan Dade County, Florida, Part III Code of Ordinances Chapter 13 Explosives ; Ordinance No. 96-45, Section 1, 3-19-96</u>
<u>DeSoto</u>	<u>DeSoto County Ordinance 1999-15 in Section C "Criteria for Operating Permit Issuance, Number 16 "Blasting"</u>
<u>Hamilton</u>	<u>Section 14.7.0 Limerock Mining and Mining Other Than Phosphates</u>
<u>Hardee</u>	<u>2.06.06 Standards</u>
<u>Hernando</u>	<u>Hernando County Ordinance No. 93-13, Hernando County Code of Ordinances Chapter 19</u>
<u>Hillsborough</u>	<u>Hillsborough County Land Development Code Part 8.02.00, Phosphate Mining Regulations Sec 8.02.8 Operating Procedures</u>
<u>Indian River</u>	<u>Indian River Ordinance No. 2000-007 Title 1X Land Development Regulations Chapter 974 Noise and vibrations control</u>
<u>Lee</u>	<u>Lee County Blasting Ordinance 99-07</u>
<u>Monroe</u>	<u>Monroe County Code Chapter 5 Blasting and Explosives</u>
<u>Palm Beach</u>	<u>Resolution No. R-2000-0419; Palm Beach County's Unified Land Development Code Section 7.6</u>
<u>Pasco</u>	<u>Chapter 6½ Explosives, Blasting Agents and Blasting</u>
<u>Sarasota</u>	<u>Ordinance No. 82-111</u>

Sumter Division 13 Safety and Nuisance Standards
Walton Emergency Ordinance; An Ordinance Prohibiting the Testing of Explosives and/or Weapons and Firearms in Walton County Without a Permit; Providing Definitions; Providing Penalties for Violations Thereof; Providing an Effective Date

The above ordinances are hereby incorporated by reference, and are obtainable from the respective local government.

(2) Each person or company engaged in construction materials mining activities shall conduct their activities such that ground vibration resulting from such activities conforms to those limits established in the United States Bureau of Mines Report of Investigations 8507, Appendix B – Alternative Blasting Level Criteria (Figure B-1), which is hereby adopted and incorporated in this emergency rule by reference. Copies of Appendix B, Figure B-1 may be obtained from the Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee FL 32399-0342.

(3) The State Fire Marshal hereby delegates to the applicable local government identified in subsection (1) above responsibility and authority to monitor and enforce the ordinances incorporated in subsection (1) above. Further, as applied to the use of explosives in construction materials mining activities, the State Fire Marshal delegates to each local government having an established program to monitor and enforce ground vibration limits the responsibility and authority to monitor and enforce the requirements and standards established by subsection (2) above, including establishing the location and means of vibration measurements. The delegation of authority provided by this subsection includes the assessment and collection of reasonable fees for the purpose of carrying out the delegated activities. In addition, each local government which has enacted ordinances requiring licensure or permitting and establishing procedures for obtaining a license or permit in order to use, transport, possess, or handle explosives in conjunction with construction materials mining activities shall, as a component of such monitoring and enforcement authority, continue to enforce such requirements as they apply to construction materials mining activities.

(4) As used herein, “local government” means any incorporated city, town, county, or other local governmental entity in this state, as referred to in section 552.25, Florida Statutes.

(5) In adopting this emergency rule, it is the intent of the State Fire Marshal that local governments retain the authority to enforce existing ordinances to the fullest extent possible consistent with current law.

(6) This rule takes effect on December 14, 2000.

Specific Authority 552.30 FS. Law Implemented 552.30 FS. History—New 12-14-00.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: December 14, 2000

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF EDUCATION

NOTICE IS HEREBY GIVEN that the State Board of Independent Colleges and Universities (SBICU) received a petition for waiver from the University of Sarasota pursuant to Section 120.542, Florida Statutes. The petition seeks temporary relief from Rule 6E-2.008(1), Fla. Admin. Code, which prohibits a licensed college from adding new degrees to its programs until it holds a regular license.

A copy of the petition may be obtained from Sandra Knight at (850)488-8695. The SBICU will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the State Board of Independent Colleges and Universities, Koger Center, Turner Building, Suite 200, 2586 Seagate Drive, Tallahassee, Florida 32301.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Variance or Waiver on December 8, 2000, from the City of Bonifay. The petitioner seeks a variance from or waiver of the provisions of Rule 9B-43.012, Fla. Admin. Code, which require that a Community Development Block Grant (“CDBG”) for economic development must create or retain one job for every \$12,000 of CDBG funds.

A copy of the Petition, which has been assigned the number DCA00-WAI-391, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection has taken action on a petition for variance received from Broward County Office of Environmental Services on September 18, 2000. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 26, No. 40, dated October 6, 2000. No public comment was received. The petition requested a variance from rule 62-520.300(9) of the Florida Administrative Code, which requires compliance with ground water standards to be determined by analyses of unfiltered ground water samples, unless a filtered sample is as or more representative of the particular ground water quality. Specifically, the variance requested to use filtered ground water samples in its analyses of water samples collected from

Monitor Well MW-1 as part of its cycle testing at its 2A Water Treatment Plant Aquifer Storage and Recovery (ASR) Facility. There were elevated levels of iron and color in the monitoring well data collected at MW-1, and BCOES believes that those samples were not indicative of the true ground water quality, but were tainted by residue from the casing from the monitoring well. On November 30, 2000, the Department granted a variance to Broward County Office of Environmental Services in a final order, OGC File No.: 00-1801. The final order granted a variance from the restriction to use unfiltered ground water samples in the sampling from MW-1 during the cycle testing at the ASR facility, and contained conditions. The conditions require that the use of filtered ground water samples will be allowed during the cycle testing to determine the viability of the ASR facility for long-term use; and if long-term viability is shown, use of well MW-1 will be allowed only if the well is rehabilitated. If this is not possible or not chosen, then that well must be plugged and abandoned in accordance with the applicable rules.

For a copy of the final order write or call Cynthia Christen, Department of Environmental Protection, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; telephone (850)921-9610.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on November 30, 2000, two petitions from HSA Engineers & Scientists, Inc., seeking variances under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under rule 62-522.300(2)(a) [renumbered as rule 62-522.300(3) in August 2000], Florida Administrative Code, for the use of innovation processes for remediation of ground water and soils contaminated with chlorinated solvents, chlorinated pesticides, polychlorinated biphenyls, and other related compounds. The petitions have been assigned OGC File Nos.: 00-2226 and 00-2227. The petition assigned file number 00-2226 is for use of molasses as biological substrate to reduce dissolved oxygen and create reducing conditions in the subsurface. The petition assigned file number 00-2227 is for use of potassium lactate in water as biological substrate to reduce dissolved oxygen and create reducing conditions in the subsurface.

Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Cynthia Christen. Comments must be received no later than 14 days from the date of publication of this notice.

On September 5, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)(5), F.S. (2000), from Exxon Company, USA requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was

assigned OGC case #00-1126. A Notice of Receipt of Petition for Variance/Waiver was published in the September 29, 2000, F.A.W. On December 4, 2000, the petition was granted for certain documentation that was required from Tri-County Petroleum, Inc.

Copies may be received from the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Rebecca Grace.

The Department of Environmental Protection gives notice to grant the City of Panama City Beach's petition requesting a variance from the copper requirements of rule 62-302.530(24), of the Florida Administrative Code (F.A.C.). The facility is located in Bay County. The petition was made under section 403.201(1)(a), Florida Statutes (F.S.).

The Department's file on this matter 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, Wastewater Compliance Evaluation Section, 2600 Blair Stone Road, Room 202, Tallahassee, Florida.

The Department will issue the variance unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within twenty-one days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within twenty-one days of publication of the notice or within twenty-one days of receipt of the written notice, whichever occurs first.

Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within twenty-one days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the following address: City of Panama City Beach, 110 South Arnold Rd., Panama City Beach, Florida 32413-2199, Attention: Mr. Richard E. Jackson. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida

Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department's case identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department's action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action;
- (d) A statement of the material facts disputed by Petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301 of the Florida Administrative Code.

Because the administrative hearing process is designed to formulate agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under section 120.573 of the Florida Statutes is not available for this proceeding.

The Department announces receipt of a petition filed December 12, 2000, pursuant to Section 120.542, Florida Statutes, from Nichols Sanitation, Inc. to obtain a variance from certain Department rules regarding the Nichols Sanitation Transfer Station in Palm City, Florida. Specifically, the petitioner has requested a variance from Rule 62-701.801(3)(c), Florida Administrative Code (F.A.C.), which requires that the facility be designed with a leachate control system.

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.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on December 1, 2000, a petition from Environmental Chemical Corporation, seeking a waiver of certain payment documentation and record-keeping requirements of 376.3071, Florida Statutes, and 62-773, Florida Administrative Code. The petition has been assigned OGC case number 00-1108 and is for Beckers #211 located at 2100 South Fourteenth Street, Fernandina Beach, Florida, FDEP Facility #458512053.

Copies may be received from, and written comments submitted to: Inguna Varslavane-Callahan, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on November 30, 2000, a petition from Environmental Chemical Corporation, seeking a waiver of certain payment documentation and record-keeping requirements of 376.3071, Florida Statutes, and 62-773, Florida Administrative Code. The petition has been assigned OGC case number 00-1685 and is for Presto Food Store #6 located at 18215 U.S. Highway 41, North, Lutz, Florida, FDEP Facility #298509018.

Copies may be received from, and written comments submitted to: Inguna Varslavane-Callahan, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on November 29, 2000, a petition from Environmental Chemical Corporation, seeking a waiver of certain payment documentation and record-keeping requirements of 376.3071, Florida Statutes, and 62-773, Florida Administrative Code. The petition has been assigned OGC case number 00-1684 and is for Treesweet Corporation site located at 2200 3rd Street, Northwest, Winter Haven, Florida, FDEP Facility #538731755.

Copies may be received from, and written comments submitted to: Inguna Varslavane-Callahan, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on September 1, 2000 a petition from CF Industries, Inc., for waiver pursuant to subsection 376.3071(12)(k)(5), F.S., of certain documentation requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1716. On November 30, 2000, the petition was granted for certain documentation that was required from J.B. Butler & Associates.

Copies may be received from the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Inguna Varslavane-Callahan.

DEPARTMENT OF HEALTH

The Board of Optometry hereby gives notice that it has received a petition filed on September 5, 2000, by Laura Edwards, O.D., seeking a waiver from Rule 64B13-4.001, F.A.C., with regard to passage of Parts I and II of the NBEO examinations within five years. Comments on this petition should be filed with Board of Optometry, MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice. The Board will consider the petition at its next meeting to be held on January 8, 2001, at 10:00 a.m., or as soon thereafter as can be heard, at Nova Southeastern University, 3200 S. University Drive, Auditorium in the HPD Assembly Building, Fort Lauderdale, Florida 33328.

For a copy of the petition contact: Joe Baker, Executive Director, Board of Optometry, at above address.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on December 13, 2000; the Florida Housing Finance Corporation (the "Corporation") received a Petition from Three Rivers Housing Foundation, Inc. (Russell's Pond) seeking a permanent variance from or waiver of Rule 9I-47.150(9), Florida Administrative Code. The rule relates to the Corporation's Year 1996 HOME Home Ownership Construction Loan Program (HOME). Subsection (9) requires that if one hundred percent (100%) of the development's loan proceeds have not been expended within six months of HUD deadline pursuant to 24 CFR Section 92.500 and established in the written agreement with the applicant, the funds shall be recaptured and reallocated to any eligible project on any Agency waiting list or eligible HOME project, as selected by the Board.

Comments on this Petition should be filed with the Corporation's HOME Single Family Planning Manager, Lainie Lowery, at the Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, within fourteen (14) days of the publication of this Notice.

For additional information, or for a copy of the Petition, please contact Ms. Lowery at the above address, or by calling (850)488-4197.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Board of Trustees of **Historic Pensacola Preservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 10, 2001, 12:00 Noon

PLACE: J. Earle Bowden Building, 120 Church Street, Pensacola, FL 32501

PURPOSE: General business meeting.

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, P. O. Box 12866, Pensacola, FL 32576-2866.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any persons with handicaps wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The Board of Directors of Historic Pensacola, Inc., the direct support organization of the **Historic Pensacola Preservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 10, 2001, immediately following the meeting of the Historic Pensacola Preservation Board, which will begin, 12:00 Noon

PLACE: J. Earle Bowden Building, 120 Church Street, Pensacola, FL 32501

PURPOSE: General business meeting.

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, P. O. Box 12866, Pensacola, Florida 32576-2866.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any person with handicaps wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **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: Tuesday, January 9, 2001, 10:30 a.m.

PLACE: Franklin County Health Department, Conference Room, 139 12th Street, Apalachicola, FL 32320, (850)653-2111

PURPOSE: To hold a Proposal meeting to review and discuss final proposals for Art in State Buildings Project No. DOH 9730/9550, Franklin County Health Department, Apalachicola, Florida

COMMITTEE: Art Selection Committee

DATE AND TIME: Wednesday, January 17, 2001, 9:00 a.m.

PLACE: Everglades Regional Office, Fish and Wildlife Conservation Commission, 8535 Northlake Boulevard, West Palm Beach, FL 33412, (561)625-5131

PURPOSE: To hold a Proposal meeting to review and discuss final proposals for Art in State Buildings Project No. DMS 9700/6000, Fish and Wildlife Conservation Commission Regional Office, West Palm Beach, Florida

COMMITTEE: Art Selection Committee

DATE AND TIME: Thursday, January 18, 2001, 9:30 a.m.

PLACE: Jacksonville Children's Medical Services, Conference Room 201, 910 N. Jefferson Street, Jacksonville, FL 32209, (904)360-7070

PURPOSE: To hold a Proposal meeting to review and discuss final proposals for Art in State Buildings Project No. DOH 9620/8100, Jacksonville Children's Medical Services, Jacksonville, Florida

COMMITTEE: Art Selection Committee

DATE AND TIME: Friday, January 19, 2001, 12:30 p.m.

PLACE: FDOT Miami District Office, Conference Room 6207, 1000 N. W. 111th Avenue, Miami, FL 33172-5800, (305)470-5126

PURPOSE: To hold a Proposal meeting to review and discuss final proposals for Art in State Buildings Project No. DOT 252-047, Miami District Office Addition, Miami-Dade County, 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 AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the Florida Agriculture Center and Horse Park Authority Meeting.

DATE AND TIME: Wednesday, January 17, 2001, 1:00 p.m.

PLACE: Seminole Feeds Headquarters, 335 N. E. Watula Road, Ocala, Florida

PURPOSE: Quarterly Board Meeting. The purpose of this meeting is 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.

DEPARTMENT OF TRANSPORTATION

NOTICE OF CANCELLATION OF RULE DEVELOPMENT WORKSHOP – Notice of this rule development for Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Sections 14-26.008, Schedule of Fees and 14-26.01311, Permits to Move Sealed Cargo Loads was published in Florida Administrative Weekly, Vol. 26, No. 33, dated August 18, 2000. A rule development workshop was requested. Notice of a rescheduled workshop was published in Florida Administrative Weekly, Vol. 26, No. 39, dated September 29, 2000.

The Department hereby cancels that rescheduled workshop, which was scheduled to be held December 4, 2000, 1:30 p.m., Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida.

SUBJECT AREA THAT WAS TO BE ADDRESSED: "Schedule of Fees" and "Permits to Move Sealed Cargo Loads" in Rules 14-26.008 and 14-26.01311, respectively.

NOTE: The Department does not intend to pursue rule development on this subject at this time. If the Department seeks to develop a rule on this subject in the future, a new notice of proposed rule development will be published at such time.

The **Florida Transportation Commission** announces public meetings to which all persons are invited.

DATE AND TIME: January 4, 2001, 8:00 a.m. – 4:00 p.m.

PLACE: Department of Transportation, Executive Conference Room, 605 Suwannee Street, Tallahassee, Florida

PURPOSE: Meeting of the Florida Transportation Commission.

DATE AND TIME: January 11, 2001, 8:00 a.m. – 4:00 p.m.

PLACE: Department of Transportation, Auditorium, 605 Suwannee Street, Tallahassee, Florida

PURPOSE: Meeting of the Florida Transportation Commission.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, MS #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 these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting Cathy Goodman, (850)414-4105.

The Florida **Department of Transportation** announces a public meeting of the Transportation Outreach Program Advisory Council to which all interested persons are invited.

DATE AND TIME: January 8, 2001, 10:30 a.m.

PLACE: Florida Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, Florida 32399

PURPOSE: Working Meeting to continue the review of applications submitted for the 2001 Transportation Outreach Program. Applicants who were selected for further consideration at the December 11, 2000 meeting will be invited to attend to answer any questions the Council may have as they continue their deliberations.

A copy of the agenda may be obtained one week in advance by writing: Lorenzo Alexander, Manager, Seaport Office, Florida Department of Transportation, MS #68, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in the meetings should advise Lorenzo Alexander, (850)414-4500.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** of a meeting of the scoring team for the third party administrator request for information, #2000-06, to which all persons are invited.

DATE: Thursday, January 4, 2001, 4:00 p.m. – conclusion of the meeting

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: This is a meeting of the scoring team for the third-party administrator request for information #2000-06. The written responses and the scores will be discussed and a decision will be made about which firms will be invited to participate in oral interviews. Other discussions about the third-party administrator selection process and the general business of the implementation of the Public Employee Optional Retirement Program will also be discussed. This meeting may be conducted by telephone.

Anyone wishing further information should contact: Walter Kelleher, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1490 or e-mail at kelleher_walter@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Cheryl Creel, (850)413-1248, five days prior to the meeting so that appropriate arrangements can be made.

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. 990108-TP – Request for arbitration concerning complaint of The Other Phone Company, Inc. d/b/a Access One Communications against BellSouth Telecommunications, Inc. regarding breach of resale agreement.

DATE AND TIME: January 9, 2001, 9:30 a.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 a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 000828-TP – Petition of Sprint Communications Company Limited Partnership for arbitration of certain unresolved terms and conditions of a proposed renewal of current interconnection agreement with BellSouth Telecommunications, Inc.

DATES AND TIME: January 10-11, 2001, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To permit parties to present testimony and exhibits relative to the petition of Sprint Communications Company Limited Partnership for arbitration of certain unresolved terms and conditions of a proposed renewal of current interconnection agreement with BellSouth Telecommunications, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on December 15, 2000. The proceedings will be governed by the provisions of Chapter 120, F.S. and Chapter 25-28, F.A.C.

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

The Florida **Public Service Commission** announces a prehearing conference and a hearing to be held in the following docket, to which all interested persons are invited.

DOCKET NO. 001748-EC – Petition for Determination of Need for the Osprey Energy Center in Polk County by Seminole Electric Cooperative and Calpine Construction Finance Company, L.P.

PREHEARING CONFERENCE

DATE AND TIME: Tuesday, January 30, 2001, 1:30 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)413-6770, 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: Monday, February 12, 2001, Tuesday, February 13, 2001, 9:30 a.m. The starting time of the next day's session will be announced at the conclusion of the prior day. The hearing may be adjourned early if all testimony is concluded

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: The purpose of this hearing will be for the Commission 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 Seminole Electric Cooperative, Inc. and Calpine Construction Finance Company, L.P., to present evidence and testimony in support of their 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 February 12-13, 2001, 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).

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 4, 2001, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending personnel, program planning and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 4, 2001, 9:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 4, 2001, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL

PURPOSE: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 9143 Philips Highway, Suite 350, Jacksonville, FL 32256.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Ginny Montgomery, (904)363-6350, Extension 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited.

DATE AND TIME: Wednesday, January 3, 2001, 9:30 a.m.

PLACE: Highlands County Health Department Conference Room, 7205 South George Blvd., Sebring, Florida

PURPOSE: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, Exercise Sub-Committee and Risk Management Program Sub-Committee, to which all persons are invited.

DATE AND TIME: Wednesday, January 10, 2001, 9:00 a.m.

PLACE: Highlands County Emergency Operation Center, 5860 West George Blvd., Sebring, FL

PURPOSE: Regular Bi-Monthly Meeting of the LEPC and Special Sub-Committee Meetings.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 11, 2001, 8:30 a.m. (Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, FL 33702

PURPOSE: Budget Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, 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.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 11, 2001, 9:00 a.m.
(Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702

PURPOSE: Agency on Bay Management Executive Steering and Subcommittee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, 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.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 19, 2001, 8:30 a.m.
(Please call to confirm date, time and location)

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612

PURPOSE: Executive/Budget Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, 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.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 19, 2001, 9:30 a.m.
(Please call to confirm date, time and location)

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612

PURPOSE: Annual Meeting of Tampa Bay Regional Planning Council.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, 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.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 22, 2001, 9:30 a.m.
(Subject to cancellation – please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., St. Petersburg, FL 33702

PURPOSE: Clearinghouse Review Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, 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.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 31, 2001, 10:30 a.m.
(Please call to confirm date, time and location)

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Boulevard, Suite 219, St. Petersburg, FL 33702

PURPOSE: Local Emergency Planning Committee, District VIII meeting.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, 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.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The **Workers' Compensation Task Force**, promulgated under Senate Bill 2532, 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: Friday, January 12, 2001, 10:00 a.m. – 5:00 p.m.

PLACE: Senate Office Building, Suite 37, Lower Level, 404 South Monroe Street, Tallahassee, FL 32399-1100

PURPOSE: Fifth meeting of the Workers' Compensation Task Force for review of the Workers' Compensation System.

Persons with a disability or handicap requiring reasonable accommodations should contact Jacki Lawhon, in writing: 2012 Capital Circle, S. E., 101 Hartman Building, Tallahassee, Florida 32399-0682 or by phone (850)922-8062, 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 **South Florida Water Management District** announces public meetings to which all interested parties are invited.

DATES AND TIME: January 2, 2001; January 9, 2001; January 16, 2001; January 23, 2001; January 30, 2001, 1:00 p.m.

PLACE: District Headquarters, B-1 Building, Egret Conference 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.

The **South Florida Water Management District** announces a public workshop/meeting which may be conducted by means of or in conjunction with communications technology, to which all interested parties are invited.

DATE AND TIME: January 10, 2001, 9:00 a.m.

PLACE: Dolly Hand Center, Palm Beach Community College at Belle Glade, 1977 College Drive, Belle Glade, Florida

PURPOSE: A. Regular Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matter.

B. Conduct meeting of the Human Resources Committee.

C. Conduct meeting of the Audit Committee.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members. In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to take action on items listed on the Thursday, January 11, 2001, meeting agenda, including regulatory and non-regulatory items.

DATE AND TIME: January 10, 2001, time to be determined

PLACE: To be determined

PURPOSE: Possible off-site dinner with Governing Board members after workshop/meeting. No discussion of the Governing Board's business or activities shall occur between or among Board members at this dinner site.

DATE AND TIME: January 11, 2001, 7:00 a.m.

PLACE: To be determined

PURPOSE: Breakfast workshop with Governing Board members and senior staff.

DATE AND TIME: January 11, 2001, 8:30 a.m.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, including public meetings. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

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, or may be acquired via the SFWMD Web Site at <http://www.sfwmd.gov/agenda.html>.

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 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: Darryl Bell, Governing Board Operations Director, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: January 10, 2001, 6:30 p.m. – 8:00 p.m.

PLACE: Okeechobee Service Center, 205 N. Parrott Avenue, Suite 20, 2nd Floor of the Bank of America Building, Okeechobee, Florida

PURPOSE: A meeting to solicit input on the Lake Okeechobee Sediment Management Feasibility Study. The District is conducting the three-year feasibility study to identify and evaluate potential alternatives that may reduce internal phosphorus loading in the lake. The meeting will include a project overview, and will focus on soliciting public input and comment on the proposed goals and performance measures of the study.

In addition, a meeting for interested governmental agency staff is scheduled at the District main offices in West Palm Beach on January 10, 2001, 1:30 p.m. – 3:00 p.m.

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.

For more information, contact Karen Smith, Project Manager, (561)682-2731.

The **South Florida Water Management District** announces a public 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: January 12, 2001, 10:00 a.m.

PLACE: South Florida Water Management, B-1 Building, Richard Rogers Conference Room, 2nd Floor, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Meeting of the Lake Belt Mitigation Committee, created pursuant to Section 373.41492, Florida Statutes, to consider annual report for 2000 and other related committee business.

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 Governing 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.

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 persons are invited.

DATE AND TIME: Wednesday, January 3, 2001, 1:00 p.m. – 5:00 p.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

PURPOSE: This meeting is to discuss the Lake Okeechobee Management and other issues related to the Lower East Coast, Lower West Coast and Upper East Coast Regional Water Supply Plans. All interested parties are invited to attend.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 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.

For more information, contact: John Mulliken, Lower East Coast Regional Water Supply Plan Project Manager, (561)682-6649.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Rural Capital Sub-Committee of the Finance, Auditing, and Program Performance (FAPP) Committee to which all persons are invited.

DATE AND TIME: Tuesday, January 9, 2001, 1:30 p.m. – completion

PLACE: 2740 Centerview Drive, Rhyne Building, Suite 1-A, Tallahassee, Florida, (850)488-6036.

PURPOSE: To review criteria for applications for the rural capital funds.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Erin Schepers at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS #49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following public meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, January 3, 2001, 10:00 a.m.

PLACE: DeSoto County Administration Building, 201 East Oak Street, Arcadia, FL

PURPOSE: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based. Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services**, Wireless 911 Board announces the following meeting schedule information.

DATES AND TIME: January 9-10, 2001, 9:00 a.m. – 5:00 p.m.

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

DATES AND TIME: January 23-24, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Hilton at Palm Beach Airport, West Palm Beach, Florida

DATES AND TIME: February 6-7, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Embassy Suites at BayMeadows, 9300 BayMeadows Road, Jacksonville, Florida

DATE AND TIME: February 8, 2001, 8:00 a.m. – 5:00 p.m. (Participate in “NENA Critical Issues Forum”)

PLACE: Hilton at Jacksonville Riverfront, Jacksonville, Florida

DATES AND TIME: February 20-21, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Clearwater, Florida

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, January 10, 2001, 4:00 p.m.; Thursday, January 11, 2001, 8:00 a.m.; Friday, January 12, 2001, 8:00 a.m.

PLACE: Radisson Riverwalk Hotel Jacksonville, Jacksonville, Florida

PURPOSE: Committee, Disciplinary Actions and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings 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.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Cathleen E. O’Dowd, (904)727-3689, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Board of Employee Leasing Companies** announces an emergency conference call meeting to which all persons are invited.

DATE AND TIME: December 20, 2000, 10:00 a.m. or soon thereafter

PLACE: The meeting will be conducted by telephone conference call. The telephone number is (850)488-2854

PURPOSE: To conduct a general business meeting of the Board to review and consider applications for licensure.

A copy of the agenda may be obtained by writing: Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399 or by calling Sherry Landrum, Executive Director, (850)488-1470.

STATEMENT OF NECESSITY: This emergency meeting of the Board is being held under these circumstances in the interest of the public welfare. The Board must meet immediately in order to review and consider applications for licensure. Due to weather conditions the general business meeting scheduled December 12, 2000 was cancelled.

Any person deciding to appeal a decision made by the Board with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Pilot Commissioners** announces an Official Board Meeting via telephone conference call to which all interested persons are invited.

DATE AND TIME: January 8, 2001, 2:00 p.m. (EST)

PLACE: Department of Business and Professional Regulation, Board of Pilot Commissioners Board Office, 1940 North Monroe Street, Tallahassee, FL 32399-2211, Access Number: (850)921-6433 or Suncom 291-6433

PURPOSE: Official Board Meeting.

If any person decides to appeal any decision made by the Board of Pilot Commissioners with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Board of Pilot Commissioners, 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 Glenda Albritton, Board of Pilot Commissioners, 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 Engineers Management Corporation** announces a public meeting of the Finance Committee to which all persons are invited.

DATE AND TIME: Thursday, January 4, 2001, 1:00 p.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301

PURPOSE: To discuss the FEMC budget for 2001-2002.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

If any person decides to appeal a decision made by the Corporation with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Mandatory Continuing Education Committee to which all persons are invited.

DATE AND TIME: Tuesday, January 9, 2001, 8:00 a.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301

PURPOSE: Development of proposed recommendations to the Board on mandatory continuing education requirements.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

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 purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees which all persons are invited.

DATE AND TIME: Tuesday, January 9, 2001, 9:00 a.m.

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32304

PURPOSE: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

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 purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Wednesday, January 10, 2001, 12:00 Noon – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

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 purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public telephone conference call which all persons are invited.

DATE AND TIME: Tuesday, January 16, 2001, 2:00 p.m.

PLACE: Conference Call Number: 1(800)659-8304, Florida Board of Professional Engineers, 1208 Hays Street, Tallahassee, FL 32301

PURPOSE: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301.

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 purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The **Florida Building Code Administrators and Inspectors Board** announces a Probable Cause Panel Meeting via telephone conference call portions of which will be closed to the public.

DATE AND TIME: January 8, 2001, 9:00 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)921-6433 or Suncom 291-6433

PURPOSE: Probable Cause Panel 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, the 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).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** (DEP) announces a public meeting of the TMDL Allocation Technical Advisory Committee (TAC) to which all persons are invited.

DATE AND TIME: January 8, 2001, 9:00 a.m. – 4:30 p.m.

PLACE: DEP, Twin Towers Office Building, Room 609, 2600 Blair Stone Road, Tallahassee, Florida

PURPOSE: The purpose of the Allocation TAC is to assist in the preparation of a report, pursuant to s. 403.067(6), Florida Statutes, describing how to allocate load reductions to contributing source(s) once Total Maximum Daily Loads (TMDLs) have been determined for parameters of concern. The meeting will focus on the second draft of the report, which will be finalized by the end of January.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Services Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

A copy of the agenda for the meeting may be obtained by contacting: Jan Mandrup-Poulsen, Department of Environmental Protection, 2600 Blair Stone Road, MS #3555, Tallahassee, Florida 32399-2400, (850)921-9488.

The **Department of Environmental Protection** announces a public meeting of the Alligator Bay Ecosystem Management Team Permitting Group. The team consists of representatives of the Department of Environmental Protection, Southwest Florida Water Management District, Charlotte County, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, Florida Fish and Wildlife Conservation Commission, and local civic associations. All interested persons may attend.

Primary Group

DATE AND TIME: January 22, 2001, 9:30 a.m. – 12:00 Noon

PLACE: The Port Charlotte Beach Complex, 4500 Harbor Blvd., Port Charlotte, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The objective of the Alligator Bay Ecosystem Management Team is to protect and enhance the environment of Alligator Bay/Peace River/Charlotte Harbor ecosystem by providing

additional water quality treatment beyond that required by existing regulatory programs to the waters discharging into Alligator Bay from the Alligator Bay watershed. The specific purpose of the Primary Group meeting includes 1) Net Ecosystem Benefits (NEBs) to be included in the proposed permit for removal of the Manchester Waterway Lock, 2) finalization of a non-binding agreement, 3) and next steps in the Ecosystem Management/Team Permitting process.

AGENDA: An agenda is not available at this time.

For further information call or write: Bruce Boler, The Department of Environmental Protection, South District, P. O. Box 2549, Ft. Myers, FL 33901, (941)332-6975 or Bruce.Boler@dep.state.fl.us.

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

The **Department of Environmental Protection**, Office of Greenways and Trails announces a meeting of the Florida Greenways and Trails Council's Outreach/Recognition/Corporate Sponsorship subcommittee to which all interested parties are invited.

DATE AND TIME: January 17, 2001, 2:00 p.m.

PLACE: This meeting will take place using teleconferencing. To participate in the conference call, contact Dianne Redd or Rachel Goodson, Department of Environmental Protection, Office of Greenways and Trails, DEP, MS #795, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-3701, email address dianne.redd@dep.state.fl.us prior to 10:00 a.m., January 17.

PURPOSE: To discuss future plans and goals for public outreach.

DEPARTMENT OF HEALTH

The Florida **Department of Health** announces a meeting of The KidCare Coordinating Council to which all persons are invited.

DATE AND TIME: Friday, January 5, 2001, 1:00 p.m. – 4:30 p.m.

PLACE: The Capitol Circle Office Center, The Betty Easley Building, Room 166, 4075 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The KidCare Coordinating Council, an advisory body appointed by the Secretary of the Florida Department of Health, will meet to discuss KidCare, Florida's child health insurance program. The Council is charged with offering guidance to the Department and to the Secretary as well as other state government groups about possible changes and adjustments to the KidCare

Program which may result in recommendations for legislative action, state agency rule change, federal agency rule or policy change or Congressional action.

A copy of the agenda may be obtained from: Francine Millinor, The Chiles Center, (850)487-6277, fmillino@com1.med.usf.edu

The Florida **Department of Health** announces a meeting of the Women and Heart Disease Task Force workgroup to which all persons are invited.

DATE AND TIME: Tuesday, January 9, 2001, 11:00 a.m.

PLACE: Conference call, telephone: (850)921-2530 or Suncom 291-2530

PURPOSE: Background. The Florida Governor's Office appointed 28 persons to serve as representatives on a Women and Heart Disease Task Force. The task force will report to the Governor and Legislature by January 15, 2002, on specific tasks detailed in SB 0352 relating to women and heart disease. The workgroup is comprised of selected members of the task force, addressing methods of improving coordination between agencies and institutions involved in research and treatment of heart disease in women. The work group will meet via conference call to continue work defined in the action plan previously developed.

For more information contact: Bureau of Chronic Disease, HSFC, Bin #A-18, 2020 Capital Circle, S. E., Tallahassee, Florida 32399-1744, in writing or by telephone (850)245-4444, Ext. 2838, SunCom 205-4444, Ext. 2838, Attn: Jeanne Lane.

If you require special accommodations (i.e., assistive listening devices, etc.) please contact Jeanne Lane at least 48 hours prior to the meeting date.

The **Board of Clinical Laboratory Personnel** will hold the following duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Friday, January 5, 2001, 9:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, at Meet Me Number (850)488-5776

PURPOSE: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Clinical Laboratory Personnel, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Sherra Causey, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The Florida **Board of Dentistry** will hold the following meetings to which all persons are invited.

DATES AND TIME: Friday, January 12, 2001, General Business Meeting with committee meetings, 9:00 a.m.; Saturday, January 13, 2001, General Business Meeting, 8:00 a.m.

PLACE: Sheraton Gainesville Hotel, 2900 S. W. 13th Street, Gainesville, FL 32608, (352)377-4000

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 **Department of Health**, the Electrolysis Council, under the **Board of Medicine** announces a conference call to which all persons are invited.

DATE AND TIME: January 22, 2001, 9:00 a.m. or soon thereafter

PLACE: Number: Nonsuncom (850)921-5470, Suncom 291-5470

PURPOSE: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Electrolysis Council, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the council office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the council office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Nursing** hereby gives notice that a public workshop for the purposes of rule development on Rule 64B9-14.004, Disciplinary Guidelines, will be held on April 17, 2001 at 10:00 a.m., at the Sheraton West Palm Beach, 630 Clearwater Park Road, West Palm Beach, Florida 33401. A notice of rule development was published in Vol. 26, No. 47, of the November 22, 2000, Florida Administrative Weekly.

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

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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Nursing** hereby gives notice that a public workshop for the purposes of rule development on Rule 64B9-15.005, Disciplinary Guidelines, will be held on February 6, 2001, 2:00 p.m., at The University of North Florida, University Center, 4567 St. Johns Bluffs Road, South, Room 1058, Jacksonville, Florida 32224. A notice of rule development was published in Vol. 26, No. 47, of the November 22, 2000, Florida Administrative Weekly.

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

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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Nursing Home Administrators** announces a Telephone Conference Call to which all interested persons are invited.

DATE AND TIME: December 29, 2000, 3:00 p.m.

PLACE: 4052 Bald Cypress Way, Tallahassee, Florida 32399, Telephone (850)921-5400

PURPOSE: General Business of the Board.

A copy of the agenda may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, BIN #C-04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)245-4292, Ext. 3602, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Department of Health** and the Probable Cause Panel of the **Board of Occupational Therapy** announces meetings to which all persons are invited.

DATE AND TIME: January 8, 2001, Probable Cause Panel, 8:00 a.m. (EST) or soon thereafter; the General Board Meeting will commence immediately following the Probable Cause Panel or soon thereafter

PLACE: The Department of Health, 4042 Bald Cypress Way, Room 301, Tallahassee, FL 32399.

PURPOSE: Reconsideration of cases previously heard by the Probable Cause Panel; Rules Committee Meeting; General Business Meeting; Legislative Workshop; Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Optometry**, Rules Committee will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Monday, January 8, 2001, 9:00 a.m.

PLACE: NOVA Southeastern University, 3200 S. University Drive, Auditorium, HPD Assembly Building, Ft. Lauderdale, FL 33328, (954)262-1402

PURPOSE: Discussion of Rule Chapter 64B13, Florida Administrative Code.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Optometry, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Board of Optometry** will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Monday, January 8, 2001, 10:00 a.m. or shortly thereafter the commencement of the Rules Committee meeting

PLACE: NOVA Southeastern University, 3200 S. University Drive, Auditorium, HPD Assembly Building, Ft. Lauderdale, FL 33328, (954)262-1402

PURPOSE: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Optometry, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Board of Optometry** Probable Cause Panel will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Monday, January 8, 2001, 2:30 p.m. or shortly thereafter the commencement of the Full Board meeting

PLACE: NOVA Southeastern University, 3200 S. University Drive, Auditorium, HPD Assembly Building, Ft. Lauderdale, FL 33328, (954)262-1402

PURPOSE: For cases previously heard by the panel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra W. Causey, Board of Optometry, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Board of Orthotists and Prosthetists** will hold a duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: January 19, 2001, 9:00 a.m.

PLACE: Department of Health, Capital Circle Office Center, 4052 Bald Cypress Way, Room 301, Tallahassee, FL

PURPOSE: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting.

If you are hearing or speech impaired, please contact the Board office using the 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 Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence form which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra Causey, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Physical Therapy Practice** announces a meeting to which all persons are invited.

DATE AND TIME: January 8, 2001, 8:00 a.m. or soon thereafter

PLACE: The Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, FL 32399

PURPOSE: General Business Meeting, Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise

the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Physical Therapy Practice** announces a conference call meeting to which all persons are invited.

DATE AND TIME: January 25, 2001, 8:30 a.m. or soon thereafter

PLACE: Number: Nonsuncom (850)487-8856, Suncom 277-8856

PURPOSE: Full Board Quorum Call.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Tallahassee, FL 32399-3255 or by calling (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Psychology**, Probable Cause Panel announces a conference call to which all persons are invited.

DATE AND TIME: January 23, 2001, 8:00 a.m., or soon thereafter

PLACE: The meet me number may be obtained by contacting Betsey Hines, Regulatory Supervisor, Medical Therapies/Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, FL 32399-3255, (850)245-4372

PURPOSE: Reconsideration of cases previously heard by the Probable Cause Panel.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, FL 32399-3255 or by calling the board office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Respiratory Care** announces meetings to which all persons are invited.

DATE AND TIME: January 18, 2001, Probable Cause Committee, 7:00 p.m. or soon thereafter; January 19, 2001, 8:00 a.m., General Board Meeting and Rules Review

PLACE: January 18, 2001, The Hampton Inn, 2979 Apalachee Parkway, Tallahassee, FL 32301, (850)309-1300; January 19, 2001, Capital Circle Office Center, Department of Health, 4042 Bald Cypress Way, Room 301, Tallahassee, FL 32399

PURPOSE: Probable Cause Committee and General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by calling the board office, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

EXECUTIVE COMMITTEE

DATES AND TIME: January 3, 10, 17, 24, 31, 2001, 8:30 a.m.
PLACE: Department of Children and Family Services, 337 North 4th Street, Room 327D, Fort Pierce, FL 34950

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five 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).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

FOSTER CARE SUB-COMMITTEE

DATES AND TIME: January 10, 2001; January 24, 2001, 10:00 a.m.

PLACE: Benton Regional Service Center, 337 North 4th Street, Room 316, Fort Pierce, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five 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).

The **Florida Advocacy Committee**, District 15 announces a public meeting to which all persons are invited.

DATE AND TIME: January 16, 2001, 9:30 a.m.

PLACE: 337 North 4th Street, Benton Regional Service Center, Room 104, Fort Pierce, FL 34950

A copy of the agenda may be obtained by contacting: Ellen Higinbotham, FLAC Liaison, (561)467-3042.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five 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).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

ALLIANCE MEETING

DATE AND TIME: January 26, 2001, 8:30 a.m.

PLACE: Workforce Development Board, 9350 South U.S. 1, Port St. Lucie, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 North 4th Street, Room 327, Fort Pierce, Florida 34950, (561)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five 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).

The Florida **Department of Children and Family Services** announces the next scheduled conference call meeting of the following workgroup of the Governor's Task Force on Domestic Violence. All interested people are invited to participate.

Health Committee

DATE AND TIME: January 3, 2001, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Call Number: (850)488-5776, Suncom 278-5776

SUBJECT: Discuss Goals and Objectives; Status of Activities.

To participate in the conference calls simply dial the conference call number at the designated time. First, you will hear a tone and then will be connected to the conference call. Please identify yourself once you are connected. If you do not hear any participants' voices, it simply means no one has called in. Stay on the line to allow others to call in and connect. If you have any trouble, call (850)488-1234 and tell the operator the trouble you are experiencing and reference confirmation number 30L0515. This is not a toll-free call.

Further information may be obtained by contacting: Prevention of Domestic and Sexual Violence Section, Florida Department of Children and Family Services, (850)921-2168.

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.

Governor's Task Force Meeting

DATES AND TIMES: January 25, 2001, Public Hearing, 1:30 p.m. – 5:00 p.m. and 6:30 p.m. – 8:30 p.m.; January 26, 2001, GTF Meeting, 8:00 a.m. – 5:00 p.m.

PLACE: Holiday Inn Select, 13051 Bell Tower Drive, Fort Myers, FL, (941)482-2900

The agenda will cover public hearing comments and the reports and business of the committees and task force.

To participate in the conference calls simply dial the conference call number at the designated time. First, you will hear a tone and then will be connected to the conference call. Please identify yourself once you are connected. If you do not hear any participants' voices, it simply means no one has called in. Stay on the line to allow others to call in and connect. If you have any trouble, call (850)488-1234 and tell the operator the trouble you are experiencing and reference confirmation number 30L0515. This is not a toll-free call.

Further information may be obtained by contacting: Prevention of Domestic and Sexual Violence Section, Florida Department of Children and Family Services, (850)921-2168.

The Florida **Department of Children and Family Services** announces the District 8, Lee County Community Alliance Nominating Committee will meet on the following date.

DATE AND TIME: January 5, 2001, 12:00 Noon

PLACE: Lee County Justice Center, 1700 Monroe Street, 4th Floor, Hearing Room 5, Fort Myers, Florida

PURPOSE: Discuss procedures for adding new members to the board.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting. All persons are invited.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Community-Based Care Unit, (941)338-1343.

The Florida **Department of Children and Family Services** announces the District 8, Hendry/Glades Counties Alliance will meet on the following dates.

DATES AND TIMES: January 26, 2001, 2:00 p.m.; February 23, 2001, 9:00 a.m.; March 26, 2001, 9:00 a.m.

PLACE: LaBelle Service Center, 45 Cowboy Way, LaBelle, Florida

PURPOSE: Community Alliance Meeting.

A copy of the agendas may be obtained by contacting: Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting. All persons are invited.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Community-Based Care Unit, (941)338-1343.

The **Department of Children and Family Services**, District Ten, in conjunction with the community will conduct the following meeting during the month of January. The Department of Children and Family Services, Alcohol, Drug Abuse and Mental Health Standing Committee announces a public meeting to which you are invited.

DATE AND TIME: January 8, 2001, 3:00 p.m.

PLACE: Broward Regional Health Planning Council, Inc., 915 Middle River Drive, Suite 115, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Alcohol, Drug Abuse and Mental Health related issues.

A copy of the agenda may be obtained by writing: Scott Silverman, Management Review Specialist, Regional Office, 201 W. Broward Blvd., Suite 200, Ft. Lauderdale, FL 33301.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Scott Silverman), at least 5 working days before the meeting, (954)759-5446 or (954)467-4509 (TDD).

The **Department of Children and Family Services**, District 4 announces the following public meetings to which all persons are invited.

DATE AND TIME: January 9, 2001, 1:00 p.m.

PLACE: University Center, UNF, 12000 Alumni Drive, Jacksonville, FL 32224

PURPOSE: Organizational meeting of the community alliance (all five counties of District 4).

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 District 8, Collier County Community Alliance will meet on the following dates.

DATES AND TIME: January 16, 2001; February 20, 2001; March 20, 2001; April 17, 2001; May 15, 2001; June 19, 2001; July 17, 2001; August 21, 2001; September 18, 2001; October 16, 2001; November 20, 2001, December 18, 2001, 4:00 p.m.

PLACE: Collier County Courthouse, 3301 Tamiami Trail, East, Building L, Naples, Florida

PURPOSE: Community Alliance Meetings.

A copy of the agendas may be obtained by contacting: Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting. All persons are invited.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Community-Based Care Unit, (941)338-1343.

The Florida **Department of Children and Family Services** announces the District 8, Charlotte County Community Alliance meetings will meet on the follow dates in 2001.

DATES AND TIME: February 7, 2001; March 7, 2001; April 4, 2001; May 2, 2001; June 6, 2001, 12:00 Noon

PLACE: Charlotte County Courthouse, 2nd Floor Court Administration Conference Room, 350 East Marion Avenue, Punta Gorda, Florida

PURPOSE: Community Alliance Meetings.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to the meeting. All persons are invited.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Community-Based Care Unit, (941)338-1343.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public telephonic 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: December 28, 2000, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough St., Suite 5000, Seltzer Room, 6th Floor, Tallahassee, FL 32301, (850)488-4197. Participants may also attend via caller paid dial in line at (865)525-4116, FHFC participation code #585268

PURPOSE:

1. Consideration of all pending Petitions for a variance or waiver from any of the Corporation's rules.
2. Consideration of all necessary actions with regard to the HOME Home Ownership Programs.
3. Consideration of all necessary actions, for initiating new rules or rule amendments.
4. 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.

5. Such other matters as may be included on the Agenda for the December 28, 2000 telephonic Board Meeting.

A copy of the agenda may be obtained by contacting: Deanne Coughlin, Board Administrative Liaison, 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a public workshop concerning oysters, to which all interested persons are invited.

DATE AND TIME: January 9, 2001, 4:00 p.m. – 6:00 p.m.

PLACE: Franklin County Courthouse, Main Courtroom, 33 Market Street, Apalachicola, Florida

PURPOSE: The Fish and Wildlife Conservation Commission is holding a workshop to gather public testimony regarding whether to reduce the statewide minimum size limit for oysters from 3 inches to 2 1/2 inches.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting, Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency, by calling, (850)488-9542.

For further information, contact: Ken Haddad, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting change to the following.

DATE AND TIME: Wednesday December 27, 2000, 10:30 a.m.

PLACE: Pennington Law Firm, 215 S. Monroe Street, 2nd Floor, Tallahassee, FL 32301

PURPOSE: Board of Directors' Meeting.

A copy of the proposed agenda may be obtained by writing: Mr. Ryland B. Musick, Executive Director, Florida Comprehensive Health Association, 1210 E. Park Avenue, Tallahassee, Florida 32301, (850)309-1200 or by facsimile (850)309-1222.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

LEON COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The Development Review Committee of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited.

DATES AND TIME: Every second Tuesday of each month through June 2001, 8:30 a.m.

PLACE: Innovation Park Administrative Centre, 1673 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The development and operation of Innovation Park and related matters.

Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact: Ms. Hoko Glenn, (850)575 0031.

The Board of Governors of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited.

DATES AND TIME: Every third Tuesday of each month through June 2001, 8:30 a.m.

PLACE: Innovation Park Administrative Centre, 1673 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The development and operation of Innovation Park and related matters.

Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact: Ms. Hoko Glenn, (850)575-0031.

A copy of the agenda may be obtained by contacting: Trust's Administrator, FACC Service Corporation, (850)921-0808.

**TRANSPORTATION AND EXPRESSWAY
AUTHORITY MEMBERSHIP OF FLORIDA**

The **Transportation and Expressway Authority Membership of Florida, Inc.** (TEAMFL) announces a public meeting to which all persons are invited.

DATE AND TIME: January 10, 2001, 8:45 a.m. – 12:00 Noon

PLACE: Turnpike Headquarters, Milepost #263 on Florida's Turnpike, Turkey Lake Service Plaza, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Report from David Brown of The Florida Transportation Commission on D. O. T., Review.
2. High Speed Rail Initiative by C.C. Dockery.
3. Mitigation Legislation by Scott Kamien.
4. Reports of Focus Sessions from the Perspective Committee Chairs.

A copy of the agenda may be obtained by contacting: Robert C. Hartnett, Executive Director, TEAMFL, 2121 Camden Road, Suite B, Orlando, FL 32803, (407)896-0035, Fax (407)897-7012.

**LOCAL EMERGENCY PLANNING AND RIGHT TO
KNOW COMMITTEE – REGION 1**

The District I, **Local Emergency Planning Committee** (LEPC) announces a public meeting to which all persons are invited.

DATE AND TIME: January 17, 2001, 10:00 a.m.

PLACE: Gulf Coast Community College, 5230 W. Highway 98, Panama City, FL 32401

PURPOSE: To conduct general business of the District I, Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Daniel F. Krumel, Executive Director, West Florida Regional Planning Council, P. O. Box 486, Pensacola, Florida 32593-0486.

**FLORIDA LOCAL GOVERNMENT INVESTMENT
TRUST**

The Board of Trustees for the **Florida Local Government Investment Trust** announce a public meeting to which all persons are invited.

DATE AND TIME: January 19, 2001, 10:30 a.m.

PLACE: Nabors, Giblin & Nickerson, P. A., Signature Plaza, Suite 510, 201 South Orange Avenue, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections received a Petition to Initiate Rulemaking on December 6, 2000 from Mark Osterback. Petitioner is seeking amendment of 33-601.301-.314, Florida Administrative Code, to require the Department to adopt procedural comments and emphases contained in the 1998 Inmate Discipline Procedures Manual.

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 State of Florida, Department of Corrections received a Petition to Initiate Rulemaking on December 8, 2000 from Mark Osterback. Petitioner is seeking amendment of 33-602.201, Appendix One, Florida Administrative Code, to require the Department to clarify the exception to inmate property regarding possession of locks.

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.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation has received a Petition for Declaratory Statement filed on November 28, 2000, by Bob L. Harris, Esquire, on behalf of Petitioner N.Y.C. FAME Management Group, Inc. The Petitioner is seeking the Department's interpretation of Chapter 468, Part VII, Florida Statutes, as it applies to the Petitioner regarding licensure.

The Petition is being processed and is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750. Requests for inspection or copies should be made to the Agency Clerk at the above address, with specific reference to DS 2000-023.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a declaratory statement In Re: Petition for Declaratory Statement, Parliament Towers Condominium, Inc., Petitioner; Docket Number 2000-176.

The declaratory statement provided, in summary, that the board of directors must comply with Section 718.112(2)(j), Florida Statutes, and Rule 61B-23.0028, Florida Administrative Code if a written recall agreement is served on the board regardless of date of the signatures and the date of service of the recall agreement in relation to the annual election.

A copy of the declaratory statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a declaratory statement In Re: Petition for Declaratory Statement, Marilyn Bezner, President of Water Club Condominium Association, Inc., Petitioner; Docket Number CD2000-151.

The declaratory statement provided, in summary, that the cost of a water aerobics instructor is not a common expense within the meaning of Section 718.115, Florida Statutes.

A copy of the declaratory statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Electrical Contractors' Licensing Board, State of Florida, has received a Petition for Declaratory Statement from Wal-Mart Stores, Inc., in which the Petitioner requests a declaratory statement from the Board. The Petitioner requests a declaratory statement as to the following:

- (1) Wal-Mart Stores, Inc. (petitioner) is a substantially affected party, to wit, said Petitioner;
- (a) is engaged in the business activities of a retail merchant; and
- (b) incidental to and in support of Petitioner's activities as a retail merchant, Petitioner's employees layout, fabricate, install, maintain, alter, repair, monitor, inspect, replace and service all types of alarm systems; and
- (c) these incidental, support activities DO NOT include the execution of contracts; and
- (d) DO NOT involve compensation to Petitioner for said incidental, support activities; and

(e) said activities are performed exclusively on premises owned or occupied by the Petitioner; and

(f) neither Petitioner nor its employees illegally represent themselves as being a certificate holder, registrant or to be licensed under the above referenced requirements; and

(h) Petitioner is repeatedly denied the ability to properly perform for itself said incidental, support services by Florida Counties and Municipalities under code of enforcing the requirements of Chapter 489, F.S. and Chapter 61G6, F.A.C.

(2) Particular circumstances; statutory provisions and rules that may be applicable; Petitioner seeks the Department's opinion as to the applicability of Chapter 489, Part II of Florida Statutes and rule Chapter 61G6, Florida Administrative Code to Petitioner's incidental, support activities as set forth in 1(a) through (g) herein. Petitioner believes that it does not fall within the definition of any of the regulated entities as defined in Section 489.505, Florida Statutes or Rule 61G6-5.001, Florida Administrative Code. Furthermore, Petitioner believes that no other provision(s) of statute or rule set forth any restrictions on Petitioner's described activities, nor does any legally applicable mandate exist for Petitioner or its employees to obtain a license, certificate, registration or similar authorization to do so from the State of Florida.

A copy of the petition for Declaratory Statement may be obtained by writing: Anthony Spivey, Executive Director, Board of Electrical Contractors' Licensing, Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Optometry has received a petition for declaratory statement from David M. Werner, O.D. The petition seeks the agency's opinion as to the applicability of Sections 456.053(5)(b)4., Florida Statutes as it applies to the petitioner.

The Board will address this matter at its regularly scheduled board meeting in Ft. Lauderdale, Florida, January 8, 2001.

A copy of the Petition for Declaratory Statement may be obtained by writing: Joe Baker, Jr., Board of Optometry, Department of Health, 4052 Bald Cypress Way, BIN #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN that the Board of Psychology, State of Florida has received a Petition for Declaratory Statement from Vera Joffe, Ph.D., in which the Petitioner requests a declaratory statement from the Board. The Petitioner requests a declaratory statement as to the following:

- (1) Would an assistant pursuing a doctoral degree in psychology be allowed to teach and lead a Parent Education Class which would deal with the book, The Defiant Child, by Russell A. Barkley? There would be three to six couples in four group sessions of ninety (90) minutes duration; the

sessions would be held on the Petitioner’s premises and supervised by the Petitioner (the Petitioner would not, however, be in the sessions per se).

(2) Would an assistant pursuing a doctoral degree in psychology be allowed to teach and lead a Social Skills Training course which would deal with the book, Asberger’s Syndrome, by Tony Attwood? There would be four to six children in six (6) sessions of sixty (60) minutes duration; the sessions would be held on the Petitioner’s premises and supervised by Petitioner (the Petitioner would not, however, be in the sessions per se).

A copy of the petition for Declaratory Statement may be obtained by writing: Kay Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Fish and Wildlife Conservation Commission (FWC) received a request for Declaratory Statement on November 27, 2000, from Leo Amos, with regard to Section 370.12(2), Florida Statutes. The request has been assigned FWC Case Number 00-0050.

A copy of the request may be obtained from: Linda Davis, Acting Agency Clerk, Fish and Wildlife Conservation Commission, Office, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600. The request was dismissed by order dated December 11, 2000, as being insufficient to be considered as a valid petition under Chapter 28-105, Florida Administrative Code.

**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

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 01L-87, W/O 101266, Photolab Renovation, Weimer Hall, estimated budget: \$200,000-\$210,000, to be opened January 16, 2001, 1:30 p.m. (local time), in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Selective demolition of existing cabinets, partitions, ceilings and finishes; and providing new partitions, ceilings and finishes including related fire sprinkler, plumbing, mechanical and electrical modifications at Weimer Hall, Building 30. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, (352)392-1331.

A Non-mandatory Pre-bid Meeting will be held January 4, 2001, 10:00 a.m., in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL.

All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing, (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 01L-88, W/O 111088, Little Hall, Replace Electrical Distribution Panels, estimated budget: \$250,000-\$275,000, to be opened January 18, 2001, 1:30 p.m. (local time), in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Replace the existing electrical

secondary distribution panels. Replace the existing branch circuit panel boards and electrical service with additional capacities. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, (352)392-1331.

A Non-mandatory Pre-bid Meeting will be held January 4, 2001, 2:00 p.m., in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL.

All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing, (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

CALL FOR BIDS

PROJECT: BR-740 ELECTRICAL DISTRIBUTION SYSTEM UPGRADE

FOR: THE UNIVERSITY OF WEST FLORIDA

QUALIFICATIONS: All bidders must be qualified at the time of their bid proposal in accordance with the Instructions to Bidders, Article B-2, and the following:

1. Prime bidders shall be a State of Florida Certified Electrical Contractor.
2. Prime bidders shall have completed not less than three projects of similar size and scope within the last five years. These projects must have included medium voltage.
3. Prime bidders shall have sufficient existing qualified staff to complete the project within time specified.
4. Bidders shall submit evidence of the above qualifications to the Engineer not less than 14 days prior to the bid date.

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Minority Business Advocacy and Assistance Office (formerly certification done by Department of Management Services). Consideration will be given to the percentage of participation, as described in the Instructions to Bidders, in the award of the contract.

PRE-SOLICITATION/PRE-BID MEETING: Each Bidder is required to attend the pre-solicitation/pre-bid meeting. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project.

The pre-bid meeting is scheduled for:

DATE AND TIME: Thursday, January 11, 2001, 2:00 p.m.

PLACE: Building 90, Conference Room 106
The University of West Florida
11000 University Parkway
Pensacola, Florida 32514

Sealed Bids will be received on:

DATE AND TIME: Thursday, January 25, 2001, until 2:00

p.m. (local time)

PLACE: Building 90, Conference Room
The University of West Florida
11000 University Parkway
Pensacola, Florida 32514

at which time and place they will be publicly opened and examined.

Mailed bids should be sent to:

Office of Facilities Planning
The University of West Florida
11000 University Parkway
Pensacola, FL 32514
Attn.: Phil Turner
Director Facilities Planning

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the Drawings and Project Manual, which may be obtained or examined at the office of the:

ENGINEER:

Schmidt, Dell, Cook & Associates, Inc.
Consulting Engineers
139 East Government Street
Pensacola, Florida 32501
Telephone (850)438-0050
Attention: Lynn Dell

PURCHASE: Full sets of Bid Documents may be examined at the Engineer/AE's office. Full sets may be purchased through the Engineer for \$100.00 per set for printing and handling cost. Partial sets may be purchased at \$2.50 per sheet of the drawings and \$.25 per sheet of the Project Manual, and are sold subject to the provisions of Article B-27 of the Instructions to Bidders. A full set of Bid Documents will be provided to the local Dodge Room.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

FAW PUBLICATION DATE: December 22, 2000

PNJ PUBLICATION DATES: December 14 and 16, 2000

DEPARTMENT OF TRANSPORTATION

INVITATION TO BID

Sealed bids will be received in the Contracts Administration Office, Room B-1 or Mail Room, Florida Department of Transportation, 605 Suwannee Street, Tallahassee, Florida 32399-0455 until 2:00 p.m. (Tallahassee Local Time) on Wednesday, January 17, 2001, for the work described below.

Bids will be publicly opened and read aloud on:

DATE AND TIME: January 17, 2001, 2:00 p.m. (Eastern Time).

PLACE: Florida Department of Transportation, Room B-1, 605 Suwannee Street, Tallahassee, Florida

Financial Project Numbers: 404641-1-52-01 and 190831-1-52-01. The project will upgrade Radio/Towers in the Florida Keys area (Big Pine Key, Marathon, Port Orange, Everglades Academy and Tea Table Fill). The works consists of: Provide and install one self supporting triangular tower, one self supporting light pole two equipment buildings, four emergency generators and several 4 MHz radio antennas. Requirements include lightning protection specialty work including TVSS, bonding and grounding.

PREQUALIFICATION: Each bidder shall submit a current General Contractors License issued by the State of Florida and, if a Florida Corporation, a copy of the Corporate Charter as prequalification of their eligibility with the bid document or fax to the Department, (850)922-6017. The bid will be rejected if a copy of the Contractors License is not with the bid or faxed to the Department of Transportation prior to the Letting. After the bid opening, the lowest responsible bidder with qualify in accordance with Rule 60D-5.004, F.A.C.

A Mandatory Pre-bid Conference is scheduled for January 3, 2001, 9:00 a.m. (Eastern Time), Florida Department of Transportation, Rhyne Building, 2740 Centerview Drive, Suite 3B, Room 330, 3rd Floor, Conference Room, Tallahassee, Florida 32301. Project Manager is Bob Gottschalk, (850)488-4284.

Plans and Specification/Bid Document are free. Orders for Plans, Specifications and/or Bid Documents should be directed to: Dennis Divens or Bessie White, Contracts Administration Office, 605 Suwannee Street, MS #55, Tallahassee, Florida 32399-0455, (850)414-4000. Proposal documents will not be issued after 2:00 p.m. (Eastern Time), Tuesday, January 16, 2001. 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 Contracts Administration Office.

Requirements for all projects noted above:

BID BOND: If the 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 surety insurer authorized to do business in this State as surety, a certified check may be payable to Florida Department of Transportation, a cashier's check, treasurer's check or bank draft of any national or state bank. A bid bond, check, or draft in an amount less than five percent (5%) of the actual bid will in validate the bid. Bid bonds shall conform to DOT Form 375-020-09 furnished with the proposal forms.

PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND: If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount will be required.

BID POSTING: Unless otherwise notified in writing, the Summaries of Bids and Notices of Intent will be posted at the Clerk of Agency Proceedings, Florida Department of Transportation, Room 550, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, January 19, 2001. In the event that the Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified United States mail or express delivery, return receipt requested. Information concerning the posted projects can be obtained by calling the Clerk of Agency Proceedings, Florida Department of Transportation, (850)414-5393, during the posting period.

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 protest must be submitted in accordance with Section 120.569 and 120.57, Florida Statutes. The required notice of protest and formal protest must each be timely filled with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0458. 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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

****NOTICE OF CANCELLATION****

BID NO. BDRS 35-00/01

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is hereby canceling solicitation of competitive bids for the project listed below:

Camp Helen – Park Improvements

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

**NOTICE TO ROOFING CONTRACTORS
INVITATION TO BID**

Proposals are requested from qualified roofing contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 98203090
PROJECT: Reroofing of Hodges
Regional Service Center
3631 Hodges Boulevard
Jacksonville, Florida

PREQUALIFICATION: The Owner accepts bids from those contractors who demonstrate current licensed status with the Department of Business and Professional Regulations. The Instructions to Bidders "Bidder Qualification Requirements and Procedures" are included in the specifications under Article B-2.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: A Performance Bond and Labor and Material Payment Bond are required.

DATE AND TIME: Sealed bids will be received at the Center's Conference Room, Building B, January 4, 2001, until 11:00 a.m. (local time), at which time they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions and with a copy of the contractor's license. The contract documents may be examined and obtained from the Architect/Engineer:

Mr. Robert Fleet
Fleet and Associates, Architects/planners, Inc.
4041 Sunbeam Road
Jacksonville, Florida 32257
Telephone: (904)730-8103

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 11:00 a.m. (local time), January 7, 2001, at the architect's office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C., by the Owner.

JACKSON COUNTY BOARD OF COUNTY COMMISSIONERS

REQUEST FOR PROPOSALS (RFP)

Request for proposals for a county wide visioning project. Jackson County, Florida is requesting consultant assistance in the planning and implementation of a county wide visioning project. To apply: To request an RFP packet, contact: Rick Pettis, Director, Department of Community Development, 4487 Lafayette Street, Marianna, Florida 32448, (850)482-9637 or email: cddir@digitalexp.com. The submittal deadline is 4:30 p.m., January 30, 2001.

**Section XII
Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., January 12, 2001):

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Florida Choice Credit Union, 1055 South Congress Avenue, West Palm Beach, Florida 33406
Expansion Includes: Employees of Occupational Healthcare, Incorporated, Coral Springs, Florida.
Received: December 7, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

**NOTICE OF APPROVAL FOR PRESERVATION
2000 FUNDS**

The Florida Communities Trust (Trust) reviewed and approved the project plan for a land acquisition project submitted under the Trust Preservation 2000 Program P9A funding cycle. The project plan listed below was approved by the Executive Director under delegated authority from the governing body. The Executive Director is authorized 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: 99-083-P9A/Timberlane Ravine

Grantee: City of Tallahassee

Amount of Approved Funds: the lesser of 40% of the final total project costs or \$364,240.00.

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk, 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 More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Panzer Motorcycle Works, USA, Inc., intends to allow the establishment of Keenan & Keenan, Inc., as a dealership for the sale of Panzer Motorcycles, 12550 South Military Trail, Suite 9, Boynton Beach (Palm Beach County), Florida 33436, on or after November 9, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Keenan & Keenan, Inc., are: dealer operator: Bob Keenan, 12550 S. Military Trail, #9, Boynton Beach, Florida 33436; principal investor(s): Robert and Margaret Keenan, 12550 S. Military Trail, #9, Boynton Beach, Florida 33436.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ms. Christina M. Anastasia, President, Panzer Motorcycle Works, USA, Inc., P. O. Box 425, Canon City, CO 81215.

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, Lotus Cars USA, Inc., intends to allow the establishment of Tequesta Motor Cars, as a dealership for the sale of Lotus vehicles, 746 U.S. Highway 1, Tequesta (Palm Beach County), Florida, on or after November 1, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Tequesta Motor Cars are: dealer operator: Robert W. Simpson, Jr., 915 South Dixie Highway, West Palm Beach, Florida 33401; principal investor(s): Mark D. Simpson and Robert W. Simpson, Jr., 915 South Dixie Highway, West Palm Beach, Florida 33401.

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. Arnold A. Johnson, Lotus Cars USA, Inc., 500 Marathon Parkway, Lawrenceville, GA 30045.

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, Western Star Truck Sales, Inc., intends to allow the establishment of Sterling Trucks of Tampa, LLC, as a dealership for the sale of Western Star vehicles, 7524-7530 US Highway 301, North, Tampa (Hillsborough County), Florida 33637, on or after January 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Sterling Trucks of Tampa, LLC are: dealer operator: Bradley W. Prior, 17505 Mallard Court, Lutz, Florida 33549; principal investor(s): Bradley W. Prior, 17505 Mallard Court, Lutz, Florida 33549 and Freightliner Market Development Corporation, 2701 N. W. Vaughn, Suite 700, Portland, OR 97210.

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. Robert W. Richards, Director, Dealer Operations, Western Star Trucks, 4420 Sherwin Road, Willoughby, OH 44094.

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION COLLECTION FACILITIES

The Florida Department of Environmental Protection has determined that the Town of Hypoluxo's Collection Facilities project will not adversely affect the environment. The project consists of the construction of a collection system that will provide sewer service to Periwinkle Drive, Neptune Drive and Lucina Drive. The collected wastewater will be treated and disposed of by the City of Boynton Beach as described in their interlocal agreement with the Town of Hypoluxo. The project construction cost is estimated at \$800,000. The project may qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

NOTICE OF AVAILABILITY

FLORIDA FINDING OF NO SIGNIFICANT IMPACT

The Florida Department of Environmental Protection has determined that the Fairpoint Regional Utility System, Inc., Water Supply System Phase I project will not adversely affect the environment. The Fairpoint Regional Water Supply System is being designed to provide a regional, sustainable, long-term supply for southern Santa Rosa County. The proposed project constructs an inland well field, a new 300,000-gallon elevated storage tank and a booster pump station. The project also includes transmission main to provide water from the well field to the following systems: City of Gulf Breeze, Midway Water System, Inc., Holley-Navarre Water System, Inc., Navarre

Beach Water System, Inc., and South Santa Rosa Utilities. The total project cost is estimated at \$19,532,699. The project may qualify for a Drinking Water State Revolving Fund (DWSRF) loan composed of federal funds and state matching funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing: Bob Holmden, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

NOTICE OF PUBLIC OPPORTUNITY – TO INSPECT AND COMMENT ON A DRAFT ENVIRONMENTAL IMPACT STATEMENT REGARDING OUTER CONTINENTAL SHELF OIL AND GAS LEASE SALE 181 – PROPOSED IN THE EASTERN GULF OF MEXICO

Interested persons are hereby given notice that a Draft Environmental Impact Statement (DEIS) submitted by the U.S. Department of Interior Minerals Management Service (MMS) for outer continental shelf oil and gas Lease Sale 181 in the Eastern Gulf of Mexico Planning Area, has been received by the State of Florida. This document is available for inspection at the Florida Department of Environmental Protection (FDEP), Office of Intergovernmental Programs, Room 953, Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)487-2231. Written comments regarding this activity and its consistency with the Florida Coastal Management Program are being solicited and will be included as part of the state's review if submitted to FDEP, at the address listed above, by January 8, 2001.

The DEIS will be used by the MMS to make decisions on the proposal. The document describes the purpose and background of the proposed action, identifies the alternatives, describes the affected environment, and analyzes potential environmental impacts (such as oil spills) to biological, physical and socioeconomic resources. Cumulative impacts resulting from the activities associated with the proposed action are also analyzed. Copies of the DEIS may be obtained from the MMS by calling 1(800)200-GULF (4853).

The MMS has scheduled two public hearings in Florida to receive comments to help in the evaluation of potential effects of the proposed lease sale. The first will be held on January 9, 2001, in Pensacola at the New World Landing (600 South Palafox), 6:00 p.m. – 9:00 p.m. (CDT). The second hearing will be held during two sessions on January 10, 2001, in Tallahassee at the Tallahassee-Leon County Civic Center (505 West Pensacola St.), 1:00 p.m. – 4:00 p.m. and 6:00 p.m. – 9:00 p.m. (EDT). Other hearings are also scheduled in New Orleans, LA and Mobile, AL.

Questions regarding Florida's review may be directed to: Carliane Johnson, FDEP, (850)487-2231. Other questions concerning the proposed action should be directed to Deborah Cranswick, MMS, (504)736-2744.

This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On December 5, 2000, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Cindel Alles, R.N., license number RN 1369152. ALLES last known address is 1325 Southeast 7th Court, Deerfield Beach, Florida 33441.

This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FLORIDA HOUSING FINANCE CORPORATION

STATE APARTMENT INCENTIVE LOAN (SAIL) PROGRAM CYCLE XIII (2000-2001) AND SPECIAL GEOGRAPHIC DISTRIBUTION

NOTICE OF FUNDING AVAILABILITY (NOFA)

The Florida Housing Finance Corporation (Florida Housing) announces dates for the State Apartment Incentive Loan (SAIL) Program, application Cycle XIII, pursuant to Section 420.5087, Florida Statutes and Chapter 67-48, Florida Administrative Code. The application cycle will begin Friday, January 12, 2001, and will close, 5:00 p.m. (Tallahassee time), Monday, February 26, 2001.

Geographic Distribution Requirements

In accordance with Section 420.5087(1), Florida Statutes, program funds shall be distributed over successive 3-year periods in a manner that meets the need and demand for very low-income housing throughout the state. The need and demand must be determined by using the most recent statewide low-income rental housing market studies available at the beginning of each 3-year period. The percentages over the 3-year period are as follows: 66.1% for Large County; 23.9% for Medium County; and 10.0% for Small County designation developments.

Demographic Distribution Requirements

In accordance with Section 420.5087(3), Florida Statutes, for the six-month period beginning with the publication of this NOFA, program funds shall also be reserved by designated tenant group category at the percentages determined by using the most recent statewide low-income rental housing market studies available.

Program funds shall be distributed during this NOFA period at the following percentages per tenant group: 10% for Commercial Fishing Worker/Farmworker; 17% for Elderly [Note: This amount is subject to a 10% reduction of the 17% set-aside amount, with the funds being made available to applicants for the Elderly Housing Community Loan Program]; and 73% for Family. The reservation of funds to any demographic category may not be less than 10% of the funds available at that time.

Geographic Distribution Requirements Take Precedence

During the 3-year period, Florida Housing will attempt to fund a combination of developments that meet both the geographic and demographic distribution requirements; however, to the extent that this is not possible, geographic distribution requirements will be given priority over demographic distribution requirements.

Anticipated Funding Amounts

Florida Housing currently anticipates the allocation of approximately \$36,470,00 for Cycle XIII (associated with funds collected in fiscal year 2000-2001) from funding sources as follows:

\$ 36,470,000 maximum = DOC Stamp
 \$ -0- maximum = SAIL Trust Fund

Geographic Distribution will be set based upon a Maximum Funding Level of \$36,470,000 for Cycle XIII. This amount is subject to change and is dependent upon documentary stamp tax collections and/or projections, receipts within the SAIL Trust Fund, and excess funds related to activity of other programs (anticipated 3-year funding of \$114,104,018).

Geographic Distribution at the Anticipated Funding Amount

Because Cycle XIII is the third-year cycle of this 3-year period, the Corporation must adjust the following amounts as funds are projected and collected in fiscal year 2000-01, in an attempt to achieve geographic distribution requirements. Unless a significant change in Cycle XIII projections or collections occurs, the Corporation anticipates allocating little or no funding to developments located within the Medium County designation.

**COUNTY DESIGNATION MINIMUM FUNDING
 MAXIMUM FUNDING**

Large	\$30,224,255	
\$36,470,000		
Medium	\$0	\$
299,248		
Small	\$0	\$
5,946,497		

Special Geographic Distribution

Undisbursed funds from SAIL Cycle XII medium county distribution in an amount of \$864,321 are to be included as a special funding amount to be made available to applicants successful in Medium counties within SAIL Cycle XIII (associated with funds collected in fiscal year 2000-2001). Successful applicants in medium counties will be awarded funding from these funds first.

Application submission:

An original and three copies of each application along with a computer disk containing all completed forms must be submitted by the closing deadline. In accordance with 67-48.007(3), F.A.C., the Application must include a non-refundable Application Fee of \$1,000 unless the Applicant or Applicant's General Partner qualifies as a Non-Profit entity

pursuant to Rule Chapter 67-48, F.A.C., HUD Regulations, Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the Internal Revenue Code and is organized under Chapter 617, Florida Statutes, or organized under similar state law if organized in a jurisdiction other than Florida, in which case the non-refundable Application Fee shall be \$500.00. To receive the SAIL Application Package and a copy of Chapter 67-48, F.A.C., send a written request and a check for \$80.00, to Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Attention: Amy Harrison. All applications must be submitted to the above address and in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., and the SAIL/HOME/HC Application Package. Late applications will be rejected.

**HOME INVESTMENT PARTNERSHIPS PROGRAM
 (HOME) 2000 HOME OWNERSHIP CONSTRUCTION
 LOAN PROGRAM NOTICE OF FUNDING
 AVAILABILITY (NOFA) YEAR 2000 CYCLE**

The Florida Housing Finance Corporation (FHFC) announces an application cycle for the HOME Home Ownership Construction Loan Program. The 2000 HOME Home Ownership Application cycle will begin on Tuesday, January 9, 2001, and end 5:00 p.m. (Eastern Standard Time), Friday, March 9, 2001. All applications will be ranked and funded based on competitive scores pursuant to Rule Chapter 67-47, Florida Administrative Code, and subject to the following set-asides:

Up to \$6,873,050 will be made available to eligible home ownership developments that meet threshold and score within the funding range. A minimum of \$1,562,175 of the \$6,873,050 shall be awarded to eligible projects owned, developed or sponsored by Community Housing Development Organizations (CHDOs). In order to apply under the CHDO set-aside, Applicants must have 51 percent ownership interest in the Project held by the General Partner entity.

Once the CHDO set-aside has been met, Applications for proposed Developments located in Eligible Localities, that satisfy threshold score, will receive priority funding up to the amount of funds available. Upon meeting the CHDO set-aside and funding Applications located in Eligible Localities, Applicants that satisfy threshold score and have previously received financing through FHFC's Predevelopment Loan Program (PLP), shall receive priority. Any remaining funds will be made available to Applications for proposed Developments, which satisfy threshold score regardless of location. After the selection of Applicants is made pursuant to Rule 67-47.100, Florida Administrative Code, any remaining funds will be made available for eligible activities as authorized by FHFC's Board of Directors.

An original and two copies of the application must be submitted by the closing deadline as indicated above. A non-refundable Application Fee of \$250 for Non-Profit Applicants and \$350 for For-Profit Applicants must accompany the application. The 2000 HOME Home Ownership Application Package for the HOME Construction Loan Program may be obtained by submitting a written request accompanied with a \$60 Application Package Fee to Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Attention: Shirley Alfsen – 00HOCLP Application Request. All applications to the HOME Construction Loan Program must be submitted to the above address in accordance with the provisions of all applicable Florida Statutes, Rule Chapter 67-47, Florida Administrative Code, Federal Regulations 24 CFR Part 92, and the 2000 HOME Home Ownership Application Package.

HOME INVESTMENT PARTNERSHIPS PROGRAM
(HOME) NOTICE OF FUNDING AVAILABILITY (NOFA)
2001 HOME RENTAL CYCLE

The Florida Housing Finance Corporation (“Florida Housing”) announces an Application cycle for the HOME Rental Program’s allocation of 2000 HOME federal funds from the U.S. Department of Housing and Urban Development (HUD). The Application cycle will begin on Friday, January 12, 2001, and end, 5:00 P.M. (Tallahassee time), Monday, February 26, 2001.

Of the \$20,829,000 made available by HUD for home ownership and rental development activities, plus any program income generated from returned principal and interest earnings to be made available, it is anticipated that approximately \$9,373,050 will be available to eligible rental developments that meet threshold. Of the \$9,373,050, it is anticipated that a minimum of \$1,562,175 or a minimum of 15% of the HOME Rental Program’s portion of the total HUD HOME allocation of \$20,829,000, shall be awarded to eligible rental developments owned, developed or sponsored by Community Housing Development Organizations (CHDOs). Funding beyond the 15% minimum may be awarded to CHDOs in accordance with Rule Chapter 67-48.003(3), Florida Administrative Code (“F.A.C.”). Farmworker or commercial fishing worker, large family and elderly developments will be targeted. If Florida Housing does not receive an adequate number of eligible rental development Applications (including CHDOs), then any remaining funds may be reallocated for the HOME home ownership cycle.

An original and three copies of the Application along with a computer disk containing all completed forms must be submitted by the closing deadline as indicated above. In accordance with Section 67-48.007(3), F.A.C., the Application must include a non-refundable Application Fee of \$250 unless the Applicant or Applicant’s General Partner qualifies as a

Non-Profit entity pursuant to Rule Chapter 67-48, F.A.C., HUD Regulations, Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the Internal Revenue Code and is organized under Chapter 617, Florida Statutes, or organized under similar state law if organized in a jurisdiction other than Florida, in which case the non-refundable Application Fee shall be \$100.00. The SAIL/HOME/HC Application Package may be obtained by submitting a written request accompanied with a \$80 Application Package Fee to Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, ATTN: Amy Harrison – Application Request. All Applications must be submitted to the above address in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., the SAIL/HOME/HC Application Package, and Federal Regulations 24 CFR Part 92.

ELDERLY HOUSING COMMUNITY LOAN (EHCL)
PROGRAM CYCLE XIII (2000-2001)
NOTICE OF FUNDING AVAILABILITY (NOFA)

The Florida Housing Finance Corporation (Florida Housing) announces a funding cycle for the Elderly Housing Community Loan (EHCL) Program pursuant to s. 420.5087(3)(c)2., Florida Statutes, and Chapter 67-32, Florida Administrative Code. Ten percent (10%) of the seventeen percent (17%) of SAIL Program funds reserved for Elderly persons or households. The maximum anticipated amount for the EHCL Program is \$619,990. Funding within the EHCL Program is available to provide lifefafety, building preservation, health, sanitation or security-related repairs or improvements made to Elderly housing facilities which are financed by a mortgage loan made or insured by the U. S. Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3), or s. 236 of the National Housing Act, as amended; or any program funded by the United States Department of Agriculture, Rural Development (previously known as Farmers Home Administration) and subject to the income limitations as established by the U.S. Department of Agriculture.

The application cycle begins on Friday, December 22, 2000, and will close, 5:00 p.m. (Tallahassee time), Thursday, March 22, 2001. “Received” means delivery by hand, U.S. Postal Service, or other courier service, to the Tallahassee offices of Florida Housing Finance Corporation.

An original and two copies of the application must be submitted by the March 22, 2001. All applications must be in accordance with the provisions of s. 420.5087(3)(c)2., Florida Statutes, and Rule 67-32, Florida Administrative Code. Copies of the applicable rules and the application may be obtained from the Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Attention: Megan Baker.

For more information, call Larry White, SAIL Program Administrator, (850)488-4197.

If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Part Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

HOUSING CREDIT PROGRAM – NOTICE OF CREDIT AVAILABILITY (NOCA) 2001 CYCLE

The Florida Housing Finance Corporation announces an Application Cycle for the Housing Credit Program. The total 2001 allocation is estimated to be approximately \$18,900,000.00 (subject to adjustment by Acts of Congress). The amount of housing credit allocation authority available for the 2001 cycle will vary based upon the 2001 per capita, the amount of unused credits from prior years, the amount of binding commitments for 2001 credits, and the amount allocated from the national pool. The amount of the binding commitments for 2001 credits is estimated to be 3.2 million; however, this dollar amount is subject to change. Geographic and targeting goals and set-asides are as described in the Qualified Allocation Plan approved by the Governor.

The Application Cycle will begin Friday, January 12, 2001, and end, 5:00 p.m. (Eastern Standard Time), Monday, February 26, 2001.

All Applications must be completed and submitted pursuant to Rule Chapter 67-48, Florida Administrative Code. An original and three copies of the Application along with a computer disk containing all completed forms must be received by the closing deadline indicated above. "Received" means delivery by hand, U.S. Postal Service, or other courier service, and date/time stamped in the office of Florida Housing no later than 5:00 p.m. (Eastern Standard Time). In accordance with 67-48.007(3), F.A.C., the Application must include a non-refundable Application Fee of \$1,000 unless the Applicant or Applicant's General Partner qualifies as a Non-Profit entity pursuant to Rule Chapter 67-48, F.A.C., HUD Regulations, Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the Internal Revenue Code and is organized under Chapter 617, Florida Statutes, or organized under similar state law if organized in a jurisdiction other than Florida, in which case the non-refundable Application Fee shall be \$500. The 2001 Application Package may be obtained by submitting a written request accompanied with a \$80 Application Package Fee to Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, ATTN: Amy Harrison – Application Request. All Applications must be submitted to the above address in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., and the SAIL/HOME/HC Application Package.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN December 4, 2000
 and December 8, 2000

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE

Division of Banking

3C-100.03852	12/8/00	12/28/00	26/44	
3C-100.948	12/8/00	12/28/00	26/44	
3C-105.402	12/8/00	12/28/00	26/44	

Division of Finance

3D-50.070	12/5/00	12/25/00	26/44	
3D-50.075	12/5/00	12/25/00	26/44	
3D-60.070	12/5/00	12/25/00	26/44	
3D-70.060	12/5/00	12/25/00	26/44	
3D-80.050	12/5/00	12/25/00	26/44	
3D-160.031	12/5/00	12/25/00	26/44	

AGENCY FOR HEALTH CARE ADMINISTRATION

Office of Licensure and Certification

59A-18.001	12/4/00	12/24/00	26/25	26/36
59A-18.002	12/4/00	12/24/00	26/25	26/36
59A-18.004	12/4/00	12/24/00	26/25	26/36
59A-18.005	12/4/00	12/24/00	26/25	26/36
59A-18.006	12/4/00	12/24/00	26/25	
59A-18.007	12/4/00	12/24/00	26/25	
59A-18.008	12/4/00	12/24/00	26/25	
59A-18.0081	12/4/00	12/24/00	26/25	
59A-18.009	12/4/00	12/24/00	26/25	26/36
59A-18.010	12/4/00	12/24/00	26/25	
59A-18.011	12/4/00	12/24/00	26/25	26/36
59A-18.012	12/4/00	12/24/00	26/25	26/36
59A-18.013	12/4/00	12/24/00	26/25	
59A-18.014	12/4/00	12/24/00	26/25	
59A-18.015	12/4/00	12/24/00	26/25	
59A-18.016	12/4/00	12/24/00	26/25	26/36
59A-18.017	12/4/00	12/24/00	26/25	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

61G4-18.001	12/7/00	12/27/00	26/44	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Electrical Contractors' Licensing Board

61G6-9.001	12/7/00	12/27/00	26/36	
61G6-9.002	12/7/00	12/27/00	26/36	

Board of Funeral Directors and Embalmers

61G8-21.004	12/8/00	12/28/00	26/6	26/45
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Florida Building Code Administrators and Inspector

61G19-5.006	12/8/00	12/28/00	26/42	
61G19-6.016	12/8/00	12/28/00	26/42	
61G19-7.006	12/8/00	12/28/00	26/41	
61G19-7.007	12/8/00	12/28/00	26/41	

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

64B-8.006	12/7/00	12/27/00	26/41	
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Board of Acupuncture

64B1-4.004	12/4/00	12/24/00	26/39	
64B1-4.005	12/4/00	12/24/00	26/39	
64B1-4.006	12/4/00	12/24/00	26/39	
64B1-4.007	12/4/00	12/24/00	26/39	
64B1-4.008	12/4/00	12/24/00	26/39	
64B1-4.009	12/4/00	12/24/00	26/39	

Board of Clinical Laboratory Personnel

64B3-5.004	12/6/00	12/26/00	26/38	
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Board of Opticianry

64B12-11.004	12/7/00	12/27/00	26/36	
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-4.100	12/6/00	12/26/00	26/40	
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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-15.065	12/6/00	12/26/00	26/40	
68A-18.005	12/6/00	12/26/00	26/40	