

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF REVENUE

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PURPOSE AND EFFECT: The proposed changes to Rule Chapter 12-13, F.A.C., implement 1999 and 2000 legislative changes. The following briefly discusses the changes: A) the proposed amendments to Rule 12-13.001, F.A.C., clarify that the Department of Revenue (DOR) has been “granted” authority by statute to settle and compromise liabilities for tax, interest, and penalty; B) The proposed revisions to Rule 12-13.002, F.A.C., ensure that DOR’s authority to settle and compromise refund issues is acknowledged in applicable definitions, and add language relating the settlement and compromise provisions of this rule chapter to the revenue sources enumerated in s. 72.001(1), F.S., which conforms these rules to s. 213.21, F.S., C) the proposed changes to Rule 12-13.003, F.A.C., explain when a settlement or compromise request must be written, and eliminate obsolete provisions concerning the taxation of unlawful sales, use, and other transactions involving medicinal drugs, cannabis, or controlled substances; D) the proposed amendments to Rule 12-13.004, F.A.C., ensure that DOR’s authority to settle and compromise refund issues is acknowledged in the provisions of this rule; increase the Executive Director’s authority to settle and compromise from \$100,000 to \$250,000 as required by 1999 legislative change; add settlement on the basis of reliance on a prior written determination from the DOR to circumstances in which the \$250,000 limitation on settlement authority does not apply, as provided in 2000 legislative changes; establish procedures for the temporary delegation of settlement and compromise authority; retain the specific designations by job title and dollar amount, and increase such amounts by 150 percent, based on 1999 legislative changes; increase the settlement and compromise authority of the Deputy Executive Director, the General Counsel, and the Deputy General

Counsel from \$100,000 to \$250,000; E) the proposed revisions to Rule 12-13.005, F.A.C., address the circumstances under which a taxpayer will be considered to have reasonable relied on a prior written determination of the DOR for purposes of establishing doubt as to liability for compromise of tax or interest as provided in 2000 legislative changes; F) the proposed changes to Rule 12-13.006, F.A.C., contain technical changes concerning DOR’s determination of “doubt as to collectibility” regarding a taxpayer’s request for settlement or compromise of tax and interest; G) the proposed revisions to Rule 12-13.007, F.A.C., address when a taxpayer has reasonably relied on written advice of the DOR for purposes of establishing reasonable cause for compromise of penalty; H) the proposed revisions to Rule 12-13.0075, F.A.C., make several technical changes and add reasonable reliance on written determination by DOR to the factors to be considered in determining amount of compromise based on doubt as to liability; I) the proposed changes to Rule 12-13.008, F.A.C., establish procedures for accepting oral and electronic requests from taxpayers for settlements and compromises that do not exceed a certain monetary amount, and make technical changes conforming other provisions of this rule to the acceptance of oral and electronic requests; J) the proposed amendments to Rule 12-13.009, F.A.C., increase from \$15,000 to \$37,500 the minimum amount used to designate DOR employees who are authorized to sign closing agreements with taxpayers, which conforms this dollar amount to the 1999 legislative changes; K) the proposed revisions to Rule 12-13.010, F.A.C., increase the Estate Tax settlement and compromise authority of the General Counsel and the Deputy General Counsel from \$100,000 to \$250,000, and provide for delegation of settlement and compromise authority for the Estate Tax to other DOR employees.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed deals with the Department’s statutory authority to settle and compromise tax, interest, and penalty amounts owed by taxpayers.

SPECIFIC AUTHORITY: 20.05(5), 213.06(1), 213.21(5) FS.

LAW IMPLEMENTED: 120.55(1)(a)4., 213.05, 213.21 FS.

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

TIME AND DATE: 10:00 a.m., February 26, 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 Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the

Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips 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 IS: Linda W. Bridges, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9412

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-13.001 Scope of Rules.

The rules set forth in this chapter shall be used by the Executive Director or the Executive Director's designee, as set forth hereinafter, in the exercise of the authority to settle and compromise liability for tax, interest, and penalty granted by pursuant to s. 213.21, F.S. However, special provisions applicable to settlement and compromise of estate taxes, interest, and penalty imposed pursuant to Chapter 198, F.S., are set forth in Rule 12-13.010, F.A.C.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 5-23-89, Amended 8-10-92,_____.

12-13.002 Definitions.

The meanings ascribed to the words and terms listed below shall be applicable, unless a different meaning is clearly indicated by the context in which the word or term is used.

(1) "Compromise" means a reduction of the amount of tax, interest, or penalty imposed to an amount less than the amount of tax, interest, or penalty imposed under a revenue law of this state, or a reduction in the amount of refund requested by a taxpayer. "Compromise" does not include correction of an error through cancellation of an erroneous billing, revision or withdrawal of an erroneous proposed assessment; or billing, or other corrective actions taken by the Department.

(2) No change.

(3) "Reasonable cause" means a basis for compromise of penalty which has been shown to exist based upon the facts and circumstances of the specific case and which reflects that the taxpayer exercised ordinary care and prudence in complying with a revenue law of this state, as provided in s. 213.21(2) and (3), F.S.

(4) "Revenue law of this state" means any a statute listed in s. 72.011(1), F.S., that imposes imposing a tax, penalty or interest, surcharge, permit, license, or fee collected by the Department.

(5) "Settle" means the resolution of a particular taxpayer's liability for tax, interest, or penalty, or the resolution of a taxpayer's refund request, by the Department under the provisions of this rule chapter.

(6) through (7) No change.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 5-23-89, Amended 8-10-92,_____.

12-13.003 Request for Settlement or Compromise Taxes, Interest, and Penalties Which May Be Compromised.

(1) Subsections 213.21(2)(a) and (3), F.S., authorize the Executive Director, or the Executive Director's designee, to enter into closing agreements settling or compromising a liability for tax, interest, or penalty under any of the chapters specified in s. 72.011(1), F.S.

(2)(a) No tax, interest, penalty, or service fee shall be compromised or settled unless the taxpayer first submits a ~~written~~ request to compromise or settle tax, interest, penalty, or service fees, Such request must be in writing if and establishes as follows:

1. The amount requested to be compromised is greater than \$30,000; or,

2. The taxpayer asks to submit the request in writing; or,

3. The complexity of the issue(s) involved requires that the taxpayer submit a written request that explains the issue(s).

(b) The Department will accept a taxpayer's oral or electronic request for compromise or settlement, if:

1. The request for a compromise is for an amount less than or equal to \$30,000; and,

2. The request is not subject to either of the criteria discussed in subparagraphs 2. or 3. of paragraph (a) of this subsection.

(c) The taxpayer must establish in his or her request:

1.(a) In regard to tax or interest, doubt as to the taxpayer's liability for tax or interest, or actual lack of collectibility of the tax or interest as demonstrated to the satisfaction of the Department by audited financial statements or other suitable evidence acceptable to the Department. Grounds for finding doubt as to liability and doubt as to collectibility, respectively, are set forth in further detail in Rules 12-13.005 and 12-13.006, F.A.C.

2.(b) In regard to penalty, that the noncompliance was due to reasonable cause and not to willful negligence, willful neglect, or fraud. The taxpayer shall be required to set forth ~~in a written statement~~ the facts and circumstances which support the taxpayer's basis for compromise and which demonstrate the existence of reasonable cause for compromise of the penalty or service fee and such other information as may be required by the Department.

3.(c) In regard to the service fee, when a financial institution error results in a draft, order, or check being returned to the Department, the taxpayer will be required to submit to the Department a written statement from the financial institution. The written statement must give the detail of the error(s) and explain why the financial institution was at fault. The statement must be on the financial institution's letterhead.

~~4.(d)~~ Grounds for finding reasonable cause are set forth in further detail in Rule 12-13.007, F.A.C.

~~(3) However, with regard to assessment made under s. 212.0505, F.S., Taxation of Unlawful Sales, Use, and Other Transactions Involving Medicinal Drugs, Cannabis, or Controlled Substances, the Executive Director or the Executive Director's designee may settle or compromise tax, penalty or interest only:~~

~~(a) Upon receipt of a written request by the state attorney, the statewide prosecutor, or the Attorney General which requests settlement or compromise and specifies the reason for such a request; and~~

~~(b) If the Executive Director or the Executive Director's designee finds that the requested compromise and settlement is in the best interest of the State.~~

Specific Authority 20.05(5), 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21(2)(a),(3),(5) FS., Section 15, Chapter 94-353, Laws of Florida. History—New 5-23-89, Amended 8-10-92, 11-15-94, _____.

12-13.004 Delegation of Authority to Settle or Compromise.

(1)(a) Authority to settle and compromise tax, interest, and penalty liabilities, and requests for refunds has, in addition to the statutory authorization in s. 213.21, F.S., been delegated to the Executive Director of the Department by the Governor and Cabinet as the head of the Department, pursuant to Rule 12-3.007, F.A.C.

(b) The Executive Director is authorized to settle and compromise tax, interest, and penalty, and refund requests in all matters in litigation, including litigation pursuant to s. 72.011, F.S.

(c) In all other instances, the Executive Director is authorized to settle and compromise tax, interest, and penalty, and refund requests where the amount of tax compromised is \$250,000 \$100,000 or less. Any tax compromise of more than \$250,000 \$100,000, excepting only those cases in litigation or those cases in which a taxpayer has reasonably relied on a written determination issued by the Department, must be approved by the Governor and Cabinet, as the head of the Department. ~~Authority to settle and compromise tax, interest, and penalty is further delegated by the Executive Director under the circumstances described in subsections (2) through (7) herein.~~

Cross Reference: Rule 12-3.007, F.A.C.

(2) Cases in Litigation.

(a) Authority is delegated to the Deputy Executive Director, the General Counsel, and the Deputy General Counsel of the Department to settle and compromise tax, interest, or penalty in cases where a tax matter is in litigation pursuant to s. 72.011, F.S.

(b) Authority is delegated to any Assistant General Counsel to settle and compromise tax or interest of \$62,500 \$25,000 or less and penalty of \$125,000 \$50,000 or less.

(3) Cases in Protest. In cases involving a tax matter in protest in Technical Assistance and Dispute Resolution within the Office of the General Counsel, authority to settle and compromise is delegated as follows:

(a) For compromise of amounts of tax of \$250,000 \$100,000 or less, and compromise of interest and penalty in any amount, to the Deputy Executive Director, the General Counsel, and the Deputy General Counsel.

(b) For compromise of amounts of tax or interest of \$62,500 \$25,000 each or less and of penalty of \$250,000 \$100,000 or less to any Assistant General Counsel.

(c) For compromise of amounts of tax or interest of \$125,000 \$50,000 each or less and of penalty in any amount, to the Director of Technical Assistance and Dispute Resolution within the Office of the General Counsel, and the ~~Senior~~ Program Director and Deputy Program Director ~~Directors~~ within the General Tax Administration Program.

(d) For compromise of amounts of tax or interest of \$62,500 \$25,000 each or less and penalty of \$250,000 \$100,000 or less, to the Revenue Program Administrators I and II within the Office of the General Counsel, and the Process Managers of the Taxpayer Services, Compliance Enforcement, and Compliance Support Processes.

(e) For compromise of amounts of tax or interest of \$12,500 \$5,000 each or less and of penalty of \$125,000 \$50,000 or less, to all Regional Managers of the Compliance Enforcement Process.

(f) For compromise of amounts of tax or interest of \$12,500 \$5,000 each or less and of penalty of \$75,000 \$30,000 or less, to the Senior Attorneys, Attorneys, Tax Law Specialists, and Senior Tax Specialists of Technical Assistance and Dispute Resolution, and the Revenue Program Administrators I and II of the Compliance Support Process.

(g) For compromise of amounts of tax or interest of \$2,500 \$1,000 each or less and of penalty of \$75,000 \$30,000 or less, to the Revenue Program Administrators II and Revenue Administrators III of the Taxpayer Services Process.

(h) For compromise of amounts of tax or interest of \$1,250 \$500 each or less and of penalty of \$75,000 \$30,000 or less, to the Service Center Managers of the Compliance Enforcement Process.

(i) For compromise of amounts of tax or interest of \$1,250 \$500 each or less and of penalty of \$12,500 \$5,000 or less, to the Tax Specialists I and II, the Revenue Specialist Supervisors of the Taxpayer Services Process, and the Revenue Specialist Supervisors of the Compliance Enforcement Process.

(j) For compromise of amounts of tax or interest of \$625 \$250 each or less and penalty of \$3,750 \$1,500 or less, to the Revenue Specialists I, II, and III of the Taxpayer Services Process.

(k) For compromise of penalty of ~~\$75,000~~ ~~\$30,000~~ or less, to the Revenue Program Administrators I and II of the Compliance Enforcement Process.

(l) For compromise of penalty of ~~\$37,500~~ ~~\$15,000~~ or less, to the Process Group Managers of the Compliance Enforcement Process.

(m) For compromise of penalty of ~~\$12,500~~ ~~\$5,000~~ or less, to the Tax Specialist Administrators, Tax Audit Support Services Supervisors, and the Senior Tax Specialists (Case Processing and Contract Audits) of the Compliance Support Process.

(n) For compromise of penalty of ~~\$12,500~~ ~~\$5,000~~ or less, to the Tax Specialist II of the Program Director's Office within the General Tax Administration Program.

(o) For compromise of penalty of ~~\$3,750~~ ~~\$1,500~~ or less, to the Revenue Specialists I, II, and III of the Compliance Enforcement Process.

(4) Collection Cases. In cases involving a tax matter related to billings or assessments which have been issued by or referred to the Taxpayer Services Process, authority to settle and compromise is delegated as follows:

(a) For compromise of amounts of tax of ~~\$250,000~~ ~~\$100,000~~ or less, and compromise of interest and penalty in any amount, to the Deputy Executive Director, the General Counsel, and the Deputy General Counsel.

(b) For compromise of amounts of tax or interest of ~~\$25,000~~ ~~\$10,000~~ each or less and penalty of ~~\$62,500~~ ~~\$25,000~~ or less, to any Assistant General Counsel.

(c) For compromise of amounts of tax or interest of ~~\$125,000~~ ~~\$50,000~~ each or less and penalty in any amount, to the ~~Senior~~ Program Director and Deputy Program Director ~~Directors~~ of the General Tax Administration Program.

(d) For compromise of amounts of tax or interest of ~~\$62,500~~ ~~\$25,000~~ each or less and penalty of ~~\$250,000~~ ~~\$100,000~~ or less, to the Process Managers of the Taxpayer Services, Compliance Enforcement, and Compliance Support Processes.

(e) For compromise of amounts of tax or interest of ~~\$12,500~~ ~~\$5,000~~ each or less and penalty of ~~\$125,000~~ ~~\$50,000~~ or less, to the Regional Managers of the Compliance Enforcement Process.

(f) For compromise of amounts of tax or interest of ~~\$12,500~~ ~~\$5,000~~ each or less and penalty of ~~\$75,000~~ ~~\$30,000~~ or less, to the Revenue Program Administrators I and II of the Compliance Support Process.

(g) For compromise of amounts of tax or interest of ~~\$2,500~~ ~~\$1,000~~ each or less and penalty of ~~\$75,000~~ ~~\$30,000~~ or less, to the Revenue Program Administrators II and Revenue Administrators III of the Taxpayer Services Process.

(h) For compromise of amounts of tax or interest of ~~\$1,250~~ ~~\$500~~ each or less and penalty of ~~\$75,000~~ ~~\$30,000~~ or less, to the Service Center Managers of the Compliance Enforcement Process.

(i) For compromise of amounts of tax or interest of ~~\$1,250~~ ~~\$500~~ each or less and penalty of ~~\$12,500~~ ~~\$5,000~~ or less, to the Revenue Specialist Supervisors and; Tax Specialists I and II of the Taxpayer Services Process and Revenue Specialist Supervisors of the Compliance Enforcement Process.

(j) For compromise of amounts of tax or interest of ~~\$625~~ ~~\$250~~ each or less and penalty of ~~\$3,750~~ ~~\$1,500~~ or less, to the Revenue Specialists I, II, and III of the Taxpayer Services Process.

(k) For compromise of penalty in amounts of ~~\$75,000~~ ~~\$30,000~~ or less, to all Revenue Program Administrators I and II of the Compliance Enforcement Process.

(l) For compromise of penalty in amounts of ~~\$37,500~~ ~~\$15,000~~ or less, to all the Process Group Managers of the Compliance Enforcement Process.

(m) For compromise of penalty in amounts of ~~\$12,500~~ ~~\$5,000~~ or less, to all Tax Specialist Administrators, Tax Audit Support Services Supervisors, Senior Tax Specialists (Case Processing and Contract Audits) of the Compliance Support Process.

(n) For compromise of penalty of ~~\$12,500~~ ~~\$5,000~~ or less, to the Tax Specialist II of the Program Director's Office within the General Tax Administration Program.

(o) For compromise of penalty in amounts of ~~\$3,750~~ ~~\$1,500~~ or less, to all Revenue Specialists I, II, and III of the Compliance Enforcement Process.

(p) Once an audit assessment has become final, the authority to compromise delegated pursuant to paragraphs (c) through (o) shall be limited to compromises based on doubt as to collectibility or reasonable cause based upon doubt as to collectibility.

(5) Audit Cases. In cases involving an audit of the taxpayer, or an audit conducted pursuant to a refund request, prior to initiation of litigation pursuant to s. 72.011, F.S., or expiration of the period for initiating same, or upon initial receipt of a protest involving penalty issues only, authority to settle and compromise is delegated as follows:

(a) For compromise of amounts of tax of ~~\$250,000~~ ~~\$100,000~~ or less, and compromise of interest or penalty in any amount, to the Deputy Executive Director, the General Counsel, and the Deputy General Counsel.

(b) For compromise of amounts of tax or interest of ~~\$125,000~~ ~~\$50,000~~ each or less and penalty in any amount, to the ~~Senior~~ Program Director and Deputy Program Director ~~Directors~~ in the General Tax Administration Program.

(c) For compromise of amounts of tax or interest of ~~\$62,500~~ ~~\$25,000~~ each or less and penalty of ~~\$250,000~~ ~~\$100,000~~ or less, to the Process Managers of the Taxpayer Services, Compliance Enforcement, and Compliance Support Processes.

(d) For compromise of amounts of tax or interest of ~~\$12,500~~ ~~\$5,000~~ each or less and penalty of ~~\$125,000~~ ~~\$50,000~~ or less, to the Regional Managers of the Compliance Enforcement Process.

(e) For compromise of amounts of tax or interest of ~~\$12,500~~ ~~\$5,000~~ each or less and penalty of ~~\$75,000~~ ~~\$30,000~~ or less, to the Revenue Program Administrators I and II of the Compliance Support Process.

(f) For compromise of amounts of tax or interest of ~~\$1,250~~ ~~\$500~~ each or less and penalty of ~~\$75,000~~ ~~\$30,000~~ or less, to the Service Center Managers of the Compliance Enforcement Process.

(g) For compromise of amounts of tax or interest of ~~\$1,250~~ ~~\$500~~ each or less and penalty of ~~\$12,500~~ ~~\$5,000~~ or less, to the Revenue Specialist Supervisors of the Compliance Enforcement Process.

~~(h) For compromise of amounts of tax or interest of \$1,250 each or less and penalty of \$37,500 or less, to the Tax Law Specialists, Senior Tax Specialists, and Revenue Program Administrator I in the Contract Audit and Certified Audit Subprocess within the Compliance Enforcement Process.~~

~~(i)(h) For compromise of amounts of penalty in the amount of \$75,000 \$30,000 or less, to all Revenue Program Administrators I and II of the Compliance Enforcement Process.~~

~~(j)(i) For compromise of penalty in amounts of \$37,500 \$15,000 or less, to all Process Group Managers of the Compliance Enforcement Process.~~

~~(k)(j) For compromise of penalty in amounts of \$12,500 \$5,000 or less, to all Tax Specialist Administrators, Tax Audit Support Services Supervisors, Senior Tax Specialists (Case Processing and Contract Audits) of the Compliance Support Process and Tax Specialists II within the General Tax Administration Program.~~

~~(l)(k) For compromise of amounts of penalty in the amount of \$3,750 \$1,500 or less, to all Revenue Specialists I, II, and III of the Compliance Enforcement Process.~~

(6) Refund Cases. In cases involving refund requests that have not been referred for audit, prior to initiation of litigation pursuant to s. 72.011, F.S., or prior to expiration of the period for initiating same, authority to settle and compromise is delegated as follows:

(a) For compromise of amounts of penalty of \$100,000 or less, to the Process Manager of the Refunds and Revenue Distribution Process.

(b) For compromise of amounts of penalty of \$30,000 or less, to the Senior Tax Audit Administrator in the Refunds and Revenue Distribution Process.

(c) For compromise of amounts of penalty of \$15,000 or less, to the Tax Audit Supervisors in the Refunds and Revenue Distribution Process.

~~(7)(6) In all other circumstances not previously described in this rule, authority to settle and compromise tax in amounts of \$250,000 \$100,000 or less and interest and penalty in any amount is delegated to the Deputy Executive Director, the General Counsel, and the Deputy General Counsel.~~

~~(8)(a)(7) The Executive Director also shall have discretionary authority to delegate authority to settle and compromise to specific employees or positions on a temporary basis pursuant to the following circumstances: not enumerated in this rule.~~

~~1. The issue assigned to the employee exceeds the monetary amount the employee is currently authorized to settle or compromise pursuant to this rule chapter; or~~

~~2. The employee has assumed the duties of another employee who has authority, or a higher authority, to settle or compromise tax, interest, and penalty, and refund requests.~~

~~(b) A temporary However, a delegation of authority to any employee or position beyond that described herein shall be in writing, signed by the Executive Director, and shall be for a specified time period of no more than 2 years.~~

~~(c) Such delegations cannot grant authority to compromise tax in excess of \$250,000 may be renewed in writing.~~

~~(d) Copies of any such written delegations of authority shall be maintained on file with the agency clerk in the Office of General Counsel.~~

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 5-23-89, Amended 8-10-92, 10-24-96, _____.

12-13.005 Grounds for Finding Doubt as to Liability.

(1) The Executive Director or the Executive Director's designee, as enumerated in Rule 12-13.004, F.A.C., shall make a determination of whether there is doubt as to liability for tax or interest based on all the facts and circumstances of the specific case. Doubt as to liability is interest based on all the facts and circumstances of the specific case. Doubt as to liability is indicated when there is reasonable doubt as to whether an action is required in view of conflicting rulings, decisions, or ambiguities in the law, and the taxpayer has exercised ordinary care and prudence in attempting to comply with the revenue laws of this state.

(2) Reasonable reliance ~~Reliance~~ upon the express terms of a written determination ~~advice given~~ by the Department establishes ~~may be the basis for~~ doubt as to liability. ~~Consideration will be given to the complexity of the facts and the difficulty of the tax law and the issue involved, and also to the existence or lack of clear rules or instructions covering the taxpayer's situation. The taxpayer must show that the advice was timely sought from a departmental employee and that all material facts were disclosed, and that the express terms of the advice were actually followed. Advice issued by the Department informally, or in response to a hypothetical situation, will not be a basis for doubt as to liability. Advice~~

issued in response to a taxpayer's request containing a misrepresentation of material facts is not a basis for a finding of doubt as to liability.

(a) For purposes of establishing doubt as to liability, a "written determination" shall be deemed issued by the Department under the following circumstances:

1. Audit workpapers from a prior audit of the same taxpayer clearly show that the same issue was considered in the course of the audit and that, after such consideration, the Department's auditor determined that no assessment was appropriate in regard to that issue. If an auditor submits a request for technical advice in accordance with Rule Chapter 12-11, F.A.C., and an internal technical advisement is issued in response to that request, the internal technical advisement will be considered a written determination. A written communication from the auditor to the taxpayer in the course of the audit that discusses an issue upon which no assessment is made will demonstrate that the issue was considered by the auditor. Audit workpapers that fail to assess tax based on a particular issue are not a written determination in regard to that issue unless those workpapers clearly demonstrate that the auditor was aware of the issue and specifically determined that no assessment was appropriate. Failure by an auditor to recognize an issue and assess tax in the audit workpapers is not a basis for doubt as to liability based on a written determination by the Department.

2. A final notice of decision or notice of reconsideration withdrawing an assessment on the same issue during an informal protest of a proposed assessment in a prior audit of the same taxpayer was issued by the Department. Correspondence from the Department in which an issue is discussed prior to issuance of a final notice or any offer to compromise the assessment in lieu of or in conjunction with the issuance of a notice of decision or notice of reconsideration is not a written determination on the issue for purposes of establishing doubt as to liability. This subparagraph applies only to a notice of decision or a notice of reconsideration that resolves the issue in favor of the taxpayer based on a determination that the assessment was not supported by the governing legal authorities.

3. A technical assistance advisement was issued to the same taxpayer pursuant to s. 213.22, F.S., in regard to the same issue. For purposes of this paragraph, a technical assistance advisement issued to an industry association as the representative of its members in accordance with Rule Chapter 12-11, F.A.C., will be considered a written determination as to any taxpayer that was a member of the association at the time the taxpayer reasonably relied upon the advisement.

(b) Only audit workpapers, notices of decision or reconsideration, and technical assistance advisements described in paragraph (a) are written determinations of the Department for purposes of s. 213.21(3), F.S. Audit workpapers, notices of decision or reconsideration, and

technical assistance advisements are written determinations only as to the specific taxpayer or taxpayers to whom they were issued.

(c) A taxpayer must demonstrate that reliance on a written determination was reasonable. This requires that the taxpayer fully disclosed all material facts and did not misrepresent any material facts when the Department was considering the issue for purposes of issuing the written determination. Reliance on a written determination is reasonable only so long as the taxpayer continues to operate in accordance with the material facts upon which the written determination was based. Reliance by an industry association member on a technical assistance advisement issued to the association as the representative of its members is reasonable only when that member's facts and circumstances conform in all material respects with the facts and circumstances upon which the technical assistance advisement to the industry association was based. If specific facts and circumstances change in a material manner, reliance on the written determination is no longer reasonable. Reliance on a written determination is not reasonable if the law applicable to an issue has changed so that the legal analysis on which the written determination was based is no longer valid. This would be the case if governing statutes or regulations have been materially revised or if a court of competent jurisdiction has published a final decision overruling the Department's determination. Reliance is not reasonable if the Department notifies the taxpayer in writing that the previous written determination is no longer correct and should not be relied upon after the date of such notification.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21, 213.22 FS. History—New 5-23-89, Amended 8-10-92, 5-18-94,_____.

12-13.006 Grounds for Finding Doubt as to Collectibility.

Tax or interest or both will ~~may~~ be compromised or settled on the grounds of "doubt as to collectibility" when it is determined that the financial status of the taxpayer is such that it is in the best interests of the State to settle or compromise the matter because full payment of the unpaid tax ~~tax~~ obligation is highly doubtful and there appears to be an advantage in having the case permanently and conclusively closed. The discretion to make this determination is delegated pursuant to the procedures ~~to those persons enumerated~~ in Rule 12-13.004, F.A.C.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 5-23-89, Amended 8-10-92,_____.

12-13.007 Grounds for Reasonable Cause for Compromise of Penalties.

(1) through (4) No change.

(5) Reasonable reliance ~~Reliance~~ upon the express terms of written advice given by the Department establishes ~~is a basis for~~ reasonable cause when the taxpayer shows that the advice was timely sought from a departmental employee and that all material facts were disclosed, and that the express terms of the

advice were actually followed. “Written advice” for purposes of establishing reasonable cause as a basis for compromise of penalties includes a writing issued to the same taxpayer by the Department in response to that taxpayer’s request for advice. The determination whether the taxpayer has reasonably relied on such written advice will be made in accordance with the criteria for determining if a taxpayer has reasonably relied on a written determination for purposes of compromise of tax and interest as set forth in Rule 12-13.005(2), F.A.C.

(6) through (14) No change.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 5-23-89, Amended 8-10-92, 5-18-94, _____.

12-13.0075 Guidelines for Determining Amount of Compromise.

(1) Tax and Interest.

(a) Doubt as to Liability. When determining the amount of a compromise of tax or interest based upon doubt as to liability, the following factors shall be considered by the Department:

1. Likelihood of prevailing on the issue in litigation;
2. Ambiguity in the applicable laws or rules, as evidenced by both the laws or rules themselves and the common interpretation and application of same among members of the taxpayer’s industry; and

3. Whether doubt as to liability is based upon reasonable reliance by the taxpayer on a written determination by the Department as provided in Rule 12-13.005(2), F.A.C.; and

~~4.3. Whether tax was collected but not remitted to the state by the taxpayer.~~

(b) Doubt as to Collectibility. When determining the amount of a compromise of tax or interest based upon doubt as to collectibility, the following factors shall be considered by the Department:

1. Whether the financial problems of the taxpayer can be addressed, in whole or in part, through use of a stipulated payment arrangement, in lieu of reduction of the taxpayer’s liability;

2. Whether a pattern of chronic tax delinquencies by the taxpayer exists to indicate that efforts to assist this taxpayer because of its financial problems will not ultimately serve the public interest but will simply afford this a particular taxpayer a competitive advantage in the market; and,

3. Whether tax was collected but not remitted to the state by the taxpayer.

(2) Penalty. When determining the amount of a compromise of penalty based upon a finding of reasonable cause, the following factors shall be considered by the Department:

(a) Factors that weigh against reduction of penalty include:

1. The tax deficiency assessed as a result of an audit exceeds 5% of the total liability for the same tax for the audit period.

2. Taxpayer has been audited previously and the current tax deficiency resulted from specific issue-related error(s) identified in previous audit(s). It is not the intent ~~that~~ of this subparagraph ~~to~~ apply to infrequent occurrences of human error.

3. Taxpayer has been repeatedly delinquent in remitting the tax.

4. Taxpayer failed to promptly remit tax and interest upon receipt of a billing or notice.

5. Tax was collected but not remitted to the state by the taxpayer.

(b) Factors that weigh in favor of reduction of penalty include:

1. Tax assessed as a result of an audit is less than 5% of the total liability for the same tax for the audit period.

2. Tax deficiency assessed is a result of a first-time audit, or is a result of an audit conducted subsequent to an audit in which the same specific issue-related errors by the taxpayer were not present or not identified by the Department. It is not the intent ~~that~~ of this subparagraph ~~to~~ apply to infrequent occurrences of human error.

3. Taxpayer has not been repeatedly delinquent in remitting the tax to the Department.

4. Taxpayer demonstrated to auditor prior to conclusion of the audit that action had been taken to improve future compliance by correcting or controlling activities which gave rise to the tax deficiency and related penalty.

5. Taxpayer promptly remitted tax and interest upon receipt of a billing or notice.

(3) No change.

(4) Self Audits/Self-Analysis of Books.

(a) When a taxpayer timely responds to and complies with the Department’s request that the taxpayer participate in a self-audit or self-analysis of books and records, the Department will compromise all penalties.

(b) through (7) No change.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 8-10-92, Amended _____.

12-13.008 Procedures for Compromise and Settlement of Taxes, Interest, and Penalties.

(1) The Department will consider compromise or settlement of the taxpayer’s liability for tax, interest, or penalty only upon its receipt of the taxpayer’s written request that the same be settled and compromised under s. 213.21(3), F.S. However, a written request is not required for the compromise or settlement of penalty and returned check service fee amounts of \$30,000 or less. The taxpayer’s ~~written~~ request should include:

(a) The taxpayer’s name, address, and taxpayer identifying ~~tax identification~~ number;

(b) The type of tax and, if applicable, the type of penalty, and the taxable period(s) involved;

(c) The amount of tax, interest, or penalty involved; and

(d) A statement of the following:

1. In the case of tax or interest, the taxpayer's basis for doubt as to liability or collectibility, and the facts and circumstances which support the existence of such doubt; and

2. In the case of penalty, the taxpayer's basis for reasonable cause, and the facts and circumstances which support the existence of reasonable cause and which indicate the absence of willful negligence, willful neglect, or fraud.

(2) When a Department employee has additional knowledge or information supporting the taxpayer's ~~written~~ request for compromise, the finding in support of a compromise may be based upon such knowledge or information, provided the basis for compromise is documented in writing.

(3) A Department employee is authorized to compromise penalty within the employee's authority when it is determined that sufficient evidence exists to support a finding of reasonable cause despite the fact that no written request has been made by the taxpayer. The person exercising the Department's authority shall prepare full documentation of any request and the compromise, including the basis for finding reasonable cause, for the Department's record.

(4) The taxpayer's ~~written~~ request for compromise shall be filed upon receipt of a billing, notice, proposed assessment, or assessment, and shall be filed with the office issuing such billing, notice, proposed assessment, or assessment. This subsection is intended to expedite requests for compromise and settlement of taxes, interest, and penalties, but it does not alter deadlines specified in Rule Chapter 12-6, F.A.C.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 5-23-89, Amended 8-10-92, 5-18-94, 10-24-96,_____.

12-13.009 Closing Agreements.

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

(d) Any person delegated authority under this rule to compromise amounts of ~~\$37,500~~ \$15,000 or more may sign a closing agreement on behalf of the Department, after determining that the compromise action complies with these rules. The Executive Director shall have discretionary authority to delegate authority to sign closing agreements to specific employees or positions not enumerated in these rules. A delegation of authority to any employee or position which is not enumerated herein shall be in writing, signed by the Executive Director, and shall be for a specified time period of no more than 2 years. Such delegations may be renewed in writing. Copies of any such written delegations of authority shall be maintained on file with the Agency Clerk in the Office of General Counsel.

(3) through (5) No change.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 120.55(1)(a)4., 213.05, 213.21 FS. History—New 5-23-89, Amended 8-10-92, 5-18-94, 10-24-96,_____.

12-13.010 Special Provisions Applicable to Compromise of Estate Taxes.

(1) Pursuant to s. 213.21(2)(b), F.S., the Executive Director is granted authority to compromise and settle the amount of taxes arising as a result of Chapter 198, F.S. Section 213.21(3), F.S., authorizes the Department to compromise or settle tax, penalty, or interest in any amount. If a case involves a billing or assessment issued by or referred to the Taxpayer Services Process, authority to compromise and settle is delegated as set forth in Rule 12-13.004(4), F.A.C., for collection cases. If a case is protested, authority to compromise and settle is delegated as set forth in Rule 12-13.004(3), F.A.C. If a case is in litigation, authority to compromise and settle is delegated as set for in Rule 12-13.004(2), F.A.C. This is further delegated by this rule to:

~~(a) The General Counsel and Deputy General Counsel to compromise tax of \$100,000 or less and interest and penalty in any amount; and~~

~~(b) Other designees of the Executive Director to compromise penalty of \$10,000 or less.~~

(2) through (3) No change.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.05, 213.21 FS. History—New 8-10-92, Amended 5-18-94,_____.

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Application for Refund	12-26.003
Refund Approval Process	12-26.004
Public Use Forms	12-26.008

PURPOSE AND EFFECT: A) The proposed amendments to Rule 12-26.003, F.A.C. (Application for Refund) inform taxpayers applying for a refund that they should return the appropriate application to DOR using the address or instructions on the form; remove the reference to the specific DOR address to which taxpayers must send form DR-26; add forms DR-26S and F-1120A to those forms that can be used to apply, respectively, for a sales tax or corporate income tax refund; provide that, beginning January 1, 2002, Form DR-26S must be used for applying for a refund of taxes paid pursuant to Chapter 212, F.S.; and, clarify that an application for an Estate Tax refund does not require the filing of a DR-26, but instead requires the filing of DOR form F-706 with the application. B) The proposed change to Rule 12-26.004, F.A.C. (Refund Approval Process) establishes DOR form DR-370026 (Mutual Agreement to Audit or Verify Refund Claim), as the proper form to use to document that a taxpayer and the Department have jointly agreed to extend the time during which a taxpayer's refund request is pending. C) The proposed revisions to Rule 12-26.008, F.A.C. (Public Use Forms) add forms DR-26S (Application for Refund – Sales and Use Tax), and DR-370026 (Mutual Agreement to Audit or Verify Refund

Claim) to those used by the Department and the public for refund procedures; and, delete two forms that are not rules pursuant to Chapter 120, F.S.

SUBJECT AREA TO BE ADDRESSED: These proposed rule amendments address the procedures a taxpayer must follow to claim a tax refund.

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS., ss. 2, 3, 4, 5, 6, 7, and 40, Ch. 91-112, L.O.F.

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

TIME AND DATE: 9:00 a.m., February 27, 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.

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)922-4726. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-26.003 Application for Refund.

(1) No change.

(2)(a) Applications for tax refund under those revenue laws enumerated in s. 72.011(1), F.S., shall be deemed complete upon the Department's receipt of a properly executed application for refund form which contains the information required by ss. 213.255(2) and 215.26, F.S., and this rule, except as provided in paragraph (b) of this subsection. Applications for refund shall be filed with the Florida Department of Revenue by submitting the completed application to the Department, using the address or instructions contained on the DR-26 or DR-26S application, or other form described in subsection (4) of this rule.

(b) Refund applications filed under the provisions of section 212.08(5)(g),(h),(n), and (o), Florida Statutes, also require, in addition to the DR-26 or DR-26S required by paragraph (a) of this subsection, the forms specified in Rule

12A-1.107, F.A.C., in order to be deemed completed applications., Refund Subprocess, P. O. Box 6490, Tallahassee, Florida 32314-6490.

(3) For purposes of this rule, Form DR-26, Application for Refund from the State of Florida Department of Revenue, incorporated by reference in Rule 12-26.008, F.A.C., is the approved refund application for all taxes collected by the Department, except as otherwise specified in subsection (4) of this rule. Taxpayers applying for a refund of any taxes paid pursuant to Chapter 212, F.S., can also use Form DR-26S, Application for Refund – Sales and Use Tax, incorporated by reference in Rule 12-26.008, F.A.C. However, beginning January 1, 2002, Form DR-26S must be used to apply for a refund of taxes paid pursuant to Chapter 212, F.S.

(4) Tax refunds requiring a refund application other than Form DR-26 are listed below.

(a) Corporate Income Tax. Except as provided in subsection (5), all refunds claimed under Chapters 220 and 221, F.S., shall be made by the filing of either:

1. Form F-1120, Florida Corporate Income/Franchise and Emergency Excise Tax Return or form F-1120A, Florida Corporate Short Form Income Tax Return (incorporated by reference in Rule 12C-1.051, F.A.C.) or

2. through (e) No change.

(f) Estate Tax. Application for all refunds claimed under Chapter 198, F.S., must be made by filing Form F-706 (incorporated by reference in Rule 12C-3.008, F.A.C.).

(5) through (8) No change.

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS. History–New 11-14-91, Amended 4-18-93, 4-18-95, 4-2-00,_____.

12-26.004 Refund Approval Process.

(1) through (2)(b) No change.

(c) The 90 consecutive calendar day period and the requirement to pay interest on refund amounts not timely paid or credited to a taxpayer, as discussed in paragraphs (a) and (b) above, will be tolled if:

1. both the taxpayer and the Department agree that an audit or other verification process is necessary to validate the taxpayer's refund request, and;

2. both parties complete and sign Department Form DR-370026 (Mutual Agreement to Audit or Verify Refund Claim) DR-872 (Consent to Extend the Time to Issue an Assessment or to File a Claim for Refund).

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

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 213.235, 213.255, 213.34, 213.345, 215.26 FS. History–New 11-14-91, Amended 4-2-00,_____.

12-26.008 Public Use Forms.

The following public use forms are used by the Department in the processing of refunds and refund denials and are hereby incorporated by reference. These forms are available by: 1)

writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site stated in 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, upon written request directed to the Department of Revenue, Refund Section, Building E, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100.

Form Number	Title	Effective Date
(1) DR-26	Application for Refund from the State of Florida Department of Revenue (r. 03/01 04/92)	04/93
(2) DR-370026	Mutual Agreement to Audit or Verify Refund Claim (n. 03/01)	---
DR-832R	Notice of Proposed Refund Denial (r. 01/93)	04/93
(3) DR-26S	Application for Refund - Sales and Use Tax (n. 03/01)	---
DR-1200R	Notice of Intent to Make Refund Claim Changes (r. 07/92)	04/93

Specific Authority 213.06(1) FS. Law Implemented 213.34, 215.26 FS., ss. 2, 3, 4, 5, 6, 7, and 40, Ch. 91-112, L.O.F. History-New 11-14-91, Amended 4-18-93,_____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Registration
 RULE NO.: 12A-1.060

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.060, F.A.C., is to: 1) correct the title of form DR-1, Application to Collect and/or Report Tax in Florida; 2) define the term "place of business"; 3) provide guidelines for when the Department will treat a single contiguous location as separate places of business and require a taxpayer to obtain separate registration certificates; 4) provide examples of when a single registration is sufficient and examples of when the Department will require separate registration certificates for multiple activities carried on within a single contiguous location; and 5) provide that only one failure to register penalty would apply to a single, contiguous location, regardless of the type or number of identifiable activities the taxpayer may carry on at that location. The purpose of these proposed amendments is to provide clear

guidance to taxpayers and tax administrators regarding the Department's sales tax registration requirements and guidance for when the \$100 registration fee will apply.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the guidelines for when separate sales tax registration certificates are required for a single contiguous location and for when the \$100 registration fee will apply.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.03(1),(2), 212.04(4), 212.06(2), 212.12(2),(5),(6), 212.16(1),(2), 212.18(3) FS.

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

TIME AND DATE: 10:00 a.m., February 26, 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 Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips 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 IS: Linda W. Bridges, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9412

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.060 Registration.

(1)(a)1. Except as provided in paragraphs (f),(g), or (h), every person must file an Application to Collect and/or Report Tax in Florida for Sales and Use Tax Registration (form Form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.) with the Department of Revenue for a dealer's certificate of registration before engaging in any one of the following businesses:

- a. through i. No change.
- 2. A separate application must be filed to obtain a separate dealer's certificate of registration for each place of business. Each application must be accompanied by a \$5 registration fee, except as provided in subparagraphs ~~3, or 4~~ or 5.

3. For purposes of this rule, a "place of business" is a location where a dealer engages in an activity or activities described in subparagraph 1. A place of business includes the

entire contiguous area in which the dealer carries on an activity or activities that require registration. A dealer that engages in more than one activity requiring registration within a contiguous area generally is required to obtain only one registration certificate for that location. The department may, however, treat areas within a single contiguous location as separate places of business and require a dealer to obtain separate registration certificates if the activities carried on in those areas are subject to taxation under different provisions of Chapter 212, F.S., the activities are not functionally related, and the efficient administration of the taxes imposed by Chapter 212, F.S., is facilitated by multiple registrations. The department will permit a dealer to obtain separate registrations for activities carried on at a single contiguous location at the dealer's request if the dealer keeps separate financial records for the activities and the activities are not functionally related. Under no circumstances will a dealer be subject to more than one penalty for failure or refusal to obtain a registration certificate for a single contiguous location, even if the dealer could be required or permitted to obtain separate registration certificates for multiple activities carried on at the location. The following examples illustrate the application of this rule in determining whether more than one place of business exists at a single contiguous location.

a. A taxpayer operates a shopping mall with 100 retail outlets that are leased to stores and restaurants, parking and common areas, and offices where management and accounting functions are performed. The taxpayer is required to register as a dealer because the rental of real property to the retailers is taxable under s. 212.031, F.S. The entire shopping mall is a single place of business for purposes of registration by the taxpayer.

b. A taxpayer owns a parcel of land with a building and a parking area. The building is divided into three areas. In one area, the taxpayer operates a retail building supply store. In the second area, which has a separate customer entrance, the taxpayer operates a retail store where custom furniture is made and sold. The third area in the building is used as warehouse and office space serving both stores. When ordering inventory, Taxpayer combines orders of lumber, hardware, paints, and stains from suppliers for the building supply store and for the furniture store. All inventory is purchased for resale and no records are maintained of whether materials are sold in the building supply store or incorporated into furniture for sale in the furniture store. The taxpayer records sales for both activities in the same accounting records. The parcel of land and the building are a single place of business for registration purposes. Separate registration cannot be required because both the sale of the building supplies and the sale of furniture are taxable under section 212.05(1), F.S. In addition, because of shared inventory and sales records, the two activities are functionally related. Because the activities are functionally

related and separate records are not kept, the taxpayer would not be permitted to treat them as separate places of business for registration purposes.

c. A taxpayer owns a parcel of land with a building and a parking area. The building is divided into three areas. In one area, the taxpayer operates a retail building supply store. In the second area, which has a separate customer entrance, the taxpayer operates a retail store where custom clothing is made and sold. The third area in the building is used as warehouse and office space serving both stores. Separate sales and other accounting records are maintained for the two stores. Unless the taxpayer applies for separate registration certificates, the parcel of land and the buildings are a single place of business for registration purposes. Separate registration cannot be required because both the sale of the building supplies and the sale of clothing are taxable under s. 212.05(1), F.S. If the taxpayer applies for separate certificates of registration for the two activities, the Department then would treat the building supply store and the clothing store as separate places of business because they are not functionally related and separate accounting is done for each.

d. A taxpayer owns a large tract of land. The taxpayer operates an amusement park on part of the land. The taxpayer charges admission for entrance to the park. In addition to amusement rides, the park facilities include restaurants and a gift shop operated by the taxpayer and concession stands throughout the park where concessionaires sell snacks and beverages. The taxpayer also operates a resort hotel adjacent to the amusement park on the same tract of land. Because of its proximity to the park, the hotel caters primarily to park visitors. The hotel contains several restaurants and a gift shop operated by the taxpayer as well retail stores that taxpayer leases to other merchants. The hotel also contains offices from which the taxpayer manages the entire amusement park and hotel complex and centralized storage areas serving the entire complex. The taxpayer orders food for all its restaurants and other materials and supplies on combined purchase orders, regardless of where in the park and hotel complex the food, materials, or supplies will be used. Employees may be assigned to work anywhere throughout the entire park and hotel complex as needed. The taxpayer treats the entire complex as a single business for purposes of financial accounting. The taxpayer would be entitled to treat the entire tract of land with amusement park and hotel facility as a single place of business for registration purposes. Even though the taxpayer's activities are taxable pursuant to several different sections of Chapter 212, F.S., all of the activities are functionally related parts of a single tourism/resort business under the taxpayer's operational methods and accounting practices.

e. A taxpayer owns a large tract of land. The taxpayer operates an amusement park on part of the land. The taxpayer charges admission for entrance to the park. In addition to amusement rides, the park facilities include restaurants and a

gift shop operated by the taxpayer and concession stands throughout the park where concessionaires sell snacks and beverages. The taxpayer also operates a resort hotel adjacent to the amusement park on the same tract of land. Because of its proximity to the park, the hotel caters primarily to park visitors. The hotel contains several restaurants and a gift shop operated by the taxpayer as well retail stores that taxpayer leases to other merchants. The hotel also contains offices from which the taxpayer manages the entire amusement park and hotel complex and centralized storage areas serving the entire complex. The taxpayer orders food for amusement park restaurants and other materials and supplies for the amusement park separately from food, materials, and supplies for the hotel complex. Employees may be assigned to work anywhere in the entire amusement park or anywhere in the hotel complex but no employee is assigned to work in both areas. The taxpayer treats the amusement park as one business and the hotel complex as a separate business for purposes of financial accounting. The taxpayer would be entitled to treat the entire tract of land with amusement park and hotel facility as a single place of business for registration purposes. Even though the taxpayer's activities are taxable pursuant to several different sections of Chapter 212, F.S., and the amusement park and hotel are not operated as functionally related activities, requiring two registration certificates would not facilitate efficient administration of Chapter 212, F.S. If the taxpayer applied for two registration certificates, the Department then would treat the amusement park and the hotel complex as separate places of business because they are not functionally related and separate accounting is done for each.

f. A taxpayer owns a large tract of land. The taxpayer operates an amusement park on part of the land. The taxpayer charges admission for entrance to the park. In addition to amusement rides, the park facilities include restaurants and a gift shop operated by the taxpayer, concession stands throughout the park where concessionaires sell snacks and beverages, and maintenance and storage buildings. The taxpayer manages the amusement park activities, including purchasing and payroll functions from taxpayer's corporate headquarters in another city. The taxpayer also owns a resort hotel adjacent to the amusement park on the same tract of land. The hotel contains several restaurants and retail stores that are leased to other merchants. Because of its proximity to the park, the hotel caters primarily to park visitors. The taxpayer has entered into a management agreement with a third party management company. The management company is responsible, under its contract with the taxpayer, for all aspects of operating the hotel, including purchasing, paying suppliers, personnel, leasing retail stores to merchants, financial record keeping, and tax matters. The management company collects sales taxes in regard to the hotel operations and remits those taxes on taxpayer's behalf to the state. All records in regard to the hotel operations are maintained by the management company at the hotel premises. The taxpayer will be required

to treat the amusement park and the hotel as separate places of businesses. The two activities are not functionally related in terms of operations or accounting. In addition, because a separate return will be prepared and filed for the hotel operations, it will facilitate administration of Chapter 212, F.S., if a separate registration and reporting number is assigned.

g. A taxpayer operates a manufacturing facility and a retail outlet on the same tract of land. Statutes have been enacted to provide sales and use tax exemptions to businesses manufacturing the type of product the taxpayer manufactures. Those statutes require the department to make annual reports to the legislature and the office of the governor on the volume of sales made by manufacturers claiming the exemption. The department will require separate registration of the manufacturing business to facilitate compiling the required annual report.

4.3. The Department is authorized to impose a \$100 registration fee for each place of business in lieu of the \$5 registration fee for the failure or refusal of any person to file an Application to Collect and/or Report Tax in Florida for Sales and Use Tax Registration (form ~~Form~~ DR-1) prior to engaging in or conducting business in this state as hereinbefore provided in subparagraph 1. Persons who have failed or refused to register are those that the Department seeks to register as a result of information supplied by an informant under s. 213.30, F.S., or as a result of enforcement programs administered by the Department. In making the determination as to whether the \$100 registration fee shall be required in lieu of the \$5 registration fee, the Executive Director or the Executive Director's designee in the responsible ~~process~~ ~~division~~ shall consider and be guided by:

a. The prior history, if any, of the applicant's compliance or noncompliance with the revenue laws administered by the Department of Revenue pursuant to s. 213.05, F.S.;

b. The applicant's ability to demonstrate the exercise of ordinary care and prudence through facts and circumstances presented to the Department indicating that a diligent attempt to meet the registration requirements of the law was made. An applicant with limited business knowledge, limited education, or limited experience with Florida tax matters may establish a basis for the existence of reasonable cause when there is reasonable doubt as to whether or not the applicant is required to register;

c. Reliance upon the erroneous advice of a competent advisor that the applicant did not meet the State's registration requirements. To establish a reasonable cause for noncompliance with the registration requirements, the applicant must demonstrate that advice was sought in a timely manner from the competent advisor, all necessary information was provided to the competent advisor, and that the applicant acted in good faith on the information received from the competent advisor;

d. The applicant's ability to demonstrate that he relied upon another person to comply with the State's registration requirements on his behalf; or

e. Whether the applicant, his agent, or employee can demonstrate that he exercised ordinary care and prudence in meeting the registration requirements once he had actual or constructive knowledge of such requirements.

~~5.4.~~ No registration fee is required to accompany any application to engage in or conduct business or to make mail order sales. Additionally, no registration fee is required to accompany any application for out-of-state dealers who have no business location in Florida.

(b)1. Owners of transient accommodations, as defined in Rule 12A-1.061, F.A.C., including owners of time-shares whose time-shares are not registered under the provisions of subparagraph 2. must file an Application to Collect and/or Report Tax in Florida for Sales and Use Tax Registration (form Form DR-1) with the Department of Revenue for a separate dealer's certificate of registration for each property or time-share period rented, leased, let, or in which a license to use has been granted to others, except as provided in paragraph (c).

- 2. No change.
- (c) through (3) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1),(2), 212.04(4), 212.06(2), 212.12(2),(5),(6), 212.16(1),(2), 212.18(3) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 3-21-77, 5-10-77, 10-18-78, Formerly 12A-1.60, Amended 6-10-87, 1-2-89, 11-12-90, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 4-2-00.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Public Use Forms

RULE NO.: 12B-7.026

PURPOSE AND EFFECT: The proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms) implements the statute requirement in s. 373.41492(4)(b), F.S., that the Department publish forms necessary to implement the Miami-Dade County Lake Belt mitigation fee. The suggested changes add form DR-146 (Miami-Dade County Lake Belt Mitigation Fee Monthly Return) to the list of forms used by the Department and the public for remitting taxes and fees imposed by statute.

SUBJECT AREA TO BE ADDRESSED: These proposed rule amendments address the form a taxpayer must use when submitting the Miami-Dade County Lake Belt Mitigation Fee to the Department.

SPECIFIC AUTHORITY: 211.33(6), 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 211.30, 211.31, 211.3103, 211.3106, 211.33, 373.41492 FS.

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

TIME AND DATE: 9:00 a.m., February 27, 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.

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)922-4726. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-7.026 Public Use ~~Forms~~ **Form**.

The following public-use ~~forms~~ **form** and instructions are used by the Department in its dealings with the public. These forms are ~~This form~~ is hereby incorporated and made a part of this rule by reference. Copies of these forms ~~this form~~ are available by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/revenue.html>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

Form	Title	Effective Date
(1) DR-142	Producers Severance Tax Return (r. 12/98 <u>2/93</u>)	<u>12/94</u>
(2) DR-146	<u>Miami-Dade County Lake Belt Mitigation Fee Monthly Return (n. 7/99)</u>	<u> </u>

Specific Authority 211.33(6), 213.06(1), 373.41492(4)(b) FS. Law Implemented 211.30, 211.31, 211.3103, 211.3106, 211.33, ~~213.06~~ 373.41492 FS. History—New 12-18-94, Amended .

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLES:	RULE NOS.:
Property Subject to Tax – Annual and Nonrecurring	12C-2.002
Exemptions	12C-2.003
Levy of Tax – Annual and Nonrecurring	12C-2.004

Due Date – Payment of Tax – Discounts Allowed	12C-2.005
Taxable Situs – Reporting Requirements – Who Shall File a Return	12C-2.006
Intangible Personal Property Held in Trusts	12C-2.0063
Penalties and Interest	12C-2.007
Information Reports	12C-2.008
Valuations	12C-2.010
Tax Credits	12C-2.0105
Public Use Forms	12C-2.0115

PURPOSE AND EFFECT: These amendments are being made to conform the rules in Chapter 12C-2, F.A.C., to the current statutory provisions of Chapter 199, F.S. The statutory revisions were made to Chapter 199 during the 1998, 1999 and 2000 legislative sessions. The following is a brief discussion of the specific changes: A) The proposed amendments to Rule 12C-2.002, F.A.C., clarify for which tax year specific intangible property is subject to tax. B) The suggested changes to Rule 12C-2.003, F.A.C., explain the applicable exemption for accounts receivable; C) The recommended revisions to Rule 12C-2.004, F.A.C., clarify the current tax rate and provide guidance on how to correctly calculate the tax; D) The proposed changes to Rule 12C-2.005, F.A.C., remove and update information on the threshold for required payment of tax, remove obsolete provisions on international banking, and provide guidance on when tax is due on a line of credit secured lien on Florida real property; E) The proposed revisions to Rule 12C-2.006, F.A.C., update information on forms to be used when reporting tax on intangible property, clarify what entities may be included as a member of an affiliated group, explain for which tax periods trustees were required to file intangible tax returns, and remove obsolete information regarding the requirement for banks to file intangible tax returns; F) The suggested amendments to Rule 12C-2.0063, F.A.C., remove references to trustees or their agents being required to file intangible tax returns for property held in trusts; G) The recommended changes to Rule 12C-2.007, F.A.C., conform the penalty provisions in the Administrative Code with the statutory provisions; H) The proposed revisions to Rule 12C-2.008, F.A.C., remove and update information on the requirement that corporations must provide information concerning the value of their stock held by Florida shareholders and remove an obsolete provision regarding banks claiming an international banking exemption; I) The suggested changes to Rule 12C-2.010, F.A.C., add a cross reference to give guidance to taxpayers on the appropriate periods for which accounts receivable were subject to intangible tax; J) The recommended revisions to Rule 12C-2.0105, F.A.C., give guidance to taxpayers on the period for which tax credits for banks and savings associations apply; and K) The proposed amendments to Rule 12C-2.0115, F.A.C., remove obsolete forms no longer used by the public to report tax information to the Department of Revenue.

SUBJECT AREA TO BE ADDRESSED: These proposed rule amendments address changes to the Department’s Intangible Personal Property Tax rules.

SPECIFIC AUTHORITY: 199.202, 213.06(1), 213.21 FS.

LAW IMPLEMENTED: 196.199, 199.023, 199.032, 199.042, 199.052, 199.057, 199.062, 199.103, 199.104, 199.106, 199.133, 199.135, 199.143, 199.145, 199.155, 199.175, 199.183, 199.185, 199.202, 199.222, 199.232, 199.282, 199.292, 213.12(2), 213.235, 607.1622, 731.111, 733.604 FS.

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

TIME AND DATE: 9:00 a.m., February 27, 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.

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 Mary Herring, (850)922-4704. 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: Joe Parramore, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-2.002 Property Subject to Tax – Annual and Nonrecurring.

(1) The following are examples of property subject to annual taxation:

(a) Accounts Receivable – a debt which is owed by another which is not supported by a negotiable paper. For tax years beginning on or after January 1, 2001, accounts receivable arising out of normal trade or business are exempt from tax.

(b) through (c) No change.

(d) Charitable Unitrust – such trusts are taxable while trust corpus is held by a nonexempt trustee. For tax years beginning on or after January 1, 2001, charitable unitrusts are exempt from tax.

(e) through (h) No change.

(i) Custody Account – custody account is taxable only if the custodian is exercising discretionary powers over the assets held in the custody account. For tax years beginning on or after January 1, 2001, custody accounts are exempt.

(j) through (l) No change.

(m) Insurance Premiums

1. Insurance premiums for the year that which are financed; are accounts receivable.

2. Due, but uncollected, premiums (those premiums that which are in a grace period) are not taxed.

3. For tax years beginning on or after January 1, 2000, insurance companies are exempt from tax.

(n) through (o) No change.

(p) Line of Credit – based on the outstanding balance on January 1 of each tax year when not evidenced by a note secured by a mortgage or other lien on Florida real property. When secured by a lien on real property in Florida, the maximum amount allowed under the line each advance is subject to the nonrecurring tax.

(q) No change.

(r) Margin Accounts

1. Receivables arising from margin accounts are taxable to the broker. For tax years beginning on or after January 1, 2001, margin account receivables are exempt from tax.

2. Stocks bought on margin are the property of the purchaser and are to be reported for taxation by the purchaser.

(s) through (z) No change.

(aa) Stock – shares or units of incorporated or unincorporated companies, limited liability companies, business trusts, mutual funds, and money market funds.

(bb) through (dd) No change.

(ee) Trust – a trust having a taxable situs in Florida is primarily taxable to the trustee. For tax years beginning on or after January 1, 2001, trustees are no longer required to file returns or pay the tax. A beneficiary, having a taxable beneficial interest, ~~where there is no Florida trustee~~, is responsible for filing a return for the taxable trust assets.

(2) The following are examples of property subject to the nonrecurring tax:

(a) No change.

(b) Agreements not to encumber real property if the agreement attaches as a lien on the real property.

(c) through (d) No change.

(e) ~~Guarantee~~

1. ~~An unconditional guarantee when secured by a lien on Florida real property.~~

2. ~~A conditional guarantee is also subject to the tax, but not taxed until the condition is met or removed.~~

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.023, 199.032, 199.042, 199.052, 199.057, 199.062, 199.103, 199.133, 199.135, 199.143, 199.145, 199.155, 199.175, 199.183, 199.185, 199.202 FS. History–New 4-17-72, Revised 12-20-73, Amended 11-17-74, Formerly 12C-2.02, Amended 11-21-91,_____.

12C-2.003 Exemptions.

The following intangible property shall be exempt from the tax:

(1) through (8) No change.

(9) Accounts Receivable:

(a) For tax years beginning January 1, 2001, and thereafter, all accounts receivable arising from normal trade or business are exempt from tax.

(b) For the tax year beginning January 1, 2000, two-thirds of the taxable accounts receivable arising from normal trade or business are exempt from tax.

(c) For the tax year beginning January 1, 1999, one-third of the taxable accounts receivable arising from normal trade or business are exempt from tax.

(d) For the tax year beginning January 1, 1998, and all prior years, all accounts receivable are subject to tax.

(10) A charitable trust is exempt from tax. For the purpose of this exemption, a charitable trust is a trust that is paying 95 percent or more of its income to one or more organizations exempt from federal income tax under s. 501(c)(3), IRC.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.183, 199.185, 213.12(2) FS. History–New 4-17-72, Revised 12-20-73, Amended 11-17-74, 4-21-75, Formerly 12C-2.03, Amended 11-21-91,_____.

12C-2.004 Levy of Tax – Annual and Nonrecurring.

(1) Annual Tax – An annual tax on the just value of intangible property having a taxable situs in Florida is levied as follows:

(a)1. All firms, partnerships, joint ventures, associations, corporations, estates, trusts, trustees, personal representatives, receivers, guardians, custodians, and other fiduciaries are subject to the full tax rate of ~~\$12.00~~ per thousand dollars (1 mill 2 mills) of just value of intangible property having a taxable situs in Florida.

2. Example: Artificial entities and fiduciaries.

Accounts Receivable	\$75,000.00
Stocks	50,000.00
Bonds	25,000.00
Loans to Stockholders (outstanding balances)	50,000.00
Total	\$125,000.00 <u>200,000.00</u>
Tax Rate	x .0012
Tax Due	\$ 125.00 <u>400.00</u>

~~(b) Charitable trusts are those trusts paying 95 percent of their income to organizations exempt from federal income tax under s. 501(e)(3), IRC, and are subject to a tax rate of \$1.00 per thousand dollars (1 mill) of just value of intangible personal property.~~

~~Example: Charitable trusts:~~

Stocks	\$100,000.00
Mutual Funds	150,000.00
Futures Contracts	75,000.00
Bonds	125,000.00
Total	\$450,000.00
Tax Rate	x .001
Tax Due	\$ 450.00

(b)(e) Natural persons filing an individual or joint return are subject to the tax rate of \$1.00 ~~2.00~~ per thousand dollars (1 mill) of just value of intangible property ~~in the following manner: The first \$1.00 (1 mill) of tax per thousand dollars of the just value of intangible personal property applies to the property value of individuals in excess of \$20,000 (\$40,000 for a married couple filing a joint return). The additional \$1.00 (1 mill) of tax per thousand dollars of the just value of intangible personal property applies to the property value of individuals in excess of \$100,000 (\$200,000 for a married couple filing a joint return).~~

Examples:

1. Individual having taxable assets valued at \$75,000 ~~100,000 or less.~~

	(first mill tax)	(second mill tax)
Taxable Assets	<u>\$75,000.00</u> 50,000.00 \$50,000.00	
Exemption	- 20,000.00	--
Net Taxable Assets	<u>\$55,000.00</u> 30,000.00 0	<u>100,000.00</u>
Tax Rate	x .001	x .001
Tax Due	<u>\$55.00</u> 30.00 No tax is due	
Total Tax Due	<u>\$0</u> 30.00 (tax due is less than \$60.00)	

2. Individual having taxable assets valued at greater than \$200,000 ~~100,000.~~

	(first mill tax)	(second mill tax)
Taxable Assets	\$200,000.00	\$200,000.00
Exemption	- 20,000.00	--
Net Taxable Assets	\$180,000.00	\$100,000.00
Tax Rate	x .001	x .001
Tax Due	\$180.00	\$100.00
Total Tax Due	\$180.00 + \$100.00 = \$280.00	

3. Married couple filing jointly having taxable assets valued at \$95,000 ~~200,000 or less.~~

	(first mill tax)	(second mill tax)
Taxable Assets	<u>\$95,000.00</u> 50,000.00 \$50,000.00	
Exemption	- 40,000.00	--
Net Taxable Assets	<u>\$55,000.00</u> 10,000.00 \$0	<u>200,000.00</u>
Tax Rate	x .001	x .001
Tax Due	<u>\$55.00</u> 10.00 No tax is due	
Total Tax Due	<u>\$0</u> 10.00 (tax due is less than \$60.00)	

4. Married couple filing jointly having taxable assets valued at \$300,000.00 ~~greater than \$200,000.00.~~

	(first mill tax)	(second mill tax)
Taxable Assets	\$300,000.00	\$300,000.00
Exemption	- 40,000.00	--
		<u>200,000.00</u>

Net Taxable Assets	\$260,000.00	\$100,000.00
Tax Rate	x .001	x .001
Tax Due	\$ 260.00	\$ 100.00
Total Tax Due	\$260.00 + \$100.00 = \$360.00	

(2) Nonrecurring tax:

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

2.a. A line of credit secured by a mortgage on Florida real property ~~the equity in a borrower's home~~ is subject to nonrecurring tax on the maximum amount of the line. Subsequent borrowings under the line are not subject to nonrecurring tax.

b. Example: A borrower establishes a \$50,000 line of credit with a bank and secures the line with a Florida real property mortgage ~~on the equity in his home~~. The borrower initially draws the full line of \$50,000 and pays nonrecurring tax on this maximum amount. The borrower later repays \$30,000 of the initial amount borrowed and then draws another \$15,000. The \$15,000 draw of funds under the line is not subject to nonrecurring tax, since the nonrecurring tax was already paid on \$50,000, the maximum credit limit under the line.

(d) No change.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.032, 199.133, 199.143, 199.185 FS. History—New 4-17-72, Revised 12-20-73, Amended 5-8-79, Formerly 12C-2.04, Amended 11-21-91, 5-18-93,

12C-2.005 Due Date – Payment of Tax – Discounts Allowed.

(1)(a) No change.

(b) ~~No person subject to the annual tax shall be required to file a return or pay a tax if the tax due, before discount, is less than sixty five dollars (\$60.00 5.00).~~

~~2. An annual return is required to be filed by agents or fiduciaries. International banking organizations claiming the international banking exemption must also file a completed tax return.~~

~~2.3. No change.~~

(2) Nonrecurring Tax –

(a) through (b) No change.

(c) If a mortgage, deed of trust, or other instrument evidencing a lien subject to the nonrecurring tax secures a revolving line of credit, a line of credit, or future advances, the tax shall be paid as provided in paragraphs (a) and (b) of this subsection on the initial debt or obligation, excluding future advances. Thereafter, each time a future advance shall be taxed when it is made under a future advance mortgage additional nonrecurring tax shall be paid.

(3) Extension of time for filing annual tax –

(a) through (b) No change.

(c) Examples:

1. A taxpayer requested and was granted an extension of time to file an intangible tax return and paid the tax. On September 30 of the tax year, intangible tax in the amount of \$100 is paid. No penalties are due because of the approved extension of time to file. However, interest in the amount of \$3.00 is due. (See Rule 12C-2.007 F.A.C.)

Tax Due With Return	\$100
Penalties	0
Interest	3
Total Due With Return	\$103

2. A taxpayer is granted an extension of time to file an intangible tax return and ~~pay~~ paid the tax. The extension was granted through September 30 of the tax year. On October 1 of the tax year a return is filed and the intangible tax is paid. On this date the extension of time to file is void. The taxpayer is liable for all penalties and interest from the due date until the date paid. (See Rule 12C-2.007, F.A.C.)

Tax Due With Return	\$100
Penalties: Delinquency (40%)	20
Late Filing (40%)	15
<u>[Maximum delinquency and late filing Penalty (40%)]</u>	40
Interest	3
Total Due With Return	\$143 \$138

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.202, 199.042, 199.052, 199.135, 199.202, 607.1622 FS. History--New 4-17-72, Revised 12-20-73, Amended 11-17-74, Formerly 12C-2.05, Amended 11-21-91, _____.

12C-2.006 Taxable Situs – Reporting Requirements – Who Shall File a Return.

(1)(a) No change.

(b)1. Individuals, married couples filing jointly, and guardians filing on behalf of their ward shall file on form DR-601I ~~or DR-601A~~. Intangible Tax Return (~~DR-601A~~ or DR-601I); is incorporated in Rule 12C-2.0115, F.A.C. The form entitled Intangible Tax Return (~~DR-601A~~ or DR-601I); is available by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

2. Corporations, partnerships, affiliated groups, and fiduciaries shall file on form DR-601C ~~or DR-601A~~. Intangible Tax Return (~~DR-601A~~ or DR-601C); is

incorporated in Rule 12C-2.0115, F.A.C. The form entitled Intangible Tax Return (~~DR-601A~~ or DR-601C); is available by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

3. A group of corporations, Subchapter S corporations, or limited liability companies may choose to file as an affiliated group ~~of corporations~~ if they meet the following criteria:

a. An affiliated group has a common parent ~~corporation~~ that directly owns at least 80% of all classes of stock or membership interest in a limited liability company and at least 80% of each class of nonvoting stock or membership interest in a limited liability company of one or more of the corporations or limited liability companies in the group. As used here, the term nonvoting stock or membership interest does not include stock or membership interests in a limited liability company that which is limited and preferred as to dividends.

b. No change.

c. The election to file as an affiliated group must be made each year. A notice of the election must be filed with the Department on or before June 30 of the tax year. The election and notice is made by selecting the affiliated group filing status on form ~~DR-601A~~ or DR-601C. Failure to file the notice of the election shall bar the filing of a consolidated return except as provided in this rule. An affiliated group ~~of corporations~~ which does ~~do~~ not intend to file a consolidated return shall indicate its ~~their~~ intent by filing separate returns for each entity ~~corporation~~ subject to the intangible tax.

d. An affiliated group ~~of corporations~~ which has failed to file any returns for one year may choose to file a consolidated intangible tax return for one delinquent year provided the group has filed consolidated returns for the three immediate prior years. If timely returns were filed by members of the group, the group may not file a consolidated return after the due date for filing a consolidated return.

e. The parent entity ~~corporation~~ files a consolidated return. This parent entity ~~corporation~~ does not have to have a taxable situs in Florida. All subsidiaries that which meet the stock ownership rule must be included in the consolidated group. Subsidiary entities that corporations which are foreign to the United States must be included in the consolidated group if the ~~stock~~ ownership test is met. When a consolidated return is

filed, all accounts receivable between the entities that corporations which are part of the consolidated group return are to be eliminated. Also, the parent entity's corporation's investments in subsidiaries that which are included as part of the consolidated group are to be eliminated. Accounts receivable and the parent entity's corporation's investments in subsidiaries that which are not part of the consolidated group remain as items subject to the intangible tax. The capital investment stock of the parent entity corporation, owned by a member of the consolidated group, is not eliminated from taxation.

f. An affiliated group ~~of corporations~~ filing a consolidated return must include the following with the intangible tax return:

(I) A consolidated balance sheet for the group identifying the taxable items and the eliminated items.

(II) A separate balance sheet for each entity corporation included in the consolidated group.

(III) A list identifying the parent entity's corporation's name, Employer Identification Number, state of charter and charter number, and mailing address (including city, state and zip code) and the name, Employer Identification Number, state of charter and charter number, and mailing address (including city, state and zip code) for each entity corporation included in the consolidated return.

4. No change.

(2) A person will be required subject to file completed returns even though that person may owe less than sixty five dollars (\$60.00 ~~5.00~~) tax, if providing that person is under audit, examination, or investigation by the Department ~~department~~.

(3) Trustees –

(a) For tax years beginning after December 31, 2000, trustees are no longer required to file intangible tax returns or pay a tax.

(b) For tax year 2000 and previous tax years, the The taxable situs of a trust shall be in Florida if the trustee's usual place of business where the books and records pertaining to the trust are kept is in Florida; or, if the trustee has no principal place of business, then taxable situs shall be determined as follows:

1.(a) If a Florida resident is sole trustee of a foreign trust, the trust is deemed to have a taxable situs in Florida and the corpus is subject to tax.

2.(b) If there is more than one trustee, and all are Florida residents, only one return is to be filed.

3.(e) When trustees are both residents and nonresidents and management and control of the trust is with the Florida trustee, then a return for the trust is to be filed by the Florida trustee.

4.(d) When trustees are both residents and nonresidents, and management or control is with an out of state trustee, then no return is necessary by the Florida trustee.

5.(e) When there are two trustees, one is a resident and one a nonresident and they share equally in management and control of the trust, the assessment of property shall be apportioned between them.

6.(f) When there are three or more trustees, and they are residents and nonresidents and they share equally in the management and control, the trust has a taxable situs in this state if the majority of the trustees are residents of this state. In such a case, only one return is to be filed for the trust. If the majority of the trustees are nonresidents, the trust does not have a taxable situs in this state and no return is to be filed.

(4) through (6) No change.

~~(7) Banking Organizations: Banking organizations claiming an exemption for international banking transactions as provided in s. 199.185(1)(h), F.S., shall file a return and list all intangibles arising out of international banking activities whether or not any tax is due. The form to be used is the intangible tax return (DR 601AC or DR 601C). The form entitled Intangible Tax Return (DR 601C or DR 601AC) is incorporated in Rule 12C-2.0115, F.A.C. The form entitled Intangible Tax Return (DR 601AC or DR 601C), is available by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.~~

(7)(8) Taxpayer Identification Number Required.

(a) through (b) No change.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.052, 199.057, 199.062, 199.175, 199.202 FS. History—New 4-17-72, Revised 12-20-73, Amended 11-17-74, 9-27-76, 9-6-77, Formerly 12C-2.06, Amended 11-21-91, 1-5-94, 6-2-98, _____.

12C-2.0063 Intangible Personal Property Held in Trusts.

(1) through (2) No change.

~~(3) All trustees must be domiciled and located outside of Florida.~~

(4) through (6) renumbered (3) through (5) No change.

(6)(7) If the trust includes any of the following powers, an item of intangible personal property constituting trust principal is not within the guidelines of this rule that describe certain, but not all, circumstances in which items of intangible personal property would not have taxable situs in Florida:

(a) through (b) No change.

~~(e) The trust has an employee or agent in the state managing or controlling trust assets.~~

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

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.052, 199.175 FS. History—New 6-2-98, Amended _____.

12C-2.007 Penalties and Interest.

(1) through (2) No change.

(3) Beginning with tax year 1999 and thereafter, when a tax payment is delinquent and the tax return is filed after June 30 of the tax year, the maximum for the combined penalties shall be 10 percent per month, not to exceed a maximum of 50 percent of the tax due with the return.

(3) through (7) renumbered (4) through (8) No change.

Specific Authority 199.202, 213.06(1), 213.21 FS. Law Implemented 199.052, 199.282, 213.235 FS. History—New 4-17-72, Revised 12-20-73, Amended 9-27-76, 4-2-78, Formerly 12C-2.07, Amended 11-21-91, 5-18-93, 4-2-00, _____.

12C-2.008 Information Reports.

(1)(a) Each tax year every corporation qualified or doing business in this state shall provide its Florida shareholders and the department a written notification where applicable of the following:

1. The corporation's election to pay the tax as agent for its Florida shareholders. The notice shall be filed on an Intangible Tax Return (~~DR-601AC~~ or DR-601C) by completing Schedule E and checking the notification box. A copy of the notice given to Florida shareholders is to be attached to the return.

2. through 3. No change.

~~4. Corporations claiming the international banking exemption must notify the department and file an information return listing all intangible property for which the exemption is claimed.~~

(b) The form entitled Intangible Tax Return (~~DR-601AC~~ or DR-601C); is incorporated in Rule 12C-2.0115, F.A.C. The form entitled Intangible Tax Return (~~DR-601AC~~ or DR-601C); is available by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at 850-922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at 850-922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 800-352-3671 (in Florida only) or 850-488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/>). Persons with hearing or speech impairments may call the Department's TDD at 1-800-367-8331.

(c) A representative copy of the notices required to be given to shareholders by subparagraphs 2. and 3. of paragraph (a) above shall be attached to the corporation's intangible tax return. The notices required to be given to the department by paragraph (a) above shall be given by marking the appropriate box or boxes on the ~~face of the~~ Intangible Tax Return (DR-601C ~~or DR-601AC~~).

(2) through (5) No change.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.052, 199.057, 199.062, 199.185, 607.1622, 731.111, 733.604 FS. History—New 4-17-72, Revised 12-20-73, Amended 4-21-75, Formerly 12C-2.08, Amended 7-31-90, 11-21-91, 1-5-94, _____.

12C-2.010 Valuations.

(1) Annual Tax.

(a) through (g) No change.

(h) Accounts receivable shall be valued at their outstanding balance as of the close of business on the last day of the previous calendar year, less a deduction of a reasonable amount for uncollectible accounts. Such deduction shall be established by actual amounts or shown by the history of uncollectible accounts. This provision shall apply even if the business is on a cash basis accounting system. Cross Reference – Rule 12C-2.003(9), F.A.C.

(i) through (3) No change.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 196.199, 199.023, 199.052, 199.103, 199.155 FS. History—New 4-17-72, Revised 12-20-73, Amended 9-27-76, 8-8-78, 12-31-80, Formerly 12C-2.10, Amended 11-21-91, 5-18-93, _____.

12C-2.0105 Tax Credits.

(1) through (2)(b) No change.

(c) The credit provided by this subsection applies only to tax year 1999 and previous tax years.

Specific Authority 199.202(2), 213.06(1) FS. Law Implemented 199.104, 199.106 FS. History—New 5-18-93, Amended _____.

12C-2.0115 Public Use Forms.

The following public use forms and instructions are employed by the Department in its dealings with the public related to administration of the intangible tax. These forms are hereby incorporated and made a part of this rule by reference. Copies of these forms are available by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses

(http://sun6.dms.state.fl.us/dor/). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331.

Form Number	Title	Effective Date
(1) DR-301	Preliminary Notice and Report-Estate Tax (r. 05/93)	1/94
(2) DR-601-AI	Intangible Tax Return (Flat sheet) (Individual and Fiduciary) (r. 12/92)	1/94
(3) DR-601-AC	Intangible Tax Return (Flat Sheet) (Corporation and Partnership) (r. 12/92)	1/94
(2)(4) DR-601-C	Intangible Personal Property Tax Return (Corporation and Partnership) (r. 12/00 12/92)	1/94
(3) DR-601CN	Instructions for Filing Form DR 601C (r. 01/01)	_____
(4) DR-601CS	Accompanying Schedules for Form DR 601C (r. 01/01)	_____
(5) DR-601-G	Government Leasehold Intangible Tax Return (r. 12/00 04/93)	_____ 1/94
(6) DR-601-I	Intangible Personal Property Tax Return (Individual and Fiduciary) (r. 01/01 12/92)	_____ 1/94
(7) DR 601IN	Instructions for Filing Form DR 601I (r.01/01)	_____
(8) DR 601CS	Accompanying Schedules for Form DR 601I (r. 01/01)	_____
(9)(7) DR-602	Application for Extension of Time to File Florida Intangible Tax Return (r. 02/93)	1/94
(10)(8) DR-609	Clerk's Monthly Intangible Tax Transmittal Form (r. 10/87)	10/87
(11)(9) DR-610-B	Intangible Personal Property Tax Receipt (bookstyle) (r. 04/87)	4/87
(12)(10) DR-610-US	Intangible Personal Property Receipt (unit set snap-out style) (r. 05/86)	5/86
(11) DR-615	Application for Exemption (r. 7/90)	7/90
(13)(12) DR-618-TPS	Intangible Tax Input Document (Third Party Source Billing Document) (r. 07/82)	7/82
(14)(13) DR-629-C	Florida Intangible Personal Property Tax Letter of Inquiry (r. 11/92)	1/94

(15)(14) DR-629-I	Florida Intangible Personal Property Tax Letter of Inquiry (r. 03/93)	1/94
(16)(15) DR-629-S	Individual and Fiduciary Intangible Personal Property Tax Letter of Inquiry (r. 9/91)	1/94

Specific Authority 199.202(2), 213.06(1) FS. Law Implemented 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.135, 199.222, 199.232, 199.292 FS. History—New 11-21-91, Amended 1-5-94, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: 00-31R

RULE CHAPTER TITLE: Sovereignty Submerged Lands Management
 RULE CHAPTER NO.: 18-21

RULE TITLE: Definitions
 RULE NO.: 18-21.003

PURPOSE AND EFFECT: The proposed rulemaking is required to conform the rule to Chapter 2000-197, Laws of Florida, effective June 5, 2000. This law repealed section 258.3989, F.S., which removed Lake Weir from designation as an aquatic preserve. Therefore, reference to Lake Weir as an aquatic preserve must be deleted from 18-21.003(13), F.A.C. Additionally, repeal of section 18-20.018 containing the standards and criteria to conduct activities or construct structures in Lake Weir will be repealed under separate notice. SUBJECT AREA TO BE ADDRESSED: Deletion of rule reference to Lake Weir as an aquatic preserve.

SPECIFIC AUTHORITY: 253.03(7), 253.0345 FS.
 LAW IMPLEMENTED: 253.002, 253.02, 253.03, 253.0345, 253.1221, 253.67, 253.77 FS., Chapter 2000-197, Laws of Florida.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Alice Heathcock, Department of Environmental Protection, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, or e-mail at Alice.Heathcock@dep.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

18-21.003 Definitions.
 When used in these rules, the following definitions shall apply unless the context clearly indicates otherwise:

(1) through (12) No change.

(13) "Coastal island" means a coastline geological feature lying above mean high water that is completely separated from the coastal mainland by marine or estuarine waters, including those parcels of land which become insular due to natural causes, and is composed of any substrate material, including spoil material. This specifically includes, in addition to exposed coastal islands:

- (a) all islands within aquatic preserves except for Lake Jackson, Rainbow River, ~~Lake Weir~~ and Wekiva River Aquatic Preserves; and
- (b) No change.
- (14) through (57) No change.

Specific Authority 253.03(7), 253.0345 FS. Law Implemented 253.002, 253.02, 253.03, 253.0345, 253.1221, 253.67, 253.77 FS. History—New 9-26-77, Formerly 16C-12.01, 16Q-17.01, Amended 3-27-82, 8-1-83, 2-25-85, Formerly 16Q-21.03, 16Q-21.003, Amended 12-25-86, 1-25-87, 3-15-90, 7-21-92, 3-20-94, 10-15-98,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality Assurance

RULE TITLE: Nursing Services
 RULE NO.: 59A-4.108

PURPOSE AND EFFECT: The Agency proposes to amend rule 59A-4.108 consistent with provisions of s. 400.23(3)(a), Florida Statutes, and s. 400.23(3)(b), Florida Statutes that became effective July 1, 1999. The legislation provides for minimum staffing requirements for nursing homes and also provides for properly trained staff of a nursing facility to assist residents with eating.

SUBJECT AREA TO BE ADDRESSED: Provide minimum staffing standards for nursing homes and establish training requirements in order for staff to assist residents with eating.

SPECIFIC AUTHORITY: 400.23 FS.

LAW IMPLEMENTED: 400.11, 400.022, 400.141, 400.23 FS.
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., March 5, 2001
 PLACE: River Garden Hebrew Home/Wolfson Health and Aging Center, 11401 Old St. Augustine Road, Jacksonville, FL 32258, Phone (904)260-1818

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Richard Kelly, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, (850)488-5861

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Procedures for Sampling of Racing Animals
 RULE NO.: 61D-6.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes which authorize the Division to adopt rules for the sampling of racing animals.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the interpretation of Florida Statutes necessary to establish procedures for sampling of racing animals.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251(3),(11), 550.2415(13) FS.

LAW IMPLEMENTED 120.80(4)(a), 550.0251, 550.2415 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. – 4:00 p.m., February 27, 2001
 PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Room 312, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Permitted Medications for Horses
 RULE NO.: 61D-6.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes giving the Division authority to adopt rules for permitted medications.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the interpretation of Florida Statutes necessary to establish permitted medications in racing animals.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251(3),(11), 550.2415(13),(16) FS.

LAW IMPLEMENTED 120.80(4)(a), 550.0251, 550.2415 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:

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES: PROBABLE CAUSE DETERMINATION AND DISCIPLINE FORMS AND INSTRUCTIONS

RULE NOS.: 61G8-14.006 61G8-14.007

PURPOSE AND EFFECT: The Board proposes to review these rules to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Determination and Discipline; Forms and Instructions.

SPECIFIC AUTHORITY: 120.53, 470.005, 455.225 FS.

LAW IMPLEMENTED: 120.53, 455.225, 470.019, 470.006, 470.007, 470.008, 470.009, 470.010, 470.0101, 470.011, 470.012, 470.013, 470.014, 470.015, 470.016, 470.018, 470.0123, 470.0129 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry

Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES:	RULE NOS.:
Continuing Education for License Renewal	61G8-17.0034
Education Required for Operational Personnel and Non-Licensed Individuals	61G8-17.0035
Course Required for Initial Licensure and Registration	61G8-17.0036

PURPOSE AND EFFECT: The Board proposes to review these rules to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for License Renewal; Education Required for Operational Personnel and non-Licensed individuals; Course Required for Initial Licensure and Registration.

SPECIFIC AUTHORITY: 470.005(1), 470.015(1), 470.018, 470.0201 FS.

LAW IMPLEMENTED: 455.273, 470.006(1),(9)(e), 470.015, 470.009(1)(e), 470.011(1)(c), 470.017(2)(e) 470.018, 470.0201, 470.077(1)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES:	RULE NOS.:
Continuing Education for Reactivation	61G8-17.004
Continuing Education Provider Requirements	61G8-17.0041
Approval of Continuing Education Courses	61G8-17.0042
Advertising of Continuing Education Courses	61G8-17.0044

PURPOSE AND EFFECT: The Board proposes to review these rules to determine if amendments are necessary.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-5.003 Requirements for Reactivation of an Inactive License.

(1) through(3) No change.

(4) Inactive status licensees applying for active status at the time of license renewal must pay the license renewal fee, any applicable reactivation fees and, if applicable, the delinquency fee and the fee to change licensure status as set forth in Rule 64B11-5.006, F.A.C.

(5) Inactive status licensees applying for active status at any time other than at the time of licensure renewal must pay the difference between the inactive status renewal fee and the active status renewal fee as set forth in Rule 64B11-5.006, F.A.C.

Specific Authority 456.036(4), ~~455.711~~, 468.204 FS. Law Implemented 456.036(4), 468.219(2), 468.221 FS. History–New 4-17-95, Formerly 59R-64.020, Amended.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE:

Library Grant Programs

RULE NO.:

1B-2.011

PURPOSE AND EFFECT: The proposed amendment revises the guidelines and forms for the Library Services and Technology Act Grant and the State Aid to Libraries Grant.

SUMMARY: Library Services and Technology Grant (LSTA): The proposed amendment revises the forms and guidelines to streamline and clarify the requirement for grant application and reporting.

State Aid to Libraries Grant: The proposed amendment revises the Annual Statistical Report Form for Public Libraries (Form # DLIS/SA07) and removes the requirement for submission of a financial audit as part of the application documents.

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

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

SPECIFIC AUTHORITY: 257.14, 257.191, 257.24, 257.41(2), 240.5186 FS.

LAW IMPLEMENTED: 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40-42 FS.

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

TIME AND DATE: 9:00 a.m., February 19, 2001

PLACE: Board Room, State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)487-2651, Suncom 277-2651

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) through (2) No change.

(a) The State Aid to Libraries Grant Guidelines and Application, (Form DLIS/SA01), effective 4-1-98, Amended _____ which contain guidelines and application forms, State Aid to Libraries Grant Application – Single County Library (Form DLIS/SA02), effective 4-1-98; State Aid to Libraries Grant Application – Single County or Participating Library (New) (Form DLIS/SA02a), effective 4-1-98; State Aid to Libraries Grant Application – Multicounty County Library (Form DLIS/SA03), effective 4-1-98; State Aid to Libraries Grant Application – Multicounty Library (New) (Form DLIS/SA03a), effective 4-1-98; State Aid to Libraries Grant Application – County Participating in a Multicounty County Library (Form DLIS/SA04), effective 4-1-98; and State Aid to Libraries Grant Application – County Participating in a Multicounty Library (New) (Form DLIS/SA04a), effective 4-1-98; State Aid to Libraries Grant Application – Certification of Credentials – Single Library Administrative Head (Form DLIS/SA05), effective 4-1-98; State Aid to Libraries Grant Application – Summary Financial Report (Form DLIS/SA06), effective 4-1-98; Annual Statistical Report Form for Public Libraries (Form DLIS/SA07), effective 4-1-98, Amended _____.

(b) through (c) No change.

(d) The Library Services and Technology Act Grant Guidelines and Application, effective 4-1-98, Amended 2-14-99 which contain instructions and applications (Form # DLIS/LSTA01), effective 4-1-98, Amended 2-14-99, Amended 4-4-00, Amended 12-18-00, Amended _____; Mid Year Report (Form #DLIS/LSTA02), effective 2-14-99,

Amended 4-4-00, Amended 12-18-00, Amended _____; and Annual Report (Form # DLIS/LSTA03), effective 4-4-00, effective 12-18-00, Amended _____.

(e) through (4) No change.

Specific Authority 257.14, 257.191, 257.24, 257.41(2) FS. Law Implemented 240.5185, 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40-42 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marian Deeney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barratt Wilkins, Director, Division of Library and Information Services, and Katherine Harris, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2001

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: The Florida Fire Prevention Code RULE CHAPTER NO.: 4A-60

RULE TITLES: Title 4A-60.001 Scope 4A-60.002

Standards of the National Fire Protection Association, NFPA 1, the Fire Prevention Code, Adopted 4A-60.003

Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Adopted 4A-60.004

Publications Added to NFPA 1 and NFPA 101 Manufactured and Prototype Buildings 4A-60.005

Enforcement of the Florida Fire Prevention Code Exceptions Applicable to Broward County 4A-60.006

Effective Date 4A-60.007

4A-60.008 4A-60.009

PURPOSE AND EFFECT: The purpose of this rule chapter is to adopt National Fire Protection Association (NFPA) Publication 1, and NFPA Publication 101, with amendments, as directed by Chapters 98-287 and 2000-141, Laws of Florida. The effect of this rule chapter will be to have in place the Florida Fire Prevention Code which shall be applicable throughout the State of Florida, unless changed by a local government as provided by law.

SUMMARY: Adopts National Fire Protection Association 1, the Fire Prevention Code, and National Fire Protection Association Publication 101, the Life Safety Code, with amendments; adopts additional National Fire Protection Association publications; Adopts procedures and specifications for manufactured buildings; provides for the

enforcement of the Florida Fire Prevention Code; adopts separate standards in NFPA 1 and NFPA 101 which relate solely to Broward County.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

(a) A GOOD FAITH ESTIMATE OF THE NUMBER OF INDIVIDUALS AND ENTITIES LIKELY TO BE REQUIRED TO COMPLY WITH THE RULE, TOGETHER WITH A GENERAL DESCRIPTION OF THE TYPES OF INDIVIDUALS LIKELY TO BE AFFECTED BY THE RULE.

All counties, municipalities, and fire control districts; all persons engaged in fire prevention and firesafety inspections; all contractors, builders, carpenters, electricians, plumbers, architects, engineers, and any other person involved in the business of building structures; all fire sprinkler contractors, fire extinguisher and preengineered systems licensees, permittees and other persons in related fields; and anyone engaged in any business that involves fire prevention.

(b) A GOOD FAITH ESTIMATE OF THE COST TO THE AGENCY, AND TO ANY OTHER STATE AND LOCAL GOVERNMENT ENTITIES, OF IMPLEMENTING AND ENFORCING THE PROPOSED RULE, AND ANY ANTICIPATED EFFECT ON STATE OR LOCAL REVENUES.

There will not be any additional cost to the agency to administer and enforce these rules. Since these rules are displacing the codes previously adopted by local governments, there also should not be any additional costs to local government entities. Likewise, there is no anticipated effect on state or local revenues.

(c) A GOOD FAITH ESTIMATE OF THE TRANSACTIONAL COSTS LIKELY TO BE INCURRED BY INDIVIDUALS AND ENTITIES, INCLUDING LOCAL GOVERNMENT ENTITIES, REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THE RULE. AS USED IN THIS PARAGRAPH, "TRANSACTIONAL COSTS" ARE DIRECT COSTS THAT ARE READILY ASCERTAINABLE BASED UPON STANDARD BUSINESS PRACTICES, AND INCLUDE FILING FEES, THE COST OF OBTAINING A LICENSE, THE COST OF EQUIPMENT REQUIRED TO BE INSTALLED OR USED OR PROCEDURES REQUIRED TO BE EMPLOYED IN COMPLYING WITH THE RULE, ADDITIONAL OPERATING COSTS INCURRED, AND THE COST OF MONITORING AND REPORTING.

There is only one significant area of transactional costs foreseen by these rules. Owners of existing high-rise buildings that do not have sprinkler systems will have twelve years to install sprinkler systems or engineered life safety systems. Estimates of the cost vary greatly depending on the area of the state, the company providing the estimate, the amount of work to be done, and many other factors. It is impossible to determine with any precision the amount that it will cost;

however, there is agreement that in some cases the costs could be significant. The legislation mandating these requirements is clear, however, and it is the position of the Department that the costs simply cannot be avoided. There are no other estimated transactional costs for any other area such as filing fees, costs of obtaining a license, or procedures required to be employed in complying with the rules.

(d) AN ANALYSIS OF THE IMPACT ON SMALL BUSINESSES AS DEFINED BY S. 288.703, F.S., AND AN ANALYSIS OF THE IMPACT ON SMALL COUNTIES AND SMALL CITIES AS DEFINED BY S. 120.52, F.S.

There is no estimated impact on small counties or small cities, as defined.

(e) ANY ADDITIONAL INFORMATION THAT THE AGENCY DETERMINES MAY BE USEFUL.

None.

(f) IN THE STATEMENT OR REVISED STATEMENT, WHICHEVER APPLIES, A DESCRIPTION OF ANY GOOD FAITH WRITTEN PROPOSAL SUBMITTED UNDER PARAGRAPH (1)(A) AND EITHER A STATEMENT ADOPTING THE ALTERNATIVE OR A STATEMENT OF THE REASONS FOR REJECTING THE ALTERNATIVE IN FAVOR OF THE PROPOSED RULE.

Thus far, no good faith written proposals for alternatives have been offered.

SPECIFIC AUTHORITY: 633.01, 633.0215, 633.025 FS.

LAW IMPLEMENTED: 633.01, 633.0215, 633.025 FS.

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

TIME AND DATE: 9:00 a.m., March 5, 2001

PLACE: Hurston Building, South Tower Conference Rooms A&B, 400 West Robinson Street, Orlando, Florida

TIME AND DATE: 9:00 a.m., March 6, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Millicent King, (850)413-3619.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-60.001 Title.

This rule chapter shall be known, and may be cited, as the Florida Fire Prevention Code.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New _____.

4A-60.002 Scope.

(1) Except as noted in this section, this rule chapter applies to all buildings and structures throughout the state, including each building and structure located in each municipality, county, and special district with firesafety responsibilities.

(2) This rule chapter does not apply to:

(a) Those buildings and structures subject to the uniform firesafety standards under Section 633.022, Florida Statutes.

(b) State owned and state leased buildings and structures within the meaning of Sections 633.022 and 633.085, Florida Statutes.

(c) Buildings and structures subject to the minimum firesafety standards adopted pursuant to Section 394.879, Florida Statutes.

(d) Any county or municipality which has adopted an amendment which complies fully with subsection (10) of Section 633.0215, Florida Statutes (2000), but only to the extent of such amendment.

(3) National Fire Protection Association (NFPA) 1, the Fire Prevention Code, NFPA 101, the Life Safety Code, as adopted and incorporated herein, and the additions, deletions, and other modifications to NFPA 1 and NFPA 101 contained in this rule chapter constitute the Florida Fire Prevention Code, pursuant to and by authority of Sections 57, 58, and 59, Chapter 98-287, Laws of Florida.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New _____.

4A-60.003 Standards of the National Fire Protection Association, NFPA 1, the Fire Prevention Code, Adopted.

(1) Except as specifically modified by statute or by these rules, NFPA 1, the Fire Prevention Code, 2000 edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code.

(2) NFPA 1 is hereby modified in the following respects:

(a) The following language is added to Subdivision 1-4.12:

Approval of the fire department accessibility and all tests for fire alarm, detection, and suppression systems, smoke evacuation systems, and life safety systems shall be conducted prior to final structural inspection and issuance of a certificate of occupancy. Rejections of any of the above provisions must include specific reference, in writing, to the code section upon which the rejection is based.

(b) The following language is added to Subdivision 1-16.16:

1. Subdivision 1-16.16 The authority having jurisdiction shall have the authority to issue permits for the following operations within the jurisdiction:

2. Subdivisions (1) through (36) No change.

3. Subdivision (37) Carnivals. Exception: Any portion of a carnival within the jurisdiction of the Department of Agriculture and Consumer Services.

4. Subdivision (38) Combustible Materials. Storage in any building or upon any premises in excess of 2,500 cubic feet in gross volume of combustible empty, packing cases, pallets, boxes, barrels, or similar containers, or rubber tires, or baled cotton, rubber, or cork, or similar combustible materials.

5. Subdivision (39) Combustible Metals. Melting, casting, heat treatment, machining, or grinding at more than 10 pounds of Class D metals per workday.

6. Subdivision (40) Dry-Cleaning. Dry cleaning by use of cleaning solvents, cleaning fluids or cleaning solutions.

7. Subdivision (41) Motion Picture Filming Using Special Effects. For all "on location" commercial filming using special effects or pyrotechnics.

8. Subdivision (42) Hazardous Materials. To store, handle, or use any hazardous materials. To construct, install, repair, abandon, remove, place temporarily out-of-service, close or substantially modify a storage facility for handling of hazardous materials.

9. Subdivision (43) Spraying or Dipping. For spraying or dipping operations.

10. Subdivision (44) Places of Assembly.

11. Exception: Places of assembly used solely for religious worship.

(c) The following language is added to Subdivision 3-5.2: At least one elevation of each building shall be accessible to the fire department. Required fire lanes shall be provided with the inner edge of the roadway no closer than 10 feet and no further than 30 feet from the building. Such lanes shall have a surface designed to accommodate fire apparatus with a minimum weight of 32 tons.

(d) The following language is added to Subdivision 3-5.3: Buildings having ramps or other elevated roadways shall have posted weight limit signs.

(e) Subdivision 3-5.4 is changed to read: 3-5.4 Fire lanes shall be marked with freestanding signs with the wording, "NO PARKING FIRE LANE BY ORDER OF THE FIRE DEPARTMENT." Such signs shall be 12 inches by 18 inches with a white background and red letters and shall be a maximum of seven feet in height from the roadway to the bottom part of the sign. The signs shall be within sight of the traffic flow and be a maximum of 60 feet apart.

(f) New Subdivision 3-5.5.1 is created to read: 3-5.5.1 The fire official may require gated subdivisions or developments to provide the fire department access through the use of remote transmitters, specific codes, key system, or other appropriate devices as determined by the fire official.

(g) New Subdivision 3-5.6 is created to read:

1. Subdivision 3-5.6.1 No person shall place or keep any post, fence, vehicle, growth, vegetation, trash or storage of other materials that would obstruct a fire hydrant or fire

protection appliance and hinder or prevent its immediate use by fire department personnel. Such fire hydrant or fire protection appliance shall be maintained readily visible at all times.

2. Subdivision 3-5.6.2 Fire hydrants and fire protection appliances shall be kept accessible to the fire department at all times. The following clearances shall be maintained for all fire hydrants and fire protection appliances.

3. Subdivision 3-5.6.2.1 Hydrants – Clearances of seven and one half feet (7'-6") in front of and to the sides of the fire hydrant, with a four feet (4') clearance to the rear of the hydrant.

4. Subdivision 3-5.6.2.2 Fire Protection Appliances – Clearances of seven and one half feet (7'-6") in front of and to the sides of the appliances.

5. Exception: These dimensions may be reduced by approval of the authority having jurisdiction.

6. Subdivision 3-5.6.2.3 Fire department connections shall be identified by a sign that states "No Parking, Fire Department Connection" and shall be designed in accordance with Florida Department of Transportation standards for information signage.

7. Exception: Existing signs when approved by the authority having jurisdiction.

(h) The following paragraph is added to Subdivision 3-7.1:

1. Numerals shall be not less than three inches in height for residential buildings, structures, or portions thereof, and at least six inches in height for all other buildings, structures, or portions thereof. Where address identification is required by the authority having jurisdiction on other elevations of buildings, structures, or portions thereof, such numerals shall be not less than three inches in height for residential and at least six inches in height for all other buildings, structures, or portions thereof.

2. Exception: Existing numbers when approved by the authority having jurisdiction.

(i) New Subdivision 4-9.1.1 is created to read: 4-9.1.1 There shall be no storage above any component of the means of egress unless it is on a separate floor or mezzanine constructed in accordance with the Florida Building Code.

(j) Subdivision 7-3.2.21.2.2 is changed to read: 7-3.2.21.2.2 Each existing high rise building shall be required to be protected by an approved, automatic sprinkler system or equipped with an engineered life safety system, approved by the authority having jurisdiction, not later than 12 years after the adoption of the Florida Fire Prevention Code.

(k) The following language is added to Subdivision 7-7.3.1.4: When not connected to a fire alarm system, fire alarm notification appliances shall not be used as duct detector visual or audible signal devices.

(l) Subdivision 13-3.3.3 of NFPA 1 applies prospectively only. Existing installations may remain in place subject to the approval of the authority having jurisdiction.

(m) The following language is added to Subdivision 16-10.7.3:

1. Subdivision 16-10.7.3 Doors shall be equipped with panic hardware. Doors shall be unlocked during operations.

2. Exception No. 1: Trailers, semitrailers, or metal shipping containers that are not normally occupied. (1124:4.2.3.1)

3. Exception No. 2: Within buildings or structures also used for other purposes in which seasonal retailers sell sparklers at retail from June 20 through July 5 and from December 10 through January 2 of each year. [Section 791.01(7), Florida Statutes]

4. Exception No. 3: In buildings or structures where novelties and trick noisemakers as defined in [Section 791.101(4)(c)], Florida Statutes, are offered for retail sale.

(n) The following language is added to Subdivision 16-10.7.5:

1. 16-10.7.5 Consumer fireworks, except for sparklers, novelties, and trick noisemakers as defined in Section 791.101(4)(b) and (c), Florida Statutes, stored in a building that is also used for other purposes shall be stored in a room or area used exclusively for the storage of consumer fireworks. Interior walls of such room shall have a minimum fire-resistance rating of 1-hour with doors having a 45-minute fire-resistance rating.

2. Exception: When acceptable to the authority having jurisdiction, noncombustible materials shall be permitted to be stored in the same room or area with consumer fireworks. (1124: 4.2.4.1).

(o) New Subdivision 16-10.7.5.1 is created to read: 16-10.7.5.1 Sparklers shall be stored or kept for sale in accordance with Chapter 791.055, F.S.

(p) Subdivision 29-2.3.2 is changed to read:

1. Where underground water mains and hydrants are to be provided they shall be installed, completed, and in service prior to construction work.

2. Exception: Completion of the water mains and hydrants may be on an alternate schedule established by the authority having jurisdiction.

(3) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New _____.

4A-60.004 Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Adopted.

(1) Except as specifically modified by statute or by these rules, NFPA 101, the Life Safety Code, 2000 edition, is hereby adopted and incorporated herein by reference and shall take effect on the effective date of this rule as a part of the Florida Fire Prevention Code.

(2) NFPA 101 is hereby modified in the following respects:

(a) The following portions of Section 3.3, GENERAL DEFINITIONS, are added or changed to read as follows:

1. Subdivision 3.3.197.6 Structure, Open-Air Parking.

a. Subdivision (1) A structure used for the parking or storage of motor vehicles that have:

(I) Subdivision (a) At least 50% of the clear height between floors shall be open to the atmosphere for the full length of at least two exterior walls, excluding required stair and elevator walls and structural columns. Interior wall lines and column lines shall be at least 20% open and uniformly distributed, or

(II) Subdivision (b) The exterior walls of the structure shall have uniformly distributed openings on two or more sides totaling no less than 40% of the building perimeter. The area of such openings in the exterior walls on each level shall be at least 20% of the total perimeter wall area of each level. Interior wall lines and column lines shall be at least 20% open and uniformly distributed.

b. Subdivision (2) The distance from any point on any floor level to an open exterior wall facing on a street, or to other permanently maintained open space at least 20 ft. (6096 mm) wide extending full width to a street, shall not exceed 200 ft. (61 m).

c. Subdivision (3) Garages within 10 ft. (3048 mm) of a common property or building line shall be provided with an enclosure wall along the line of not less than 1-hour fire resistance without openings therein, except door openings meeting the requirements of 8.2.3.2.3 shall be permitted.

2. Subdivision 3.3.214 Fireblocking, Barriers installed to resist the movement of flame and gases to other areas of a building through small-concealed passages in building components such as floors, walls and stairs.

(b) The following portions of Section 5.3, RETAINED PRESCRIPTIVE REQUIREMENTS, are changed to read as follows:

1. Subdivision 5.3.1 Systems and Features. All fire protection systems and features of the building shall comply with applicable NFPA standards for those systems and features.

2. Subdivision 5.3.2 Means of Egress. The design shall comply with the following requirements in addition to the performance criteria of Section 5.2 and the methods of Sections 5.4 through 5.8:

a. Subdivision (1) Changes in level in Means of Egress – 7.1.7.

b. Subdivision (2) Guards – 7.1.8.

c. Subdivision (3) Doors – 7.2.1.

d. Subdivision (4) Stairs – 7.2.2.

e. Exception: The provisions of 7.2.2.6.2, shall be exempted.

f. Subdivision (5) Ramps – 7.2.5.

g. Exception: The provisions of 7.2.5.6.1 shall be exempted.

h. Subdivision (6) Fire Escape Ladders – 7.2.9.

i. Subdivision (7) Alternating Tread Devices – 7.2.11.

j. Subdivision (8) Capacity of Means of Egress – 7.3.

k. Subdivision (9) Impediments to Egress – 7.5.2.

l. Subdivision (10) Illumination of Means of Egress – 7.8.

m. Subdivision (11) Emergency Lighting – 7.9.

n. Subdivision (12) Marking of Means of Egress – 7.10.

(c) The following portions of Subdivision 6.1.14, Mixed Occupancies, are changed to read as follows:

1. 6.1.14.2 Applicable Requirements. Where a mixed occupancy classification occurs, the means of egress facilities, construction, protection, and other safeguards shall comply with the most restrictive life safety requirements of the occupancies involved.

2. Exception:* Where incidental to another occupancy, buildings used as follows shall be permitted to be considered part of the predominant occupancy and subject to the provisions of this code that apply to the predominant occupancy:

a. Subdivision (a) Portions of buildings used as accessory offices or for customary nonhazardous uses necessary for transacting the principal business in storage and industrial occupancies need not be separated from the principal use. Industrial occupancies producing, using or storing low hazard products in accordance with Subdivision 6.2.2 need not be considered mixed occupancies.

b. Subdivision (b) The following uses need not be separated by fire resistant construction from the occupancies to which they are accessory:

(I) Subdivision (1) A kitchen in an assembly occupancy does not constitute a mixed occupancy.

(II) Subdivision (2) Assembly uses having a floor area of not over 750 sq. ft. (70 m²), are incidental to another occupancy, and have an occupant load less than 50 shall be classified as part of the other occupancy.

(III) Subdivision (3) Administrative and clerical offices and similar rooms which, in area per story, do not exceed 25% of the story area of the major use provided the classification of hazard of contents is low or ordinary in accordance with Subdivision 6.2.2.

(IV) Exception to (3): Accessory uses in industrial and storage occupancies as otherwise provided in 6.1.14.2(a).

(V) Subdivision (4) Rooms or spaces used for customary storage of nonhazardous materials in assembly, business, educational, industrial, mercantile, hotel and dormitory, and apartment occupancies which in aggregate do not exceed one-third of the major occupancy floor area in which they are located. Protection from hazards shall be as otherwise provided in the specific occupancy chapter.

(VI) Subdivision (5) In a mercantile occupancy, portions of buildings which are less than 3,000 sq. ft. used as accessory small businesses to and open for business simultaneously with the principal retail sales occupant.

(VII) Exception to (5): Item (5) shall not apply to separation walls between tenants and malls in covered mall buildings.

(VIII) Subdivision (6) A 1-hour occupancy separation in accordance with 8.2.3 shall be permitted in assembly rooms greater than 750 sq. ft. (70 m²) but less than 2,000 sq. ft. (186 m²) in area when all of the following are met:

(A) Subdivision (a) The occupant content does not exceed 300 persons calculated in accordance with 7.3.1.

(B) Subdivision (b) The assembly room does not constitute the major occupancy classification of the building.

(C) Subdivision (c) The assembly room is not associated with a high or ordinary hazard occupancy.

(D) Subdivision (d) The assembly room is not associated with a kitchen.

(E) Subdivision (e) The assembly room is not a theater or restaurant.

(d) The following portions of Section 7.1 General, are changed to read as follows:

1. Subdivision 7.1.3.2.1 Exception No. 3: One-hour enclosures in accordance with 29.2.2.1.2, and 31.2.2.1.2 shall be permitted as an alternative.

2. Subdivision 7.1.5 No change, but add:

Exception No. 3: If any room has a ceiling which is furred or dropped down to conceal items such as duct work, piping, or structural members, the prescribed ceiling height is required in two-thirds of the area of the room, but in no case shall the height of the furred or dropped ceiling be less than 7 ft. (2134 mm).

3. Subdivision 7.1.7.1 Changes in level in means of egress shall be achieved either by a ramp or a stair where the elevation difference exceeds 21 in. (53.3 cm). Changes in elevation in exit access corridors, exits, and exit discharge of 12 in. (305 mm) or less shall be by a ramp.

4. Subdivision 7.1.7.2* Changes in level in means of egress in excess of 12 in. (305 mm) shall be achieved either by a ramp or by a stair complying with the requirements of 7.2.2. The presence and location of ramped portions of walkways

shall be readily apparent. The tread depth of such stair shall be not less than 13 in. (33 cm), and the presence and location of each step shall be readily apparent.

(e) The following portions of 7.2, MEANS OF EGRESS COMPONENTS, are changed to read as follows:

1. Subdivision 7.2.1.2.3 Minimum Width. No change, but add:

2. Exception No. 1: In existing buildings, the existing door leaf width shall be not less than 28 in. (71 cm).

3. Exception No. 2: This requirement shall not apply as otherwise provided in Chapters 22 and 23.

4. Exception No. 3: A power-operated door leaf located within a two-leaf opening shall be exempt from the minimum 32-in. (81-cm) single-leaf requirement in accordance with Exception No. 2 to 7-2.1.9.

5. Exception No. 4: This requirement shall not apply to revolving doors as provided in 7.2.1.10.

(f) Subdivision 7.2.1.5 Locks, Latches, and Alarm Devices, is changed to read as follows:

1. Subdivision 7.2.1.5.1 Doors shall be arranged to be opened readily from the egress side whenever the building is occupied. Locks, if provided, shall not require the use of a key, a tool, or special knowledge or effort for operation from the egress side.

2. Exception No. 2: Exterior doors shall be permitted to have key-operated locks from the egress side, provided that the following criteria are met:

a. Subdivision (e) When unlocked, the door or both leaves of the pair must be free.

b. Subdivision (f) The main exit door is a single door or one pair of doors.

3. Subdivision 7.2.1.6 Special Locking Arrangements.

4. Subdivision 7.2.1.6.2 Access-Controlled Egress Doors. Where permitted in Chapters 11 through 42, entrance doors in the means of egress and entrance doors to tenant spaces shall be permitted to be equipped with an approved entrance and egress access control system, provided that the following criteria are met.

5. Subdivision 7.2.1.14 Horizontal Sliding Doors. Horizontal sliding doors shall be permitted in means of egress, provided that the following criteria are met:

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

b. Subdivision (4) The door is operable with a force not more than 15 lbf (67 N) when a force of 250 lbf (1110 N) is applied perpendicularly to the door adjacent to the operating device, unless the door is an existing horizontal sliding exit access door serving an area with an occupancy load of fewer than 50.

c. Subdivision (5) The door assembly complies with the fire protection rating and, where rated, is self-closing or automatic closing by means of smoke detection in accordance with 7.2.1.8, and is installed in accordance with NFPA 80, Standard for Fire Doors and Fire Windows.

d. Subdivision (6) The door shall be power operated and shall be capable of being operated manually in the event of power failure.

e. Subdivision (7) The door assembly shall have an integrated standby power supply.

f. Subdivision (8) The door assembly power supply shall be electrically supervised.

(g) The following portions of Subdivision 7.2.2, Stairs, are changed to read as follows:

1. Subdivision 7.2.2.1 General. Stairs used as a component in the means of egress shall conform to the general requirements of Section 7.1 and to the special requirements of this subsection.

2. Exception No. 3: Stairways, not a part of the required means of egress, providing access from the outside grade level to the basement in, rooming houses, rectories, and parsonages shall be exempt from 7.2.2 when the maximum height from the basement finished floor level to grade adjacent to the stair does not exceed 8 ft. (2438 mm) and the grade level opening to the stair is covered by hinged doors or other approved means.

3. Subdivision 7.2.2.2 Dimensional Criteria.

4. Subdivision 7.2.2.2.3.4 Within dwelling units, guest rooms and guest suites, and existing building and mezzanines of less than 250 sq. ft. where the occupant load served does not exceed five, spiral stairs shall be permitted, provided that the following criteria are met:

5. Subdivision 7.2.2.3 Stair Details.

6. Subdivision 7.2.2.3.1 Construction.

7. Subdivision 7.2.2.3.1.1 All stairs serving as required means of egress shall be of permanent fixed construction.

8. Exception: Stairs serving seating designed to be repositioned in accordance with Chapters 12 and 13.

9. Subdivision 7.2.2.3.1.2: Exterior and interior exit stairways shall be constructed of noncombustible materials throughout in the following buildings:

a. Subdivision (1) All buildings of Type I and of Type II construction as defined by the Florida Building Code.

b. Subdivision (2) All buildings of assembly occupancy with an occupant load of 1000 or more persons or of assembly occupancy with a legitimate stage and an occupant load of 700 or more persons.

c. Subdivision (3) All other buildings three stories or more in height or occupied by more than 40 persons above or below the level of exit discharge except R3 occupancies and buildings of Type VI construction as defined by the Florida Building Code.

d. Exception No. 1: Handrails.

e. Exception No. 2: Existing stairs.

10. Subdivision 7.2.2.3.1.3 Stairways located in a required fire resistant enclosure shall have closed risers. All other stairways shall be permitted to have open risers.

11. Subdivision 7.2.2.3.1.4 Interior stairs constructed of wood shall be fireblocked in concealed spaces between stair stringers at the top and bottom of the run. Fireblocking shall comply with Subdivision 8.3.6.7.

12. Exception: Stairs permitted to have open risers in accordance with Subdivision 7.2.2.3.1.3.

13. Subdivision 7.2.2.3.1.5 The underside of interior stairways, if of combustible construction, shall be protected to provide not less than 1-hour fire resistance.

14. Exception: When located within a dwelling unit.

15. Subdivision 7.2.2.4 Guards and Handrails.

16. Subdivision 7.2.2.4.4 Projections. Stairs shall be clear of all obstructions except projections not exceeding 3 1/2 in. (89 mm) at or below handrail height on each side. The design of guards and handrails and the hardware for attaching handrails to guards, balusters, or walls shall be such that there are no projections that might engage loose clothing. Openings in guards shall be designed to prevent loose clothing from becoming wedged in such openings.

17. Subdivision 7.2.2.4.6 Guard Details.

18. Exception No. 4: Guardrails for dwellings, within individual dwelling units or guest rooms, and in residential board and care occupancies shall be a minimum of 36 in. (914 mm) high.

a. Subdivision (3) *Open guards shall have intermediate rails or an ornamental pattern such that a sphere 4 in. (10.1 cm) in diameter shall not pass through any opening up to a height of 34 in. (86 cm).

b. Exception No. 2: In detention and correctional occupancies, in industrial occupancies, and in areas not accessible to the public in storage occupancies, the clear distance between intermediate rails, measured at right angles to the rails, shall not be more than 21 in. (53.3 cm).

c. Exception No. 3: Approved existing open guards.

d. Exception No. 4: Mercantile occupancies in accordance with 36.2.2.11.

e. Exception No. 5: A bottom rail or curb is not required on guardrails within dwellings, dwelling units or residential board and care occupancies.

19. Subdivision 7.2.2.5 Enclosure and Protection of Stairs.

a. Subdivision 7.2.2.5.3* Usable Space.

The "exception" does not apply to the storage of combustible, flammable, or otherwise hazardous materials.

b. Table 7.2.5.2 Dimensional Criteria.

c. New ramps shall be in accordance with Table 7.2.5.2(a).

d. Table 7.2.5.2(a) New Ramps

<u>Minimum width clear of all obstructions, except projections not more than 3 and 1/2 in. (8.9 cm) at or below handrail height on each side.</u>	<u>36 in. (91.5 cm)</u>
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<u>Maximum slope</u>	<u>1 in 12</u>
<u>Maximum cross slope</u>	<u>1 in 50</u>
<u>Maximum rise for a single ramp run</u>	<u>30 in. (76 cm)</u>

20. Exception No. 4: Ramps that are part of the required means of egress shall be not less than 44 in. wide.

21. Subdivision 7.2.5.3 Ramp Details.

22. Subdivision 7.2.5.3.2 Landings. Ramp landings shall be as follows:

a. Subdivision (a) Ramps shall have landings at the top, at the bottom, and at doors opening onto the ramp. The slope of the landing shall not be steeper than 1 in 50. Every landing shall have a dimension measured in the direction of travel at least the width of the ramp.

b. Exception No. 1: The minimum 60-in. (152-cm) length requirement shall not apply to existing approved landing.

c. Exception No. 2: Landings shall be permitted to be not more than 60 in. (152 cm) in the direction of travel provided the ramp has a straight run.

23. Subdivision 7.2.5.3.3 Edge Protection.

24. Exception No. 1: Edge protection is not required on ramps not required to have handrails and having flared sides with a ratio not exceeding 1:12 or returned curbs.

25. Exception No. 2: Edge protection is not required on the sides of ramp landings having a vertical drop-off of not more than 1/2 in. (12.7 mm) within 10 in. (254 mm) horizontally of the required landing area.

26. Subdivision 7.2.5.4 Guards and Handrails. Guards complying with 7.2.2.4 shall be provided for ramps. Handrails complying with 7.2.2.4 shall be provided along both sides of a ramp segment steeper than 1 in 20. Handrails that are not continuous shall extend at least 18 in. (305 mm) beyond the top and bottom of the ramp segment and shall be parallel with the floor or ground surface. The height of handrails and guards shall be measured vertically to the top of the guard or rail from the walking surface adjacent thereto.

27. Subdivision 7.2.5.4.1 Extended Floor or Ground Surface. The floor or ground surface of the ramp run or landing shall extend 12 in. (305 mm) minimum beyond the inside face of a handrail complying with 7.2.5.4.

28. Subdivision 7.2.5.4.2 Curb or Barrier. A curb or barrier shall be provided that prevents the passage of a 4 in. (102 mm) diameter sphere, where any portion of the sphere is within 4 in. (102 mm) of the floor or ground surface.

29. Subdivision 7.2.11* Alternating Tread Devices.

30. Subdivision 7.2.11.1 Alternating tread devices complying with 7.2.11.2 shall be permitted in the means of egress only where providing one of the following:

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

b. Subdivision (5): A means of egress from a mezzanine of not more than 250sq. ft. (23m²) in industrial, health care, storage, detention and correctional occupancies and within dwelling units of residential occupancies.

31. Subdivision 7.2.11.2 Alternating tread devices shall comply with the following:

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

b. Subdivision (5) The height of the riser shall not exceed 8 in. (20.3 cm).

c. Subdivision (6) Alternating tread stairways shall have a minimum projected tread, exclusive of nosing, of 8 1/2 in. (216 mm) within minimum total tread depth of 10 1/2 in. (267 mm).

d. Subdivisions (7) through (10) No change.

e. Subdivision (11) A minimum of 12 in. (305 mm) shall be provided between the stair handrails to adjacent alternating tread stairways.

(h) The following portions of Section 7.3, CAPACITY OF MEANS OF EGRESS, are changed to read as follows:

1. Subdivision 7.3.2* Measurement of Means of Egress. The width of means of egress shall be measured in the clear at the narrowest point of the exit component under consideration.

2. Exception No. 1: Projections not more than 3 1/2 in. (8.9 cm) on each side shall be permitted at and below handrail height.

3. Exception No. 2: Objects projecting from walls with their leading edges between 27 and 80 inches (686 and 2032 mm) above the finished floor shall protrude no more than 4 inches (102 mm) into walks, corridors, passageways, or aisles. Freestanding objects mounted on posts or pylons may overhang 12 inches (305 mm) maximum from 27 to 80 inches (686 to 2032 mm) above the ground or finished floor.

(i) The following portions of 7.7, DISCHARGE FROM EXITS, are changed to read as follows:

1. Subdivision 7.7.1* Exits shall terminate directly at a public way or to an exit court, exit passageway, open space, or vestibule leading to a public way, or at an exterior exit discharge. Yards, courts, open spaces, or other portions of the exit discharge shall be of required width and size to provide all occupants with a safe access to a public way.

2. Subdivision 7.7.1.1 The minimum width of such courts, passageways, lobbies, and vestibules shall be 44 in. (1118 mm) but not less than the required width of the exits to which they are connected. There shall be no reduction of width in the direction of exit travel.

3. Subdivision 7.7.1.2 Exit courts 10 ft. (3048 mm) or less in width shall have a minimum fire resistance rating of 1 hour with 3/4-hour opening protection.

(j) Subdivision 7.10.1.8 is added to read as follows: 7.10.1.8 Signs installed as projections from a wall or ceiling within the means of egress shall provide a vertical clearance of no less than 7 ft. (2134 mm) from the walking surface.

(k) The exception to 7.11.1, which reads, "This requirement shall not apply to storage occupancies as otherwise provided in Chapter 42." is deleted.

(l) The following portions of Section 8.2, CONSTRUCTION AND COMPARTMENTATION, are changed to read as follows: 8.2.1 *Construction. Buildings or structures occupied or used in accordance with the individual occupancy chapters (Chapters 12 through 42) shall meet the minimum construction requirements of those chapters. The Florida Building Code shall be used to determine the requirements for the construction classification. Where the building or facility includes additions or connected structures of different construction types, the rating and classification of the structure shall be based on either of the following:

1. Subdivision (1) Separate buildings if a 4 hour or greater vertically-aligned fire wall in accordance with NFPA 221, Standard for Fire Walls and Fire Barrier Walls, exists between the portions of the building.

2. Exception: The requirement of 8.2.1(1) shall not apply to previously approved separations between buildings.

3. Subdivision (2) The least resistive type of construction of the connected portions, if no such separation is provided.

(m) The following portions of 8.3, SMOKE BARRIERS, are changed to read as follows:

1. Subdivision 8.3.7 Fireblocking.

2. Subdivision 8.3.7.1 Fireblocking shall be provided in all walls and partitions to cut off all concealed draft openings both horizontal and vertical and to form a fire barrier between floors and between the upper floor and the roof space.

3. Subdivision 8.3.7.2 Fireblocking shall not be covered or concealed until inspected by the fire inspector.

4. Subdivision 8.3.7.3 Walls and stud partitions shall be fireblocked at floors, ceilings and roofs. Fireblocking in noncombustible partitions shall not be required at the ceiling for suspended ceiling systems. Fireblocking shall consist of approved noncombustible materials unless otherwise specified in this code. Material shall be securely fastened in place.

5. Subdivision 8.3.7.4 Fireblocking in walls, partitions, floors, ceilings, and roofs of combustible construction may be of wood.

6. Subdivision 8.3.7.4.1 Fireblocking, when of wood, shall effectively fill all spaces for the entire width or depth of the framing or structural member.

7. Subdivision 8.3.7.4.2 Fireblocking of wood shall consist of 2-inch nominal lumber, or two thickness' of 1-inch nominal lumber with broken lap joints, or one thickness of 23/32-inch (18.3 mm) wood structural panel with joints backed by 23/32-inch (18.3 mm) wood structural panel.

(n) Subdivision 12.1.7.2, Waiting Spaces, is changed to read as follows: 12.1.7.2 Waiting Spaces. In class A assembly occupancies, theatres and other assembly occupancies with an occupant load greater than 600 where persons are admitted to the building at times when seats are not available, or when the permitted occupant load has been reached based on 12.1.7.1 and persons are allowed to wait in a lobby or similar space until seats or space is available, such use of lobby or similar space shall not encroach upon the required clear width of exits. The waiting spaces shall be restricted to areas other than the required means of egress. Exits shall be provided for the waiting spaces on the basis of one person for each 3 sq. ft. (0.28 sq. m) of waiting space area. Such exits shall be in addition to the exits specified for the main auditorium area and shall conform in construction and arrangement to the general rules for exits given in this chapter.

(o) The following portions of Section 12.2, MEANS OF EGRESS REQUIREMENTS, are changed to read as follows:

1. Subdivision 12.2.2.2.3 Panic Hardware or Fire Exit Hardware.

2. Exception No. 1: In assembly occupancies having an occupant load not greater than 300 where the main exit consists of a single door or single pair of doors, locking devices complying with Exception No. 2 to 7.2.1.5.1 shall be permitted to be used on the main exit. When unlocked, the door or both leaves of the pair of doors must be free or any latching device on this door(s) shall be released by panic hardware.

3. Subdivision 12.2.2.3 Stairs.

4. Subdivision 12.2.2.3.1 Stairs complying with 7.2.2 shall be permitted.

5. Exception No. 3: In assembly occupancies, flights of less than three risers shall not be used in interior or exterior stairways, exit passageways, aisles, at entrances or elsewhere in connection with required exits. To overcome lesser differences in level, ramps on accordance with 7.2.5 shall be used.

6. Subdivision 12.2.3 Capacity of Means of Egress.

7. Subdivision 12.2.3.6 Foyer.

8. Subdivision 12.2.3.6.1 In assembly occupancies with an occupant load of 1000 or greater or with a legitimate stage and an occupant load of 700 or greater, a foyer consisting of a space at a main entrance/exit of the auditorium or place of assembly shall be provided.. Such foyer, if not directly

connected to a public street by all the main entrance/exits, shall have a straight and unobstructed corridor or passage to every such main entrance/exit.

9. Subdivision 12.2.3.6.2 The width of a foyer at any point shall be not less than the combined width of aisles, stairways, and passageways tributary thereto.

10. Subdivision 12.2.5.6 Aisles Serving Seating Not at Tables.

11. Subdivision 12.2.5.6.1 Aisles shall be provided so that the number of seats served by the nearest aisle is in accordance with 12.2.5.5.2 through 12.2.5.5.4.

12. Exception No. 1: Aisles shall not be required in bleachers, providing that all of the following conditions are met:

a. Subdivision (b) The row spacing shall be 28 in. (71.1 cm) or less unless the seat boards and footboards are at the same elevation.

b. Subdivision (f) Seat boards that are also used as stepping surfaces for descent shall provide a walking surface with not less than 12 in. (30.5 cm). Bleacher footboards shall be provided for all rows of seats above the third row or beginning at such a point where the seating plank is more than 2 ft. (610 mm) above the ground or floor below. When the same platform is used for both seating and footrests, footrests are not required, provided each level or platform is not less than 24 inches (610 mm) wide. When projected on a horizontal plane, there shall be no horizontal gaps exceeding 1/4 inch (6.4 mm) between footboards and seatboards. At aisles, there shall be no horizontal gaps exceeding 1/4 inch (6.4 mm) between footboards. Leading edges of such surfaces shall be provided with a contrasting marking stripe so that the location of such leading edge is readily apparent, particularly where viewed in descent. Such stripe shall be at least 1 in. (2.5 cm) wide and shall not exceed 2 in. (5.1 cm) in width. The marking stripe shall not be required where bleacher surfaces and environmental conditions, under all conditions of use, are such that the location of each leading edge is readily apparent, particularly when viewed in descent.

c. Subdivision (g) The first seating board is not more than 12 in. (305 mm) above the floor below or a cross aisle.

d. Subdivision (h) Seat boards have a continuous flat surface.

e. Subdivision (i) Seats are without backrests.

f. Subdivision (j) Egress from seating is not restricted by rails, guards or other obstructions.

(p) The following portions of Section 14.2, MEANS OF EGRESS REQUIREMENTS, are changed to read:

1. Subdivision 14.2.5.5 Doors that swing into an exit access corridor shall be recessed to prevent interference with corridor traffic; any doors not recessed shall open 180 degrees to stop against the wall. Doors in any position shall not reduce the required corridor width by more than one half. (See also 7.2.1.4.4.)

2. Subdivision 14.2.5.7.1 A corridor roofed over and enclosed on its long sides and open to the atmosphere at the ends may be considered an exterior corridor provided:

a. Subdivision 1. Clear story openings not less than one half the height of the corridor walls are provided on both sides of the corridor and above adjacent roofs or buildings, or

b. Subdivision 2. The corridor roof has unobstructed openings to the sky with the open area not less than 50 percent of the area of the roof. Openings shall be equally distributed with any louvers fixed open. The clear area of openings with fixed louvers shall be based on the actual openings between louver vanes.

3. Subdivision 14.2.5.7.2 The minimum width of such corridors shall be sufficient to accommodate the occupant load but shall in no case be less than 6 ft.

(g) The following portions of Section 18.2, MEANS OF EGRESS REQUIREMENTS, are changed to read as follows:

1. Subdivision 18.2.2.2.4 Doors within a required means of egress shall not be equipped with a latch or lock that requires the use of a tool or key from the egress side.

2. Exception No. 1: Door locking arrangements without delayed egress locks shall be permitted in health care occupancies or portions of health care occupancies where the clinical needs of the patients require specialized security measures for their safety, provided that staff can readily unlock such doors at all times. (See 18.1.1.1.5 and 18.2.2.2.5.)

3. Exception No. 2* Delayed egress locks complying with 7.2.1.6.1 shall be permitted, provided not more than one such device is located in any egress path.

4. Subdivision 18.2.3.4 Aisles, corridors, and ramps required for exit access in a limited care facility or hospital for psychiatric care shall be at least 8 ft. (2438 mm) in clear and unobstructed width. Where ramps are used as exits, see 18.2.2.6.

a. Exception No. 1:* Aisles, corridors, and ramps in adjunct areas not intended for the housing, treatment, or use of inpatients shall be not less than 44 in. (112 cm) in clear and unobstructed width.

b. Exception No. 2:* Exit access within a room or suite of rooms complying with the requirements of 18.2.5.

5. Subdivision 18.2.3.5 The minimum clear width for doors in the means of egress from sleeping rooms; diagnostic and treatment areas, such as X-ray, surgery, or physical therapy; and nursery rooms shall be as follows:

a. Subdivision (1) Hospitals and nursing homes: 44 in. (1118 mm).

b. Subdivision (2) Psychiatric hospitals and limited care facilities: 44 in. (1118 cm).

c. Subdivision (3) Exterior exit doorways 44 in. (1118 mm).

d. Exception: Exit doors not subject to use for patient care shall be not less than 36 in. (914 mm) clear width.

(r) The following portions of Section 26.1, GENERAL REQUIREMENTS, are changed to read as follows:

1. Subdivision 26.1.2 Mixed Occupancies.

2. Subdivision 26.1.2.3 No multiple-dwelling unit of a residential occupancy shall be located above any nonresidential occupancy.

a. Exception No. 1: Where the dwelling unit of the residential occupancy and exits therefrom are separated from the nonresidential occupancy by construction having a fire resistance rating of not less than the following:

<u>Assembly – 2 hours</u>	<u>Business – 1 hour</u>
<u>Day-Care – 1 hour</u>	<u>Educational – 2 hours</u>
<u>Industrial – 2 hours</u>	<u>Health Care – 2 hours</u>
<u>Mercantile – 1 hour</u>	<u>Storage, Ordinary Hazard – 3 hours</u>
<u>Storage, Low Hazard – 2 hours</u>	<u>Automobile Parking Garages – 1 hour</u>
<u>Automobile Repair Garages – 2 hours</u>	

b. Exception No. 2: Where the nonresidential occupancy is protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7 the fire rated separation required above may be reduced by 1 hour, but, in no case shall be less than 1 hour.

(s) The following portions of Section 28.1, GENERAL REQUIREMENTS, are changed to read as follows:

1. Subdivision 28.1.2 Mixed Occupancies.

2. Subdivision 28.1.2.3 No multiple-dwelling unit of a residential occupancy shall be located above any nonresidential occupancy.

a. Exception No. 1: Where the dwelling unit of the residential occupancy and exits therefrom are separated from the nonresidential occupancy by construction having a fire resistance rating of not less than the following:

<u>Assembly – 2 hours</u>	<u>Business – 1 hour</u>
<u>Day-Care – 1 hour</u>	<u>Educational – 2 hours</u>
<u>Industrial – 2 hours</u>	<u>Health Care – 2 hours</u>
<u>Mercantile – 1 hour</u>	<u>Storage, Ordinary Hazard – 3 hours</u>
<u>Storage, Low Hazard – 2 hours</u>	<u>Automobile Parking Garages – 1 hour</u>
<u>Automobile Repair Garages – 2 hours</u>	

b. Exception No. 2: Where the nonresidential occupancy is protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7 the fire rated separation required above may be reduced by 1 hour, but, in no case shall be less than 1 hour.

(t) The following portions of Section 28.2, MEANS OF EGRESS REQUIREMENTS, are changed to read as follows:

1. 28.2.4 Number of Exits. Not less than two separate exits shall be provided on each story. (See also Section 7.4.)

2. Exception: In hotels and dormitories one common exit is permitted provided all of the following conditions are met:

a. Subdivision (a) Maximum distance of travel to reach the exit from the entrance door to any dwelling unit shall not exceed 30 feet (9144 mm).

b. Subdivision (b) Maximum number of dwelling units served by the exit shall not exceed four per floor.

c. Subdivision (c) Maximum gross area of the dwelling units served by the exit shall not exceed 3,500 sq. ft. (325 m²) per floor.

d. Subdivision (d) Maximum building height shall be one story above the level of exit discharge.

(u) The following portions of Section 30.1, GENERAL REQUIREMENTS, are changed to read as follows:

1. Subdivision 30.1.2 Mixed Occupancies.

2. Subdivision 30.1.2.3 No multiple-dwelling unit of a residential occupancy shall be located above any nonresidential occupancy.

a. Exception No. 1: Where the dwelling unit of the residential occupancy and exits therefrom are separated from the nonresidential occupancy by construction having a fire resistance rating of not less than the following:

Assembly – 2 hours	Business – 1 hour
Day-Care – 1 hour	Educational – 2 hours
Industrial – 2 hours	Health Care – 2 hours
Mercantile – 1 hour	Storage, Ordinary Hazard – 3 hours
Storage, Low Hazard – 2 hours	Automobile Parking Garages – 1 hour
Automobile Repair Garages – 2 hours	

b. Exception No. 2: Where the nonresidential occupancy is protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7 the fire rated separation required above may be reduced by 1 hour, but, in no case shall be less than 1 hour.

(v) The following portions of Section 30.2, MEANS OF EGRESS REQUIREMENTS, are changed to read as follows:

1. 30.2.4 Number of Exits. Every dwelling unit shall have access to at least two separate exits remotely located from each other as required by 7.5.1. (See also Section 7.4.)

2. Exception: In apartment occupancies one common exit is permitted provided all of the following conditions are met:

a. Subdivision (a) Maximum distance of travel to reach the exit from the entrance door to any dwelling unit shall not exceed 30 feet (9144 mm).

b. Subdivision (b) Maximum number of dwelling units served by the exit shall not exceed four per floor.

c. Subdivision (c) Maximum gross area of the dwelling units served by the exit shall not exceed 3,500 sq. ft. (325 m²) per floor.

d. Subdivision (d) Maximum building height shall be one story above the level of exit discharge.

(w) The following changes are made to Subdivision 31.3.5.6, to read as follows: 31.3.5.6 All high-rise buildings shall be protected throughout by an approved, supervised automatic sprinkler system or an engineered life safety system approved by the authority having jurisdiction in accordance

with 31.3.5.1. Existing high-rise buildings shall be protected within 12 years of the adoption of the Florida Fire Prevention Code.

(x) The following portions of Section 36.2, MEANS OF EGRESS REQUIREMENTS, are changed to read as follows:

1. Subdivision 36.2.2.13 Handrails and Guardrails. Handrails and guardrails shall be in accordance with 7.2.2.4.

2. Exception: In areas not accessible to the public and in fully enclosed stairways in mercantile occupancies not serving an assembly, educational, or residential occupancy, the clear distance between rails or ornamental pattern shall be such as to prevent the passage of a 21 in. (533 mm) diameter sphere.

3. Subdivision 36.2.4 Number of Exits. Not less than two separate exits shall meet the following criteria (see also Section 7.4):

a. Subdivision (1) They shall be provided on every story.

b. Subdivision (2) They shall be accessible from every part of every story or mezzanine.

(I) Exception No. 1: Exit access travel shall be permitted to be common for the distances permitted as common paths of travel by 36.2.5.3.

(II) Exception No 2: A single means of egress shall be permitted in a mercantile occupancy, provided that all of the following conditions are met:

(A) Subdivision (a) The travel distance (if it is considered a pedestrian way) does not exceed 50 ft. (15 m) to the exit; and,

(B) Subdivision (b) The floor area does not exceed 2,250 sq. ft. (209 m²); and,

(C) Subdivision (c) The building is a maximum of one story.

4. Exception No. 3: One egress door shall be permitted for tenant spaces 2,250 sq. ft. (209 m²) or less in area with a maximum travel distance from any point in the space to a mall entrance (if it is considered a pedestrian way) of 75 ft. (22.9 m).

5. Exception No. 4: A single means of egress to an exit or to a covered mall (if it is considered a pedestrian way) shall be permitted from a mezzanine within any Class A, Class B, or Class C mercantile occupancy, provided that the common path of travel does not exceed 75 ft. (23 m).

6. Subdivision 36.2.5 Arrangement of Means of Egress.

7. Subdivision 36.2.5.2 Dead-end corridors shall not exceed 20 ft. (6.1 m). The dead-end length of a mall shall not exceed twice its width.

(y) The following portions of Section 36.3, PROTECTION, are changed to read:

1. Subdivision 36.3.6 Corridors.

2. Subdivision 36.3.6.1 Where access to exits is provided by corridors, such corridors shall be separated from use areas by walls having a fire resistance rating of not less than 1 hr. in accordance with 8.2.3.

3. Exception No. 2: Within a space occupied by a single tenant provided such corridors do not serve an occupant load of 30 or more.

(z) The following portions of Section 38.2, MEANS OF EGRESS REQUIREMENTS are changed to read as follows: 38.2.4.2 Not less than two separate exits shall meet the following criteria.

1. Subdivision (1) They shall be provided on every story.

2. Subdivision (2) They shall be accessible from every part of every story and mezzanine.

3. Exception No. 1: Exit access travel shall be permitted to be common for the distances permitted as common paths of travel by 38.2.5.3

4. Exception No. 2: A single exit shall be permitted for a room or area with a total occupant load of fewer than 100 persons, provided that the following criteria are met:

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

b. Subdivision (e) The building is a maximum of two stories in height.

c. Subdivision (f) Each floor area served by that exit does not exceed 3,500 sq. ft. (325 m²).

d. Subdivision (g) There are no more than 40 persons above the street floor as determined by 38.1.7.

e. Subdivision (h) The maximum distance of travel to the exit does not exceed 75 ft. (23 m).

5. Exception No. 4: A single means of egress shall be permitted from a mezzanine within a business occupancy, provided that the occupant load does not exceed 30 or the common path of travel does not exceed 75 ft. (23 m), or 100 ft. (30 m) if protected throughout by an approved, supervised automatic sprinkler system installed in accordance with Section 9.7.

(aa) The following portions of Section 38.3, PROTECTION, are changed to read as follows:

1. Subdivision 38.3.6 Corridors.

2. Subdivision 38.3.6.1* Where access to exits is provided by corridors, such corridors shall be separated from use areas by walls having a fire resistance rating of not less than 1 hr. in accordance with 8.2.3.

3. Exception No. 2: Within a space occupied by a single tenant provided such corridors do not serve an occupant load of 30 or more.

(bb) The following portions of Subdivision 40.1.3, Special Definitions, are changed to read as follows: 40.1.3.1 Hazardous Production Material (HPM). A solid, liquid, or gas that has a degree of hazard rating in health, flammability, or reactivity of 3 or 4 as ranked by NFPA 704 and which is used directly in research, laboratory or production processes which have, as their end product, materials which are not hazardous.

(cc) The following portions of Section 40.2, MEANS OF EGRESS REQUIREMENTS, are changed to read as follows:

1. Subdivision 40.2.2.2.5 Locks complying with Exception 2 to 7.2.1.5.1 shall be permitted only on main exterior exit doors.

2. Subdivision 40.2.5 Arrangement of Means of Egress.

3. Subdivision 40.2.5.2 Dead-end corridors in general industrial and special purpose industrial occupancies shall not exceed 20 ft. (6 m).

4. Exception: Dead-end corridors in Hazardous Production Materials Facilities shall not exceed 4 ft.

(dd) The following portions of Section 42.2, MEANS OF EGRESS REQUIREMENTS, are changed to read as follows:

1. Subdivision 42.2.4.1 Every building or structure used for storage and every section thereof considered separately shall have not less than two separate means of egress as remotely located from each other as practicable.

2. Exception: A single exit shall be permitted when meeting the following requirements:

a. Subdivision (1) The building is one story maximum; and,

b. Subdivision (2) The floor area does not exceed 2,500 sq. ft. (232 m²); and,

c. Subdivision (3) The maximum distance of travel to the exit does not exceed 50 ft.

3. Subdivision 42.2.5.3 In storage occupancies with ordinary hazard contents or high hazard contents, dead-end corridors shall not exceed 20 ft. (6 m).

4. Exception: In ordinary hazard storage occupancies, dead end corridors shall not exceed 100 ft. (30 m) in buildings protected by an approved, supervised automatic sprinkler system in accordance with Section 9.7.

5. Subdivision 42.2.5.4 In storage occupancies with ordinary hazard contents, common paths of travel shall not exceed 50 ft. (15 m).

6. Exception: Common paths of travel shall not exceed 75 ft. (23 m) in buildings protected throughout by an approved, supervised automatic sprinkler system installed in accordance with Section 9.7.

7. Subdivision 42.2.6.* Travel Distance to Exits. (See also Section 7.6.)

8. Subdivision 42.2.6.1 In low hazard storage occupancies, the maximum travel distance to an exit shall be 200 ft. (60 m).

9. Exception: In low hazard storage occupancies protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7, travel distance shall not be limited.

10. Subdivision 42.2.6.3 Every area used for the storage of high hazard commodities shall have an exit within 75 ft. (23 m) of any point in the area where persons might be present.

(ee) Section 42.9, SPECIAL PROVISIONS FOR HELIPORTS, is added to read as follows:

1. Subdivision 42.9.1 Buildings with roof-top heliports shall be protected in accordance with NFPA 418, Standard for Heliports.

2. Subdivision 42.9.2 Exits and stairways from heliports shall comply with Chapter 7, except that all landing areas located on buildings or structures shall have two or more exits. For landing platforms or roof areas less than 60 ft. (18 m) long, or less than 2000 sq. ft. (186 m²) in area, the second exit may be a fire escape or ladder leading to the floor below.

(3) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New _____.

4A-60.005 Publications Added to NFPA 1 and NFPA 101.

(1) The following publications are hereby adopted and incorporated by reference herein and added to NFPA 1, 2000 edition, and NFPA 101, 2000 edition, respectively, and shall take effect on the effective date of this rule:

- (a) NFPA-35, 1999 edition Organic Coatings
- (b) NFPA-37, 1998 edition Combustion Engines and Gas Turbines
- (c) NFPA-53, 1999 edition Fires in Oxygen Atmospheres
- (d) NFPA-55, 1998 edition Compresses and Liquefied Gases in Portable Cylinders
- (e) NFPA-75, 1999 edition Electronic Computing Equipment
- (f) NFPA-80A, 1996 edition Protection from Exterior Fire Exposures
- (g) NFPA-99B, 1999 edition Hypobaric Facilities
- (h) NFPA-115, 1999 edition Laser Fire
- (i) NFPA-130, 2000 edition Fixed Guideway Transit System
- (j) NFPA-150, 1995 edition Racetrack Stables
- (k) NFPA-214, 1996 edition Water Cooling Towers
- (l) NFPA-291, 1995 edition Fire Hydrants
- (m) NFPA-299, 1997 edition Protection of Life and Property from Wildfires
- (n) NFPA-306, 1997 edition Marine Terminals, Piers, Wharves
- (o) NFPA-395, 1993 edition Farms, Storage of Flammable Liquids

(p) NFPA-750, 2000 edition Water Mist Fire Protection Systems

(q) NFPA-820, 1999 edition Wastewater Facilities

(r) NFPA-850, 2000 edition Electric Generating Plants

(s) Standard Fire Prevention Code, Chapter 22, 1997 edition

(t) The United States Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(u) SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, Society of Fire Protection Engineers, Bethesda, Maryland 1998 edition.

(2) The codes and standards published by the National Fire Protection Association and the SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

(3) The 1997 edition of the Standard Fire Prevention Code may be obtained by writing the Southern Building Code Congress International, 900 Montclair Road, Birmingham, Alabama 35213-1206. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

(4) The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings may be obtained by writing the Florida Department of State, Division of Historical Resources, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New _____.

4A-60.006 Manufactured and Prototype Buildings.

(1) Definitions. For purposes of this section, the following definitions apply:

(a) “Manufacture” means the process of making, modifying, fabricating, constructing, forming or assembling or reassembling a product from raw, unfinished, semifinished, or finished materials.

(b) "Manufactured building" means a closed structure, building, assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include but not be limited to residential, commercial, institutional, storage, and industrial structures. For purposes of this section, "manufactured building" includes "prototype building" as defined in this subsection.

(c) "Manufacturer" means any person who, or entity which, has been certified by the Department of Community Affairs to produce, modify, or produce and modify, a manufactured building for placement in, or which has been ultimately placed in, the State of Florida.

(d) "Prototype building" means a building constructed in accordance with architectural or engineering plans intended for replication on various sites and which will be updated to comply with the Florida Building Code and applicable laws relating to firesafety, health and sanitation, casualty safety, and requirements for persons with disabilities which are in effect at the time a construction contract is to be awarded.

(2) With respect to inspections of manufactured buildings, each manufacturer of manufactured buildings is permitted to, at its option:

(a) Contract with any person currently certified as a firesafety inspector under Section 633.081, Florida Statutes, from a list to be provided by the Department; or

(b) Provide for one or more of its employees to complete the 200 hour curriculum, pass the examination, and obtain certification as a certified firesafety inspector pursuant to Section 633.081, Florida Statutes. Upon certification, such employee shall then be permitted to perform each firesafety inspection of each manufactured building; or

(c) Provide for one or more of its employees to apply to the Bureau of Fire Standards and Training to be granted equivalency credit for some or all of the courses required to take the examination to become a certified firesafety inspector, in accord with and subject to the following:

1. If equivalency credit is given for a portion of the credits needed to complete the firesafety inspector course of study by the Bureau of Fire Standards and Training, the person may then complete the remaining credits needed and take the examination to become a certified firesafety inspector under Section 633.081, Florida Statutes.

2. If equivalency credit is given by the Bureau of Fire Standards and Training for all of the credits needed to complete the firesafety inspector course of study, the person may then take the examination to become a certified firesafety inspector under Section 633.081, Florida Statutes.

(3) Each manufacturer shall notify the Department of the option that it has chosen prior to having any firesafety inspection performed on a manufactured building.

(4)(a) The Manufacturer's Modular Data Plate shall state that the manufactured building is, or is not, in compliance with Chapter 633, Florida Statutes, and the rules of the Department.

(b) If the Manufacturer's Modular Data Plate indicates that the building is in compliance with Chapter 633, Florida Statutes, and the rules of the Department, the local fire safety authority shall recognize and approve such manufactured building.

(c) If the Manufacturer's Modular Data Plate indicates that the building is not in compliance with Chapter 633, Florida Statutes, and the rules of the Department, the local firesafety inspector shall have the authority to conduct such firesafety inspections and to require such modifications as necessary to bring the building into compliance with Chapter 633, Florida Statutes, and the rules of the Department.

(d) Nothing contained herein shall restrict the local fire safety authority from approving the site conditions for such matters as fire department access, water supplies, and the exit discharge from the manufactured building; however, this section relating to manufactured buildings is not subject to any local amendment.

(5) After the manufacturer has fully complied with one or more of the options in paragraphs (a),(b), or (c), of subsection (2), the Department shall advise the Department of Community Affairs of such compliance which shall constitute notice that the manufacturer is in compliance with the firesafety inspection requirements of the Florida Fire Prevention Code, or the applicable uniform code, and that firesafety inspections are being completed by certified firesafety inspectors.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New _____.

4A-60.007 Enforcement of the Florida Fire Prevention Code.

Section 633.025, Florida Statutes (2000, effective July 1, 2001), provides that each municipality, county, and special district with firesafety responsibilities is required to enforce the Florida Fire Prevention Code. Such enforcement requires inspection of each new building subject to the Florida Fire Prevention Code and includes periodic inspections of each existing building subject to the Florida Fire Prevention Code.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New _____.

4A-60.008 Exceptions Applicable to Broward County.

(1) The following exceptions to NFPA 1 and NFPA 101 are applicable to Broward County, only, and have no force or effect throughout the remainder of the state.

(a) The following language is added to Subdivision 1-4.4 of NFPA 1: It shall be the duty of the Fire Prevention Bureau to conduct fire safety inspections of buildings, structures, premises, processes, and/or operations as often as may be necessary, but not less than annually, for the purpose of ascertaining and causing to be corrected, any condition liable

to cause fire or any violation of this fire code (Florida Fire Prevention Code). Fire Inspectors assigned to the Fire Prevention Bureau must be State of Florida Certified Firefighters and State of Florida Certified Fire Safety Inspectors to perform fire safety inspections.

(b) The following language is added to Subdivision 1-4.10 of NFPA 1: The Fire Chief shall investigate the origin, cause, and circumstances of every fire occurring within their enforcing jurisdiction. Such investigation shall begin immediately upon the occurrence of a fire, and the Fire Chief shall be immediately notified of the facts. The Fire Chief shall take charge immediately, of the physical evidence and shall notify the proper authorities designated by law to pursue the investigation of such matters. The Fire Chief shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.

(c) The following language is added to Subdivision 1-8.1 of NFPA 1:

1. Subdivision (a) In order to determine the suitability of alternate materials and type of construction, to provide for reasonable interpretations of the provisions of this Fire Code and to assist in the control of the Life/Safety in buildings and structures, there is hereby created a Fire Code Committee, to make recommendations to the Local Board of Rules and Appeals.

2. Subdivision (b) MEMBERSHIP: The Fire Code Committee shall consist of:

- a. One Mechanical Engineer, Florida P. E.
- b. One Architect, Florida Registered
- c. One Fire Sprinkler Contractor
- d. One Representative of Persons with Disabilities
- e. One Master Electrician
- f. Four Fire Service (Florida Certified Fire Inspectors)
- g. One Fire Service Member of the Board of Rules and Appeals
- h. One Contractor, Certified to Install Fire Alarms
- i. One General Contractor
- j. One Electrical Engineer, Florida P. E.
- k. One Mechanical Contractor
- l. One Consumer Advocate
- m. One Structural Engineer

3. Subdivision (c) Membership, such as membership of the Fire Code Committee will be for one year (with members being able to succeed themselves through reappointment by the Board of Rules and Appeals Chairperson. The Chairperson of the Board of Rules and Appeals will select all members, including the Chairperson of the Fire Code Committee. The Chairperson of the Fire Code Committee shall be a Fire Service member of the Board of Rules and Appeals.

(d) Subdivision 1-8.6 of NFPA of NFPA 1 is created to read: APPEAL FROM THE DECISIONS OF THE FIRE CHIEF AND/OR BUILDING OFFICIAL:

1. Subdivision (1) The Fire Code Committee shall review all appeals from the decisions of the Fire Chief and/or Building Official wherein such decision is on matters regulated by this Florida Fire Prevention Code. Appeals can be submitted by any person who has reason to believe they have been treated unfairly by the enforcement of the Florida Fire Prevention Code.

2. Subdivision (2) Procedures for Appeals: The Fire Code Committee shall review the appeal prior to hearing by the Board of Rules and Appeals and shall make recommendations to the Board of Rules and Appeals for resolution of the appeal. The Board of Rules and Appeals shall then hear the appeal and make a final ruling.

(e) Subdivision 1-8.7 of NFPA 1 is created to read: The Board of Rules and Appeals shall maintain a Fire Code Compliance Officer that shall be certified as a fire code official. The Fire Code Compliance Officer shall have the authority to make inspections in their disciplines and shall be responsible to see that the Fire Code is being uniformly enforced by all building and fire departments in all cities in the county (Broward) and unincorporated areas.

(f) Subdivision 1-19.5 of NFPA 1 is created to read:

1. COMPLIANCE WITH ORDERS AND NOTICES:

2. Subdivision 1-19.5 UNLAWFUL CONTINUANCE OF FIRE/LIFE SAFETY HAZARD: Any person or persons operating or maintaining any occupancy, premises, or vehicle subject to this code, who shall permit any fire and/or life safety hazard to exist on premises or property under their control, and who shall fail to take immediate action to abate such hazards, when ordered or notified to do so by the Fire Chief or designee, shall be guilty of a second degree misdemeanor. Criminal enforcement of this code shall remain with local law enforcement departments and officials charged with enforcement of the criminal laws of the state.

3. Subdivision 1-19.6 COMPLIANCE WITH VIOLATIONS NOTICES: A building, structure, occupancy, premises, or vehicle shall not be used when in violation of this code.

4. Subdivision 1-19.7 REMOVAL OR DESTRUCTION OF SIGNS OR TAGS:

a. Subdivision (A) It shall be unlawful to remove or tamper with any seal, warning tag, or lock placed on an article, appliance, vehicle, meter, tank, or building by the building and zoning department or the fire department, without first obtaining permission to do so by the authority having jurisdiction.

b. Subdivision (B) It shall be unlawful for any person to tamper with or change the position of any utility valve, switch, wiring, piping, meter, or connection, or alter any utility service in any way, unless properly authorized to do so.

5. Subdivision 1-19.8 PROCEDURES IN COUNTY COURT/CODE ENFORCEMENT BOARD: When charges are filed based upon a violation under this code, such charges,

prepared under the direction of the city, state, or county attorney, shall be heard by a county judge or Code Enforcement Board, within the time prescribed under county court procedures or Code Enforcement Board. Such conditions shall constitute an immediate danger to life.

(g) The following language is added to Chapter 16 of NFPA 1 as 16-10.9, and supersedes any existing conflicting portion of Chapter 16 of NFPA 1: GENERAL REQUIREMENTS.

1. Subdivision (a) The manufacturing of fireworks, sparklers and pyrotechnic materials is prohibited.

2. Subdivision (b) The storage of fireworks and pyrotechnic materials is prohibited except as permitted in paragraph 16-10.1.

3. Subdivision (c) Except as hereafter provided, it shall be unlawful for any person, firm, co-partnership or corporation to store, to offer for sale, expose to store, expose for sale, sell at retail, or use or explode any fireworks and/or pyrotechnic materials.

Approved sparklers per F.S. 791.013 and any wholesaler registered in accordance with F.S. 791.015 as of July 1, 1996, who has obtained all applicable governmental licenses and permits to operate from a permanent structure within Broward County as of July 1, 1996, are exempt from this subsection.

4. Subdivision (a) Wholesale exemption sales of fireworks pursuant to 791.04, F.S. shall be prohibited at temporary or seasonal sales sites, and sales sites located in tents, canopies and stands.

5. Subdivision (1) Additional requirements for Outdoor Display of Fireworks on Private Residential Property:

6. Subdivision (a) In addition to the permit requirements specified within Section 5238.4 (local ordinance), written approval from the property owners located adjacent the proposed display site property is required prior to approval of a permit for outdoor fireworks display.

7. Subdivision (b) The following minimum distance separation shall be required for all aerial fireworks display sites:

a. Paragraph 1. The display site shall have at least a 100 feet per inch radius of internal mortar diameter of the largest shell to be fired.

b. Paragraph 2. Minimum distance separation shall be no less than 300 feet from the nearest dwelling, building, or structure. This includes canopies, chickee huts, or similar structures, bulk storage areas, public highways, railroads or other means of travel.

c. Paragraph 3. Not within 1,000 feet of a school, theater, church, hospital, nursing home, assisted living facility, livestock/animal storage site, or similar structures or institutions.

d. Paragraph 4. No less than 50 feet radius from the nearest aboveground utility, telephone or telegraph line, tree, or other overhead obstruction.

e. Paragraph 5. The audience shall be restricted behind an approved barrier, location no less than 200 feet from the outside of the required display site distance separations specified in 9(b)(1).

8. Subdivision (c) The requirements for display fireworks, aerial shells and equipment shall be as specified in section 6.(a.-e.).

9. Subdivision (d) Safety precaution provisions shall be as specified in Section 7.(a.-f.).

10. Subdivision (e) Operator and assistant qualifications shall comply with the requirements in Section 4(b)(10).

11. Subdivision (f) Use of pyrotechnics before a proximate audience shall be as specified in NFPA 1126.

(h) The following language is added to Chapter 16 of NFPA 1, as 16-10.10 of NFPA 1, and supersedes any existing conflicting portion of Chapter 16 of NFPA 1: Requirements for the Sales, Display, Merchandising, Storage and Handling of Approved Sparklers and Novelty Items within Buildings, Structures, Canopies and Outdoor Sites.

1. Subdivision (A) No person shall be in possession of a lighted cigarette, cigar, or pipe, or any open flame, within 50 feet of any sales, display, merchandizing, storage, or handling area. Proper receptacles for disposal of smoking materials shall be provided at all entrances to such areas (i.e. water filled or sand filled buckets).

2. Subdivision (B) A minimum of two approved two and one-half gallon pressurized water fire extinguishers shall be available within the sales, display, storage, and handling areas, additional fire extinguishers or fire protection equipment may be required by the authority having jurisdiction.

3. Subdivision (C) Precautions shall be taken to protect against fire or spread of fire in all sites located within fields or lots with ground cover such as brush, grass or other overgrowth of vegetation.

4. Subdivision (D) Durable and readily visible signs to read "Caution Sparklers – No Smoking" shall be posted on the exterior of each entrance way into and throughout all sparkler sales, storage, and handling areas within the interior of any building, structure, canopy, or outdoor site. These signs shall be readily visible in all directions.

5. Subdivision (E) The use, ignition or discharge of any approved sparklers or novelty items is prohibited within buildings or structures where sparklers or novelty items are offered for sale, displayed, or stored, and within 100 feet of any outdoor sales storage or handling sites.

6. Subdivision (F) Buildings or structures used in whole or in part for sales (retail or wholesale), display, merchandising, handling, or storage of sparklers and/or novelty items shall be fully protected throughout with an automatic sprinkler system in accordance with NFPA-13.

7. Subdivision (G) No storage of sparklers or novelty items shall be permitted in vehicles.

8. Exception: Transportation purposes only, to and from the site or at a permitted site, if approved by the authority having jurisdiction.

9. Subdivision (H) Sales, display and merchandising shall be conducted in an approved and safe manner in order to control handling by the general public.

10. Subdivision (I) Amounts of sparklers and related novelty items displayed within the sales area shall not exceed those amounts approved by the Fire Chief or designee. Note: Where the primary business of the occupancy is not sale of sparklers, the sale areas of sparklers or novelty items shall not exceed two percent of the net floor space of the building or structure.

11. Subdivision (J) Storage of approved sparklers and novelty items shall comply with the following:

a. Subdivision (1) Sparklers shall not be stored or kept in any area:

(I) Subdivision (a) In which paints, oils, or varnishes are manufactured or kept for use or sale, unless the paints, oils or varnishes are in unbroken (sealed) containers.

(II) Subdivision (b) In which resin, turpentine gasoline or flammable substances which may generate vapors are used, stored, or offered for sale unless the resin, turpentine, gasoline, or substance is in unbroken (sealed) containers.

(III) Subdivision (c) In which there is not at least one 2A20BC fire extinguisher available in the area used for storage.

b. Subdivision (2) Storage of sparklers shall be in an approved manner, remote from the public, and separated from all other merchandise by at least one hour fire protection and an approved automatic sprinkler system.

c. Exception: Canopies and approved steel storage vaults or containers when used outdoors.

12. Subdivision (3) Approved storage facilities shall be labeled with an approved Explosion placard complying with the Department of Transportation (DOT) Standard.

13. Subdivision (K) Outdoor sites for sale, storage, and/or handling of approved sparklers shall comply with the following distance requirements: The minimum distance between a storage site and any building or structure shall be 50 feet.

(i) The following language is added to Chapter 16 of NFPA 1, as 16-10.11 of NFPA 1, and supersedes any existing conflicting portion of Chapter 16 of NFPA 1:

1. Subdivision (2) The minimum distance required between a site and any fuel storage/dispensing area or device shall be 50 feet.

2. Subdivision (3) Storage areas shall be separated from sales and handling areas by a minimum of 25 feet.

3. Subdivision (4) Any building or structure used as storage facilities for sparklers and novelty items in conjunction with outdoor sites shall comply with the one hour fire

protection separation and automatic sprinkler system requirements as required for storage areas within buildings and structures.

4. Exception: Canopies and approved steel storage vaults or containers.

5. Subdivision (L) When a canopy can be used in conjunction with an outdoor site operation, the following shall apply:

a. Subdivision (1) No sides of any kind are permitted on the canopy at any time. Provide copy of Building Permit for canopy.

b. Subdivision (2) The canopy must comply with the flame-retardant requirement. Proper flame retardant certificate required.

c. Subdivision (3) Proper exit and exit access shall be maintained at all times within the interior of the canopy. No obstruction to egress from any portion of the canopy is permitted.

d. Subdivision (4) Provide and maintain a minimum of one 2A40BC dry chemical fire extinguisher, with properly updated service tag for each 2,500 sq. ft. of canopy area. Not less than one fire extinguisher for each canopy.

e. Subdivision (M) If the site is to be operated after daylight hours, the site shall be properly illuminated. If electricity powered and/or electrical equipment is used, the following shall apply:

(I) Subdivision (1) All electrical equipment and associated wiring shall comply with NFPA-70. Provide copy of permit for electrical service and equipment.

(II) Subdivision (2) If fuel powered generator is to be used to supply power for the site, the following shall apply:

(A) Subdivision (a) Generator shall be kept a minimum distance of twenty feet (20') from sales, storage, or handling area.

(B) Subdivision (b) Precautions against fire or fire-spread shall be taken when generator sites are located within fields or grassed lots.

(C) Subdivision (c) Only an approved metal five gallon safety container shall be used to store fuel for the generator. Fuel containers shall be properly stored with a maximum of ten gallons per site.

(D) Subdivision (d) Approved fuel containers shall not be stored in sales, storage, handling areas or vehicles.

(III) Subdivision (3) Durable sign to read "NO SMOKING" shall be posted at the generator site.

(2) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention,

Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New _____.

4A-60.009 Effective Date.

These rules shall take effect on July 1, 2001.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Division Director, Division of State Fire Marshal, Department of Insurance

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 1999

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Contagious Equine Metritis	5C-22
RULE TITLES:	RULE NOS.:
Definitions	5C-22.002
Procedures, General	5C-22.003
Approval of Quarantine Facilities	5C-22.004
Quarantine and Release from Quarantine for Contagious Equine Metritis	5C-22.005
Disposition of Horses Which Fail to Qualify for Release from Quarantine	5C-22.009
Fees for Services of the Department	5C-22.011

PURPOSE AND EFFECT: The purpose of these rules is to place added testing and culturing requirements on stallion and mares imported into Florida from Contagious Equine Metritis (CEM) affected countries with the effect of insuring that CEM does not become established in the State's equine population.

SUMMARY: Additional tests, culture requirements and time periods for conduction of tests have been outlined. Also requirements for Contagious Equine Metritis Quarantine Facilities have been revised.

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

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

SPECIFIC AUTHORITY: 585.002(3),(4), 585.08(2)(a) FS. LAW IMPLEMENTED: 585.001, 585.003, 585.08(1),(2)(b), 585.11(1), 585.145(1), 585.16, 585.17, 585.18, 585.19, 585.23 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., March 13, 2001

PLACE: Department of Agriculture and Consumer Services, Conference Room, 407 S. Calhoun Street, Room 316, Tallahassee, Florida 32399-0800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe W. Kight, Assistant Director, Division of Animal Industry, 407 S. Calhoun Street, Room 321, Tallahassee, Florida 32399-0800, (850)410-0900

THE FULL TEXT OF THE PROPOSED RULES IS:

5C-22.002 Definitions.

The definitions contained in Section 585.001, Florida Statutes, and the following shall apply in this rule Chapter:

(1) through (3) No change.

(4) Test Mare. A mare that would qualify under 9 C.F.R. § 93.301(e)(4), (2000).

(5) Import Stallion. Any stallion released from an official USDA APHIS VS Import/Export station into Florida.

(6) Stabled. Any Equidae that is confined, sheltered, or cared for, for a period of more than 48 hours within the State of Florida.

(7) Materials. Title 9 C.F.R. § 93.301(e)(4), (2000), is hereby adopted and incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(3),(4), 585.08(2)(a) FS. Law Implemented 585.001, 585.003, 585.08(1),(2)(b), 585.11(1), 585.145(1), 585.16, 585.17, 585.18, 585.19, 585.23 FS. History--New 6-3-93, Amended 7-3-95, _____.

5C-22.003 Procedures, General.

(1) No change.

(2) The owner must enter into a quarantine agreement which includes reference to the appropriate federal requirements for quarantine release as stated in 9 C.F.R. §§ 93.301(e)(3)(iii) or (e)(5)(iv), (2000) (~~2.304(a)(5) or 92.304(a)(8) (1994).~~

(3) The attending veterinarian will perform all required examinations and collections of blood and materials for tests and culture. Payment for these services shall be the sole responsibility of the owner of the horse(s).

(4) No change.

(5) Materials. Title 9 C.F.R. §§ 93.301(e)(3)(iii) or (e)(5)(iv), (2000), 92.304 (1994) are hereby adopted and incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority ~~585.002(3),(4), 585.08(2)(a) FS. Law Implemented 585.001, 585.003, 585.08(1),(2)(b), 585.11(1), 585.145(1), 585.16, 585.17, 585.18, 585.19, 585.23 FS. History—New 6-3-93, Amended 7-3-95.~~

5C-22.004 Approval of Quarantine Facilities.

(1) An owner who desires approval of a quarantine facility must submit a written request to the Department. The request must include a scale drawing of the site indicating all structures and spaces (for example, buildings, pastures, and fences) intended for use in the quarantine area. A representative of the Department will inspect the premises and will advise the owner of any corrective action which must be taken before an approval is granted.

(1)(a) No change.

(b) Facility approvals will expire at any time the facility has not been used as an Approved Contagious Equine Metritis Quarantine Facility for a period of twelve ~~eighteen~~ months.

(c) Facility requirements are:

1.(2) The facility must be a separate enclosed building of sound permanent construction capable of being effectively cleaned and disinfected. The facilities to be used must be located so that a distance of not less than 30 feet will be maintained between horses under quarantine and any other animals which may be on the premises. Fencing adequate to maintain this separation must be present. Paddocks or pastures used by horses under quarantine must be fenced to preclude any across-fence contact with other horses.

2.(3) Before the quarantine facility can be used, a disinfectant approved in 9 C.F.R. § 71.10, (2000), must be applied to all fixed and movable surfaces and equipment. Walls, floors and ceilings must be constructed of impervious materials which can withstand continued cleaning and disinfection.

3.(4) The facilities must be located so that a distance of not less than 30 feet will be maintained between horses under quarantine and any other animals which may be on the premises. Fencing must be adequate to maintain this separation. Paddocks or pastures used by horses under quarantine must be fenced to preclude any across-fence contact with other horses. All openings to the outside must be double screened with material of not less than 14 × 16 mesh and must be kept adequately secured. Exterior gates must be kept padlocked to prevent unauthorized removal of the horses and entry of unauthorized individuals.

4.(5) All doors and Exterior gates must be kept padlocked at all times, except for necessary handling of horses, to prevent unauthorized removal of quarantined horses and entry of unauthorized persons individuals. All equipment needed to

~~maintain the facility in a clean and sanitary condition, including that needed for insect and pest control, must be present.~~

5.(6) During the quarantine period all equipment and utensils used for feeding, watering, grooming, cleaning and disinfecting and pest control must remain in the quarantine area. Equipment used in the quarantine area must remain in the quarantine area.

6.(7) No change.

7.(8) All drainage must be directed away from the facility. Surface runoff must be retained on site or must be adequately treated so as to prevent any disease agent from entering or leaving the facility.

8.(9) No change.

~~(10) Ventilation must be sufficient to prevent the accumulation of noxious gases and odors.~~

~~(11) Sufficient labor must be available so that those individuals working with horses in the quarantine facility will not come into direct contact with horses outside the facility during the quarantine period.~~

9.(12) No change.

10.(13) Entrances must have signs posted advising that the area is a quarantined area and that no visitors are allowed to enter the area. The signs will be a minimum of 10 inches by 12 inches.

11.(14) All waste materials, including bedding and fecal matter, must be disposed of by incineration or by other means which have been specifically approved by a representative of the Department.

12.(13) All gloves, sleeves, speculums and other disposable materials after each culture or treatment will be placed in double bagged plastic garbage bags and disposed of by incineration or by other means approved by the Department.

13.(14) Equine in the quarantine facility must have no contact with other equine during the quarantine period. Such separation may be attained by:

(a) Providing an open stall between each horse, or

(b) By constructing a solid partition between stalls that is at least eight feet high.

(2)(15) A written approval will be issued by the Department after inspection by a Department representative has verified that all of the above requirements have been met.

(3) Materials. Title 9 C.F.R. § 71.10, (2000), is hereby adopted and incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority ~~585.002(3),(4), 585.08(2)(a) FS. Law Implemented 585.001, 585.003, 585.08(1),(2)(b), 585.11(1), 585.145(1), 585.16, 585.17, 585.18, 585.19, 585.23 FS. History—New 6-3-93, Amended 11-22-93,~~

5C-22.005 Quarantine and Release from Quarantine for Contagious Equine Metritis.

(1) through (2) No change.

(3) Inspection, treatment, and testing requirements for imported stallions and mares are provided in 9 C.F.R. §§ 93.301(e)(3),(4) and (5), (2000) 92.304(a)(5) and (8), (1994). In addition to these requirements, the following additional testing and culture requirements must be met:

(a) All imported mares shall have blood collected for a Complement Fixation (CF) test for CEM upon arrival at the Approved CEM Quarantine Facility and shall have endometrial and/or cervical cultures taken for testing in addition to the culture sites specified in 9 CFR 93.301(e)(5)(i), (2000).

(b) All test mares bred to import stallions shall have endometrial and/or cervical cultures taken post breeding, in addition to the 9 CFR 93.301(e)(3)(i)(b), (2000). Also all test mares bred to import stallions shall have a CF test for CEM conducted at a minimum of 21 days post breeding, instead of the 15 days specified in the USDA/APHIS protocol.

(c) All owners of stallions which are stabled in Florida following release from an Approved CEM Quarantine Facility, shall be required to provide the Department with a CF test for CEM results no less than 21 days post breeding on the first three mares bred.

(4) Forms and Materials. Forms AI-75, DACS-09075, Official Notice of Quarantine for Contagious Equine Metritis, revised 07/99 2-93 and AI-76, Release from Quarantine for Contagious Equine Metritis (Rev. 2-93), are hereby incorporated by reference. Copies may be obtained from the Division of Animal Industry, Bureau of Animal Disease Control Health Compliance and Support, 407 South Calhoun Street, Room 33322 Mayo Building, Tallahassee, Florida 32399-0800, (850)410-0900 (904)488-8280. Title 9 C.F.R. §§ 93.301(e)(3),(4) and (5), (2000), are hereby adopted and incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(3),(4), 585.08(2)(a) FS. Law Implemented 585.001, 585.003, 585.08(1),(2)(b), 585.11(1), 585.145(1), 585.16, 585.17, 585.18, 585.19, 585.23 FS. History—New 6-3-93, Amended 7-3-95,_____.

5C-22.009 Disposition of Horses Which Fail to Qualify for Release from Quarantine.

In the event that an imported horse or test mare fails, for whatever reason, to qualify for release from quarantine within eighteen (18) months of initiation of testing and treatment, the procedure shall be declared a failure. In such an event, the horse must be:

(1) Moved under official permit directly to slaughter without unloading enroute; or

(2) Humanely euthanized and the carcass destroyed under Department supervision by burial or incineration, or

(3) If an imported horse, returned to the country of origin.

Specific Authority 585.002(3),(4), 585.08(2)(a) FS. Law Implemented 585.001, 585.003, 585.08(1),(2)(b), 585.11(1), 585.145(1), 585.16, 585.17, 585.18, 585.19, 585.23 FS. History—New 6-3-93, Amended _____.

5C-22.011 Fees for Services of the Department.

(1) For each horse approved to enter this testing and treatment program, the owner must pay to the Department a fee of \$1,250.00. If multiple horses are approved as a group, this fee shall be \$1,250.00 for the first horse and \$750.00 for each additional horse in the same group; except when groups contain five or more horses, the fee shall be \$1,250 for the first horse, and the fee for each additional horse thereafter shall be determined by the State Veterinarian. Such fees shall not be less than \$400 nor more than \$750 per individual horse. For group approval, all of the horses must arrive at the quarantine facility as a single shipment, and testing and treatment procedures must be conducted on all of the group simultaneously. The fee must be paid by check or money order made out to "The Florida Department of Agriculture and Consumer Services" and must be submitted with the request for approval for importation. If the importation is not approved or does not occur for other reasons, the fee minus \$100.00 will be refunded.

(2) Fees will be charged for pre-approval inspections of quarantine facilities pursuant to the schedule set forth in 5C-22.004(1)(a).

Specific Authority 585.002(3),(4), 585.08(2)(a) FS. Law Implemented 585.002(4), 585.003, 585.08(1), 585.11(1), 585.16, 585.23 FS. History—New 6-3-93, Amended 11-22-93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joe Knight, Assistant Director, Division of Animal Industry

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Dr. Leroy Coffman, Director, Division of Animal Industry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Medicaid

RULE TITLE: RULE NO.:

Durable Medical Equipment and Supplies 59G-4.070

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Supplies Coverage and Limitations Handbook. The handbook contains the 2000 Durable Medical Equipment and Supplies fee schedule. The effect will be to incorporate by reference in the rule the current Florida Medicaid Durable Medical Equipment and Supply Coverage and Limitations Handbook.

SUMMARY: The purpose of the rule amendment is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Supplies Coverage and Limitations Handbook, January 2000. The handbook contains the 2000 fee schedule.

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

Any person who wishes to provide information regarding the statement of estimated regulatory 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: 409.906, 409.907(7), 409.908 FS.

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

TIME AND DATE: 9:00 a.m., February 19, 2001

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alanna J. Wesley, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7306

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.070 Durable Medical Equipment and Supplies.

(1) No change.

(2) All durable medical equipment and supply providers enrolled in the Medicaid program must comply with the Florida Medicaid Durable Medical Equipment and Supply Services Coverage and Limitations Handbook, January 2000 ~~October 1999~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up EPSDT, 221 incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

(3) through (4) No change.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907(7), 409.908 FS. History—New 8-26-92, Formerly 10C-7.070, Amended 5-23-94, 1-7-96, 3-4-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Alanna J. Wesley

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLES:	RULE NOS.:
General Responsibility	61G1-25.001
Definitions	61G1-25.002
Qualification Program for Threshold Building Inspectors	61G1-25.003
Common Requirements to All Architects or Engineers Providing Threshold Building Inspection Services	61G1-25.004

PURPOSE AND EFFECT: The purpose of this rule notice is to create a new rule chapter, which will be numbered 61G1-25. This rule chapter will consist of four new rules. The new rules will address the responsibilities, define definitions, list the qualifications necessary in order to become certified as a threshold building inspector, and provide language that list the common requirements to all architects who plan on providing threshold building inspections.

SUMMARY: The Board has determined that it is necessary to promulgate a new rule chapter with four new rules. Rule 61G1-25.001 will set forth the general responsibilities for architects who plan on providing threshold building inspections. Rule 61G1-25.002 will define the definitions of a threshold building inspector, an authorized representative, structural inspection plan, and shoring and reshoring plan. Rule 61G1-25.003 will address the qualifications necessary to become a threshold building inspector. Rule 61G1-25.004 will set forth the common requirements to all architects or engineers who plan on providing threshold building inspection services.

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: 481.2055, 481.225, 553.79(5)(a)-(d) FS.

LAW IMPLEMENTED: 481.213(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sherry Landrum, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G1-25.001 General Responsibility.

Architects 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 architect will inspect the shoring and reshoring for conformance with shoring and reshoring plans submitted to the enforcing agency.

Specific Authority 481.2055, 481.225, 481.225(2) FS. Law Implemented 481.213(7) FS. History—New _____.

61G1-25.002 Definitions.

(1) Threshold Building Inspector: An architect 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 architect or engineer of record to the enforcing agency to provide specific inspection procedures and schedules.

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

Specific Authority 481.2055, 481.225(2), 553.79(5)(a)-(d) FS. Law Implemented 481.213(7) FS. History—New _____.

61G1-25.003 Qualification Program for Threshold Building Inspectors.

(1) The minimum qualifying criteria for threshold building inspectors established by the Board shall be as follows:

(a) Proof of current licensure in good standing as an architect in the State of Florida.

(b) Three years of experience in performing structural field inspections on at least three threshold type buildings. This experience must be within ten calendar years preceding submission of the application.

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

(2) All licensed architects who are 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 be certified threshold or building inspectors.

(3) Applications.

(a) The instructions and application form for threshold building inspectors, form DBPR/BOAID/TBI/02/01 is hereby incorporated by reference, effective _____, entitled "Threshold Building Inspector Application and Instructions". Copies of form DBPR/BOAID/TBI/02/01 may be obtained from the Board by writing to the Florida Board of Architecture and Interior Design, 1940 N. Monroe Street, Tallahassee, Florida 32399-0766.

(b) All applications for certification as a threshold building inspector shall be submitted to the Board on form DBPR/BOAID/TBI/02/01, referenced above, by mailing to the address listed above along with an initial certification fee of \$100.

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

1. Name;

2. Address;

3. Phone number;

4. Florida license number;

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

6. Name and address of current employer;

7. Letters of recommendation from three architects or engineers in the State of Florida, one of whom must be certified as a threshold building inspector;

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

9. Completed form DBPR/BOAID/TBI/02/01, referenced in (3)(a) above.

(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) Roster of Threshold Building Inspectors. The Board shall maintain a roster of all persons certified as threshold building 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 Architecture and Interior Design.

Specific Authority 481.2055, 481.225(2), 481.225 FS. Law Implemented 481.213(7) FS. History–New _____.

61G1-25.004 Common Requirements to All Architects or Engineers Providing Threshold Building Inspection Services.

(1) For each threshold building, a notice shall be filed with the enforcing agency, bearing the name, address, signature, date and seal of the threshold building inspector, certifying that the threshold building inspector is competent to provide the services for the specific type of structure.

(2) Threshold building inspectors utilizing authorized representatives shall maintain responsible supervisory control over the representative pursuant to Chapter 61G1-23, F.A.C.

(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 481.2055, 481.225(2), 481.225 FS. Law Implemented 481.213(7) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Subject Area Requirements RULE NO.: 61G8-17.0037

PURPOSE AND EFFECT: The rule is being repealed.
SUMMARY: The Board proposes to review this rule and make necessary changes.

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

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

SPECIFIC AUTHORITY: 470.015(1), 470.018(2) FS.

LAW IMPLEMENTED: 470.015(1), 470.018(2) 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: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-17.0037 Subject Area Requirements.

Specific Authority 470.015(1), 470.018(2) FS. Law Implemented 470.015(1), 470.018(2) FS. History–New 4-10-94, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLES:	RULE NOS.:
Continuing Education for Biennial Renewal	61G19-9.001
Continuing Education Course Providers	61G19-9.002
Registration of Course Providers	61G19-9.003
Approval of Courses	61G19-9.004
Qualifications of Course Instructors	61G19-9.005
Course Syllabus	61G19-9.006
Records Required to be Maintained by Course Providers	61G19-9.007
Advertising of Continuing Education Courses	61G19.9.009
Continuing Education Course Provider Fees	61G19-9.011

PURPOSE AND EFFECT: The purpose of the amendment in Rule 61G19-9.001 is to update the rule text in subsection (4). The Board proposes to amend Rule 61G19-9.002 to change the word “Sponsors” to “Providers” in the rule title and the introductory paragraph. Rule 61G19-9.003 requires amendments in order to change the word “sponsors” to “providers” wherever it appears in the rule and new rule text is being added to expand the requirements for course providers. The Board proposes to amend Rule 61G19-9.004 to change the word “sponsor” to “provider” and new rule text is being added to update the rule text with regard to the approval of courses. The purpose of the rule amendment in Rule 61G19-9.005 is to change the word “sponsor” to “provider” wherever it appears in the rule. Rule 61G19-9.006 is being amended to delete the word “sponsor” and add the word “provider” throughout the rule. The purpose of the amendments in Rule 61G19-9.007 is

to change the word "sponsor" to "provider" in the rule and to update the rule text. The Board is amending Rule 61G19-9.009 to change the word "sponsors" to "providers". Rule 61G19-9.011 is being amended to change the words "sponsor" to "provider".

SUMMARY: The Board is amending Rule 61G19-9.001 to update the rule text to notify all certificate holders that all license numbers held by the certificate holder shall be submitted to the provider at the time of registration. The Board proposes to amend Rule 61G19-9.002 by updating the rule title and changing the word "sponsors" to "providers" in the introductory paragraph. The Board is amending Rule 61G19-9.003 by changing the word "sponsors" to "providers" wherever it appears in the rule and new rule text is being added which will expand the requirements for course providers. The Board proposes to amend Rule 61G19-9.004 to change the word "sponsor" to "provider" and new language is being added to further clarify the requirements for approval of courses. The Board is amending Rule 61G19-9.005 by changing the word "sponsor" to "provider" wherever it appears in the rule. Rule 61G19-9.006 is being amended to delete the word "sponsor" and add the word "provider" throughout the rule. The purpose of the amendments in Rule 61G19-9.007 is to change the word "sponsor" to "provider" in the rule and to add a new subsection (f) to subsection (1). In addition the rule title is being amended to reflect course providers rather than course sponsors. Rule 61G19-9.009 is being amended to change the word "sponsors" to "providers". The is amending Rule 61G19-9.011 by updating the rule title and changing the words "sponsor" to "provider".

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

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

SPECIFIC AUTHORITY: 455.2124, 468.606, 468.627 FS.

LAW IMPLEMENTED: 455.2124, 455.219, 468.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

- 61G19-9.001 Continuing Education for Biennial Renewal.
- (1) through (3) No change.

(4) For those certificate holders who are certified in more than one certification category, completion of the minimum number of hours of continuing education course requirements as set forth above shall be sufficient for the biennial renewal of all certifications held by the certificate holder. All license numbers held by the certificate holder should be submitted by the certificate holder to the provider at the time of course registration.

Specific Authority 455.2124, 468.606, 468.627 FS. Law Implemented 455.2124, 468.627 FS. History—New 5-23-94, Amended 5-21-95, 11-28-95, 6-9-97, 1-4-00,_____.

61G19-9.002 Continuing Education Course Providers ~~Sponsors~~.

The following courses and course providers ~~sponsors~~ satisfy the continuing education requirement:

- (1) through (2) No change.

Specific Authority 468.606 FS. Law Implemented 468.627 FS. History—New 5-23-94, Amended_____.

61G19-9.003 Registration of Course Providers ~~Sponsors~~.

(1) Registration for Course Providers is required May 31 of every odd year. All providers are required to ~~The following are not required to~~ register with the Board when providing continuing education courses including:

- (a) No change.
- (2) Nonaccredited course providers ~~sponsors~~ shall register with the Board on Board-approved registration form BPR/BCAI/10 Rev. 02/01, 7/97, Provider Sponsor Approval Application, which is hereby incorporated by reference and will be effective _____ ~~10-1-97~~, copies of which may be obtained from the Board office.

(3) Registration forms shall include the provider's ~~sponsor's~~ name, address, and phone number, and the names, addresses, and phone numbers of each person or entity with an ownership interest in the provider ~~sponsor~~ or who are entitled to receive a percentage of revenues from the course provider ~~sponsor~~.

(4) The Board shall maintain a list of all registered course providers ~~sponsors~~.

(5) Course providers ~~sponsors~~ shall notify the Board in writing within thirty (30) days of the effective date of any changes in information required to be listed on the initial registration.

(6) The provider must comply with the requirements stated in Rule 61-6.015(5) as a condition of approval as a course provider.

(7) The course provider shall not offer any continuing education courses if the provider status is in an expired status, fails to renew or is disciplined.

(8) No provider may allow a licensed instructor to conduct any course or seminar offered by the provider if they have been disciplined and have not been released from the terms of the final order in the disciplinary case. Upon receipt of notice that

the instructor is under discipline, the provider shall, within seven (7) days, write to the Board office and confirm that the instructor is no longer conducting any course or seminar offered by the provider. For the purposes of this subsection, a letter of guidance or a reprimand shall not constitute "under discipline."

(9) If the course provider has been disciplined by the Department for anything other than not renewing their license, they cannot reapply to the Division for two (2) years from the date of the Final Order.

Specific Authority 468.606, 468.627(7) FS. Law Implemented 468.627 FS. History—New 5-23-94, Amended 11-28-95, 10-1-97,_____.

61G19-9.004 Approval of Courses.

(1) Any ~~provider sponsor approved or~~ registered pursuant to this Chapter may apply for approval of a continuing education course. The application must be submitted on a Board-approved form, BPR/BCAI/11 Rev. 7/97, B.C.A.I. Course Approval Application, which is hereby incorporated by reference and will be effective 10-1-97, copies of which may be obtained from the Board office.

(2) Upon receipt of a course application and the appropriate fee, the Board may approve any course, seminar, or conference in the construction area provided by any university, college, junior college, community college, vocational-technical center, public or private school, firm, association, organization, person, corporation, or entity which meets the criteria of this part.

(3) No change.

(4) The Board shall approve continuing education courses which have sufficient educational content to improve the certificate holder's inspection and technical skills, which are taught by qualified instructors, and which otherwise fulfill the requirements of this part. Course approval is valid for two (2) years from the date of approval unless the provider expires or is disciplined.

(5) through (6) No change.

(7) The Board shall not deny or withdraw approval of a course on the basis that another course ~~provider sponsor~~ is conducting the same or a similar Board-approved course.

(8) If a course is approved, the Board shall assign the course a number. The course ~~provider sponsor~~ shall print the Board-assigned number on the course syllabus, on all printed material used in connection with the course, and in all written advertising used in connection with the course.

(9) Of the required fourteen (14) continuing education hours, up to three (3) hours credit may be earned by attending a disciplinary meeting of the Board. Licensees must attend the complete agenda of disciplinary cases to receive the continuing education credit hours. Licensees shall give at least seven (7) days advance notice to the Board of their intention to attend the disciplinary case session. Licensees shall check in with the Clerk of the Board prior to the disciplinary proceedings and

must sign in and out for breaks and lunch periods. A maximum of three (3) hours of continuing education credit per biennium may be earned in this manner. Licensees shall not be credited for attending any disciplinary case session in which the licensee is a party. At the conclusion of the disciplinary proceedings, the clerk will provide a letter of attendance which licensees will maintain for three (3) years.

(10) After a course has been approved by the Board, any substantive changes in the course content requires reapplication of the course to be submitted for approval by the Board ~~must be submitted to and approved by the Board.~~

(11) The Board approves those continuing education courses approved by the Construction Industry Licensing Board; the Electrical Contractors' Licensing Board; ~~the Board of Professional Engineers and the Board of Architecture and Interior Design.~~

(12) The ~~Upon application to the Board, the~~ course instructor shall receive continuing education credit equal to the total approved credit for that course if they submit this documentation at the request of the Department. Credit may not be granted for teaching the same course more than once in each biennium.

(13) Of the required fourteen (14) continuing education hours, up to seven (7) hours credit may be earned by attending a meeting of the Florida Building Commission within the Department of Community Affairs, or any of the meetings of any technical committees of the Commission. Certificate holders shall be responsible for obtaining and maintaining satisfactory proof of attendance at such meetings as specified in Rule 61G19-9.008. A copy of proof of attendance must be submitted to the Board office or Department upon request of completion to ensure that continuing education credit is awarded.

Specific Authority 468.606, 468.627 FS. Law Implemented 468.627 FS. History—New 5-23-94, Amended 5-21-95, 10-1-97, 8-17-99,_____.

61G19-9.005 Qualifications of Course Instructors.

(1) No change.

(2) The Board shall not reject a course based upon the proposed instructors, but may approve a course contingent on certification by the course ~~provider sponsor~~ that all instructors meet the minimum requirements before conducting that course, and before advertising that the course is approved for continuing education credit.

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

(4) No change.

Specific Authority 468.606 FS. Law Implemented 468.627 FS. History—New 5-23-94, Amended 11-28-95, 12-3-00,_____.

61G19-9.006 Course Syllabus.

(1) Each course provider sponsor shall prepare a course syllabus for each course sponsored. The syllabus shall state the name of the course, the course number assigned by the board, the name and address of the course provider sponsor and a description or outline of the contents of the course.

(2) Prior to the course, course providers sponsors shall give a course syllabus to each person who registers for the course.

Specific Authority 468.606 FS. Law Implemented 468.627 FS. History--New 5-23-94, Amended _____.

61G19-9.007 Records Required to be Maintained by Course Providers Sponsors.

(1) Course providers sponsor shall maintain the following records with respect to each course:

(a) through (c) No change.

(d) The original sign-in sheet used at the site of the course to register people attending each course. Course providers sponsors shall require every person to print their name and license number, and sign their name on the course sign-in sheet;

(e) No change.

(f) Certificates of completion for each person completing a course containing the name and the license number of the person who completed the course.

(2) Course providers sponsors shall maintain the required records for each course at least four (4) three (3) years following the date the course is completed.

(3) Upon request by the board, each course provider sponsor shall provide the board with copies of any required records.

Specific Authority 468.606 FS. Law Implemented 468.627 FS. History--New 5-23-94, Amended 11-2-00, _____.

61G19-9.009 Advertising of Continuing Education Courses.

(1) Course providers sponsors shall not advertise a continuing education course as one approved by the board until such approval is officially granted by the board.

(2) Course providers sponsors shall not include any false or misleading information regarding the contents, instructors or number of classroom hours of any course approved under this rule.

Specific Authority 468.606 FS. Law Implemented 468.627 FS. History--New 5-23-94, Amended _____.

61G19-9.011 Continuing Education Course Provider Sponsor Fees.

(1) The fee for registering each continuing education provider sponsor shall be \$100.00.

(2) No change.

(3) Government agencies providing sponsoring continuing education shall pay no fee for course or provider sponsor approval.

Specific Authority 468.606 FS. Law Implemented 455.219, 468.627 FS. History--New 5-23-94, Amended 4-12-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2000

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: RULE NO.:

Biennial Renewal Fee/Initial Licensure Fee 64B2-12.005

PURPOSE AND EFFECT: The proposed rule change is to raise the fee charged for renewal of a license.

SUMMARY: The Board proposes to increase the fee charged for renewal of a License.

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

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

SPECIFIC AUTHORITY: 455.564(2), 460.406 FS.

LAW IMPLEMENTED 455.564(2), 460.407 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 RULE IS: Joe R. Baker Jr., Executive Director Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-12.005 Biennial Renewal Fee/Initial Licensure Fee.

(1) The fee for biennial renewal of a chiropractic license shall be \$500.00 three hundred and fifty dollars (\$350.00).

(2) No change.

Specific Authority 456.013 455.564(2), 456.025, 460.406, 460.407 FS. Law Implemented 456.013, 456.025, 460.407 455.564(2) FS. History--New 1-10-80, Amended 10-25-83, Formerly 21D-12.05, Amended 1-28-87, 12-31-89, 10-15-92, Formerly 21D-12.005, 61F2-12.005, 59N-12.005, Amended 11-4-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 19, 2001

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Continuing Education Program Approval
RULE NO.: 64B11-6.001

PURPOSE AND EFFECT: The Board proposes the development of an amendment to address Continuing Education program approval.

SUMMARY: Continuing Education programs must adhere to the requirements set out by the Board in order to get Board approval.

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

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

SPECIFIC AUTHORITY: 455.587, 468.204, 468.219(2) FS.

LAW IMPLEMENTED 468.219(2) 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 RULE IS: Kaye Howerton, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-6.001 Continuing Education Program and ~~Provider~~ Approval.

(1) Continuing education credit will be awarded only for completion of licensed programs or those that are Board-approved as provided in this Rule. Continuing education program providers seeking initial licensure approval by the Board shall pay a fee of \$250. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Board approval, a continuing education program:

(a) should be submitted for the Board's approval not less than 90 days prior to the date the initial offering is scheduled;

(b) shall be relevant to the practice of occupational therapy as defined in Section 468.203(4), Florida Statutes, must be offered for the purpose of keeping the licensee apprized of advancements and new development in occupational therapy, and shall be designed to enhance learning and skills consistent with contemporary standards for occupational therapy practice.

(c) shall have its sponsor submit to the Board at least the following:

1. a statement of the educational goals and objectives of the program;
2. a detailed course outline or syllabus, including such items as method of instruction, testing materials, if any;
3. a current curriculum vitae of each speaker or lecturer appearing in the program;
4. the procedure to be used for recording attendance of these attendees seeking to apply for continuing education credit and the procedure for certification by the program's registrar of attendance; and
5. a sample certificate of completion.

(2) Programs offered by the Florida Occupational Therapy Association (FOTA), the American Occupational Therapy Association (AOTA) and occupational therapy courses accredited by the Accreditation ~~Board~~ Council for Occupational Therapy shall be deemed approved by this Board for continuing education and shall not pay the fees required in subsection (1) of this rule.

(3) through (7) No change.

Specific Authority ~~456.013(8)~~ 455.587, 468.204, 468.219(2) FS. Law Implemented 468.219(2), ~~468.221~~ FS. History—New 8-1-95, Amended 8-27-96, Formerly 59R-65.001, Amended 7-21-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 16, 2001

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

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Marine Resources

RULE CHAPTER TITLE: Marine Turtle Grants Program
RULE CHAPTER NO.: 68E-2

RULE TITLES: Intent 68E-2.001
Definitions 68E-2.002
Availability of Funds 68E-2.003
Marine Turtle Grant Committee 68E-2.004
Eligibility Criteria 68E-2.005

General Grant Application Requirements	68E-2.006
Grant Funding Criteria and Procedures	68E-2.007
Disbursement of Funds	68E-2.008
Reporting Requirements	68E-2.009

PURPOSE AND EFFECT: This Rule establishes the procedures for disbursement of Marine Turtle Grants to coastal local governments, educational institutions, and Florida-based nonprofit organizations to conduct marine turtle research, conservation, and education activities within the state. Such grants should promote understanding and conservation of Florida's threatened and endangered marine turtles.

SUMMARY: This Rule describes the composition of the Marine Turtle Grants Committee, which will review and approve applications for Marine Turtle Grants, lists the requirements and procedures for submitting grant applications and specifies the criteria for allocating available funds.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement has not been prepared at this time.

Any person who wishes to provide information regarding the 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: 370.12(1)(h) FS.

LAW IMPLEMENTED: 320.08058(19), 370.12(1)(h) FS.

A HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., March 29-30, 2001

PLACE: Capital Holiday Inn, 1355 Apalachee Parkway, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES AND STATEMENT OF ESTIMATED REGULATORY COST IS: Dr. Robbin Trindell, Bureau of Protected Species Management, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68E-2.001 Intent.

(1) This rule establishes procedures for disbursement of marine turtle grants to coastal local governments, educational institutions, and Florida-based nonprofit organizations to conduct marine turtle research, conservation, and educational activities within the state in accordance with the intent of the Legislature. This Chapter contains the requirements and procedures for submitting grant applications and the criteria for allocating available funds.

Specific Authority 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History–New _____.

68E-2.002 Definitions.

The following words, phrases, or terms as used in this rule shall have the following meanings:

(1) "Commission" means the Florida Fish and Wildlife Conservation Commission.

(2) "Committee" means the Marine Turtle Grants Committee, a group of at least seven members, including two nongovernmental representatives, appointed by the Executive Director of the Commission.

(3) "Conservation" means an act carried out primarily for the purpose of protecting marine turtles, nests, and hatchlings or protecting the nesting beach or foraging habitat of any marine turtle.

(4) "Educational institution" means public or non-public colleges, universities, nature centers, museums, zoos, aquariums, or similar institutions. Educational facilities must be regularly opened to the public for the primary purpose of providing an educational experience.

(5) "Educational activities" means to exhibit, inform and instruct the public in the biology, habitat, or conservation needs of marine turtle species.

(6) "Local government" means any coastal county or municipality within those counties.

(7) "Marine turtle" means any of those animals defined in 370.12 (1)(b), F.S., commonly known as sea turtles.

(8) "Marine Turtle Permit" means an authorization to conduct scientific, conservation, or educational activities involving marine turtles within or originating from Florida, issued pursuant to the provisions of Florida Administrative Code Chapter 68E-1.

Specific Authority 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History–New _____.

68E-2.003 Availability of Funds.

(1) Funds generated by the sale of the Sea Turtle License Plate in excess of \$500,000, and up to 30 percent of the total annual revenue, shall be distributed to eligible entities as grants as described in this Rule. Grant expenditures shall be made in the second fiscal year following revenue collection.

(2) Subject to legislative appropriations, all grant funds not disbursed during the fiscal year shall be made available for the grants program in subsequent years.

Specific Authority 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History–New _____.

68E-2.004 Marine Turtle Grant Committee.

(1) The Marine Turtle Grant Committee (Committee) is established within the Commission to consider and choose grant recipients from applications submitted by eligible entities. The Committee shall consist of seven members with technical knowledge and expertise in the research and management of marine turtles, their nests, hatchlings, or habitats. All Committee members shall serve at the pleasure of the Executive Director.

(2) The Executive Director shall appoint two members from federal agencies responsible for management or research activities involving marine turtles; two members from nongovernmental organizations with marine turtle interests, including at least one member representing a Florida-based nonprofit organization involved in marine turtle conservation; and three additional members.

(3) Initial appointments shall be for three, three-year terms; two, two-year terms; and two, four-year terms. Thereafter, all appointments shall be for two-year terms. If a vacancy occurs, a member shall be appointed for the remainder of the unexpired term. A member whose term has expired may continue sitting on the council with full rights until a replacement has been appointed. At its first meeting, the Committee shall select a chair and vice-chair to serve two-year terms by majority vote.

(4) Committee members shall not receive any compensation from the Commission pursuant to subsection 370.12(1)(h), Florida Statutes. Travel reimbursement shall be made in accordance with applicable state guidelines.

Specific Authority 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History—New _____.

68E-2.005 Eligibility Criteria.

(1) Coastal local governments, educational institutions, and Florida-based nonprofit organizations that actively participate in marine turtle research, conservation, and educational activities within the state are eligible to apply for grant funds.

(2) All grant applications shall be for conservation, education or research projects that clearly add to the conservation of marine turtles; that accomplish tasks included in the current recovery plans for marine turtles; and that are consistent with subsection 370.12 (1)(c), Florida Statutes.

(3) Activities that shall be considered eligible for funding through the Marine Turtle Grant program include, but are not limited to:

(a) Protection of marine turtles, their nests and hatchlings from harmful activities on the nesting beach, including lights and predators.

1. Replacement or modification of existing lights that directly or indirectly illuminate the beach or create a glow that is visible from the beach or have been documented as contributing to marine turtle disorientations.

2. Purchase and installation of shields, light barriers, tinted glass or other structures that reduce or restrict the amount and direction of lights that directly or indirectly illuminate the beach or create a glow that is visible from the beach.

(b) Development, production, and distribution of educational materials, databases, and programs that promote the understanding of the life history and habitat needs of Florida's marine turtles and the protection and conservation of these species.

(c) Research directly related to the conservation of marine turtles. Such research shall provide information for the improvement of existing management strategies to protect marine turtles and may include assessments of coastal lighting; beach nourishment; coastal armoring and other shoreline protection structures; in-water distributions, developmental habitats; migration patterns; rehabilitation of injured or diseased marine turtles; epidemic diseases, including Fibropapillomatosis; fishing gear; and general life history information.

(d) Assistance for statewide nesting beach surveys and Index Nesting Beach Surveys, including materials and supplies.

(e) Assistance for the statewide stranding network, including material and supplies.

Specific Authority 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History—New _____.

68E-2.006 General Grant Application Requirements.

(1) When sufficient funds for administration of the grant program are available, the Commission will give notice of the application deadline by advertising in the Florida Administrative Weekly.

(2) Marine Turtle Grant applications and supporting documentation may be submitted to the Commission's Tallahassee headquarters between October 1 and November 15. All application materials must be received no later than November 15 and shall include all information specified in this Section.

(3) Each application shall include the following:

(a) A scope of work for the proposed action, project or study, including a complete explanation of how funds will be spent;

(b) A list of all measurable objectives and an explanation of how the project will directly promote the conservation and protection of marine turtles, their nests, hatchlings or nesting and foraging habitat;

(c) A description of methods that can be used to evaluate success of the action, project or study;

(d) A timetable for the development and implementation of the action, project, or study specifying submittal of deliverables; and

(e) A list of all persons responsible for conduct of the action, project or study, and a description of their experience, including a résumé or curriculum vitae, clearly identifying the qualifications of the principal investigator and all personnel associated with the project and their specific experience with marine turtles.

(4) All grant applications proposing research must include a description of sampling methodologies and statistical analyses.

(5) All grant applications proposing research must include either a copy of an approved Florida Administrative Code Chapter 68E-1 Marine Turtle Permit for that specific research, if required under s. 370.10, F.S., or an application for such a permit.

Specific Authority 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History–New _____.

68E-2.007 Grant Funding Criteria and Procedures.

(1) All grant applications shall be checked for eligibility, form, and content by Commission staff. After November 15, staff shall seek only such additional information from the applicant as required to complete the Marine Turtle Permit application process pursuant to Chapter 68E-1, F.A.C.

(2) Staff shall prepare eligible grant applications, including staff review, for consideration by the Committee. Only those applications that include all information listed in Rules 68E-2.006(3) and (4), F.A.C. above, and which have a Marine Turtle Permit if required, shall be considered complete. Complete grant applications shall be forwarded to Committee members by February 1, who shall meet and select applications for funding by March 15.

(3) When reviewing applications, Committee members shall consider the following:

(a) The scope of the proposed activity (high priority for the project with the most benefit for the conservation of marine turtles);

(b) The duration of the proposed activity (higher priority for shorter term projects that deliver results within the first year);

(c) The relative contribution of the proposed activity to the state’s marine turtle protection goals, objectives and policies (higher priority for those projects that meet more of state’s goals);

(d) The relevance of the proposed activity to the recovery plans for marine turtles (higher priority for projects that are high priority in recovery plans);

(e) Qualifications and the demonstrated ability of applicant to accomplish the proposed activity;

(f) Demand and public support for the proposed activity (highest priority for greatest demonstrated support);

(g) The estimated cost of the activity (higher priority for most benefit from least cost); and

(h) The availability of more appropriate alternative funding (low priority for ongoing or funded projects).

(4) The Executive Director shall review the list of applications recommended for funding by the Committee, ensure each proposal is consistent with state law and execute final grant agreements based on available appropriations by the Legislature.

Specific Authority 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History–New _____.

68E-2.008 Disbursement of Funds.

(1) Upon receipt of the grant applications recommended for funding by the Committee, staff shall determine the exact amount of the grant award based on available funds and prepare a grant agreement.

(2) The grant agreement will be forwarded to the applicant to be signed by a legal representative, notarized, and returned to the Commission to be signed by the Executive Director.

(3) Grant funds shall be disbursed as outlined in the grant agreement upon receipt of an invoice documenting progress by the grantee. Deliverables shall be included with the invoice as outlined in the grant agreement.

(4) The grant period for all projects shall commence on July 1 of the fiscal year following grant approval. Individual projects shall start upon execution of the grant agreement, and conclude on June 30 of that fiscal year. Research projects that are authorized for funding during two fiscal years shall be accomplished by amending grant agreements, subject to legislative appropriations.

Specific Authority 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History–New _____.

68E-2.009 Reporting Requirements.

(1) Each invoice submitted for payment shall include a report detailing work accomplished, work pending, work still to be done, and any problems encountered.

(2) Quarterly progress reports shall be submitted by September, December, and March 15th for each year a project is funded. Progress reports will be a one-page summary, describing the status of the project, results to date, work still to be done and any issues or problems encountered.

(3) A final report shall be submitted by June 15 for each project. This report shall include the following:

(a) The project objectives;

(b) Methods used to implement the project;

(c) A summary of project results, including deliverables as appropriate, data summaries, etc; and

(d) A discussion of the project, including whether the objectives were achieved, the contribution of the project to marine turtle conservation and protection, recommendations for future work, and copies of draft or published manuscripts, artwork, etc.

(4) One electronic and ten printed copies of all materials prepared using Marine Turtle Grant funds shall be provided to the Commission within 30 days of production or publication.

Specific Authority 370.12(1)(h) FS. Law Implemented 320.08058(19), 370.12(1)(h) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Bradley J. Hartman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: RULE TITLE:
 4-137.002 Annual Audited Financial Reports
 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. 50, December 15, 2000, of the Florida Administrative Weekly. This change is being made to correct a clerical error, as requested by the Joint Administrative Procedures Committee.

Paragraph (c) of subsection (8) is changed to read: (c) No change.

The remainder of the rule reads as previously published.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: RULE TITLE:
 61G1-12.001 Grounds for Disciplinary
 Proceedings
 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. 38, September 22, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. Subsection (4) of this rule shall now read as follows:

(4) An architect, firm, or business holding a certificate of authorization may not be negligent in the practice of architecture. The term negligence is defined as the failure, by an architect, to exercise due care to conform to acceptable standards of architectural practice in such a manner as to be detrimental to a client or to the public at large.

(a) Plans, drawings, specifications and other related documents prepared by an architect shall be of a sufficiently high standard to inform the users thereof of the requirements intended to be illustrated or described by them. Such documents shall clearly and accurately indicate the design of all essential parts of the work to which they refer. An architect shall meet a standard of practice which demonstrates his knowledge and ability to assure the safety and welfare of his clients and the public.

(b) An architect shall be required to coordinate his activities with other professionals involved in those projects wherein the architect is engaged to provide plans, drawings and specifications which result in the production of working documents which are used or intended to be used for the construction of a structure.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
 61G4-12.006 List of Approved Forms;
 Incorporation
 NOTICE OF CHANGE

Notice is hereby given that changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 34, of the August 25, 2000, issue of the Florida Administrative Weekly. The changes are based upon written comments submitted by the staff of the Joint Administrative Procedures Committee with regard to the proposed forms incorporated by reference in the rule. Copies of the revised forms are available by contacting the Construction Industry Licensing Board at the address shown below. When changed, the rule shall read as follows:

61G4-12.006 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are hereby adopted and incorporated by reference, and can be obtained from the Board at the following address:

Florida Construction Industry Licensing Board
 7960 Arlington Expressway
 Suite 300
 Jacksonville, Florida 32211-7467

(1) Registrations:

- (a) Application for Contractor Registration, DBPR/CILB/031-(Rev. 01/01),
- (b) Registration Change of Status, DBPR/CILB/017-(Rev. 01/01),

(2) Certifications: Certification Change of Status DBPR/CILB/025-(Rev. 01/01),

(3) Examinations:

- (a) Applicant Information Booklet – Construction Examinations DBPR/CILB/007-(Rev. 01/01),
- (b) Application for Certification Examination, DBPR/CILB/001-(Rev. 01/01),
- (c) Application for Retake Certification Examination, DBPR/CILB/002-(Rev. 7/00),
- (4) Continuing Education:

- (a) Sponsor/Course Approval Application, DBPR/CILB/057/2/98,
- (b) CILB Continuing Education for Contractors Attendance Roster, DBPR/CILB/055-(Rev. 1-95),
- (c) Instructors' Qualifications Form, DBPR/CILB/058/1-94,
- (d) CILB Disciplinary Hearings Attendance Sheet, DBPR/CILB/056/1-94,
- (5) Licensing:
 - (a) Application for Qualified Business Organization (QB) License Number, DBPR/CILB/029/-(Rev. 01/01),
 - (b) Qualified Business Organization (QB) Change of Status Application, DBPR/CILB/030/-(Rev. 01/01),
 - (c) Financially Responsible Officer (FRO) Application, DBPR/CILB/021/-(Rev. 01/01),
 - (d) Application to Qualify An Additional Business Organization, DBPR/CILB/020/-(Rev. 01/01),
 - (e) Limited Non-Renewable Registration Requirements and Application, DBPR/CILB/033-(Rev. 01/01).
- (6) Construction Industries Recovery Fund:
 - Construction Industries Recovery Fund Claim Form, DBPR/CILB/022-(Rev. 01/01).
- (7) Application for Certification of Registered Contractors, DBPR/CILB/032/-(Rev. 01/01).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND FORMS IS: Cathleen E. O'Dowd, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-19.001	Definitions
65C-19.002	Claiming Allowable Expenditures

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. 40, October 6, 2000, issue of the Florida Administrative Weekly:

65C-19.001 Definitions.

For purposes of this rule chapter, the following definitions shall apply.

(1) "Allowable expenditures" means those expenditures which meet the requirements of Title IV-E of the Social Security Act and OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments (Federal Register, Vol. 60, No. 95, at page 26484 (May 17, 1995) and amended (August 29, 1997)), or OMB Circular A-122, Cost Principles for Non-Profit Organizations (Federal Register 60 FR 52516), or 45 CFR 74.81 Prohibition against profit (Federal Register

59 at page 43760, Aug. 25, 1994, as amended at 61 FR 11747, Mar. 22, 1996) and Administration for Children and Families ACYF-CB-PA-97-01 Policy Announcement, incorporated by reference. Copies of the documents incorporated by reference can be obtained from the Department of Children and Families, Family Safety Program Office, 1317 Winewood Boulevard, Tallahassee, FL, 32399-0700.

65C-19.002 Claiming Allowable Expenditures.

In order for a local agency to claim Title IV-E reimbursement for an allowable expenditure related to the maintenance and administrative costs for the care of eligible Title IV-E children, the agency must:

- (1) Enter into an interagency agreement with the Department of Children and Families by executing the Interagency Agreement with the Florida Department of Children and Families, CF-FSP 5251, Sep, 2000, which is incorporated by reference. This agreement must be executed prior to submission of any Title IV-E claims. Copies of the documents incorporated by reference can be obtained from the Department of Children and Families, Family Safety Program Office, 1317 Winewood Boulevard, Tallahassee, FL, 32399-0700.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Cobia

RULE NO.:	RULE TITLE:
68B-19.004	Designation as Restricted Species; Bag and Possession Limits

NOTICE OF CHANGES TO PROPOSED RULES

The Fish and Wildlife Conservation Commission announces changes to proposed amendments and new rule for Rule Chapter 68B-19, F.A.C., as published in the December 22, 2000 issue of the Florida Administrative Weekly. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on January 25, 2001, in Miami, Florida. The proposed amendments to Rule 68B-19.001 and Rule 68B-19.002 were not changed. The proposed amendments to Rule 68B-19.004 were changed to read as follows:

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 6 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 _____.

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on January 24, 2001, from Charlotte County. The petitioner seeks a waiver of a portion of Rule 9K-4.0031(9), Fla. Admin. Code, and Letter of Intent for FCT Project #00-027-P10, the Dotzler Project.

A copy of the Petition, which has been assigned the number DCA01-WAI-003, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that on January 25, 2001, the Florida Public Service Commission received a Petition from Verizon Florida Inc. and Verizon Select Services, Inc. (Docket No. 010030-TL), seeking waiver of Rule 25-4.118, Florida Administrative Code. The rule requires that the provider of a telephone customer’s local, local toll or toll service shall not be changed without the customer’s authorization. The rule also provides that another local provider or interexchange carrier shall submit a change request only if one of the following has occurred: (a) The provider has a letter of agency from the customer requesting the change; (b) The provider has received a customer-initiated call requesting service; or (c) A third-party firm has verified the customer’s requested change.

A copy of the Petition can be obtained from: Commission's Division of Records and Reporting, Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0863, or by calling (850)413-6770.

Comments on the Petition should be filed with the Division of Records and Reporting within 14 days of publication of this notice.

For additional information, contact: Tim Vaccaro, Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862, or telephone (850)413-6181.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS GIVEN that the Agency for Health Care Administration received a request for a waiver from Tender Care Centers, Inc., a pediatric extended care facility. The request was filed January 23, 2001. Tender Care Centers seeks a waiver of Rule 59A-13.010(5) to allow resident care to be provided by “Licensed Practical Nurses” in lieu of “Registered Nurses”.

A copy may be received from and comments submitted to: R. S. Power, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Fort Knox Building III, Suite 3431, Mail Stop 3, Tallahassee, Florida 32308. Comments must be received no later than 14 days from the date of this notice.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Board of Professional Surveyors and Mappers hereby gives notice that on December 26, 2000 it received a petition from Donald Edward Keene seeking a variance from Rule 61G17-4.007, Florida Administrative Code, which sets forth the re-examination requirements if an applicant fails to take the examination on two consecutive regularly scheduled examination dates.

Comments on this petition should be filed with Board of Professional Surveyors and Mappers, 1940 N. Monroe Street, Tallahassee Florida 32399-0750, within 14 days of publication of this notice.

For a copy of the petition contact Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

On November 6, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)5., F.S. (2000), from Porter, White and Company, Inc. requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-2086. A Notice of Receipt of Petition for Variance/Waiver was published in the November 22, 2000, F.A.W. On January 5, 2000, the petition was granted for certain documentation that was required from Southeast Solutions, Inc. and Degrove Surveyors.

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: Lisa Randolph.

On November 8, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)5., F.S. (2000), from National Service Industries, Inc., requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-2091. A Notice of Receipt of Petition for Variance/Waiver was published in the November 22, 2000, F.A.W. On January 17, 2001, the petition was granted for certain documentation that was required from Safety-Kleen Corporation (formerly ViroGroup, Inc., V.O.C. Analytical Laboratories, Inc., I.E.A. Aquarium Company and Laidlaw Environmental Services.

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: Lisa Randolph.

On October 6, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)5., F.S. (2000), from Peter D. Kleist (Atlas Auto Service) requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1134. A Notice of Receipt of Petition for Variance/Waiver was published in the October 27, 2000, F.A.W. On January 10, 2001, the petition was granted for certain documentation that was required from EnviroAssessments, 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: Lisa Randolph.

On July 10, 2000, the Department received a request for variance/waiver pursuant to Section 376.3071(12)(k)5., F.S. (2000), from Brown & Root Services, Inc., requesting a permanent variance/waiver from certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition was assigned OGC case #00-1404. A Notice of Receipt of Petition for Variance/Waiver was published in the November 28, 2000, F.A.W. On October 3, 2000, the petition was granted for certain documentation that was required from Brown & Root.

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: Lisa Randolph.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received on January 16, 2001, a petition from E-Z Serve Convenient Stores Inc. (Sunshine-Jr. Store #84) for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. The petition has been assigned OGC case number 00-1310 and is for the site located at 226 Southeast Hollywood Boulevard, Fort Walton, Florida, FDEP Facility #468630244.

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: Lisa Randolph. Comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Psychology issued a Final Order on January 5, 2001 in response to a Petition for Variance or Waiver filed on October 30, 2000 by Diane M. Vendryes, Ph.D. Petitioner sought a variance or waiver of Rule 64B19-11.003(5), Florida Administrative Code, which defines enrollment in an accredited doctoral program as entry into the program within 7 years prior to graduation. The Petition was first published in Vol. 26, No. 45 of the November 9, 2000 issue of the Florida Administrative Weekly. The Board voted to GRANT Petitioner's request since Petitioner established that the purpose of the psychology licensure statute has been met, and that it would create a substantial economic hardship to Petitioner if her request was not granted.

For a copy of the Final Order contact: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN that the Board of Psychology issued a Final Order on January 5, 2001 in response to a Petition for Waiver and Variance filed on October 6, 2000 by Michaelanne Marie seeking a variance of Rule 64B19-11.007(2), F.A.C. The Petition was first published in Vol. 26, No. 43 of the October 27, 2000 issue of the Florida Administrative Weekly.

Petitioner requested a six month variance from the requirement that she complete the required supervised experience within 18 months of notification that she received a passing examination score. The Board voted to GRANT Petitioner's request based on section 120.542 Florida Statutes that it would create a substantial hardship to Petitioner if her request was not granted, and that the purpose of the statute has been achieved by other means.

For a copy of the Final Order, contact: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN that the Board of Psychology issued a Final Order on January 5, 2001 in response to a Petition for Waiver or Variance filed on October 25, 2000 by Teresa S. Huff seeking a variance or waiver of Rule 64B19-11.007(2), F.A.C. The Petition was first published in Vol. 26, No. 45 of the November 9, 2000 issue of the Florida Administrative Weekly.

Petitioner requested a variance or waiver from the requirement that she complete the required supervised experience within 18 months of notification that she received a passing examination score. The Board voted to GRANT Petitioner's request based on section 120.542 Florida Statutes that it would create a substantial hardship to Petitioner if her request was not granted, and that the purpose of the statute has been achieved through her completion of 1,980 hours of supervised practice and her intent to complete the remaining 20 hours as stated in her petition.

For a copy of the Final Order, contact: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN that on December 1, 2000 the Board of Psychology considered a Petition for Declaratory Statement received on September 18, 2000 from Bret L. Emery, M.A. and Natalie K. Emery, M.A.

Petitioners requested a declaratory statement from the Board in regard to their post-doctoral supervision and whether they may open their own private practice with a licensed clinical psychologist on the premises upon completion of their internships. The Board found that Petitioners, as non-licensed persons, may not operate an independent private practice for the purpose of rendering psychological services.

A copy of the Petition and Final Order #DOH-01-0101-DS-MQA may be obtained by writing: Kaye Howerton, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Health, Bureau of Emergency Medical Services, received a Petition for Variance January 22, 2001 from Escambia County Department of Public Safety
Applicable Rule: Section 64E-2.003(8)(b), F.A.C.

Requested Action: To grant Escambia County Department of Public Safety a permanent variance from the staffing requirements of an ALS permitted non-transport vehicle while it is operating as a BLS non-transport vehicle. They seek allowance to staff an ALS permitted non-transport fire apparatus with a first responder trained volunteer fire fighter in lieu of the EMT required in rule 64E-2.003(8)(b), Florida Administrative Code, whenever the career paramedic fire fighters are not on duty and the apparatus is operating as a BLS non-transport vehicle.

Any interested person or agency may submit written comments on this petition until close of business February 23, 2001. Comments on or requests for copies of the petition must be addressed to Ms. Pam Lesley, Sr. Management Analyst, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

P.O. F00396

FLORIDA HOUSING FINANCE CORPORATION

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Variance or Waiver from Rule 9I-47.140(4), Florida Administrative Code and Denying Petition for a Variance from Rule 9I-47.140(5), Florida Administrative Code.

NAME OF THE PETITIONER: Villamara Place, Inc.

DATE PETITION WAS FILED: October 10, 2000.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: On October 10, 2000, Villamara filed a Petition for Waiver of the 1997 HOME Rule 9I-47.140(4), Florida Administrative Code, because Villamara failed to have 19 units built on or before September 10, 1999. Additionally, Villamara petitioned for a

Variance from the 1997 HOME Rule 9I-47.140(5), Florida Administrative Code, because it claims it would not have all 39 units built by September 10, 2001.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, December 8, 2000, Vol. 26, No. 49.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION ORDER APPROVED THE VARIANCE OR WAIVER: December 28, 2000.

THE GENERAL BASIS FOR THE DECISION:

Granting Villamara’s request for a Waiver of Rule 9I-47.140(4), Florida Administrative Code, will allow Villamara to continue to market and construct houses utilizing the HOME Second Mortgage Loan Funding for qualified buyers, thereby fulfilling the purpose of the underlying statute. Moreover, Villamara will incur a substantial hardship if this rule waiver is not granted. Rule 9I-47.140(6), Florida Administrative Code, requires that failure to comply with the rules will result in the withdrawal of Florida Housing’s firm commitment. Without Florida Housing’s commitment, Villamara would be unable to proceed with this development and incur an economic hardship.

As Villamara has until November 30, 2001 to complete construction on all 40 units, Villamara has not demonstrated that it cannot meet the requirement of Rule 9I-47.140(5), Florida Administrative Code, or that FHFC’s failure to grant a variance of this rule will create a substantial hardship or violate the principles of fairness.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance 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 Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Deanne Coughlin, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Deanne.Coughlin@floridahousing.org.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Variance or Waiver from Rule 9I-47.140(4), Florida Administrative Code and Denying Petition for a Variance from Rule 9I-47.140(5), Florida Administrative Code.

NAME OF THE PETITIONER: Timberwind Estates, Inc.

DATE PETITION WAS FILED: October 10, 2000.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: On October 10, 2000, Timberwind filed a Petition for Waiver of the 1997 HOME Rule 9I-47.140(4), Florida Administrative Code, because Timberwind failed to have 20 units built on or before November 30, 1999. Additionally, Timberwind

petitioned for a Variance from the 1997 HOME Rule 9I-47.140(5), Florida Administrative Code, because it claims it would not have all 40 units built by November 30, 2001.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, December 8, 2000, Vol. 26, No. 49.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 28, 2000.

THE GENERAL BASIS FOR THE DECISION:

Granting the Timberwind’s request for a Waiver of Rule 9I-47.140(4), Florida Administrative Code, will allow Timberwind to continue to market and construct houses utilizing the HOME Second Mortgage Loan Funding for qualified buyers, thereby fulfilling the purpose of the underlying statute.

Moreover, Timberwind will incur a substantial hardship if this rule waiver is not granted. Rule 9I-47.140(6), Florida Administrative Code, requires that failure to comply with the rules will result in the withdrawal of Florida Housing’s firm commitment. Without Florida Housing’s commitment, Timberwind would be unable to proceed with this development and incur an economic hardship.

As Timberwind has until November 30, 2001 to complete construction on all 40 units, Timberwind has not demonstrated that it cannot meet the requirement of Rule 9I-47.140(5), Florida Administrative Code, or that FHFC’s failure to grant a variance of this rule will create a substantial hardship or violate the principles of fairness.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance 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 Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Deanne Coughlin, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Deanne.Coughlin@floridahousing.org.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Waiver from Rule 9I-47.140(4), Florida Administrative Code and Denying Petition for a Waiver from Rule 9I-47.140(5), Florida Administrative Code.

NAME OF THE PETITIONER: Pompano Beach Redevelopment Agency (“Canal Pointe”).

DATE PETITION WAS FILED: October 16, 2000.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: On October 16, 2000, Canal Pointe filed a Petition for Waiver of the 1997 HOME Rule 9I-47.140(4), Florida Administrative Code, because Canal Pointe failed to have 17 units built on or

before August 13, 2000. Additionally, Canal Pointe petitioned for a Variance from the 1997 HOME Rule 9I-47.140(5), Florida Administrative Code, because it claims it would not have all 34 units built by August 13, 2002.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, December 8, 2000, Vol. 26, No. 49.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 28, 2000.

THE GENERAL BASIS FOR THE DECISION:

Granting the Canal Pointe's request for a Waiver of Rule 9I-47.140(4), Florida Administrative Code, will allow Canal Pointe to continue to market and construct houses utilizing the HOME Second Mortgage Loan Funding for qualified buyers, thereby fulfilling the purpose of the underlying statute.

Moreover, Canal Pointe will incur a substantial hardship if this rule waiver is not granted. Rule 9I-47.140(6), Florida Administrative Code, requires that failure to comply with the rules will result in the withdrawal of Florida Housing's firm commitment. Without Florida Housing's commitment, Canal Pointe would be unable to proceed with this development and incur an economic hardship.

As Canal Pointe has until August 13, 2002 to complete construction on all 34 units, Canal Pointe has not demonstrated that it cannot meet the requirement of Rule 9I-47.140(5), Florida Administrative Code, or that FHFC's failure to grant a Variance of this rule will create a substantial hardship or violate the principles of fairness.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance 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 Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Deanne Coughlin, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Deanne.Coughlin@floridahousing.org.

Florida Housing Finance Corporation gives notice of the entry of an Order Granting Petition for Variance or Waiver from Rule 67-38.002(21)(a), Florida Administrative Code.

NAME OF THE PETITIONER: Florida Development Enterprises Corporation (Mangonia Gardens Assisted Living Facility).

DATE PETITION WAS FILED: September 26, 2000.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 67-38.002(21)(a), Florida Administrative Code, which requires a minimum of 60% of the completed housing units must be

rented to persons whose income does not exceed 60% of the median income for the area, as determined by HUD, with adjustments for family size.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 13, 2000, Vol. 26, No. 41.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 8, 2000.

THE GENERAL BASIS FOR THE DECISION: The underlying purpose of the Predevelopment Loan Program is to provide financial and technical assistance to entities that will provide at least the minimum number of units affordable housing for farmworkers, low and very-low-income persons and families. The purpose of Section 420.524(2), Florida Statutes, is to ensure that a minimum of 20 percent of the completed housing units are rented to persons whose household income does not exceed 50 percent of the median adjusted gross income or 50 percent of the units for persons whose household incomes do not exceed 80 percent of the median adjusted gross income. By granting Petitioner's request to reduce the minimum set-aside to 20% of the units rather than the 60% of the units for very low-income persons will serve the underlying purpose of the statute. However, Petitioner's request to provide housing for persons that household income that does not exceed 60 percent of the median adjusted gross income does not serve the underlying purpose of the statute. Therefore, Petitioner cannot satisfy the requirement that the purpose of the underlying statute can be achieved by other means.

Petitioner made a request to modify its petition for a waiver of Rule 67-38.002(21)(a), Florida Administrative Code, for a set-aside of 20% of the units for people earning 50% of the area median income. Based on the 20%/50% set-aside Petitioner has demonstrated that the underlying statute is served.

Moreover, Petitioner has demonstrated that application of Rule 67-38.002(21)(a), Florida Administrative Code, will create a substantial hardship. The area median income of Palm Beach County is \$55,600.00. Sixty percent of the area medium income is \$33,600.00. Requiring 60 percent of the units to be set-aside for people with this income will render this Assisted Living Facility economically unfeasible.

EXPLANATION OF HOW A COPY OF THE ORDER CAN BE OBTAINED: A copy of the Order Granting Variance 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 Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. Requests for copies or inspections should be made to Deanne

Coughlin, Public Records Clerk, at the above address, telephone (850)488-4198, or e-mail to Deanne.Coughlin@floridahousing.org.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
 Department of Veterans' Affairs
 Department of Highway Safety and Motor Vehicles
 Department of Law Enforcement
 Department of Revenue
 Department of Education
 Administration Commission
 Florida Land and Water Adjudicatory Commission
 Board of Trustees of the Internal Improvement Trust Fund
 Department of Environmental Protection

DATE AND TIME: February 27, 2001, 9:00 a.m.

PLACE: County Center Building, County Commission Chamber, Second Floor, 601 East Kennedy Boulevard, Tampa, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval

of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and

matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

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: Friday, February 16, 2001, 10:00 a.m.

PLACE: Department of Children and Family Services, Demick Building, Conference Room 113-B, 111 South Sapodilla Avenue, West Palm Beach, FL 33401, (561)837-5126

PURPOSE: To hold an Orientation meeting to determine potential artwork sites for Art in State Buildings Project No. DOH 9620/9200, Palm Beach County Health Department, West Palm Beach, Palm Beach County, Florida

COMMITTEE: Art Selection Committee

DATE AND TIME: Monday, February 19, 2001, 10:00 a.m.

PLACE: Gulf County Health Department, Conference Room, 502 4th Street, Port St. Joe, FL 32456, (850)277-1276

PURPOSE: To hold an Orientation meeting to determine potential artwork sites for Art in State Buildings Project No. DOH 9823/7000, Gulf County Health Department, Port St. Joe, Gulf County, Florida

COMMITTEE: Art Selection Committee

DATE AND TIME: Wednesday, February 21, 2001, 1:30 p.m.

PLACE: Rolland, Del Valle & Bradley, 1660 Prudential Drive, Suite 202, Jacksonville, FL 32207, (904)398-3939

PURPOSE: To hold a Proposal Review Meeting to review and discuss artwork proposals for Project No. DMS 9902/6000, Duval Regional Service Center Phase II, FDLE, Duval County, Florida.

For more information or to obtain a copy of the agendas, 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 meetings, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review.

These meetings will not be taped by the Division of Cultural Affairs. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Kirby Mole, (850)487-2980, Ext 133. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Legislative Advocacy Committee of the **Florida Commission on the Status of Women** will hold a telephone conference.

DATE AND TIME: February 21, 2001, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance: Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF BANKING AND FINANCE

The Florida **Board of Funeral and Cemetery Services** announces a telephone conference Board Meeting to which all persons are invited to attend.

DATE AND TIME: February 21, 2001, 10:00 a.m. – 12:00 Noon

PLACE: Telephone conference

PURPOSE: Licensing applications and Disciplinary Proceedings.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

To obtain further information on how to participate contact: Gladys Hennen, Administrative Assistant II, Division of Securities and Finance, 101 East Gaines St., Fletcher Bldg., Room 624P, Tallahassee, FL 32399-0350, (850)410-9847. An agenda will be available seven days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Gladys Hennen, (850)410-9847, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Gladys Hennen via the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The Florida **Board of Funeral and Cemetery Services** announces a public Rules Committee Meeting and all persons are invited to attend.

DATE AND TIME: February 22, 2001, 10:00 a.m. – 3:00 p.m. (NOTE: Please call Gladys Hennen to verify time on or after February 19, 2001, due to possibility of conflict because of Legislative Committee Meetings)

PLACE: Room 547, Fletcher Bldg., 101 E. Gaines Street, Tallahassee, Florida

PURPOSE: Regular Rules Committee business.

To obtain further information and to obtain a copy of the agenda contact: Gladys Hennen, Administrative Assistant II, Division of Finance, 101 East Gaines St., Fletcher Bldg., Room 624P, Tallahassee, FL 32399-0350, (850)488-9898, seven days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Gladys Hennen, (850)488-9898, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Gladys Hennen via the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

DEPARTMENT OF INSURANCE

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2001, 9:00 a.m.

PLACE: Hurston Building, South Tower, Conference Room A & B, 400 W Robinson Street, Orlando, Florida

PURPOSE: Public meeting of the Florida Fire Code Advisory Council to discuss the finalization of fire code rules.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2001, 1:30 p.m.

PLACE: Hurston Building, South Tower, Conference Room A & B, 400 W Robinson Street, Orlando, Florida

DATE AND TIME: March 1, 2001, 9:00 a.m.

PLACE: Larson Building, Room 116, 200 East Gaines Street, Tallahassee, Florida 32399

PURPOSE: Public meeting for proposed legislation on Firefighter Access Elevator Keys.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: February 27, 2001, 9:00 a.m.

PLACE: Hyatt Orlando, 6375 W. Irlo Bronson Memorial Hwy., Kissimmee, FL 34747, (407)396-1234

PURPOSE: Regular business meeting of the Florida Fire Safety Board.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces the quarterly meeting of the Friends of Florida State Forests, Inc., a non-profit corporation established to assist the Florida **Division of Forestry** in the support of its programs and activities.

DATE AND TIME: February 16, 2001, 8:00 a.m.

PLACE: Florida Center for Wildfire and Forest Resources Management Training, 24059 Childs Road, Brooksville, FL 34601

PURPOSE: To conduct the business of the Corporation.

A copy of the agenda can be obtained by contacting: Harriett L. Abrams, FFSF Coordinator, 3125 Conner Blvd., Tallahassee, Florida 32399-1650 or calling (850)414-0869.

If special accommodations are needed to attend this meeting because of a disability, please contact Harriett Abrams as soon as possible.

The **Honeybee Technical Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 22, 2001, 10:00 a.m.

PLACE: Doyle Conner Building Auditorium, 1911 S. W. 34th Street, Gainesville, Florida 32608

PURPOSE: To discuss the following agenda items:

1. Terramycin Resistance Issues

- a. Current status of registration of Tyloson
 - b. Compensation problems
 - c. Irradiation status
2. Pheromone Research Update – Dr. Alonso Suaso
 3. Other Issues

If you need a special accommodation in order to attend this meeting because of a disability, please let us know by February 19, 2001.

A copy of the agenda may be obtained by writing: Mr. Laurence Cutts, Division of Plant Industry, Post Office Box 147100, Gainesville, Florida 32614-7100, (352)372-3505.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: March 12, 2001, 8:30 a.m. – 10:00 a.m.
 PLACE: Holiday Inn, 1355 Apalachee Parkway, Tallahassee, Florida

PURPOSE: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the DACS Marketing Division to discuss the Council’s business plans and review programs.

Additional information may be obtained by writing: Vicki O’Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650 or by calling Vicki O’Neil, (850)921-8001.

Pursuant to 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 in advance by contacting Ms. O’Neil at the number above.

The **Department of Agriculture and Consumer Services** announces a meeting of the Viticulture Advisory Council.

DATE AND TIME: February 20, 2001, 9:00 a.m.
 PLACE: Collins Building, Conference Room, 2051 East Dirac Drive, Innovation Park, Tallahassee, Florida 32310-3760

PURPOSE: Welcome Guests; Committee reports; Quarterly report on trust fund collections; Progress report on active promotion and research contracts; Progress report on increased acreage program; 12 year review of VAC trust fund spending; Election of officers for 2001.

A copy of the agenda can be obtained by contacting: George Demetree, Room 423, Mayo Building, 407 South Calhoun Street, Tallahassee, FL 32399-0800 or calling (850)488-4131.

If special accommodations are needed to attend this meeting, because of a disability, please contact George Demetree as soon as possible.

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, March 29, 2001, 1:00 p.m.

PLACE: 227 North Bronough Street, City Centre Building, 7th Floor Conference Room, Tallahassee, Florida 33201

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumers’ Council will be meeting to discuss consumer-related issues and proposed legislation for the 2001 Florida session addressing issues of interest to consumers.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 233 Mayo Building, 407 S. Calhoun Street, Tallahassee, Florida 32399-0800, (850)922-2966.

DEPARTMENT OF EDUCATION

The **State Board of Community Colleges** announces the following conference call to which all persons are invited.

DATE AND TIME: Tuesday, February 20, 2001, 10:30 a.m.
 PLACE: Ralph Turlington Building, Room 1314, 325 W. Gaines Street, Tallahassee, Florida, dial Suncom 291-5320 or (850)921-5320

PURPOSE: Preliminary review of community college audits for Board action by the Finance Subcommittee on Audits.

If you need additional information, write: Division of Community Colleges, 1314 Ralph Turlington Building, 325 W. Gaines Street, Tallahassee, Florida 32399-0400.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Governor’s Growth Management Study Commission** announces the following meetings to which all interested parties are invited.

DATE AND TIME: Monday, February 12, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Room 32, Senate Office Building, 404 South Monroe Street, Tallahassee, Florida

PURPOSE: The Commission and certain sub-committees will meet to discuss issues related to Growth Management in Florida and hear from invited speakers.

A copy of the agenda with specific times and locations for each sub-committee meeting and other information regarding the meeting and the Commission may be obtained at the Internet address: www.floridagrowth.org. Anyone who does not have access to the web site may request the information in an alternative format by calling the Commission’s toll free hotline, 1(877)429-1296.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact Tammy Anderson at least seven days before the date of the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, Florida **Department of Community Affairs** and Monroe County announce a meeting of the Habitat Conservation Plan (HCP) Coordinating Committee to which all persons are invited.

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

PLACE: National Key Deer Refuge Office, Big Pine Key, Florida

PURPOSE: The Florida Department of Transportation, Florida Department of Community Affairs and Monroe County are jointly funding the development of a Habitat Conservation Plan for the Key deer and other protected species on Big Pine and No Name Keys. Representatives of these three agencies, the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission and local citizen representatives serve on an HCP Coordinating Committee. The Committee meets regularly to review and provide input on the HCP consultant's progress and findings.

A copy of the agenda may be obtained by calling: Catherine B. Owen, Florida Department of Transportation, (305)470-5399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Jeff Dodge, (305)470-5349. If you are hearing or speech impaired, please contact the agency by calling, 1(800)648-6084.

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: February 16, 2001, 10:00 a.m. – 11:00 a.m.

PLACE: Department of Transportation, Suwannee Room, 605 Suwannee Street, Tallahassee, Florida

PURPOSE: Teleconference of the Florida Transportation Commission.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. #9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting are asked to advise the Commission at least 48 hours before the meeting by contacting Cathy Goodman, (850)414-4105.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida **State Board of Administration** (SBA) of meetings regarding the Request for Information for Education Vendors for the Public Employee Optional Retirement Program to which all persons are invited.

DATE AND TIME: Monday, February 19, 2001, 9:00 a.m. – conclusion

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: This is a public meeting to identify the candidate or candidates for education vendors who will be invited to participate in oral interviews as part of the selection process.

DATE AND TIME: Tuesday, February 20, 2001, 9:00 a.m. – conclusion of the interviews

PLACE: Emerald Coast Room and Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida. Signs in the lobby will direct participants

PURPOSE: These meetings are for the purpose of conducting oral interviews for candidates for the Education Vendors for the Public Employee Optional Retirement Program (PEORP). The meeting will also include a discussion of the general business of PEORP. At the conclusion of the interviews, a decision will be made regarding whether, and if so, where, on-site visits will be conducted. Persons wishing to participate in the on-site visits are encouraged to remain to the end of the meetings regarding the oral interviews in order to ascertain which companies will be visited. The SBA will not pay any travel expenses except for members of the education evaluation team.

DATES AND TIME: Wednesday through Friday, February 21-23, 2001, 9:00 a.m. – conclusion of the interviews

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: These meetings are for the purpose of conducting oral interviews for candidates for the Education Vendors for the Public Employee Optional Retirement Program (PEORP). The meeting will also include a discussion of the general business of PEORP. At the conclusion of the interviews, a decision will be made regarding whether, and if so, where, on-site visits will be conducted. Persons wishing to participate in the on-site visits are encouraged to remain to the end of the meetings regarding the oral interviews in order to ascertain which companies will be visited. The SBA will not pay any travel expenses except for members of the education evaluation team.

DATES AND TIME: Monday, February 26, 2001 through Thursday, March 1, 2001, 8:00 a.m. – conclusion of the on-site visits

PLACE: To be determined at the conclusion of the interviews on Friday, February 23, 2001.

PURPOSE: These on-site visits will be to determine a candidate or candidates for education vendors for PEORP.

DATE AND TIME: Friday, March 2, 2001, 2:00 p.m. – conclusion of the meeting

PLACE: Hermitage Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

PURPOSE: At this meeting, the education evaluation team will make a final recommendation regarding the candidate or candidates for the education vendor for PEORP. The meeting will also include a discussion of the general business of PEORP.

Anyone wishing further information of a copy of the agenda should contact: Joan Lazar, Defined Contribution Program, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or e-mail: lazar_joan@fsba.state.fl.us.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend these meetings is requested to call Joan Lazar, (850)413-1492, five days prior to the meeting so that appropriate arrangements can be made.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATES AND TIMES: February 20, 2001, 9:00 a.m., Committee Meetings; 9:30 a.m., Regular Monthly Meeting; 10:00 a.m., Strategic Planning Session; February 21, 2001, 9:00 a.m., reconvene Strategic Planning Session

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting and a special strategic planning session.

In accordance with the American Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 21, 2001, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C, Third Floor, Tallahassee, Florida

PURPOSE: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than two working days prior to the proceeding at the address given on the notice, telephone (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** will consider at its February 20, 2001, Agenda Conference, Docket No. 001783-GU, Application by Florida Public Utilities Company to issue and sell securities, pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code, during calendar year 2001. The Florida Public Utilities Company has filed an amended application seeking PSC approval to issue and sell securities in amounts not to exceed \$60 million.

DATE AND TIME: Tuesday, February 20, 2001. The Agenda Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301.

PURPOSE: To take final action in Docket No. 001783-GU.

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

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 010005-WS – Annual reestablishment of price increase or decrease index of major categories of operating costs incurred by water and wastewater utilities pursuant to Section 367.081(4)(a), F.S.

DATE AND TIME: March 2, 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 annual reestablishment of price increase or decrease index of major categories of operating costs incurred by water and wastewater utilities pursuant to Section 367.081(4)(a), F.S., 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. The proceedings will be governed by the provisions of Chapter 120, F.S. and Chapter 25-28, FAC.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (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 workshop in the following docket to which all persons are invited.

DOCKET NO. AND TITLE: 010007-EG – Environmental Cost Recovery Clause

DATE AND TIME: March 1, 2001, 9:30 a.m.

PLACE: 4075 Esplanade Way, Room 182, Betty Easley Conference Center, Tallahassee, FL

PURPOSE: To address the Commission's implementation of Section 366.8255, Florida Statutes, also known as the environmental cost recovery clause. Emphasis will be on recovery of costs for construction of new facilities, repowering projects, retrofitting, enforcement and whether rulemaking is appropriate. One or more Commissioners may attend the workshop.

A copy of the agenda for this workshop may be obtained by writing: Director, Division of Records and Reporting, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 991666-WU – Application for amendment of Certificate No. 106-W to add territory in Lake County by Florida Water Services Corporation.

DATE AND TIME: March 2, 2001, The prehearing will begin at the conclusion of the Price Index hearing but no earlier than 1:30 p.m.

PLACE: Commission Hearing Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

EXECUTIVE OFFICE OF THE GOVERNOR

The **Education Governance Reorganization Transition Task Force** announces the following public meeting to which all persons are invited.

DATE AND TIME: Monday, February 19, 2001, 9:00 a.m. – 5:00 p.m.

PLACE: Knott Building, Room 412, 111 West St. Augustine Street, Tallahassee, Florida

A copy of the agenda may be obtained one week prior to the meeting by contacting: Transition Task Force, Room 1502, The Capitol, Tallahassee, FL 32399 or by phone, (850)488-4512 or on the website: http://www.myflorida.com/myflorida/government/learn/egrt_askforce/index.html.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: February 22, 2001, 6:00 p.m.

PURPOSE: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: February 22, 2001, 6:30 p.m.

PURPOSE: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: February 22, 2001, 8:00 p.m.

PURPOSE: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Holiday Inn Restaurant, Lake City, Florida

Any person deciding to appeal any decision of the Council or its committees with respect to any matter considered at the meeting, may need to ensure that a verbatim record of the proceedings is made.

A copy of any of these agendas may be obtained by writing: NCFRPC, 2009 N. W. 67th Place, Suite A, Gainesville, Florida 32653-1603.

The **Withlacoochee Regional Planning Council** announces an Executive Committee meeting to which all persons are invited.

DATE AND TIME: Thursday, February 15, 2001, 6:30 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To handle administrative matters pertaining to the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Withlacoochee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 15, 2001, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council as well as make a decision on hiring an executive director.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The District XI, **Local Emergency Planning Committee**, Training Technical Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 21, 2001, 9:00 a.m. – 10:00 a.m.

PLACE: Fire Fighters Memorial Hall, Fire Tower Building, 8000 N. W. 21st Street, Miami, FL 33122-1605

PURPOSE: To implement FY 2000-01 USDOT HMEP Training Grant by reviewing training courses conducted and requested and the FY 2000-01 planning project.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021 or by calling (954)985-4416 in Broward, Suncom 473-4416 and 1(800)985-4416 for area codes 305, 561 and 407.

The District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 21, 2001, 10:00 a.m.

PLACE: Fire Fighters Memorial Hall, Fire Tower Building, 8000 N. W. 21st Street, Miami, Florida 33122-1605

PURPOSE: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY 2000/01.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021 or by calling (954)985-4416 in Broward, Suncom 473-4416 and 1(800)985-4416 for area codes 305, 561 and 407.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 16, 2001, 9:30 a.m.

PLACE: Howard Johnson's Motor Lodge, 950 U.S. Highway One, Stuart, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Department of Labor and Employment Security**, Workers' Compensation Oversight Board announces a board meeting to which the public is invited.

DATE AND TIME: Thursday, March 1, 2001, 10:00 a.m.

PLACE: TBA

PURPOSE: To discuss issues of interest to the Board.

For a copy of the agenda or for further information about this meeting, contact: Carolyn Smith, Suite 100, Marathon Building, 2574 Seagate Drive, Tallahassee, Florida 32399-2152, (850)487-2613.

In the event meeting time and/or place changes, notice of change will be posted on meeting notice bulletin board at 2574 Seagate Drive, Suite 100, Marathon Building, Tallahassee, Florida 32399-2152, you may call (850)487-2613.

Persons with a disability or handicap requiring reasonable accommodation should contact Becky Thomas in writing or by telephone at the above address or telephone number at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech

impaired, please contact Becky Thomas using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited.

DATE AND TIME: February 22, 2001, 11:00 a.m. – 11:30 a.m. (EST)

PURPOSE: District Personnel Committee – to discuss District personnel matters.

DATE AND TIME: February 22, 2001, 11:30 a.m. – 12:30 p.m. (EST)

PURPOSE: District Lands Committee meeting – to discuss land management and acquisition matters.

DATE AND TIME: February 22, 2001, 1:30 p.m. (EST)

PURPOSE: Governing Board meeting – to consider District business.

DATE AND TIME: February 22, 2001, 1:45 p.m. (EST)

PURPOSE: Public Hearing on Consideration of Regulatory Matters.

DATE AND TIME: February 22, 2001, 2:00 p.m. (EST)

PURPOSE: Public Hearing on Consideration of Land Acquisition Matters.

DATE AND TIME: February 22, 2001, 2:15 p.m. (EST)

PURPOSE: Public Hearing on Regional Water Supply Plan for Santa Rosa, Okaloosa and Walton Counties.

PLACE: District Headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, FL

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at www.state.fl.us/nwfwmd).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: February 16, 2001, 10:00 a.m. – 4:00 p.m.

PLACE: Okeehelie Nature Center, 7715 Forest Hill Boulevard, West Palm Beach, Florida

PURPOSE: To discuss and take public comment on MFL rules (including Chapters 40E-8, 40E-2, 40E-20, 40E-21, 40E-22, and the Consumptive Basis of Review) proposed for Lake Okeechobee, the Everglades (which includes the freshwater regions of Everglades National Park, Water Conservation Areas, and the Holeyland and Rotenberger Wildlife Management Areas), the Biscayne Aquifer in Southeastern Florida, the Lower West Coast Aquifers and the Caloosahatchee River, in accordance with Chapter 373, Florida Statutes.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact the agency by calling, (561)697-2574.

For more information, contact Scott Burns, (561)682-6817 or Cecile Ross, (561)682-6343. For procedural issues contact Julie Jennison, (561)682-6294.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Conference Committee to which all persons are invited.

DATE AND TIME: Friday, February 23, 2001, 9:30 a.m. – completion

PLACE: 2740 Centerview Drive, Rhyne Building, Suite 1A, Tallahassee, Florida, (850)488-6036

PURPOSE: To discuss plans for 2001 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Erin Schepers at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, M.S. #49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a tour of the local CTC's facilities to which all persons are invited.

DATE AND TIME: Wednesday, February 28, 2001, 1:00 p.m. – 4:00 p.m.

PLACE: St. Johns County Council on Aging, 179 Marine Street, St. Augustine, Florida, (904)823-4812

PURPOSE: To tour the local CTC facilities and receive information on the local transportation disadvantaged services being provided.

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, M.S. #49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The hearing is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Public Hearing to which all persons are invited.

DATE AND TIME: Wednesday, February 28, 2001, 5:30 p.m. – completion

PLACE: Government House, 48 Kings Street, St. Augustine, FL, (904)827-1888

PURPOSE: To receive public comments or concerns on transportation disadvantaged services.

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, M.S. #49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The hearing is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Full Commission Meeting to which all persons are invited.

DATE AND TIME: Thursday, March 1, 2001, 8:30 a.m. – completion

PLACE: Government House, 48 Kings Street, St. Augustine, Florida, (904)827-1888

PURPOSE: To discuss the regular business of the Commission for the Transportation Disadvantaged.

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, M.S. #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 **Tampa Bay Water** announces the following Regular Board Meeting to which all persons are invited and an Attorney/Client Meeting to be held at the conclusion of the Regular Board meeting.

DATE AND TIME: Monday, February 26, 2001, 10:00 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

PURPOSE: Regular Meeting of the Board of Directors.

Upon the conclusion of the Regular Board meeting, the Board of Directors, along with the General Manager, General Counsel and Special Counsel will reconvene in a special Attorney/Client Meeting in order to discuss possible settlement of pending litigation (Sims v. Tampa Bay Water) and receive Board direction on settlement proposals.

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 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 to be based.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

SPACEPORT FLORIDA AUTHORITY

The **Florida Commercial Space Financing Corporation** announces a Board of Director's meeting and teleconference to which the public is invited.

DATE AND TIME: February 19, 2001, 1:30 p.m. – 3:30 p.m.

PLACE: Florida Commercial Space Financing Corporation, 100 Spaceport Way, Cape Canaveral, Florida 32920

PURPOSE: General Board Business Meeting, ratification of agreements, financings, guarantees, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact Mr. Jim Leary or Ms. Judy Blanchard, (321)267-2877, Ext. 113. The Board of Director's meeting will be held at the office of Florida Commercial Space Financing Corporation.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, Florida/NASA Business Incubation Center, 1311 N. Highway U.S. 1, Titusville, FL 32796.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Commercial Space Financing Corporation.

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, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

Advisory Council

DATE AND TIME: April 18, 2001, 1:00 p.m. – 5:00 p.m.

PLACE: Radisson Hotel, Tallahassee, FL

PURPOSE: To conduct the business of the DOEA Advisory Council.

A copy of the agenda may be attained by contacting: Liz Jameson, (850)414-2152, after April 1, 2001. Following the meeting, an informal social gathering with Secretary Hernandez will take place in the Radisson Hotel Camellia Room starting at 6:00 p.m. Dinner will be provided for council members only.

The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

Alzheimer's Disease Advisory Committee

DATE AND TIME: April 18, 2001, 1:00 p.m. – 5:00 p.m.

PLACE: Radisson Hotel, Tallahassee, FL

PURPOSE: To conduct the business of the Alzheimer's Disease Advisory Committee.

A copy of the agenda may be attained by contacting: Michele Smith, (850)414-2076, after April 1, 2001.

Following the meeting, an informal social gathering with Secretary Hernandez will take place in the Radisson Hotel, Camellia Room starting at 6:00 p.m. Dinner will be provided for committee members only.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the District 10, Managed Care Ombudsman Committee to which all interested parties are invited.

DATE AND TIME: Wednesday, February 14, 2001, 9:30 a.m. – 11:30 a.m.

PLACE: AHCA Building, Room 195, 1400 West Commercial Boulevard, Fort Lauderdale, FL 33309, (954)202-3200

PURPOSE: Regular monthly meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact us, (850)414-1833, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Attention: Annette Lewis-Howard, Agency for Health Care administration, Bureau of Consumer protection, 2727 Mahan Drive, Ft. Knox, Building 1, 2nd Floor, Tallahassee, FL 32308.

DEPARTMENT OF MANAGEMENT SERVICES

The **Americans with Disabilities Act Working Group** which is administered by the **Department of Management Services** announces a meeting of the Americans with Disabilities Act Working Group Education, Advocacy and Awareness Committee to which all interested persons are invited.

DATE AND TIME: February 28, 2001, 10:00 a.m. – 12:00 Noon

PLACE: ADA Working Group Conference Room, Department of Management Services, Americans with Disabilities Act Working Group, 4040 Esplanade Way, Suite 180, Tallahassee, Florida 23399-7016

PURPOSE: To facilitate the mission of this Working Group.

For those people unable to attend in person, you may participate in the meeting via Teleconference call by dialing (850)921-6423 or Suncom 291-6433.

A copy of the agenda may be obtained by writing or calling: American with Disabilities Act Working Group, 4040 Esplanade Way, Suite 180, Tallahassee, FL 32399-7016, Voice (850)487-3423, TTY (850)410-0684. Should you require accommodations or materials in alternative formats, please contact: Doris Farmer, Voice (850)487-3423, TTY (850)410-0684.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIME: February 21, 2001, 9:00 a.m. and 11:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 725 South Bronough Street, Tallahassee, FL 32301, (850)922-2708

PURPOSE: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Robert A. Crabill, Lead Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, FL 32399-2202 or by phone, (850)922-2708.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or

meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Florida **Electrical Contractors' Licensing Board** announces Official Board Meetings to which all interested persons are invited.

DATE AND TIME: March 22, 2001, 10:00 a.m. or soon thereafter

PURPOSE: Official Board Meeting.

DATE AND TIME: March 23, 2001, 8:30 a.m. or soon thereafter

PURPOSE: Official Board Meeting.

PLACE: DoubleTree Guest Suites, 12200 Tamiami Trail, North, Naples, FL 34110, (941)593-8733

DATE AND TIME: April 17, 2001, 9:00 a.m.

PLACE: 1940 N. Monroe Street, Tallahassee, FL 32399, Via Telephone Conference Call, Meet Me Number (850)488-5776, (SC)278-5776

A copy of the agenda may be obtained by writing: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Jessica Koon, Electrical Contractors' Licensing Board, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Jessica Koon using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Professional Surveyors and Mappers** announces a General Business Meeting of the Board to which all persons are invited.

DATE AND TIME: March 15, 2001, 9:00 a.m. or soon thereafter

PLACE: The meeting will be conducted by telephone conference call. The telephone number is (850)488-5778

PURPOSE: General meeting of the Board to conduct regular Board business.

A copy of the agenda may be obtained by writing: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida or by calling Sherry Landrum, Executive Director, (850)488-1470.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting Sherry Landrum, Executive Director, (850)488-1470. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based; and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

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: March 8, 2001, 10:00 a.m. (EST)

PLACE: Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board Office, 1940 North Monroe Street, Tallahassee, FL 32399-2211, Access Number (850) 921-6545 or Suncom 291-6545

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: Florida Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2211.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Building Code Administrators and Inspectors Board, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Gregory Spence using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)-955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Acquisition and Restoration Council**, as defined in Section 259.035, Florida Statutes, announces the following public hearing to receive public testimony on Conservation and Recreation Lands (CARL) twelve projects proposed for addition to the CARL Priority List. The Council considers this testimony when approving new projects to be added to the list. The proposed projects are: Carr Farms/Price's Scrub (Alachua/Marion County), McKeithen Site (Columbia County), N. E. Florida Blueway – Phase I (Duval County), Bell Ridge Sandhills (Gilchrist County), Old Town Creek

Watershed (Hardee/Polk County), Panther Glades, Twelve Mile Slough (Hendry County), Balm Scrub (Hillsborough County), Millstone Ranch (Leon County), Cypress Creek (Martin/Palm Beach County), Tiger and Little Tiger Island (Nassau County), Volusia County Corridor (Volusia County). The projects will be ranked on March 15, 2001. All interested parties are invited to attend one of the following.

DATE AND TIME: February 12, 2001, 1:00 p.m.

PLACE: Withlacoochee State Forest, Department of Agriculture and Consumer Services, Brooksville, Florida

DATE AND TIME: February 19, 2001, 7:00 p.m.

PLACE: Palm Beach County Commission Chambers, 3323 Belvedere Road, Building 509, West Palm Beach, Florida

DATE AND TIME: March 14, 2001, 9:00 a.m.

PLACE: Marjorie Stoneman Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399

If an accommodation is needed for a disability in order to participate in these meetings, please notify Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven days prior to the event.

The **Department of Environmental Protection**, as staff to the Board of Trustees of the Internal Improvement Trust Fund, announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 21, 2001, 1:00 p.m.

PLACE: Department of Environmental Protection, 3800 Commonwealth Blvd., Carr Building, Room 170M, Tallahassee, Florida

PURPOSE: To discuss and receive public comments on recommendations for the establishment of corridors and fees for the placement of fiber optic cables on the sovereign submerged lands of Florida.

A copy of the agenda may be obtained by contacting: Phil Coram, Department of Environmental Protection, Division of Water Facilities, 2600 Blair Stone Road, M.S. #2500, Tallahassee, FL 32399-2400, (850)921-9870, e-mail: Phil.Coram@dep.state.fl.us or Fax (850)488-6579.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this public meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel Service Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection** announces a public workshop on proposed amendments to Chapter 62-522, FAC., Ground Water Permitting and Monitoring Requirements, to which all persons are invited.

DATE AND TIME: February 28, 2001, 10:00 a.m.

PLACE: Twin Towers Office Building, Conference Room 609, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Concurrent rulemaking with Chapter 62-528, FAC., to allow for a zone of discharge for primary and secondary drinking water standards for Class V, Group 4, underground injection control wells associated with Department approved aquifer remediation projects.

A copy of the proposed rule and workshop agenda may be obtained by contacting: Donnie McClaugherty, Department of Environmental Protection, Water Quality Standards and Source Water Protection Section, 2600 Blair Stone Road, M.S. #3575, Tallahassee, Florida 32399-2400, (850)921-9438.

If an accommodation for a disability is needed in order to participate in the public workshop, please call the Personnel Specialist, (850)488-2996 or 1(800)955-8771 (TDD), at least 7 days before the meeting.

The **Department of Environmental Protection** announces a public workshop on proposed amendments to Chapter 62-528, FAC., Underground Injection Control to which all persons are invited.

DATE AND TIME: February 28, 2001, 10:00 a.m.

PLACE: Twin Towers Office Building, Conference Room 609, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Concurrent rulemaking with Chapter 62-522, FAC., to allow for a zone of discharge for primary and secondary drinking water standards for Class V, Group 4, underground injection control wells associated with Department approved aquifer remediation projects.

A copy of the proposed rule and workshop agenda may be obtained by contacting: Rich Deuerling, Department of Environmental Protection, Water Quality Standards and Source Water Protection Section, 2600 Blair Stone Road, M.S. #3530, Tallahassee, Florida 32399-2400, (850)921-9417.

If an accommodation for a disability is needed in order to participate in the public workshop, please call the Personnel Specialist, (850)488-2996 or 1(800)955-8771 (TDD), at least 7 days before the meeting.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Monday, February 12, 2001, 7:30 p.m. (EST)

PLACE: City of New Port Richey, Council Chambers, 5919 Main Street, New Port Richey, Florida 34652

PURPOSE: To present the proposed draft management plan for Werner-Boyce Salt Springs State Park to the public and to discuss the proposed classification for this unit.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 4 Administration, 1843 South Tamiami Trail, Osprey, Florida 34229.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Wednesday, February 14, 2001, 7:00 p.m. (EST)

PLACE: Highlands Hammock State Park, Museum, 5931 Hammock Road, Sebring, Florida 33872

PURPOSE: To present the proposed draft management plan for Highlands Hammock State Park to the public.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 4 Administration, 1843 South Tamiami Trail, Osprey, Florida 34229.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group meeting to which all persons are invited.

DATE AND TIME: Thursday, February 15, 2001, 9:00 a.m. (EST)

PLACE: Highlands Hammock State Park, Recreation Hall, 5931 Hammock Road, Sebring, Florida 32831

PURPOSE: For the DEP Advisory Group to discuss the proposed draft management plan for Highlands Hammock State Park.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 4 Administration, 1843 South Tamiami Trail, Osprey, Florida 34229.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Monday, February 19, 2001, 7:00 p.m. (EST)

PLACE: Rosenstiel School of Marine and Atmospheric Sciences, Auditorium, 4600 Rickenbacker Causeway, Miami, Florida 33149

PURPOSE: (1) To present the proposed land management plan for Bill Baggs Cape Florida State Park to the public; and (2) to discuss the proposed reclassification of this property from a state recreation area to a state park.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000 or by calling the Office of Park Planning, (850)488-2200.

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 Office of Park Planning, (850)488-2200. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group Meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 20, 2001, 9:00 a.m. (EST)

PLACE: Rosenstiel School of Marine and Atmospheric Sciences, Auditorium, 4600 Rickenbacker Causeway, Miami, Florida 33149

PURPOSE: (1) To discuss the proposed land management plan for Bill Baggs Cape Florida State Park with the DEP Advisory Group; and (2) to discuss the proposed reclassification of this unit from a state recreation area to a state park.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000 or by calling the Office of Park Planning, (850)488-2200.

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 Office of Park Planning, (850)488-2200. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group meeting to which all persons are invited.

DATE AND TIME: Thursday, February 22, 2001, 9:00 a.m. (EST)

PLACE: Pasco County Commission Chambers, 7530 Little Road, New Port Richey, Florida 34654

PURPOSE: For the DEP Advisory Group to discuss the proposed draft management plan for Werner-Boyce Salt Springs State Park and to discuss the proposed classification for this unit.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 4 Administration, 1843 South Tamiami Trail, Osprey, Florida 34229.

The **Department of Environmental Protection**, Office of Greenways and Trails announces a meeting of the Florida Greenways and Trails Council's Recreational Trails Prioritization Committee to which all interested parties are invited.

DATE AND TIME: Thursday, February 22, 2001, 10:00 a.m.
PLACE: Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060

PURPOSE: To discuss the development of the process for recreational trails prioritization.

For additional information contact: Samantha Browne, Department of Environmental Protection, Office of Greenways and Trails, DEP MS #795, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-3701 or 1(800)955-8871 (TDD), email address: samantha.browne@dep.state.fl.us.

NOTE: If you need special accommodation in order to attend this meeting because of a disability, please contact Samantha Browne at the address or telephone number above prior to February 19, 2001.

DEPARTMENT OF HEALTH

The Florida **Department of Health** announces a strategic planning forum for Florida's Epilepsy Program to which all persons are invited.

DATE AND TIME: February 23, 2001, 8:30 a.m. – 4:30 p.m.
PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To establish partnerships and develop an action plan to guide Florida's Epilepsy Program.

Individuals planning to attend the forum should register in advance. To register for the forum or obtain a copy of the agenda, please contact: Department of Health, Bureau of Chronic Disease Prevention, Epilepsy Program, 4052 Bald Cypress Way, BIN #A18, Tallahassee, FL 32399-1744, (850)245-4330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Marcy Palmer, (850)245-4330.

The Florida **Board of Medicine**, Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: Sunday, February 25, 2001, 9:30 a.m. – 12:00 Noon

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, FL 33607, (813)877-6688

PURPOSE: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, Florida Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The Florida **Board of Medicine** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Thursday, March 1, 2001, 12:00 Noon

PLACE: Meet me Number: (850)488-0979, Suncom 278-0979

PURPOSE: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The **Board of Medicine** hereby gives notice that a public workshop for the purposes of rule development on Rule 64B8-9.0093, Physical Plant Standards for Office Surgical Facilities, will be held as follows:

DATE AND TIME: February 25, 2001, 1:00 p.m.

PLACE: Tampa Airport Hilton, Tampa International Airport, Tampa, Florida

A notice of rule development was published in Vol. 26, No. 46, of the November 17, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT WORKSHOP IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-1753.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Nursing** announces it will hold the following meetings to which all persons are invited.

North Probable Cause Panel

DATES AND TIME: February 24, 2001; March 24, 2001; April 21, 2001; May 26, 2001; June 30, 2001, 8:30 a.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308, telephone conference

PURPOSE: To reconsider cases which are a matter of public record.

A list of cases to be reconsidered may be obtained through written request to the Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox, Building 3, Tallahassee, Florida 32308, Attn.: Reginald D. Dixon, Staff Attorney.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

The **Department of Health, Board of Nursing** announces it will hold the following meeting to which all persons are invited.

South Probable Cause Panel

DATE AND TIME: February 27, 2001, 9:30 a.m.

PLACE: 2727 Mahan Drive, Tallahassee, FL 32308, telephone conference

PURPOSE: To reconsider cases which are a matter of public record.

A list of cases to be reconsidered may be obtained through written request to the Agency for Health Care Administration, 2727 Mahan Drive, Ft. Knox, Building 3, Tallahassee, Florida 32308, Attn.: Reginald D. Dixon, Staff Attorney.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal to be based.

A copy of any item on the agenda may be obtained by writing: Dr. Ruth Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Ste. 202, Jacksonville, FL 32207. You will be charged \$.15 per page for the number of copies desired.

The Florida **Board of Osteopathic Medicine** will hold the following Board meeting to which all persons are invited.

DATES AND TIMES: Friday, March 9, 2001, 6:00 p.m.; Saturday, March 10, 2001, 9:00 a.m.

PLACE: Nova Southeastern University, 3200 S. University Drive, Ft. Lauderdale, FL 33328, (954)262-1746

PURPOSE: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Mr. William H. Buckhalt, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256 or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Podiatric Medicine**, Probable Cause will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Thursday, February 22, 2001, 2:00 p.m.

PLACE: The Clarion Hotel, 2101 Dixie Clipper Road, Jacksonville, FL, (904)741-1997

PURPOSE: For cases previously heard by the panel.

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 from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Sherra Causey, Board of Podiatric Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Scientific Advisory Committee** for the Florida Birth Defects Registry will be held to which all interested persons are invited.

DATE AND TIME: Thursday, February 8, 2001, 10:00 a.m. – 3:00 p.m.

PLACE: EATZ Café Conference Room, 4055 Esplanade Way, Tallahassee, FL (This is at the new State Government office complex on Capital Circle, S. E.)

The function of the Advisory Committee is to:

1. Review and provide advisement regarding criteria for case definition and content of the data files.
2. Review and provide advice regarding prospective studies.
3. Be appraised of clusters and review results of any cluster analysis.
4. Review and provide advisement about information dissemination and web site activities.
5. Review and provide advice regarding enhancement of the surveillance system.
6. Review drafts of all reports published by the consortium.
7. Assist in the identification of birth defects due to environmental exposures.

The preliminary agenda for this meeting is: Report on the National Birth Defects Prevention Network annual meeting in San Antonio; Report on the multiple malformation report; Report on the data quality analysis report; Update on the Neural Tube Defect surveillance; Update on any legislative actions; Discussion of the next annual report.

No person shall, on the grounds of age, color, disability, national origin, race, religion or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving or benefiting from federal financial assistance.

For information, please contact Dr. Perry Brown, (850)599-8839. For other administrative assistance please contact: Ms. Gwen Fillyau, (850)599-3808.

The **Correctional Medical Authority** announces a Budget and Personnel Committee meeting to which all persons are invited.

DATE AND TIME: February 22, 2001, 10:00 a.m. – 2:00 p.m.

PLACE: Correctional Medical Authority, Conference Room 120, E. Charlton Prather, MD Building, 2585 Merchants Row Boulevard, Capital Circle Office Complex, Tallahassee, Florida 32399, (850)245-4044

PURPOSE: Continued discussion of correctional health care budget and personnel issues.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The **Correctional Medical Authority** announces a conference call to which all persons are invited.

DATE AND TIME: February 26, 2001, 9:30 a.m. – 12:00 Noon

PLACE: (850)921-2470, Suncom 291-2470

PURPOSE: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

Directions to the facility and/or a copy of the agenda may be obtained by writing: Don Bennett, MBA, CCHP, Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, BIN #B-04, Tallahassee, FL 32399-1732, (850)245-4044.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District Ten in conjunction with the community will conduct the following meetings:

The Multi-Program Florida Advocacy Council announces a public meeting to which you are invited to attend.

DATES AND TIME: February 6, 2001; March 6, 2001; April 3, 2001; May 1, 2001; June 5, 2001; August 7, 2001; September 4, 2001; October 2, 2001; November 6, 2001; December 4, 2001, 5:30 p.m. – 8:30 p.m.

PLACE: Department of Children and Family Services, Regional Service Center, 201 W. Broward Blvd., Suite 408, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to DCF clients.

The **Mental Health Florida Local Advocacy Council** announces public meetings to which you are invited to attend.

DATES AND TIME: February 22, 2001; March 22, 2001; April 26, 2001; May 24, 2001; June 28, 2001; August 23, 2001; September 27, 2001; October 25, 2001; November 22, 2001; December 27, 2001, 6:00 p.m. – 8:30 p.m.

PLACE: Department of Children and Family Services, Regional Service Center, 201 W. Broward Blvd., Suite 408, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Alcohol, Drug Abuse and Mental Health related issues.

The **Developmental Disabilities Florida Local Advocacy Council** announces public meetings to which you are invited to attend.

DATES AND TIME: February 14, 2001; March 14, 2001; April 11, 2001; May 9, 2001; June 13, 2001; August 8, 2001; September 12, 2001; October 10, 2001; November 14, 2001; December 12, 2001, 6:00 p.m. – 8:30 p.m.

PLACE: Department of Children and Family Services, Regional Service Center, 201 W. Broward Blvd., Suite 408, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Developmental Disabilities 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**, Orange County Alliance announces the Meeting Schedule through June 2001 to which all interested persons are invited.

DATES AND TIME: February 14, 2001; March 14, 2001; April 11, 2001; May 9, 2001; June 13, 2001, 11:30 a.m. – 1:00 p.m.

PLACE: Director's Conference Room, Health and Family Services Department, Orange County Government, 2100 East Michigan Street, Orlando, Florida 32806

*Any and all meeting changes shall be publicly noticed.

The **Department of Children and Family Services**, Seminole County Alliance announces the Meeting Schedule through June 2001 to which all interested persons are invited.

DATES AND TIME: March 7, 2001; April 4, 2001; May 2, 2001; June 6, 2001, 11:30 a.m. – 1:30 p.m.

PLACE: 1st Floor Conference Room, Sheriff's Office, Seminole County Public Safety Complex, 100 Bush Boulevard, Sanford, Florida 32806

*Any and all meeting changes shall be publicly noticed.

The **Department of Children and Family Services**, Together in Partnership, Leadership Roundtable announces the Meeting Schedule for 2001 to which all interested persons are invited.

DATES AND TIME: March 16, 2001; May 4, 2001; July 20, 2001; September 21, 2001; November 16, 2001, 11:30 a.m. – 1:30 p.m.

PLACE: Superintendent's Conference Room, Brevard County Public Schools Administration Center, 2700 Judge Fran Jamieson Way, Vierra, Florida 32940

*Any and all meeting changes shall be publicly noticed.

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Community Alliance to which all persons are invited.

DATE AND TIME: Thursday, February 15, 2001, 8:30 a.m.

PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

PURPOSE: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Lake County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, February 21, 2001, 12:00 Noon

PLACE: Lake County Administration Building, 315 W. Main St., Tavares, FL

PURPOSE: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

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.

Executive Committee

DATE AND TIME: February 15, 2001, 9:30 a.m. – 11:00 a.m.

PLACE: Conference Call Number (850)487-8620, Suncom 277-8620

SUBJECT: Task Force Issues

Education Advisory Committee

DATE AND TIME: February 16, 2001, 11:00 a.m. – 12:30 p.m.

PLACE: Conference Call Number (850)487-8620, Suncom 277-8620

SUBJECT: Task Force Issues
Education Committee
DATE AND TIME: February 19, 2001, 10:00 a.m. – 11:30 a.m.
PLACE: Conference Call Number (850)487-8620, Suncom 277-8620
SUBJECT: Committee Issues
Cultural Diversity Committee
DATE AND TIME: February 19, 2001, 1:00 p.m. – 2:30 p.m.
PLACE: Conference Call Number (850)487-8620, Suncom 277-8620
SUBJECT: Committee Issues
Faith Committee
DATE AND TIME: February 20, 2001, 10:00 a.m. – 11:30 a.m.
PLACE: Conference Call Number (850)487-8620, Suncom 277-8620
SUBJECT: Committee Issues
Health Committee
DATE AND TIME: February 20, 2001, 1:00 p.m. – 2:30 p.m.
PLACE: Conference Call Number (850)487-8620, Suncom 277-8620
SUBJECT: Committee Issues
Law Enforcement Committee
DATE AND TIME: February 21, 2001, 10:00 a.m. – 11:30 a.m.
PLACE: Conference Call Number (850)487-8620, Suncom 277-8620
SUBJECT: Committee Issues
Executive Committee
DATE AND TIME: March 7, 2001, 10:00 a.m. – 11:30 a.m.
PLACE: Conference Call Number (850)487-8620, Suncom 277-8620
SUBJECT: Task Force Issues
Court System Committee
DATE AND TIME: March 9, 2001, 7:30 a.m. – 9:00 a.m.
PLACE: Conference Call Number (850)487-8620, Suncom 277-8620
SUBJECT: Committee Issues
Court System Education Subcommittee
DATE AND TIME: February 22, 2001, 10:00 a.m. – 11:30 a.m.
PLACE: Conference Call Number (850)487-8620, Suncom 277-8620
SUBJECT: Mediation Subcommittee Issues
Court System Education Subcommittee
DATE AND TIME: March 8, 2001, 10:00 a.m. – 11:30 a.m.
PLACE: Conference Call Number (850)487-8620, Suncom 277-8620
SUBJECT: Mediation Subcommittee Issues
Cultural Diversity Committee
DATE AND TIME: March 13, 2001, 10:00 a.m. – 11:30 a.m.

PLACE: Conference Call Number (850)487-8620, Suncom 277-8620
SUBJECT: Committee Issues
Executive Committee Meeting
DATE AND TIME: March 23, 2001, 8:15 a.m. – 9:00 a.m.
PLACE: Conference Call Number (850)487-8620, Suncom 277-8620
SUBJECT: Task Force Meeting Agenda
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 20G0129. 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, Mary Lay, (850)414-8316 or Bonnie M. Flynn, (850)414-8317.

The District 14, **Department of Children and Family Services** announces the following meetings to which all persons are invited.

Tri-County Community-Based Care Steering Council meeting
DATES AND TIME: Thursday, February 22, 2001; Thursday, March 29, 2001, 3:00 p.m.

PLACE: Fort Meade Community Center, 10 S. W. Third Street, Fort Meade, FL

PURPOSE: Community-Based Care plan for District 14.

For copies of the agenda, further information or persons needing accommodation to participate in these conference calls please contact: Patty Harrison, (941)619-4100, Extension 157, 1(800)342-0825 or TDD (941)648-3337.

CRIMINAL JUSTICE STANDARDS AND TRAINING

The **Criminal Justice Standards and Training**, Regional Council, Region X announces a meeting to which all interested persons are invited.

DATE AND TIME: Tuesday February 6, 2001, 9:45 a.m.

PLACE: Smugglers Inn Restaurant, Fisherman's Village, 1200 W. Retta Esplanada, Punta Gorda, Florida 33950

AGENDA

- Review the minutes from the last meeting.
- Election of new Council Members.
- Review budget expenditures and classes offered.
- Review the Region's needs for future planning.
- Additional submissions for Training Council discussion.
- FDLE Report from Mr. Tim Day.
- Other items of interest.

FLORIDA CENTER FOR SOLID AND HAZAROUS WASTE MANAGEMENT

The **Florida Center for Solid and Hazardous Waste Management Advisory Board** announces a meeting to which all interested persons are invited.

DATE AND TIME: February 9, 2001, 9:00 a.m. – 2:00 p.m.

PLACE: Fairfield Inn by Marriott, 7100 Augusta National Drive, Orlando, FL

For Further Information: Please call (352)392-6264 or visit our web site: www.floridacenter.org

TAMPA BAY ESTUARY PROGRAM

The **Tampa Bay Estuary Program** announces scheduling of a Management Board Meeting to which all persons are invited.

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

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., Suite 219, St. Petersburg, Florida

PURPOSE: Action will be taken on items related to the annual TBEP work plan, TBEP annual audit and updates on the 319(h) projects.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Management Board to any matter considered at the above cited meeting, 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 Estuary Program** announces scheduling of a Policy Board meeting to which all persons are invited.

DATE AND TIME: Friday, February 16, 2001, 2:00 p.m.

PLACE: Tampa Bay Regional Planning Council, 9455 Koger Blvd., Suite 219, St. Petersburg, Florida

PURPOSE: Action will be taken on items related to the TBEP annual work plan, annual TBEP audit and updates on the 319(h) projects.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Policy Board to any matter considered at the above cited meeting, 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.

FLORIDA WORKERS COMPENSATION APPEALS BOARD

The **Florida Workers Compensation Appeals Board** announces a meeting to which all persons are invited.

DATE AND TIME: February 21, 2001, 9:00 a.m. – 4:00 p.m.

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, Florida 32812, (407)240-1000

PURPOSE: To provide a mechanism by which aggrieved parties may obtain a review of the application of the rules of the workers compensation system to their individual workers compensation policies.

Contact: Kathy Scott, National Council on Compensation Insurance, Inc., 901 Peninsula Corporate Circle, Boca Raton, Florida 33487, (561)893-3170.

FLORIDA PORTS COUNCIL

The **Seaport Environmental Management Committee** announces a public meeting in which all interested persons are invited to participate.

DATE AND TIME: March 5, 2001, 10:00 a.m. – 3:30 p.m.

PLACE: Port Canaveral, Cape Canaveral, Florida

PURPOSE: General Business.

Information on the meeting may be obtained by contacting: Tara Vercellone, Florida Ports Council, 315 South Calhoun Street, Suite 712, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Tara Vercellone, (850)222-8028.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces a public meeting to which all persons are invited.

Operating Committee Meeting

DATE AND TIME: March 6, 2001, 9:30 a.m.

PLACE: Radisson Mart Plaza Hotel, 711 N. W. 72nd Avenue, Miami, FL

PURPOSE: To consider modifications to the FAJUA's forms, rules and rates and any other business that may come before the committee.

Additional information may be obtained from: Lisa Blackwell Stoutamire, FAJUA, 1113 East Tennessee Street, Suite 401, Tallahassee, FL 32308.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN that the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by Christopher Spencer, President of the International Fire Fighters Association, Local #2887 on December 15, 2000. The following is a summary of the agency's disposition of the petition: The Florida Department of Insurance does not administer Chapter 175, Florida Statutes, which is administered by the Division of Retirement, Department of Management Services, and therefore declines to provide an interpretation of any provision contained therein. With respect to Chapter 633, Florida Statutes, the answer to the question presented is that nothing in Chapter 633, Florida Statutes, prevents or prohibits a certified fire fighter from engaging in any other occupation, profession or endeavor in which he or she may be certified or qualified.

A copy of the Order may be obtained from: A. Collin Cherry, Senior Attorney, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0333, (850)413-4230.

NOTICE IS HEREBY GIVEN that the Department of Insurance, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed January 23, 2001, from William C. Vola, Deputy Fire Chief, Fire Marshal/Building Official, on behalf of the City of Seminole. The Petition is seeking the Department's interpretation of Section 791.015, Florida Statutes, as it applies to Petitioner's circumstances. Specifically, Petitioner is asking:

A. Is a fireworks company that holds a wholesaler and a seasonal retailer certificate permitted to transfer, lend, sell or assign the wholesaler certificate or the seasonal retailer certificate to a person who is not an employee of, or owned by, the fireworks company for the sale of the firework's company's products to the public under Section 791.015, Florida Statutes?

B. If the fireworks company enters into a contract with a person for the sale of its products to the public, is the fireworks company permitted to transfer, lend, sell or assign either its wholesaler certificate or its seasonal retailer certificate to that person if that person is not employed by, or owned by, the fireworks company under Section 791.015, Florida Statutes?

C. If Section 791.015, Florida Statutes, does not permit the practices enumerated above, is there any other provision of Chapter 791, Florida Statutes, that does permit those practices?

A copy of the Petition for Declaratory Statement may be obtained by writing: Gabriel Mazzeo, Attorney for the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604.

NOTICE IS HEREBY GIVEN that the Department of Insurance, Division of State Fire Marshal, has received a petition for a declaratory statement from Joseph S. Pedalino, representing Boca Towers Condominium Association, Inc. The petition seeks the agency's opinion as to the applicability of Section 7-3.2.21.2.2 of NFPA 1, requiring sprinklers in all high-rise buildings in the new Florida Fire Prevention Code currently scheduled to be effective July 1, 2001, within 12 years, and whether that provision of NFPA 1 is in conflict with, and superseded by, Section 553.895, Florida Statutes.

A copy of the petition may be obtained by contacting: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections received a Petition to Initiate Rulemaking on January 25, 2001 from Willie Lee Harper. Petitioner is seeking amendment or repeal of Rules 33-601.803 and 33-601.811, Florida Administrative Code, to allow inmates in close management the same privileges as inmates in general population.

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 January 25, 2001 from Willie Lee Harper. Petitioner is seeking amendment of Rule 33-602.203(1)(b), Florida Administrative Code, to exempt legal documents passed from one inmate to another from being considered contraband.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Carl Edward Harris, Jr. The Petitioner requested that the Department of Corrections amend Rules 33-507.201(2) and (4) and repeal proposed amendments to Rule 33-507.001, Florida Administrative Code. The Petitioner asserts that the rules constitute an improper exercise of

legislative authority by making substance abuse treatment mandatory and imposing disciplinary action in the event an inmate refuses treatment. He further asserts that treatment should not be denied an inmate based upon the length of time remaining to be served on the inmate's sentence.

The Department denied Inmate Harris' Petition to Initiate Rulemaking. The Petition in actuality addresses existing, rather than proposed rules and is misplaced, since inmates may not engage in rule challenges. Even if that were not the case, the Petition should be denied on the merits. The Department is required by law to provide inmates in need with substance abuse treatment to the fullest extent possible and is authorized to adopt rules relating to the care and discipline of inmates. Contrary to the Petitioner's assertion the length of time remaining to be served on an inmate's sentence is not a basis for denial of treatment.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Jason Wilson. The Petitioner requested that the Department of Corrections amend Rule 33-602.101(5), Florida Administrative Code, to require the Department to exempt Native Americans from rule provisions which require male inmates to have their hair cut short to medium uniform length at all times.

The Department denied Inmate Wilson's Petition to Initiate Rulemaking. The rule at issue is a neutral, generally applicable rule that does not offend the Free Exercise Clause of the United States Constitution even though it has an incidental effect on religious practice. Where a prison regulation impinges upon an inmate's free exercise rights it is nonetheless valid, where it serves a valid penological interest.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections received a Petition to Initiate Rulemaking on January 29, 2001 from Mark Osterback. Petitioner is seeking amendment of Rule 33-501.301, Florida Administrative Code, to require inclusion of the 1998 Inmate Discipline Manual in law library collections.

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 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, Victoria Suites Investment, Inc., Petitioner; Docket Number 2000-181.

The declaratory statement provided, in summary, that Petitioner must transfer control of the association to the non-developer unit owners in accordance with Section 718.301(1)(d), 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.

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:

Legal Club of America Corporation, F/K/A and Justice for All, Inc. D/B/A Legal Club of America vs. Department of Insurance; Case No.: 99-0771RX; Rule No.: 4-201.003

Florida League of Cities, Inc. vs. Department of Insurance, State Fire Marshal's Office; Case No.: 00-5143RP; Rule No.: 4A-62.003

Discovery Experimental and Development, Inc. vs. Department of Health; Case No.: 99-0005RX; Rule Nos.: 10D-45.0545, 64F-12.006, 64F-12.019

James T. Kimball vs. Department of Health; Case No.: 99-0006RX; Rule Nos.: 10D-45.0545, 64F-12.019

Jamie Hewitt, D/B/A Hewitt Mobile Home Movers; Bill Fisher, D/B/A Mobile Tech; Hudz Manufactured Housing, Inc., A Florida Corporation; Bob Uhl, D/B/A Bob Uhl Mobile Home Movers; Byrds Mobile Homes, Inc., A Florida Corporation; et al. vs. Department of Highway Safety and Motor Vehicles; Case No.: 99-2061RX; Rule No.: 15C-1

Diane Porter, Ashley Smith, Jane Gallucci and Sandi Bisceglia vs. State Board of Administration; Case No.: 01-0268RP; Rule No.: 19-9.001

William Robinson vs. Florida Parole Commission; Case No.: 99-0118RX; Rule No.: 23-21.0155(3); Dismissed

John King vs. Florida Parole and Probation Commission; Case No.: 99-1278RX; Rule No.: 23-23.155

John Abbey; Michael Alison; Linda E. Allen; Russell L. Allen; John Alway, M.D.; Patricia Antich; Robert Bacon; Mark Barnett; Hellmut Bauer; Jaime M. Benavides, Jr., and Joyce Benavides; Nela Benavides; Edward Brezina, Jr., M.D.; Judy Cummings; et al. vs. Department of Community Affairs; Case No.: 99-0621RX; Rule No.: 28-36

John Abbey; Michael Alison; Linda E. Allen; Russell L. Allen; John Alway, M.D.; Patricia Antich; Robert Bacon; Mark Barnett; Hellmut Bauer; Jaime M. Benavides, Jr., and Joyce Benavides; Nela Benavides; Edward Brezina, Jr., M.D.; Judy Cummings; et al. vs. Administration Commission and Department of Community Affairs; Case No.: 99-1033RX; Rule No.: 28-36

James Yeik vs. Department of Corrections; Case No.: 99-0631RP; Rule No.: 33-7.006

Eckerd Corporation vs. Agency for Health Care Administration; Case No.: 99-4025RX; Rule No.: 59G-4.250

Tutas Towne Realty, Inc. and Bryant Tutas vs. Florida Real Estate Commission; Case No.: 99-0269RX; Rule No.: 61J2-5.014

Florida Medical Association vs. Department of Health, Board of Acupuncture; Case No.: 01-0025RP; Rule No.: 64B1-4.010-.011

The Coalition of Affordable Housing Providers, Inc. vs. Florida Housing Finance Corporation; Case No.: 01-0269RP; Rule No.: 67-48.002(11)

Raymond Petit, Jr. vs. Florida Commission on Human Relations; Case No.: 99-1277RU

East Pointe Hospital vs. Agency for Health Care Administration; Case No.: 99-1831RU

North Broward Hospital District vs. Department of Insurance; Case No.: 99-3623RU

1st Propane of Bushnell vs. Department of Agriculture and Consumer Services; Case No.: 99-4024RU

Florida Service Agreement Association vs. Department of Insurance; Case No.: 99-4066RU

Florida Public Employees Council 79 AFSCME, Altamese Thompson, and Sue Ezell vs. Department of Labor and Employment Security; Case No.: 99-4281RU

Florida Association of Realtors vs. Department of Business and Professional Regulation, Florida Real Estate Commission; Case No.: 99-4430RU

The Sierra Club vs. St. Johns River Water Management District; Case No.: 99-5003RU

Lakesmart Associates, Ltd. vs. Florida Housing Finance Corporation; Case No.: 00-4287RU

RPK Associates, Ltd. vs. Florida Housing Finance Corporation; Case No.: 00-4408RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Florida Association of Life Underwriters vs. Department of Insurance; Case No.: 99-0272RP; Rule No.: 4-154.520; Dismissed

Health Insurance Association of America, Inc. vs. Department of Insurance; Case No.: 99-0267RP; Rule No.: 4-154.520; Dismissed

Florida Association of Health Maintenance Organizations, Inc. vs. Department of Insurance; Case No.: 99-0268RP; Rule No.: 4-154.520; Dismissed

Legal Club of America Corporation, F/K/A and Justice for All, Inc. D/B/A Legal Club of America vs. Department of Insurance; Case No.: 99-0771RX; Rule No.: 4-201.003; Dismissed

Discovery Experimental and Development, Inc. vs. Department of Health; Case No.: 99-0005RX; Rule Nos.: 10D-45.0545, 64F-12.006, 64F-12.019; Dismissed

James T. Kimball vs. Department of Health; Case No.: 99-0006RX; Rule Nos.: 10D-45.0545, 64F-12.019; Dismissed

Jamie Hewitt, D/B/A Hewitt Mobile Home Movers; Bill Fisher, D/B/A Mobile Tech; Hudz Manufactured Housing, Inc., A Florida Corporation; Bob Uhl, D/B/A Bob Uhl Mobile Home Movers; Byrds Mobile Homes, Inc., A Florida Corporation; et al. vs. Department of Highway Safety and Motor Vehicles; Case No.: 99-2061RX; Rule No.: 15C-1; Dismissed

William Robinson vs. Florida Parole Commission; Case No.: 99-0118RX; Rule No.: 23-21.0155(3); Dismissed

John King vs. Florida Parole and Probation Commission; Case No.: 99-1278RX; Rule No.: 23-23.155; Dismissed

John Abbey; Michael Alison; Linda E. Allen; Russell L. Allen; John Alway, M.D.; Patricia Antich; Robert Bacon; Mark Barnett; Hellmut Bauer; Jaime M. Benavides, Jr., and Joyce Benavides; Nela Benavides; Edward Brezina, Jr., M.D.; Judy Cummings; et al. vs. Department of Community Affairs; Case No.: 99-0621RX; Rule No.: 28-36; Dismissed

John Abbey; Michael Alison; Linda E. Allen; Russell L. Allen; John Alway, M.D.; Patricia Antich; Robert Bacon; Mark Barnett; Hellmut Bauer; Jaime M. Benavides, Jr., and Joyce Benavides; Nela Benavides; Edward Brezina, Jr., M.D.; Judy Cummings; et al. vs. Administration Commission and Department of Community Affairs; Case No.: 99-1033RX; Rule No.: 28-36; Dismissed

James Yeik vs. Department of Corrections; Case No.: 99-0631RP; Rule No.: 33-7.006; Dismissed

South Broward Hospital District, d/b/a Memorial Hospital West vs. Agency for Health Care Administration; Case No.: 00-3906RP; Rule No.: 59C-1.005; Voluntary Dismissal

Eckerd Corporation vs. Agency for Health Care Administration; Case No.: 99-4025RX; Rule No.: 59G-4.250; Voluntary Dismissal

Tutas Towne Realty, Inc. and Bryant Tutas vs. Florida Real Estate Commission; Case No.: 99-0269RX; Rule No.: 61J2-5.014; Dismissed

Joseph P. Laurino, Ph.D. vs. Department of Health, Board of Clinical Laboratory Personnel; Case No.: 00-3315RX; Rule No.: 64B3-5.007(2)(a); Dismissed upon Withdrawal

Raymond Petit, Jr. vs. Florida Commission on Human Relations; Case No.: 99-1277RU; Dismissed

East Pointe Hospital vs. Agency for Health Care Administration; Case No.: 99-1831RU; Dismissed

North Broward Hospital District vs. Department of Insurance; Case No.: 99-3623RU; Dismissed

1st Propane of Bushnell vs. Department of Agriculture and Consumer Services; Case No.: 99-4024RU; Voluntary Dismissal

Florida Service Agreement Association vs. Department of Insurance; Case No.: 99-4066RU; Dismissed

Florida Public Employees Council 79 AFSCME, Altamese Thompson, and Sue Ezell vs. Department of Labor and Employment Security; Case No.: 99-4281RU; Dismissed

Florida Association of Realtors vs. Department of Business and Professional Regulation, Florida Real Estate Commission; Case No.: 99-4430RU; Voluntary Dismissal

The Sierra Club vs. St. Johns River Water Management District; Case No.: 99-5003RU; Voluntary Dismissal

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

NOTIFICATION OF INTENT TO OPERATE THE SUMMER FOOD SERVICE PROGRAM

In accordance with Title 7 Code of Federal Regulations, Part 225, it is the intent of the Florida Department of Education, Food and Nutrition Management Section, to continue to administer the Summer Food Service Program for the fiscal year 2001.

The primary purpose of the program is to provide food service to children from needy areas during periods when area schools are closed for vacation.

Eligible children are those 18 years of age and under and persons over 18 years of age who are determined by the State educational agency or a local public educational agency of the State to be mentally or physically handicapped and who participate in a public or nonprofit private school program established for the mentally or physically handicapped.

The program will be made available throughout Florida by State approved sponsors. Sponsors for the program may be a public or nonprofit private school, nonprofit private organization, residential or non-residential camp, government organization or a Nation Youth Sports Program.

For more information please contact the Summer Food Service Program, 1(800)504-6609.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of Florida for and on behalf of the Board of Regents, a public corporation of the State of Florida, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No.: BR-133, Project and Location: Constans Theatre Addition at University of Florida. The project consists of 45,840 GSF addition to the Constans Theatre to consolidate the Department of Dance and Theatre spaces in a single contiguous facility. The program consists of performance and rehearsal studios, theatre production teaching labs and production support spaces, offices and a black box theatre. The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$500,000.00, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," the latest approved version. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 5 (five) copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained by contacting:

Marsha Brewton, Office Manager
Facilities Planning and Construction Division
232 Stadium, P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)392-1256
Fax: (352)392-6378
Internet: www.facilities.ufl.edu

Submittals must be received in the Facilities Planning and Construction Division office by 3:00 p.m. (Local Time), on Thursday, March 8, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

The University of Florida on and behalf of the Board of Regents, a public corporation of the State of Florida, announces that construction management services will be required for the project listed below:

Project No.: BR-133, Project and Location: Constans Theater Addition at University of Florida. The project consists of 45,840 GSF addition to the Constans Theatre to consolidate the Department of Dance and Theatre spaces in a single contiguous facility. The program consists of performance and rehearsal studios, theatre production teaching labs and production support spaces, offices and a black box theatre. The estimated construction cost is \$6,158,800.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract. Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. The

Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting:

Marsha Brewton, Office Manager
 Campus Planning and Construction Management
 232 Stadium, P. O. Box 115050
 Gainesville, FL 32611-5050
 Telephone: (352)392-1256
 Fax: (352)392-6378
 Internet: www.facilities.ufl.edu

Five (5) bound copies of the required proposal must be received in the Facilities Planning and Construction Division office by 3:00 p.m. (Local Time), Thursday, March 8, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 01L-108, W/O 52118, Modifications to Lift Stations Number 3 Through 31, estimated budget: \$200,000-\$240,000, to be opened March 8, 2001, 1:30 p.m. (Local Time), in Purchasing, Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Replace pump starters and starter controls at 20(±) lift stations. Specifications and Plans will be available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL, (352)392-1331. A Mandatory Pre-bid Meeting will be held February 20, 2001, 10:30 a.m., in the Physical Plant Division Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL.

All questions should be directed to: A. J. Sontag, Assistant Director, UF Purchasing, (352)392-1331, Ext. 306.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-bid or Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

NOTICE TO CONSTRUCTION MANAGERS

The University of Central Florida announces that construction management services will be required for the project listed below:

Project No.: BR-496

Project and Location: Partnership II Building, Central Florida Research Park, Orlando, Florida 32817

Project Description: The pre-construction and construction of a new facility that contains approximately 15,750 sq. ft. of research labs, 4,050 sq. ft. instructional media, 40,400 sq. ft. of office/computers and 1,200 sq. ft. of support services.

The new building will provide "state of the art" technology for simulation and professional training. In keeping with local structures, the use of tilt wall construction is preferred for speed and feasibility of construction.

This facility will be located adjacent to the Center for Public Safety, Forensic Science and Security (Partnership I) Building in the Central Florida Research Park. The user groups are made up of a variety of organizations involved in modeling, simulation and advanced distributed learning. The construction cost will be approximately \$11,977,569.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133,

Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Gina Seabrook, Office of Facilities Planning, University of Central Florida, 4000 Central Florida Boulevard, Post Office Box 163020, Orlando, FL 32816-3020, (407)823-2166, Fax (407)823-5141, Email: gseabroo@mail.ucf.edu

The project fact sheet for the Partnership II may be found on the Facilities Planning home page. Our Internet address is: <http://www.fp.ucf.edu>.

Four (4) bound copies of the required proposal data shall be submitted to: Mr. Peter Newman, Facilities Planning, 4000 Central Florida Blvd., Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m. (Local Time), March 23, 2001. Facsimile (FAX) submittals are not acceptable and will not be considered.

ADVERTISEMENT FOR BIDS

Sealed bids will be received by the Duval County Public Schools, Division of Facilities Services, Room 546, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207 for:

PROJECT TITLE: Air Conditioning of the Gymnasium at J. E. B. Stuart Middle School No. 207; Air Conditioning of the Gymnasium at Paxon School for Advanced Studies No. 75

BID NUMBER: M-88360/M-88370

SCOPE OF

WORK:

Install a DX air conditioning system in the J. E. B. Stuart Middle School gymnasium and a chill water system in the Paxon School for Advanced Studies gymnasium.

BIDS:

Bids will be received until 2:00 p.m., Tuesday, February 20, 2001 and immediately thereafter publicly opened, read aloud and recorded in Conference Room No. 513D, 5th Floor Facilities, School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207.

All qualified contractors that are interested in bidding are required to attend a mandatory pre-bid conference to

be held on February 7, 2001, 10:00 a.m. (Local Time), Paxon School for Advanced Studies No. 75, 3239 Norman Thagard Boulevard, Jacksonville Florida 32254. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All prime bidders shall be licensed contractors and registered corporations, subcontractors shall be licensed contractors as required by the laws of the State of Florida.

Contract documents for bidding may be obtained at the office of Sunbelt Engineering, 5711 Richard Street, Suite 1A-2, Jacksonville, Florida 32216. A refundable deposit of fifty dollars per set is required.

Duval County School Board point of contact is: John McKean, Plant Services, (904)858-6310.

Contract documents for bidding may be examined at Division of Purchasing Services, Duval County Public Schools F. W. Dodge McGraw Hill Plan Room Construction Bulletin Construction Market Data, Inc. Business Service Center.

MBE

PARTICIPATION: A minimum of 20% overall Minority Business Enterprise participation is required.

REGIONAL TRANSPORTATION AUTHORITIES

General Selection Information

The Tampa-Hillsborough County Expressway Authority (THCEA) requests Letters of Interest from qualified firms to provide services noted below. Firms must be prequalified by the Florida Department of Transportation in the major and minor work categories noted below. Applicants shall submit a Qualifications Submittal, accompanied by Standard Forms 254 and 255 (SF254 and SF255) for the prime consultant (and subconsultants, if any) emphasizing Florida projects and identifying the resident location of key personnel who would be committed to work on this contract. Qualifications Submittals shall include the following information:

- A. Cover Page:
 - The following notation: "Letter of Interest for Meridian Street Final Engineering Design"
 - Consultant's name and address
 - Contact person, phone and fax numbers, Email address

- B. Two-Page Letter of Interest in FDOT Format shall include the following:
 - Statement regarding prequalification of consultant (and subconsultants, if any) in advertised type of work
 - Proposed key personnel and their proposed roles (do not include resumes)
 - FDOT Performance Rating
 - Indication of DBE status or participation
- C. One-Page Approach to the Staffing, Management and Production for a Final Design Project
- D. One-Page Project Team Organization Chart

An original and nine copies of the Letter of Interest, SF254 and SF255 must be received by mail or hand delivery by 4:00 p.m., February 28, 2001. Submittals received after that time will be not be accepted. Address responses to: Contract Services Administrator, Tampa-Hillsborough County Expressway Authority, 412 East Madison Street, Suite 800, Tampa, FL 33602.

Applicants may contact the Contract Services Administrator, (813)272-5986, Fax (813)301-7043, until the qualifications submittal deadline for further information. A detailed scope of services, schedule and requirements for submittals by short-listed firms will be provided at the Pre-Proposal meeting. All applicants will be promptly notified when the short-listed firms are selected.

CONTRACT: THCEA-51.31.01
 Meridian Street Final Engineering Design

MAJOR WORK: 3.3 Complex Highway Design

MINOR WORK: 6.3 Traffic Control Systems Analysis, Design and Implementation
 7 Traffic Operations Design
 12 Right-of-Way Surveying and Mapping

DESCRIPTION: Design of a six-lane arterial between Channelside Drive and Twiggs Street with improvements to proposed or existing cross-streets at Brorein Street/Channelside Drive; Cumberland Avenue; Whiting Street; Jackson Street; Kennedy Boulevard; and Twiggs Street.

SPECIAL NOTES: A separate design competition will be held at a later date to select an urban design team.

Following dates are subject to change. Contact the Contract Services Administrator for updated information:

RESPONSE DEADLINE: February 28, 2001
PLANNED SHORT-LIST DATE: March 12, 2001
PRE-PROPOSAL MEETING: March 15, 2001, 2:00 p.m.
PLANNED FINAL SELECTION DATE: April 23, 2001

DEPARTMENT OF MANAGEMENT SERVICES

*REVISED Legal Notice

**NOTICE OF REQUEST FOR STATEMENTS OF
QUALIFICATIONS FOR CONSTRUCTION
MANAGEMENT-AT-RISK SERVICES FOR THE MIAMI
INTERMODAL CENTER (MIC) PROGRAM**

Pursuant to its policies and procedures the State of Florida Department of Management Services on behalf of the Florida Department of Transportation statements of qualifications (SOQs) for Construction Management-At-Risk services for the Miami Intermodal Center (MIC) Program will be received at the Miami Intermodal Center Project Office 3910 N. W. 22nd Street, Miami, Florida 33142, until 4:00 p.m. (Eastern Standard Time), Tuesday, March 6, 2001. Ten (10) copies of the SOQs will be required. Any SOQs received after the above time will not be accepted under any circumstances. The program's construction cost may be as much as \$350,000,000. Proposers must be licensed as a Florida Certified General Contractor, submit evidence of bonding availability in an amount equal to the full construction cost, and be available to provide services from as early as July 2001 through December 2006. Selection will be based on qualifications.

Beginning Monday, January 29, 2001, a "Request for Statements of Qualifications" will be available free of charge at the reception desk, Miami Intermodal Center Project Office 3910 N. W. 22nd Street, Miami, Florida 33142. This package outlines the scope of the program, the SOQ format, evaluation criteria, submittal instructions, a description of the selection process and general project information. To order a package, call Amy Rivero, (786)265-9471.

An informational meeting will be held on Wednesday, February 14, 2001, Embassy Suites Miami Airport, 3974 N. W. South River Drive, Miami, Florida 33142, 9:00 a.m. **ALL PROPOSERS ARE STRONGLY ENCOURAGED TO ATTEND.**

Proposers are encouraged to bring all questions concerning this Request for Statements of Qualifications to the informational meeting. Questions may also be submitted in writing: MIC Management Group, 3910 N. W. 22nd Street, Miami, Florida 33142, Attn.: Amy Rivero, if received by February 16, 2001.

In accordance with Section 287.055(11), Florida Statutes, FDMS declares that all, or any portion of the documents and the work papers prepared and submitted pursuant to this Notice shall be subject to reuse by FDMS.

FDMS reserves the right to waive any informality, reject any or all submissions, or to re-advertise.

* The purpose of this notice is to correct the notice appearing February 2, 2001 to reflect the indemnity of the parties.

**PUBLIC ANNOUNCEMENT FOR CONSTRUCTION
MANAGEMENT SERVICES**

PROJECT NUMBER: FDVA-20001010

PROJECT NAME: State Nursing Home for Veterans Bay County

PROJECT LOCATION: City of Springfield, Florida

The Department of Management Services, Division of Building Construction, requests qualifications from construction management firms to provide construction management services for this project. The construction budget for this project is up to \$9,000,000.00. Construction start date is January 2002 (Tentative).

This is a State of Florida Veterans Nursing Home designed for 120 beds. The architectural firm of Harvard Jolly Clees Toppe is the design architect for this project.

Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of the Division of Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit six copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

RESPONSE DUE DATE: March 8, 2001, by 4:00 p.m.

Applications are to be sent to: Richard N. Arcuri, Department of Management Services, 4508 Oak Fair Blvd., Suite 200, Tampa, Florida 33610.

Date and Location of Shortlist: March 13, 2001, Department of Management Services, 4508 Oak Fair Blvd., Suite 200, Tampa, Florida 33610.

The short listed candidates will be invited to attend a workshop to discuss the project. The workshop will be held on March 21, 2001, 10:00 a.m., 4508 Oak Fair Boulevard, Suite 200, Tampa, Florida 33610.

DATE AND LOCATION FOR INTERVIEWS: April 4, 2001, Department of Management Services, 4050 Esplanade Way, Suite 125, Tallahassee, Florida 32399-0950.

Any changes to the above dates will be published on our web site: <http://fcn.state.fl.us/dms/dbc/opportun/index.html>

The selected firms will be given official notice of selection results by Fax and/or mail. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will also be published in the Florida Administrative Weekly and on our web site.

**PUBLIC ANNOUNCEMENT FOR CONSTRUCTION
MANAGEMENT SERVICES**

PROJECT NUMBER: FDVA-20001020

PROJECT NAME: State Nursing Home for Veterans Charlotte County

PROJECT LOCATION: City of Port Charlotte, Florida

The Department of Management Services, Division of Building Construction, requests qualifications from construction management firms to provide construction management services for this project. The construction budget for this project is up to \$9,000,000.00. Construction start date is January 2002 (Tentative).

This is a State of Florida Veterans Nursing Home designed for 120 beds. The architectural firm of Harvard Jolly Clees Toppe is the design architect for this project.

Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of the Division of Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit six copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

RESPONSE DUE DATE: March 8, 2001, by 4:00 p.m.

Applications are to be sent to: Richard N. Arcuri, Department of Management Services, 4508 Oak Fair Blvd., Suite 200, Tampa, Florida 33610.

Date and Location of Shortlist: March 13, 2001, Department of Management Services, 4508 Oak Fair Blvd., Suite 200, Tampa, Florida 33610.

The short listed candidates will be invited to attend a workshop to discuss the project. The workshop will be held on March 21, 2001, 1:00 p.m., 4508 Oak Fair Blvd., Suite 200, Tampa, Florida 33610. DATE AND LOCATION FOR INTERVIEWS: April 3, 2001, Department of Management Services, 4508 Oak Fair Blvd., Suite 200, Tampa, Florida 33610.

Any changes to the above dates will be published on our web site: <http://fcn.state.fl.us/dms/dbc/opportun/index.html>

The selected firms will be given official notice of selection results by Fax and/or mail. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will also be published in the Florida Administrative Weekly and on our web site.

DEPARTMENT OF HEALTH

INVITATION TO BID

Sealed bids will be accepted by the Pinellas County Health Department (PCHD), located at 300 31st St., North, Suite 602, St. Petersburg, FL 33713, until 1:00 p.m., February 26, 2001. Bid No. 0001-03-DB, to install an AGGREGATE SURFACED, FIBERGLASS FELT REINFORCED ASPHALTIC ROOF may be secured from the Purchasing department within the PCHD at the above address, telephone No. (727)893-2209. Bid packages include specifications, terms and general conditions. A mandatory bidder's conference will be held on Thursday, February 15, 2001, 10:00 a.m., PCHD, 310 North Myrtle Avenue, Clearwater, FL 33755. ATTENDANCE IS MANDATORY. Bidder's not in attendance will not be considered for award. Right is reserved for the PCHD to reject any or all bids. SPECIAL NOTE: If you require accommodations because of a disability in order to participate in the bid process, please contact: Debbie Berringer, (727)893-2209, Ext. 136, by February 12, 2001.

**DEPARTMENT OF CHILDREN AND FAMILY
SERVICES**

INVITATION TO BID

Proposals are requested from qualified flooring contractors by the Department of Children and Family Services and West Florida Community Care Center (WFCCC) for the following project:

PROJECT NUMBER: DCF 99340110
 PROJECT: REPLACEMENT OF FLOORING
 WEST FLORIDA COMMUNITY
 CARE CENTER
 MILTON, FLORIDA

SCOPE OF WORK: Replacement of various flooring finishes throughout the center to consist of vinyl composition tile, vinyl sheet goods, raised radial flooring, ceramic tile and carpet.

DATE AND TIME: Sealed bids will be received on Thursday, February 22, 2001, until 11:00 a.m. (Central Standard Time), at which time they will be publicly opened and read aloud.

PLACE: WEST FLORIDA COMMUNITY
 CARE CENTER
 5500 STEWART STREET
 MILTON, FLORIDA 32570

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be obtained from:

BOB SCHEER, DIRECTOR OF
 FACILITY OPERATIONS
 5500 STEWART STREET
 MILTON, FLORIDA 32570
 TELEPHONE (850)983-5500

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted at 11:00 a.m. (Local Time), February 23, 2001, at the location where the bids were opened. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. 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.

SARASOTA COUNTY HEALTH DEPARTMENT

NOTICE OF REQUEST FOR PROPOSAL

Peter R. Brown Construction, Inc. (CG-C061419), the Construction Manager for the Sarasota County Health Department Renovation and Addition; hereby solicits sealed proposals for all trades for the referenced project in accordance with the proposal documents.

The Construction Manager will accept sealed proposals until 2:00 p.m., February 20, 2001 at their offices located at 1475 South Belcher Road, Largo, Florida. All proposals will be publicly opened and read aloud.

The Proposal Documents will be available and may be reviewed or picked up at the office of the Construction Manager on January 23, 2001. Please call Ms. Sandy Kamin, (727)535-6407, to obtain documents. A Pre-proposal Conference will be held at the jobsite on February 1, 2001, 2:00 p.m. at the parking lot South of the existing Public Health Bldg.

The jobsite is located at 2200 South Ringling Blvd., Sarasota, Florida.

The Construction Manager reserves the right to reject any and all proposals; and to waive any informality in any proposal.

All questions regarding the work should be directed to the Construction Manager. The Owner and Architect will not accept calls regarding this project.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO PROFESSIONAL CONSULTANTS

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, Letters of Interest from Engineering firms or individuals desiring to render Professional Services for the following project at Vandenberg Airport, Tampa, Florida:

PHASE 6b AND OVERLAY RUNWAY 18-36, TAXIWAY "A", ADJACENT TAXILANES AND RELATED WORK

Services to be furnished shall include, but not be limited to, civil engineering design and surveys related to runway and taxiway rehabilitation, service roads, site preparation and utilities; geotechnical testing; assistance during the advertising, bid and award phase; and basic engineering services and resident inspection during construction. A more detailed scope of services will be included in the formal request for proposals. Qualified Consultants desiring consideration for this Project must give written notification in the form of a Letter of Interest to:

William J. Connors, Jr.
 Senior Director of Planning and Design
 Hillsborough County Aviation Authority
 Post Office Box 22287
 Tampa, Florida 33622

Interested parties may inquire as to project description, details, and required data submissions, to: William J. Connors Jr., Senior Director of Planning and Development, (813)870-8704. **ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR PROPOSALS IS REQUIRED AT THIS TIME.** Subsequent to receiving Letters of Interest, a Request for Proposals will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Proposal Conference will be held on Tuesday, February 27, 2001, 10:00 a.m. (Local Time), at the offices of Hillsborough County Aviation Authority, Landside

Terminal Building, Third Floor, Blue Side at Tampa International Airport, Tampa, FL. Details of this conference will be included in the Request for Proposals.

Replies to this Notice must be received at or before 5:00 p.m. (Local Time), Wednesday, February 14, 2001.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

By: _____
Louis E. Miller, Executive Director

**Section XII
Miscellaneous**

DEPARTMENT OF LEGAL AFFAIRS

NOTICE OF AVAILABILITY OF GRANT FUNDS

Attorney General Bob Butterworth and the Board of Directors of the Florida Motor Vehicle Theft Prevention Authority (MVTPA) are pleased to announce the availability of \$250,000 in grant funds for the prevention and reduction of motor vehicle theft in Florida.

Federal, State and local governmental agencies and neighborhood, business or community organizations may apply for grant funds.

A grant application may be obtained by writing: Karen O'Bryan, Florida Motor Vehicle Theft Prevention Authority, Office of the Attorney General, The Capitol, Room PL-01, Tallahassee, Florida 32399-1050 or by calling (850)414-3362. A request for an application may be faxed to the Authority office, (850)413-0633. TDD users, please call through the Florida Relay Service, 1(800)955-8771.

Applications for grant funds under this notice must be received in the MVTPA office by close of business on April 15, 2001. The funding cycle under this notice is for the period of October 1, 2001, through September 30, 2002. For more information regarding this notice, contact the MVTPA, (850)414-3362.

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications 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., March 2, 2001):

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Bell Tel Credit Union, P. O. Box 4900, Orlando, Florida 32802

Expansion Includes: Employees who are paid from the following: SubmitOrder.com in Melbourne, Florida; Percepta, Melbourne, Florida; Featherlite Luxury Coaches, Sanford, Florida; Irvine Mechanical Inc., Orlando, Florida; Sun State Florida, Orlando, Florida; and those who live or work in Oveido, Florida.

Received: January 30, 2001

Correspondent: Molly Gibson, Business Development Manager

Name and Address of Applicant: Broward Schools Credit Union, Post Office Box 8966, Fort Lauderdale, Florida 33310-8966

Expansion Includes: Persons who live or work in Delray Beach or Boca Raton, Florida in Palm Beach County.

Received: January 29, 2001

Correspondent: James A. Ray, President/CEO

**NOTICE OF CONSIDERATION
OF CEMETERY BYLAWS**

The State of Florida, Board of Funeral and Cemetery Services will address approval of the bylaws of the following cemeteries at the meeting to be held on April 3, 2001 in Jacksonville, Florida:

Palm Royale Cemetery and Mausoleum, Inc.
Naples, Florida

A file pertaining to the above is available for public inspection and copying by any person at the Fletcher Building, 101 East Gaines Street, 6th Floor, Tallahassee, Florida 32399-0350. Comments may be submitted at the above address without requesting a hearing. Those persons whose substantial interests may be determined by these proceedings, including settlements, grants and denials, are advised that they may request a hearing concerning the notice of intent to be conducted in accordance with the provisions of Sections 120.569 and 120.57, Florida Statutes and Rule 28-106.104(2), Florida Administrative Code. The petitions for hearing should comply with Rules 28-106.201 and 28-106.301, Florida Administrative Code, and must be filed within twenty-one (21) days of publication of this notice. Petitions shall be filed with: Clerk, Division of Finance, Bureau of Funeral and Cemetery Services, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350. In deference to the rights of substantially affected persons, a hearing on these matters will be held at the meeting of the Board of Funeral and Cemetery Services to be held as outlined above. All written comments and requests to address the Board must be received by the Department within fourteen (14) days prior to the meeting.

DEPARTMENT OF INSURANCE

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA
CASE NO.: 2001-153

In Re: The Receivership of QUEENSWAY CASUALTY
INSURANCE COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS AND
CLAIMANTS HAVING BUSINESS WITH QUEENSWAY
CASUALTY INSURANCE COMPANY.

You are hereby notified that by order of the Circuit Court
of the Second Judicial Circuit, in and for Leon County, Florida,
entered the 18th day of January, 2001, the Department of
Insurance of the State of Florida was appointed as Receiver of
QUEENSWAY CASUALTY INSURANCE COMPANY, and
was ordered to liquidate the assets located in Florida of said
company.

Policyholders, claimants, creditors and other persons in
this State having claims against the assets of QUEENSWAY
CASUALTY INSURANCE COMPANY, shall present such
claims to the Receiver on or before 11:59 p.m., Friday, January
18, 2002, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and
inquiries concerning this Receivership should be addressed to:
The Division of Rehabilitation and Liquidation of the Florida
Department of Insurance, Receiver for QUEENSWAY
CASUALTY INSURANCE COMPANY, Post Office Box
10280, Tallahassee, Florida 32302.

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA01-OR-004

In re: CITY OF MARATHON, FLORIDA
LAND DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 00-09-10

FINAL ORDER

The Department of Community Affairs (the
“Department”) hereby issues its Final Order, pursuant to §§
380.05(6), 380.05(11) and 380.0552(9), Fla. Stat. (2000),
which require the Department to enter a final order approving
or rejecting land development regulations adopted by the City
of Marathon (“Marathon”). This Final Order rejects in part and
approves the remainder of Marathon Ordinance No.: 00-09-10
as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of
critical state concern, and Marathon is a unit of government
within the Florida Keys Area of Critical State Concern.
2. On December 15, 2000, the Department received for review
Marathon Ordinance No.: 00-09-10 which was adopted by the
Marathon City Council on September 26, 2000 (“Ord.

00-09-10”). Ord. 00-09-10 amended Marathon’s procedures
and requirements for obtaining home occupation permits,
variances and alcoholic beverage use permits.

3. Section 1 of Ord. 00-09-10 incorporates the Ordinance’s
recitals by reference. Section 2 of Ord. 00-09-10 amends the
definition for ‘Home Occupation’ contained in Marathon Code
Sec. 9.5-4(H-6). Section 3 of Ord. 00-09-10 amends Code Sec.
9.5-50 and sets forth procedures and requirements for
obtaining a home occupation permit. Section 4 of Ord.
00-09-10 amends Code Sec. 9.5-523 regarding the procedures
and requirements for obtaining a variance and further creates
new procedures for administrative review and approval.
Section 5 of Ord. 00-09-10 amends Code Sec. 19-218
regarding the procedures and requirements for obtaining an
alcoholic beverage use permit. Section 6 of Ord. 00-09-10
contains a conflict provision; Section 7 contains a severability
provision; Section 8 contains a codification provision; Section
9 refers to review by the Department; and Section 10 provides
an effective date.

4. Specifically, subsection 4(b) of Ord. 00-09-10 allows
Marathon to issue variances to the open space requirements in
Code Secs. 9-5.267, 9-5.269 and 9-5.343. This subsection is
contrary to Objectives 102.1, 102.2, 102.3, and 205.2 of
Marathon’s Comprehensive Plan (including the policies
thereunder).

CONCLUSIONS OF LAW

1. The Department is required to approve or reject any and all
land development regulations that are enacted, amended or
rescinded by any unit of government in the Florida Keys Area
of Critical State Concern within 60 days of receipt by the
Department. §§ 380.05(6) and (11), Fla. Stat. and
§ 380.0552(9), Fla. Stat. (2000).
2. Marathon is a unit of government within the Florida Keys
Area of Critical State Concern. § 380.0552, Fla. Stat.; Rule
28-29.002 (superseding Chapter 27F-8, Fla. Admin.; and Ch.
99-427, Laws of Fla. (1999).
3. “Land development regulations” include local zoning,
subdivision, building and other regulations controlling the
development of land. § 380.031(8), Fla. Stat. The regulations
adopted by Ord. 00-09-10 are land development regulations, as
defined by statute.
4. All land development regulations enacted, amended or
rescinded by Marathon must be consistent with the Principles
for Guiding Development (the “Principles”). § 380.0552(7),
Fla. Stat.; see Rathkamp v. Department of Community Affairs,
21 F.A.L.R. 1902 (Dec. 4, 1998), aff’d, 740 So. 2d 1209 (Fla.
3d DCA 1999). In reviewing the land development regulations
for consistency, the Principles shall be construed as a whole
and no specific provision shall be construed or applied in
isolation from the other provisions. § 380.0552(7), Fla. Stat.

5. The Department has reviewed all provisions of Ord. 00-09-10 for consistency with the Principles for Guiding Development. Paragraphs (g), (h), (i), (j) and (k) of the Principles do not apply to Ord. 00-09-10.

6. The first Principal for Guiding Development proscribes: "To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation." § 380.0552(7)(a), Fla. Stat. It follows, a fortiori, that any land development regulation proposed by Marathon that is inconsistent with its own comprehensive plan undermines its capability to manage land use and development. Rathkamp, supra. Moreover, a local government in the Florida Keys Area which adopts land developments which are inconsistent with its comprehensive plan cannot achieve the objectives described in the other Principles for Guiding Development [paragraphs (b) through (l)], and should reasonably expect that the area of critical state concern designation will continue. Id. Therefore, land development regulations must also be reviewed for consistency with Marathon's Comprehensive Plan.

7. Here, the granting of a variance to the open space requirements contained in Code Secs. 9-5.267, 9-5.269 and 9-5.343 (as per subsection 4(b) of Ord. 00-09-10) is not consistent with the Principles for Guiding Development as a whole. Specifically, this is not consistent with paragraph (a) of the Principles to the extent that it is inconsistent with the previously referenced objectives and policies of Marathon's Comprehensive Plan and regulations thereunder. This is also not consistent with paragraphs (b), (c), (e) and (l) of the Principles due to the potential adverse impacts to the natural and unique resources of the Florida Keys. Further, such potential reductions in net open space will not enhance the natural and scenic vistas of the Florida Keys or promote the aesthetic benefits of the environment pursuant to paragraph (f) of the Principles. § 380.0552(7)(a),(b),(c),(e),(f) and (l), Fla. Stat. Accordingly, the amendments to the Marathon Code provided for in subsection 4(b) of Ord. 00-09-10 is deemed not consistent with the Principles for Guiding Development as a whole.

8. The Department has determined that the remainder of Ord. 00-09-10 (excluding the subsection cited in the preceding paragraph) are deemed consistent with the Principles for Guiding Development as a whole. Specifically, Ord. 00-09-10 amends the procedures and regulations regarding home occupation permits and alcoholic beverage permits in furtherance of paragraph (d) of the Principles regarding promoting sound economic development.

WHEREFORE, IT IS ORDERED that subsection 4(b) of Ord. 00-09-10 is found not to be consistent with the Principles at § 380.0552(7), Fla. Stat., and, therefore, is hereby REJECTED in its entirety, and shall hereby be deemed stricken from Ord. 00-09-10.

Except as referenced above, all other provisions of Ord. 00-09-10 are found to be consistent with the Principles at § 380.0552(7), Fla. Stat., as a whole, and are hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

J. THOMAS BECK, DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED

REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 31st day of January, 2001.

Paula Ford
Agency Clerk

By U.S. Mail:
Honorable Robert K. Miller
Mayor, City of Marathon
11090 Overseas Highway
Marathon, FL 33050

Dina Michael
Acting City Clerk, Marathon
210 N. University Drive, Suite 301
Coral Springs, FL 33071
By Hand Delivery or Interagency Mail:
Michael McDaniel, Growth Management Administrator, DCA
Ken Metcalf, Community Program Administrator, DCA
Rebecca Jetton, Manager Florida Keys Field Office, DCA
Geoffrey T. Kirk, Assistant General Counsel, DCA

DCA Final Order No.: DCA01-OR-006
In re: MONROE COUNTYLAND DEVELOPMENT
REGULATIONS ADOPTED BY
MONROE COUNTY ORDINANCE NO. 047-2000

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), 380.05(11), 380.0552(9), Fla. Stat. (2000), which require the Department to enter a final order approving or rejecting land development regulations adopted by Monroe County. This Final Order approves Monroe County Ordinance No. 047-2000 as set forth below.

FINDINGS OF FACT

- 1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a unit of government within the Florida Keys Area.
- 2. The Department received for review Monroe County Ordinance No. 047-2000 which was adopted by the Monroe County Board of County Commissioners on September 20, 2000 ("Ord. 047-2000"). Ord. 047-2000 amends the County's land development regulations, as codified in Chapter 9.5 of the Monroe County Code ("Code"), permitting wastewater treatment facilities and wastewater treatment collection systems to be located within the County's Industrial and Airport Land Use Districts. The subject land use districts apply to all unincorporated areas of the County. Code Sec. 9-5.2(a). Specifically, Ord. 047-2000 amends Code Secs. 9.5-4, 9.5-249 and 9-5.252.
- 3. Section 1 of Ord. 047-2000 amends Code Sec. 9.5-4 creating definitions (W-2) "Wastewater treatment facility" and (W-3) "Wastewater treatment collection system." Section 2 of Ord. 047-2000 amends Code Sec. 9.5-249 to allow wastewater treatment facilities and wastewater treatment collection systems to be located in the County's Industrial Districts subject to certain conditions. Section 2 also amends the parking requirements for Industrial Districts by allowing parking in other Districts which are contiguous subject to conditions. Section 3 of Ord. 047-2000 amends Code Sec. 9-5.252 to allow wastewater treatment facilities and wastewater treatment collection systems to be located in the County's Airport Districts subject to certain conditions.

Section 4 of Ord. 047-2000 contains a severability provision; Section 5 contains a conflict provision; Section 6 requires transmittal of the ordinance to the Department for review; and Section 7 requires filing with the Florida Secretary of State Office.

4. Ord. 047-2000 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

1. The Department is required to approve or reject any and all land development regulations that are enacted, amended or rescinded by any unit of government in the Florida Keys Area of Critical State Concern within 60 days of receipt by the Department. §§ 380.05(6), 380.05(11), and 380.0552(9), Fla. Stat. (2000).

2. Monroe County is a unit of government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2000) and Rule 28-29.002 (superseding Chapter 27F-8, Fla. Admin. Code) and Chapter 28-30, Fla. Admin. Code.

3. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2000). The regulations adopted by Ord. 047-2000 are land development regulations, as defined by statute.

4. All land development regulations enacted, amended or rescinded by Monroe County must be consistent with the Principles for Guiding Development (the "Principles"). § 380.0552(7), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). In reviewing the land development regulations for consistency, the Principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2000).

5. The Department has reviewed all provisions of Ord. 047-2000 for consistency with the Principles and has determined that Ord. 047-2000 is consistent with the Principles as a whole. Ord. 047-2000 permits the location of wastewater treatment facilities and wastewater treatment collection systems to be located in the Industrial and Airport Land Use Districts in unincorporated Monroe County in furtherance of paragraphs (a), (b), (e), (h) and (i) of the Principles. §§ 380.0552(7)(a),(b),(e),(h), and (i), Fla. Stat. (2000).

WHEREFORE, IT IS ORDERED that Ord. 047-2000 is found to be consistent with the Principles found at § 380.0552(7), Fla. Stat. (2000), as a whole, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

J. THOMAS BECK, DIRECTOR
Division of Community Planning

Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE

DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 31st day of January, 2001.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Shirley Freeman
Mayor of Monroe County
500 Whitehead Street

Key West, Florida 33040
Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040
Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050
By Hand Delivery or Interagency Mail:
Michael McDaniel, Growth Management Administrator, DCA
Ken Metcalf, Community Program Administrator, DCA
Rebecca Jetton, Manager Keys Field Office, DCA
Geoffrey T. Kirk, Assistant General Counsel, DCA

NOTICE OF APPROVAL FOR PRESERVATION 2000 FUNDS

The Florida Communities Trust (Trust) reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program P8A and P9A funding cycles. The project plans listed below were approved by the Executive Director under authority delegated 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: 98-058-P8A/Oyster Bar Salt Marsh (Simmons and Andre)
- Grantee: Indian River County
- Amount of Approved Funds: the lesser of 50.0% of the final total project costs or \$525,000.00.
- Project: 99-025-P9A/North Fork Addition (Neuberger and Jones)
- Grantee: St. Lucie County
- Amount of Approved Funds: the lesser of 80.0% of the final total project costs or \$320,000.00.

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant

to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, FAC. A petition is filed when it is received by the Trust Clerk, 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 the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Harley Davidson Motor Company, intends to allow the relocation of Gulf Coast Harley Davidson, Inc., as a dealership for the sale of Harley Davidson motorcycles, from its present location at 8546 Leo Kidd Avenue, Port Richey, FL 34668, to a proposed location at 4710 State Route 54, New Port Richey (Pasco County), Florida 34652, on or after January 30, 2001.

The name and address of the dealer operator(s) and principal investor(s) of Gulf Coast Harley Davidson, Inc. are: dealer operator: Preston Farrior, 2907 Villa Rosa, Tampa, FL 33611; principal investor(s): Preston Farrior, 2907 Villa Rosa, Tampa, FL 33611; James Ferman, Jr., 1814 Richardson Place, Tampa, FL 33609; Stephen Straske, II, 3302 Mullen Avenue, Tampa, FL 33609; and J. Rex Farrior, III, 42 Lagoda, Tampa, FL 33606. The notice indicates an intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Carolyn Mijokovic, Regional Dealer Relations Representative, Harley Davidson Motor Company, 3700 West Juneau Ave., P. O. Box 653, Milwaukee, WI 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Harley Davidson Motor Company, intends to allow the relocation of HD American Road, LLC, as a dealership for the sale of Harley Davidson motorcycles, from its present location at 46 North Orange Blossom Trail, Orlando, Florida 32805, to a proposed location at 3636 37th Street, Orlando (Orange County), Florida 32805, on or after March 1, 2001.

The name and address of the dealer operator(s) and principal investor(s) of HD American Road, LLC are: dealer operator: Steven Deli, 7300 Westpointe Blvd., Orlando,

Florida 32835; principal investor(s): Steven Deli, 73300 Westpointe Blvd., Orlando, FL 32835 and Michael Bozie, 734 South Bates, Birmingham, MI 48009. The notice indicates an intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kris Hinrichs, Dealer Placement Coordinator, Harley Davidson Motor Company, 3700 West Juneau Ave., P. O. Box 653, Milwaukee, WI 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

- County: Bay District: 2
- ID #: 0000254 Decision: A Issue Date: 1/11/2001
- Facility/Project:
- Applicant: Florida Department of Veterans' Affairs
- Project Description: Construct a 120-bed veterans' nursing home
- Proposed Project Cost: \$10,000,000 Equipment Cost:
- County: Charlotte District: 8
- ID #: 0000255 Decision: A Issue Date: 1/11/2001
- Facility/Project:
- Applicant: Florida Department of Veterans' Affairs
- Project Description: Construct a 120-bed veterans' nursing home
- Proposed Project Cost: \$10,000,000 Equipment Cost:
- County: Pinellas District: 5
- Proposed Project Cost: \$719,800 Equipment Cost:
- County: Volusia District: 4

- ID #: 0000259 Decision: A Issue Date: 1/25/2001
- Facility/Project: Atlantic Medical Center-Daytona
- Applicant: Halifax Hospital Medical Center, Inc.
- Project Description: Delicense 25 adult substance abuse beds
- Proposed Project Cost: \$0 Equipment Cost:
- AHCA Purchase Order Number S5900I00310.

CERTIFICATE OF NEED

DECISIONS ON EXPEDITED APPLICATIONS

The Agency for Health Care Administration issued the following decisions on Certificate of Need applications for expedited review:

- County: Broward Service District: 10
- CON #: 9400 Decision: D Date: 1/22/01
- Facility/Project: University Hospital
- Applicant: University Hospital Ltd.
- Project Description: Add 28 acute care beds through the conversion of 28 hospital-based skilled nursing unit beds.
- County: Duval Service District: 4
- CON #: 9411 Decision: A Date: 1/23/01
- Facility/Project: St. Luke's Hospital
- Applicant: St. Luke's Hospital Association
- Project Description: Add 7 acute care beds through the conversion of 7 hospital-based skilled nursing unit beds.
- AHCA Purchase Order Number S5900I00310.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**NOTICE OF INTENT TO ISSUE PROPOSED
MODIFICATION OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify Power Plant Certification Conditions issued pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, et seq., Florida Statutes. A Proposed Final Order has been prepared in accordance with Rule 62-17.211(4) concerning:

Jacksonville Electric Authority
St. Johns Power Park Power Plant
Power Plant Siting Application:
PA 81-13k
OGC NO. 01-0124
Duval County, Florida

On December 9, 1999, Jacksonville Electric Authority (JEA) submitted a petition to the Department requesting certain modifications to the Conditions of Certification for the above referenced facility to allow construction and operation of flyash beneficiation facilities to be operated by Separation Technologies, Inc. (STI) at the site. Furthermore, On June 15, 2000, the Department issued an amendment to air construction permit PSD-FL-010(d) to authorize construction of the flyash beneficiation process, and on September 1, 2000, the Department issued an industrial waste water discharge permit FL0037869-001-IW1S. These actions result in the requirement that the Department make certain modifications to conform the Conditions of Certification for the above referenced facility to the revised federal permits. A copy of the proposed

modification order is available from: Hamilton S. Oven, P. E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. #48, Tallahassee, Florida 32399-2400, (850)487-0472.

POINT OF ENTRY

Pursuant to Section 403.516, F.S., and Rule 62-17.211(5), FAC., all parties to the certification proceeding have 45 days from the issuance of this notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification.

Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of the public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, M.S. #35, Tallahassee, Florida 32399-3000.

If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to Section 403.516(1)(c), F.S., the applicant may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed.

Mediation is not available in this proceeding.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN January 22, 2001
 and January 26, 2001**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF INSURANCE

4-137.001	1/22/01	2/11/01	26/43	
4-138.001	1/22/01	2/11/01	26/43	

DEPARTMENT OF EDUCATION

University of South Florida

6C4-3.005	1/24/01	2/13/01	Newspaper	
6C4-3.006	1/24/01	2/13/01	Newspaper	
6C4-3.016	1/24/01	2/13/01	Newspaper	
6C4-3.020	1/24/01	2/13/01	Newspaper	
6C4-6.027	1/24/01	2/13/01	Newspaper	
6C4-11.003	1/24/01	2/13/01	Newspaper	

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

9G-6.002	1/22/01	2/11/01	26/37	26/47
9G-6.0023	1/22/01	2/11/01	26/37	26/47
9G-6.0025	1/22/01	2/11/01	26/37	26/47
9G-6.005	1/22/01	2/11/01	26/37	26/50
9G-6.006	1/22/01	2/11/01	26/37	26/47
9G-6.0095	1/22/01	2/11/01	26/37	26/47
9G-6.010	1/22/01	2/11/01	26/37	26/47

STATE BOARD OF ADMINISTRATION

19-3.001	1/23/01	2/12/01	26/49	
19-3.0011	1/23/01	2/12/01	26/49	
19-3.002	1/23/01	2/12/01	26/49	
19-3.0021	1/23/01	2/12/01	26/49	
19-3.003	1/23/01	2/12/01	26/49	
19-3.004	1/23/01	2/12/01	26/49	
19-3.005	1/23/01	2/12/01	26/49	
19-3.006	1/23/01	2/12/01	26/49	
19-3.007	1/23/01	2/12/01	26/49	
19-3.008	1/23/01	2/12/01	26/49	
19-3.009	1/23/01	2/12/01	26/49	
19-3.011	1/23/01	2/12/01	26/49	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
19-3.0111	1/23/01	2/12/01	26/49	
19-3.012	1/23/01	2/12/01	26/49	
19-3.013	1/23/01	2/12/01	26/49	
19-3.014	1/23/01	2/12/01	26/49	
19-3.015	1/23/01	2/12/01	26/49	
19-3.018	1/23/01	2/12/01	26/49	
19-3.020	1/23/01	2/12/01	26/49	
19-3.022	1/23/01	2/12/01	26/49	
19-3.0231	1/23/01	2/12/01	26/49	
19-3.024	1/23/01	2/12/01	26/49	
19-3.025	1/23/01	2/12/01	26/49	
19-3.090	1/23/01	2/12/01	26/49	
19-3.091	1/23/01	2/12/01	26/49	
19-3.092	1/23/01	2/12/01	26/49	
19-3.093	1/23/01	2/12/01	26/49	
19-3.094	1/23/01	2/12/01	26/49	
19-3.095	1/23/01	2/12/01	26/49	
19-3.096	1/23/01	2/12/01	26/49	
19-3.098	1/23/01	2/12/01	26/49	
19-6.008	1/23/01	2/12/01	26/49	
19-6.009	1/23/01	2/12/01	26/49	
19-6.010	1/23/01	2/12/01	26/49	
19-6.011	1/23/01	2/12/01	26/49	
19-6.012	1/23/01	2/12/01	26/49	

DEPARTMENT OF CORRECTIONS

33-501.301	1/26/01	2/15/01	26/50	
33-601.302	1/22/01	2/11/01	26/46	26/49
33-601.303	1/22/01	2/11/01	26/46	26/49
33-601.304	1/22/01	2/11/01	26/46	
33-601.305	1/22/01	2/11/01	26/46	
33-601.3055	1/22/01	2/11/01	26/46	
33-601.307	1/22/01	2/11/01	26/46	
33-601.308	1/22/01	2/11/01	26/46	
33-601.309	1/22/01	2/11/01	26/46	
33-601.310	1/22/01	2/11/01	26/46	
33-601.311	1/22/01	2/11/01	26/46	
33-601.313	1/22/01	2/11/01	26/46	26/49
33-602.220	1/23/01	2/12/01	26/35	26/45
33-602.221	1/23/01	2/12/01	26/25	26/35
33-602.222	1/23/01	2/12/01	26/32	26/45

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
WATER MANAGEMENT DISTRICTS					DEPARTMENT OF CHILDREN AND FAMILY SERVICES				
St. Johns River Water Management District					Economic Self Sufficiency Program				
40C-1.704	1/24/01	2/13/01	26/45		65A-1.701	1/26/01	2/15/01	26/32	26/50
40C-1.705	1/24/01	2/13/01	26/45		65A-1.702	1/26/01	2/15/01	26/32	
40C-1.716	1/24/01	2/13/01	26/45		65A-1.703	1/26/01	2/15/01	26/32	26/50
40C-1.717	1/24/01	2/13/01	26/45		65A-1.705	1/26/01	2/15/01	26/32	26/50
40C-1.718	1/24/01	2/13/01	26/45		65A-1.706	1/26/01	2/15/01	26/32	
40C-1.719	1/24/01	2/13/01	26/45		65A-1.707	1/26/01	2/15/01	26/32	26/50
40C-8.031	1/24/01	2/13/01	26/47		65A-1.708	1/26/01	2/15/01	26/32	26/50
AGENCY FOR HEALTH CARE ADMINISTRATION					65A-1.716	1/26/01	2/15/01	26/32	26/50
Office of Licensure and Certification					65A-1.802	1/26/01	2/15/01	26/45	
59A-4.165	1/26/01	2/15/01	26/42	26/50	65A-1.803	1/26/01	2/15/01	26/45	
59A-4.166	1/26/01	2/15/01	26/42	26/50	65A-1.804	1/26/01	2/15/01	26/45	
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION					65A-1.805	1/26/01	2/15/01	26/45	
Board of Auctioneers					65A-1.806	1/26/01	2/15/01	26/45	
61G2-1.0175	1/22/01	2/11/01	26/50		65A-1.807	1/26/01	2/15/01	26/45	
61G2-8.020	1/22/01	2/11/01	26/50		65A-1.808	1/26/01	2/15/01	26/45	
Board of Professional Engineers					65A-1.809	1/26/01	2/15/01	26/45	
61G15-20.0016	1/22/01	2/11/01	26/49	26/51	FLORIDA HOUSING FINANCE CORPORATION				
DEPARTMENT OF HEALTH					67-21.002	1/22/01	2/11/01	26/44	26/51
Board of Clinical Laboratory Personnel					67-21.003	1/22/01	2/11/01	26/44	26/51
64B3-4.001	1/26/01	2/15/01	25/36	25/49	67-21.0035	1/22/01	2/11/01	26/44	26/51
64B3-10.005	1/26/01	2/15/01	26/38	26/51	67-21.004	1/22/01	2/11/01	26/44	26/51
Board of Medicine					67-21.0041	1/22/01	2/11/01	26/44	26/51
64B8-55.002	1/22/01	2/11/01	26/50		67-21.0045	1/22/01	2/11/01	26/44	26/51
Board of Nursing Home Administrators					67-21.005	1/22/01	2/11/01	26/44	
64B10-13.300	1/24/01	2/13/01	26/48		67-21.006	1/22/01	2/11/01	26/44	26/51
64B10-14.004	1/24/01	2/13/01	26/48		67-21.007	1/22/01	2/11/01	26/44	26/51
Board of Osteopathic Medicine					67-21.008	1/22/01	2/11/01	26/44	26/51
64B15-16.002	1/24/01	2/13/01	26/46		67-21.009	1/22/01	2/11/01	26/44	
64B15-19.002	1/22/01	2/11/01	26/36	26/51	67-21.010	1/22/01	2/11/01	26/44	26/51
Board of Speech-Language Pathology and Audiology					67-21.011	1/22/01	2/11/01	26/44	
64B20-4.002	1/25/01	2/14/01	26/43		67-21.012	1/22/01	2/11/01	26/44	
					67-21.013	1/22/01	2/11/01	26/44	26/51
					67-21.014	1/22/01	2/11/01	26/44	26/51
					67-21.015	1/22/01	2/11/01	26/44	26/51
					67-21.016	1/22/01	2/11/01	26/44	26/51
					67-21.017	1/22/01	2/11/01	26/44	
					67-21.018	1/22/01	2/11/01	26/44	26/51
					67-21.019	1/22/01	2/11/01	26/44	26/51