

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: RULE NO.:

List of Approved Forms; Incorporation 3F-5.010

PURPOSE AND EFFECT: The Board proposes this rule to encompass all forms utilized by the Board of Funereal and Cemetery Services.

SUBJECT AREA TO BE ADDRESSED: List of Approved Forms; Incorporation.

SPECIFIC AUTHORITY: 120.53(1)(b), 120.536, 120.54, 120.60(2), 497.003, 497.103, 497.105, 497.127, 497.201, 497.209, 497.213, 497.237, 497.245, 497.257, 497.301, 497.305, 497.309, 497.329, 497.337, 497.357, 497.405, 497.407, 497.413, 497.417, 497.419, 497.421, 497.425, 497.427, 497.429, 497.431, 497.439 FS.

LAW IMPLEMENTED: 497.103, 497.201, 497.209, 497.213, 497.237, 497.301, 497.337, 497.405, 497.407, 497.439, 497.245 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-5.010 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Bureau of Funeral and Cemetery Services, 101 E. Gaines St, Tallahassee, Florida 32399-0350, or by telephoning (850)410-9898: 3F-5.010 Rule References:

(1) DBF-COA-1, entitled "Application for Certificate of Authority", (2/7/95).

(2) DBF-HistS 7/01, entitled "Historical Sketch."

(3) DBF-COAB 12/00, entitled "Application for Certificate of Authority Branch Office License", (9/18/01).

(4) DBF-COAT1, entitled "Application for Transfer of a Certificate of Authority), (5/13/97).

(5) DBF-RTF-1, entitled "Preneed Funeral Contract Regulatory Trust Fund Remittance", (5/13/97).

(6) DBF-PNS-1, entitled "Registration of a Preneed Sales Agent", (4/25/94).

(7) DBF-CEMN 7/01, entitled "Application to Organize a New Cemetery Company".

(8) DBF-F-32 10/91, entitled "Financial Statement" (10/23/91).

(9) DBF-CEM 1/96 REV 7/01, entitled "Application to Transact Cemetery Business".

(10) DBF-F-35, entitled "Application for Authority to Acquire Control of an Existing Cemetery Company", (10/23/91).

(11) DBF-BYLAW1, entitled "Pamphlet for Cemetery By-Law Approval", (6/1/99).

(12) DBF-EW-1, entitled "Examination Workpapers – Rule 3F-6.0052", (1/1/99).

(13) DBF-F-43, entitled "Performance Bond – Mausoleums or Below-Ground Crypts".

(14) DBF-C-1, entitled "Application to Use a Letter of Credit or Surety Bond" (3/20/91).

(15) DBF-C-2, entitled "Surety Bond" (Rev 9/99).

(16) DBF-C-3, entitled "Letter of Credit/Surety Bond Claim Form", (3/20/91).

(17) DBF-TFR-1, entitled "Preneed Funeral Contract Consumer Protection Trust Fund Remittance", (5/23/94).

(18) DBF-TFD-1, entitled "Preneed Funeral Contract Consumer Protection Trust Fund Proof of Claim and Disbursement Request", (6/01).

Specific Authority 120.53(1)(b), 120.536, 120.54, 120.60(2), 497.003, 497.103, 497.105, 497.127, 497.201, 497.209, 497.213, 497.237, 497.245, 497.257, 497.301, 497.305, 497.309, 497.329, 497.337, 497.357, 497.405, 497.407, 497.413, 497.417, 497.419, 497.421, 497.425, 497.427, 497.429, 497.431, 497.439 FS. Law Implemented 497.103, 497.201, 497.209, 497.213, 497.237, 497.301, 497.337, 497.405, 497.407, 497.439, 497.245 FS. History–New

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: RULE NO.:

Preneed Contracts; Miscellaneous Provisions 3F-8.004

PURPOSE AND EFFECT: The Board proposes to amend this rule to add section 497.429, F.S., to subsection (3) and to correct the typographical error in subsection (4) calculation should be miscalculation.

SUBJECT AREA TO BE ADDRESSED: Preneed Contracts; Miscellaneous Provisions.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.415, 497.417, 497.419, 497.429 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-8.004 Preneed Contracts; Miscellaneous Provisions.

(1) through (2) No change.

(3) Misapplied or unidentified preneed funds shall be transferred to the correct preneed account immediately upon discovery, and shall be considered deposited timely if the funds were deposited in the trust in accordance with Section 497.417 and 497.429, F.S.

(4) Preneed accounts which are under or over trusted due to computer or manual misccalculations must be corrected immediately upon discovery, on a contract per contract basis.

(5) No change.

Specific Authority 497.103 FS. Law Implemented 497.415, 497.417, 497.419 FS. History—New 3-20-95, Amended 6-15-95, 8-17-95, 4-10-97,_____.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Description of Merchandise on Preneed Contracts RULE NO.: 3F-8.006

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the language for clarity.

SUBJECT AREA TO BE ADDRESSED: Description of Merchandise on Preneed Contracts.

SPECIFIC AUTHORITY: 497.103(1) FS.

LAW IMPLEMENTED: 497.333(6)(c) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-8.006 Description of Merchandise on Preneed Contracts.

(1) through (2)(b)4. No change.

5. ~~Gasketed or non-gasketed gaskets or no gaskets~~

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

2. Adhesive ~~lid lining~~/non adhesive ~~lid lining~~

(3) through (6) No change.

Specific Authority 497.103(1) FS. Law Implemented 497.333(6)(c) FS. History—New 4-10-97, Amended 7-5-01,_____.

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Scope of Rules	12-17.001
Definitions	12-17.002
Requirements for Considering Entering into Stipulated Time Payment Agreements	12-17.003
Delegation of Authority	12-17.004
Factors Considered by the Department	12-17.005
Procedures	12-17.006
Form and Execution of Stipulated Time Payment Agreements	12-17.007
Terms of Stipulated Time Payment Agreements	12-17.008
Termination of Agreements	12-17.009
Public Use Forms	12-17.010

PURPOSE AND EFFECT: A) The proposed amendment to Rule 12-17.001, F.A.C., clarifies that the procedures in the rule chapter implement the provision in the Taxpayer Bill of Rights that guarantees taxpayers the right to procedures that retire an unpaid tax liability through a time payment agreement. B) The proposed changes to Rule 12-17.002, F.A.C., define the terms “closing agreement” and “collection action,” which are used in the rule chapter. C) The proposed revisions to Rule 12-17.003 explain that the Department of Revenue (DOR) will not enter into a stipulated time payment (stip) agreement: if the taxpayer owes any outstanding bad checks to DOR; or, if the amount to be covered by the stip agreement is less than the cost of administering the agreement. D) The proposed amendments to Rule 12-17.004, F.A.C., adjust the references to the positions within DOR that are authorized to negotiate and sign a stip agreement on behalf of the Department to reflect organizational changes that have recently occurred. E) The proposed changes to Rule 12-17.005, F.A.C., modify the factors DOR will use to determine if a taxpayer has an existing economic hardship that renders him or her unable to satisfy an unpaid liability with a lump-sum payment, including: whether the taxpayer has implemented business practices to properly collect and remit tax in the future; any recommendation for a stip agreement suggested by a DOR auditor, if the recommendation is based on the auditor’s review of the taxpayer’s records; or, any written information presented to DOR by the taxpayer. F) The proposed revisions to Rule 12-17.006, F.A.C., enumerate the items of information a taxpayer must provide to DOR (unless DOR already has such information), including: 1. social data; 2. taxpayer identification or account numbers; 3. specific data on outstanding tax returns (amount due, tax type, and tax periods involved); 4. an agreement that the taxpayer owes the outstanding liability to be covered by the stip agreement; 5. an explanation of why the taxpayer cannot pay the liability owed in a lump-sum payment; and, 6. a proposal for the retirement of the liability owed. In addition, these revisions explain to the

taxpayer where to file such information and how the Office of Technical Assistance and Dispute Resolution will handle recommended stip agreements arising from a taxpayer protest. Also, these proposed changes authorize DOR to take one or both of the following actions after receiving the taxpayer's required information: issuance of a warrant for the amount of the total liability, based on specific criteria; or, investigation of the taxpayer's financial condition, if the information submitted requires confirmation by DOR.

These proposed amendments notify the taxpayer that the execution of a stip agreement does not prevent DOR from conducting an audit for the taxes and taxable periods covered by the agreement. G) The proposed changes to Rule 12-17.007, F.A.C., explain that a single form (the DR-68) will be used to document a stip agreement, specify the taxpayer social information that must be included on the form, and require that DOR provide a detailed amortization schedule and payment coupons with every stip agreement that is executed. H) The proposed amendments to Rule 12-17.008, F.A.C., state that every stip agreement must contain the following information: 1. the number of payments to be made; 2. the payment frequency (weekly, monthly); 3. whether a down payment is required, and the down payment amount; 4. whether each payment will be an equal amount, or equal payments with a final, balloon payment; 5. how DOR will distribute each payment to retire tax, penalty, and interest; and, 6. how DOR will handle any unpaid balance at the end of the current stip agreement (will the taxpayer be offered another stip agreement, or will payment in full be due?). Also, these proposed revisions require that every stip agreement notify the taxpayer about the following provisions: interest on the unpaid balance continues to accrue during the stip agreement; DOR will file a lien for the stip agreement amount, unless the employee negotiating the agreement documents the reason(s) for not filing a lien. DOR will void the agreement if the taxpayer fails to comply with the stip agreement terms or fails to submit any other taxes and returns due under Florida's revenue laws; the statutory provisions concerning jeopardy assessments continue to apply; the taxpayer must present cash, a cashier's check, or a money order to DOR within seven days if a stip agreement payment is made with a bad check; and, the protest rights granted to the taxpayer if the stip agreement is voided by DOR. I) The proposed changes to Rule 12-17.009, F.A.C., state that DOR will void the stip agreement if the taxpayer fails to make full payment pursuant to the agreement or fails to remit taxes due after execution of the agreement. These proposed revisions also establish procedures a taxpayer may follow to protest DOR's intent to terminate a stip agreement and explain the methods DOR will use to collect the balance of the unpaid liability; and, J) Proposed new Rule 12-17.010, F.A.C., creates form DR-68 (Stipulated Payment Agreement), which combines previous forms DR-68, DR-68A, and DR-68C into one form. This rule also explains how taxpayers may obtain a copy of the form.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by these rule amendments is the procedures that govern the establishment of a stipulated time payment agreement, which allows a taxpayer to retire an unpaid liability by making installment payments.

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

LAW IMPLEMENTED: 213.015(10), 213.21(4) FS.

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

TIME AND DATE: 11:00 a.m., November 21, 2002

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting Nancy Purvis, (850)488-0712. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Larry Green, Tax Law Specialist, Rules and Policy Administrative Process, Office of the General Counsel, Department of Revenue, P. O. Box 6668, Tallahassee, Florida 32314-6668, (850)922-4830, e-mail address greenl@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-17.001 Scope of Rules.

The rules set forth in this chapter shall be used by the Department in exercising the authority granted by subsection 213.21(4), Florida Statutes, s. 213.21(4), F.S., to enter into agreements for scheduling payments of taxes, interest, and penalties. These rules also implement the Taxpayer Bill of Rights statutory provision that guarantees every Florida taxpayer the right to procedures for retiring unpaid tax liabilities through stipulated time payment agreements that are based on the taxpayer's financial position and the best interests of the state.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.015(10), 213.21(4) FS. History--New 10-4-89, Amended _____.

12-17.002 Definitions.

(1) "Department" means the Florida Department of Revenue.

(2) "Taxpayer" means any person, as defined in section 1.01, Florida Statutes, required to remit tax, interest, or penalty to the Department under any of the tax laws enumerated in subsection 72.011(1), Florida Statutes s. 72.011(1), F.S.

(3) "Stipulated time payment agreement" means a written agreement entered into by the Department and a taxpayer which schedules payments of a liability for tax, interest, or penalty over a specified period of time.

(4) A "Closing agreement" means a written agreement entered into by the Department and a taxpayer pursuant to Rule 12-13.009, F.A.C.

(5) "Collection action" means the issuance of a delinquent notice or billing, a tax warrant, or any other attempt to obtain payment of an unpaid amount. The term "collection action" does not include an attempt by an auditor to collect an assessment arising from the performance of an audit by such auditor.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.21(4) FS. History—New 10-4-89, Amended _____.

12-17.003 Requirements for Considering Entering into Stipulated Time Payment Agreements.

(1) A taxpayer requesting a stipulated time payment agreement must first:

(a) Acknowledge the taxpayer's admit liability for the total amount of tax, interest, or and penalty finally determined to be due by the Department, and;

(b)(2) Demonstrate The taxpayer must demonstrate to the satisfaction of the Department that he or she the taxpayer is currently unable to make a single lump sum payment to fully satisfy a liability for tax, interest, or penalty, or that a lump sum payment of the amounts due would impose an undue economic or financial hardship on the taxpayer, and;

(c) Pay all outstanding debts of tax, penalties, and interest not covered by the requested stipulated time payment agreement that are owed to the Department.

(2) Pursuant to Section 213.24, Florida Statutes, the Department will not agree to a stipulated time payment agreement if the amount due from the taxpayer is less than the costs the Department will incur to administer the taxpayer=s stipulated time payment agreement.

(3) The taxpayer shall also waive the right to institute administrative or judicial proceedings under s. 72.011, F.S., with respect to the liability.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.21(4) FS. History—New 10-4-89, Amended 10-5-92, _____.

12-17.004 Delegation of Authority.

(1) In addition to the statutory authority granted by subsection 213.21(4), Florida Statutes, s. 213.21(4), F.S., the Executive Director of the Department has authority to enter into agreements with taxpayers for scheduling payments of taxes, interest, and penalties under authority granted by the Governor and Cabinet as the head of the Department. Cross Reference: Rule 12-3.007, F.A.C.

(2) The Executive Director of the Department delegates authority to enter into stipulated time payment agreements under subsection 213.21(4), Florida Statutes, s. 213.21(4), F.S.,

to the Deputy Assistant Executive Director, the General Counsel, and the Deputy General Counsel, the Program Director and the Deputy Program Director of the General Tax Administration Program of the Department, and:

(a) In cases where a tax matter is in litigation or in protest pursuant to Rule Chapter 12-6, F.A.C., to:

1. The Assistant General Counsels General Counsel of the Department;

2. The Director and Revenue Program Administrators in Technical Assistance and Dispute Resolution Deputy General Counsel of the Department;

3. The Process Manager, Regional Managers, Service Center Managers, and Revenue Program Administrators in the Compliance Enforcement, Compliance Support, and Taxpayer Services Processes, and any additional positions designated in writing by the Executive Director or his or her designee, Director and Assistant Director of the Division of Taxpayer Assistance;

4. The Chief of the Bureau of Hearings and Appeals; and

5. The Tax Audit Specialist Supervisors III in the Bureau of Hearings and Appeals.

(b) In cases involving amounts assessed pursuant to an audit of the taxpayer, to:

1. The Process Manager, Regional Managers, Service Center Managers, Revenue Program Administrators, Tax Audit Supervisors, Senior Revenue Administrators, Revenue Administrators, and Revenue Specialist Supervisors of the Compliance Enforcement Process, and any additional positions designated in writing by the Executive Director or his or her designee; Director and the Assistant Director of the Division of Audits;

2. The Process Manager, Revenue Program Administrators, Tax Specialist Administrators, Tax Law Specialists, Senior Management Analysts II, and Senior Tax Specialists in the Compliance Support Process, and any additional positions designated in writing by the Executive Director or his or her designee, Chief and the Assistant Chief of the Bureau of Central Audit and Selection;

3. The Chiefs and the Assistant Chiefs of the Bureaus of In-State Audit and Multi-State Audit;

4. Chief and the Assistant Chief of the Bureau of Audit Standards;

5. The Administrator of the Receivables Section, Bureau of Collections;

6. The Administrator of the Audit Assistance Section;

7. The Tax Audit Specialist Supervisors in the Audit Assistance Section;

8. The Tax Audit Specialists in the Audit Assistance Section; and

9. The Senior Audit Supervisors in the Division of Audits.

(c) In cases involving a billing or assessment issued by the General Tax Administration Program Division of Collection and Enforcement, to:

1. The Process Manager, Regional Managers, Service Center Managers, Revenue Program Administrators, Tax Audit Supervisors, Senior Revenue Administrators, Revenue Administrators, and Revenue Specialist Supervisors in the Compliance Enforcement Process, and any additional positions designated in writing by the Executive Director or his or her designee Director and the Assistant Director of the Division of Collection and Enforcement;

2. The Process Manager, Revenue Program Administrators, Revenue Administrators, Revenue Specialist Supervisors, Revenue Specialist IIIs, and Tax Specialist Administrators in the Taxpayer Services Process, or any additional positions designated in writing by the Executive Director or his or her designee Chief and the Deputy Bureau Chiefs of the Bureau of Collections;

3. The Chief and the Deputy Bureau Chiefs of the Bureau of Enforcement;

4. The Chief and the Assistant Chief of the Bureau of Field Services;

5. All District Administrators;

6. All Area Administrators;

7. All Deputy Administrators;

8. All Collection Consultants and Collection Supervisors of the Bureau of Field Services;

9. The Section Administrators of the Bureau of Collections;

10. The Section Administrator of the Special Programs Section and the Section Administrator of the Investigations Section; and

11. All Special Programs Supervisors of the Bureau of Collection and Enforcement.

(d) The Executive Director ~~has~~ shall have discretionary authority to delegate authority to sign stipulated time payment agreements to specific employees or positions which are not enumerated in these rules. However, a delegation of authority to an employee or position beyond those described herein shall be in writing, signed by the Executive Director, and shall be for a specified time period. 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.

Specific Authority 20.05(1)(e)(5), 213.06(1), 213.21(5) FS. Law Implemented ~~20.53(1)(b)~~; 213.21(4) FS. History—New 10-4-89, Amended 10-5-92, 8-17-94, _____.

12-17.005 Factors ~~Which May Be~~ Considered by the Department.

The factors which the Department will apply one or more of the following factors when consider in determining whether to enter into a stipulated time payment agreement and in

determining the existence of undue economic or financial hardship or the ~~current~~ inability of a taxpayer to satisfy a liability for tax, interest, or penalty in a lump sum are:

(1) ~~Taxpayer's current and anticipated financial position~~;

(2) ~~Insolvency of taxpayer~~;

(1)(3) The taxpayer's Taxpayer's previous payment record with the Department;

(2)(4) The taxpayer's ability to meet a payment schedule obligation based on projected cash flow;

(3)(5) The payment amount and the length Length of time required to retire the liability;

(4)(6) The future Future outlook of the taxpayer's business and the industry involved;

(5)(7) The financial impact Effect on the taxpayer if required to make ~~of making~~ a current lump sum payment;

(6)(8) Whether the taxpayer collected, but did not remit the tax addressed by the agreement; and

(7) Whether the taxpayer institutes business practices to ensure the proper collection and remittance of tax in the future;

(8)(9) Whether the state would eventually receive more of the taxes due by entering into a stipulated time payment agreement than by requiring a ~~current~~ lump sum payment;

(9) Any recommendation submitted by a department auditor based on an examination of the taxpayer's records; and

(10) Any additional written information the taxpayer presents for the Department's consideration.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.21(4) FS. History—New 10-4-89, Amended _____.

12-17.006 Procedures.

(1) In instances where the Department does not already have the following information and items, a A taxpayer requesting applying for relief under this chapter shall provide such information and items to the Department file a written request containing the following:

(a) Taxpayer's name, address, federal employer employer's identification number or social security number, audit identification number, and all any account identification numbers number issued by the Department;

(b) Any outstanding tax returns identifying any tax due, by tax type, and the taxable period(s) that apply (any penalty and interest that is due will be computed at the time the agreement is completed) The amount of tax, penalty, and interest due, the type of tax, and the taxable period covered by the request;

(c) An acknowledgment of the An admission of liability for the total amount of tax, fees, collection costs, or other amounts assessed, and interest, and penalty determined to be due by either the Department Division of Audits, the Division of Taxpayer Assistance, or the Division of Collection and Enforcement, and an agreement to waive the right a waiver of the taxpayer's rights to institute administrative or judicial proceedings under Section 72.011, Florida Statutes, s. 72.011, F.S., with respect to the acknowledged liability;

(d) An oral or written explanation regarding the The factual basis for the undue hardship or current inability to satisfy the liability in a lump sum and documentary evidence to support the taxpayer's basis for relief; and.

(e) A proposal proposed payment schedule for satisfaction of the liability for tax, interest, and penalty wherein the taxpayer indicates its projected cash flow for the succeeding 12 months; and

(f) Financial statements, in a form acceptable to the Department, demonstrating the taxpayer's inability to satisfy the liability in a lump sum.

(2) Where the tax, interest, or penalty is assessed as a result of an audit of the taxpayer, the taxpayer shall file the written request with the Process Manager, Compliance Support Process, Chief of the Bureau of Audit Standards, Department of Revenue, P. O. Box 5139, Tallahassee, Florida 32314-5139, prior to the date an assessment becomes final. Upon execution of the stipulated agreement, it will be referred to the Taxpayer Services Process Bureau of Collections for administration.

(3) In cases involving notices, billings, jeopardy billing assessments, audit assessments, and tax warrants referred by the Division of Audits for collection, and tax warrants issued by the Department Division of Collection and Enforcement, the taxpayer shall file the information and items required by subsection (1) written request with the office which issued the notice, billing, jeopardy assessment, or audit assessment, or tax warrant and direct it to the attention of the appropriate position within that office.

(a) Written requests regarding first and second notices of billing should be directed to the Deputy Chief, Bureau of Collections, Department of Revenue, 5050 West Tennessee Street, Capital Center Complex, Tallahassee, Florida 32399-0100;

(b) Written requests regarding tax billings which have been referred to a taxpayer service center for collection should be directed to the Area Administrator of the local Collection and Enforcement office for the taxpayer's location; or

(c) Written requests regarding billings or assessments issued by the Special Programs Section should be directed to the Deputy Chief of the Special Programs Section, P. O. Box 6417, Tallahassee, Florida 32314.

(4) In those instances where a protest is referred to the Office of Technical Assistance and Dispute Resolution (the Office) the Division of Taxpayer Assistance by the Compliance Enforcement Process, the Compliance Support Process, or the Taxpayer Services Process, Division of Audits or the Division of Collection and Enforcement, all final assessments will be referred back to the originating process division. If a taxpayer has requested a payment agreement, and the Office agrees that the taxpayer qualifies pursuant to this rule chapter, the Office the Bureau of Hearings and Appeals will include, as part of the closing agreement, the terms of any stipulated payment plan that the Office has determined is appropriate provide a

~~recommendation to the respective division as to whether the Department should exercise its authority to enter into a payment agreement pursuant to subsection 213.21(4), Florida Statutes, s. 213.21(4), F.S.~~

(5) On receipt of the taxpayer's request for a stipulated time payment agreement, the Department will take any of the following may request additional actions information required by the taxpayer's specific circumstances;:-

(a) The ~~When it is deemed necessary,~~ the Department will issue a warrant for the total liability for any one or more of the following reasons:-

1. To protect the state's interest in the taxpayer's assets;
2. To establish priority in real or tangible property rights;
3. To establish priority in the event of possible bankruptcy;
4. To prevent the disposal of assets without the state's consent;

5. The taxpayer has failed to respond to previous collection actions by the Department; or,

6. The taxpayer has a previous history of delinquent filings or payments.

(b) The issuance of levy instructions to the Sheriff to execute Execution upon the warrant will be withheld as long as:

1. This a stipulated time payment agreement is in force and the taxpayer has not defaulted under the terms of the agreement; and,-

2. The taxpayer is in complete compliance with all other requirements of the revenue laws.

(c)(b) The Department will may also investigate the financial position of the taxpayer, when the Department determines that the information submitted pursuant to subsection (1) requires confirmation.

(6) After consideration of the taxpayer's request for relief, the Department shall:

(a) Accept the request by executing a stipulated time payment agreement; may make a counter-proposal; or,

(b) Reject may reject the request in whole or in part; or,

(c) Make a counter-proposal or may accept the request by the execution of a stipulated time payment agreement.

(7) Excluding stipulated time payment agreements arising from audit assessments, any stipulated time payment agreement entered into by the Department does not prohibit the Department from conducting a future audit for the periods and taxes covered by the payment agreement.

(8)(7) A request for a stipulated time payment agreement which is not accepted on behalf of the Department shall not be deemed an admission by the Department or the taxpayer and will not prejudice either party's position in administrative or judicial proceedings.

Specific Authority 20.05(1)(e)(5), 213.06(1), 213.21(5) FS. Law Implemented 20.53(1)(b); 213.21(4) FS. History--New 10-4-89, Amended 10-5-92,

12-17.007 Form and Execution of Stipulated Time Payment Agreements.

(1) ~~Every A~~ stipulated time payment agreement executed under this chapter shall specify the name, account identification number, and audit identification number, if applicable, of the taxpayer; the taxpayer's current business address and the current address of the physical location of the business; the type of tax(es) and the taxable period(s) covered; ~~and~~ the date of the proposed assessment or warrant, and the terms of the agreement.

(2) ~~The~~ Except when subsection (3) applies, the Department prescribes form Form DR-68 (Stipulated Time Payment Agreement), Stipulation Agreement, dated October, 1989, as the form to be used by the ~~Department General Tax Administration Program~~ for the purposes of this chapter, and hereby adopts this form by reference. Copies of this form may be obtained as discussed in subsection (9) of this rule.

(3) ~~The~~ Department prescribes Form DR-68B, Stipulated Agreement, dated August 1994, as the form to be used by the ~~General Tax Administration Program~~ for the purposes of this chapter and hereby adopts this form by reference. Copies of this form may be obtained as discussed in subsection (9) of this rule.

(4) ~~The~~ Department prescribes Form DR-68C, Stipulation Agreement, dated October, 1989, as the form to be used by the ~~General Tax Administration Program~~ for the purposes of this chapter and hereby adopts this form by reference. Copies of this form may be obtained as discussed in subsection (9) of this rule.

(3)(5) ~~Every A~~ stipulated time payment agreement shall be signed on behalf of the Department by a person with delegated authority to enter into the agreement under Rule 12-17.004; F.A.C.

(4)(6) ~~Every A~~ stipulated time payment agreement shall be signed by the taxpayer or the taxpayer's representative with authority to enter into the agreement on behalf of the taxpayer.

(a) In the case of a corporate taxpayer, an officer of the corporation shall sign the agreement ~~and the corporate seal, if any, shall be affixed and attested by the secretary of the corporation~~ unless paragraph (c) of this subsection is applicable.

(b) An officer's or fiduciary's signature on a stipulated time payment agreement made by or for a taxpayer shall be prima facie evidence that such individual was authorized to sign the agreement on behalf of the taxpayer.

(c) A stipulated time payment agreement may be signed by a representative of the taxpayer who files with the Department a power of attorney form (DR-835), which grants the representative authority to execute the agreement on behalf of the taxpayer.

(5)(7) A stipulated time payment agreement will become effective when it has been executed by both parties. Upon ~~presentation execution~~ of the agreement, the Department will provide furnish the taxpayer with:

(a) ~~A~~ a detailed amortization schedule of payments required for satisfaction of the tax, interest, and penalty referenced in the stipulated time payment agreement, which will be placed on the stipulated time payment agreement above the signature lines; and

(b) Payment coupons.

(8) ~~The~~ Department prescribes ~~Form DR-68S, Amortization Schedule, dated October, 1989,~~ as the form to be used to furnish the schedule of payments required under a stipulated time payment agreement and hereby adopts this form by reference. Copies of this form may be obtained as discussed in subsection (9) of this rule.

(6)(9) Form DR-68 is incorporated by reference in Rule 12-17.010, and can be obtained as discussed in that rule. The forms discussed in this rule chapter may be obtained by writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or faxing the Forms Distribution Center at (850)922-2208; or using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or visiting any local Department of Revenue Service Center to personally obtain a copy; or calling the Forms Request Line during regular office hours at 1(800)352-3671 (in Florida only) or (850)488-6800; or 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 a hearing or speech impairment may call the Department's TDD at 1(800)367-8331.

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.21(4) FS. History—New 10-4-89, Amended 10-5-92, 8-17-94, _____.

12-17.008 Terms of Stipulated Time Payment Agreements.

(1) ~~Every stipulated~~ Stipulated time payment agreement agreements will include a discussion and determination of each of the following issues: ~~ordinarily provide for payments to be made over a period of 12 months or less, with all payments being equal amounts except for the final payment of the remaining liability. The period established will be determined by the ability of the taxpayer to make payments.~~

(a) The number of payments to be made during the term of the agreement (e.g., 6, 12, or 24 payments);

(b) The frequency of each payment to be made during the term of the agreement (e.g., weekly, bi-weekly, or monthly);

(c) Whether a down payment is required as part of the terms of the agreement, and the amount of such down payment;

(d) Whether each payment will be an equal amount (e.g., an equal amount due each payment period, or equal payments with the final payment being a balloon payment);

(e) How the Department will allocate each payment to reduce the outstanding debt of tax, penalty, or interest as provided by section 213.75, Florida Statutes;

(f) Whether any portion of the liability will remain unpaid at the end of the current payment agreement, and if so, which of the following actions will be taken by the Department:

1. The terms and conditions of another payment agreement will be negotiated upon full compliance with the current agreement; or,

2. The Department will request the taxpayer to pay the unpaid balance in full based on:

a. The taxpayer's failure to fully comply with the current agreement; or,

b. An improvement in the taxpayer's financial condition.

(2) The determinations made in paragraphs (1)(a) through (f) of this rule by the Department will be based on the factors contained in Rules 12A-17.005 and subsection 12-17.006(5), F.A.C. A down payment on the total tax, penalty, and interest is normally required of the taxpayer upon execution of the stipulated time payment agreement.

~~(a) The Department shall determine the amount of down payment required based on the facts and circumstances of each case as they relate to the factors for consideration in Rule 12-17.005, F.A.C.~~

~~(b) In cases involving amounts assessed pursuant to an audit by the Division of Audits, the taxpayer will normally be required to make a down payment of 25 percent of the total amount of tax, interest, and penalty due for the period covered by the agreement. However, the amount of the down payment required may be reduced or increased based on the factors considered in Rule 12-17.005, F.A.C., and the facts and circumstances of the particular case.~~

~~(3) In cases involving a billing or assessment issued by the Division of Collection and Enforcement, a warrant is normally filed for the total liability covered by the agreement.~~

~~(3)(4) Every agreement In all agreements made pursuant to this chapter, shall include a notification to the taxpayer that:~~

~~(a) Interest interest shall continue to accrue on the unpaid balance of the tax at the rate provided by law; and,-~~

~~(b) The Department will file a lien for the full amount of the unpaid liability, unless the Department representative who negotiates the agreement documents in writing the reason(s) for not filing a lien. Also, the establishment of a stipulated time payment agreement does not invalidate or withdraw a warrant issued with respect to the liability covered by the agreement;~~

~~(c) The current stipulated time payment agreement will be void if the taxpayer fails to:~~

~~1. Comply with all conditions of the agreement; or,~~

2. Submit all returns and pay all taxes in full pursuant to the revenue laws of Florida enumerated in Section 213.05, Florida Statutes, that become due during the term of the agreement.

(d) The provisions of the statutes relating to jeopardy assessments will continue to apply to a taxpayer who has entered into a stipulated time payment agreement.

(e) A taxpayer must submit cash, a cashier's check, or a money order to the Department within seven calendar days of being informed that he or she has paid a stipulated time payment with a check that is not valid due to insufficient funds.

(f) Explains the rights granted to each taxpayer by subsection (2) of Rule 12-17.009, F.A.C., to protest the termination of a stipulated time payment agreement.

~~(5) Upon a showing of good cause, the Department is authorized to renegotiate stipulated agreements for an extended period. In determining whether good cause exists, the Department will consider the taxpayer's payment record during the initial term of the agreement, the current financial ability of the taxpayer to continue to satisfy the liability, and whether the best interest of the state will be served by renegotiating the said agreement.~~

~~(6) The execution of a stipulated time payment agreement does not invalidate a warrant issued with respect to the liability covered by the agreement.~~

Specific Authority ~~20.05(1)(c)(5),~~ 213.06(1), 213.21(5) FS. Law Implemented ~~120.53(1)(b);~~ 213.21(4) FS. History--New 10-4-89, Amended 10-5-92, 6-15-93,_____.

12-17.009 Termination of Agreements.

(1) The Department ~~will~~ may void a stipulated time payment agreement under one or both of the following conditions:

(a) The taxpayer fails to make full payment when due under the terms of the agreement, or

(b) The taxpayer fails to remit in full ~~amounts~~ taxes which become due and payable after the execution of the agreement.

(2) Before voiding a stipulated time payment agreement, the Department will notify the taxpayer in writing of the taxpayer's failure to meet the terms of the agreement and afford the taxpayer the opportunity to present evidence of compliance with the current agreement, unless jeopardy to the revenue has previously been assessed ~~timely remittance of the payment(s) in question.~~

(a) If the taxpayer fails to respond to this notification within 15 consecutive calendar days of the date on the notification from the Department, the agreement is voided.

(b) If the agreement is voided by the Department, the taxpayer shall have an additional 15 consecutive calendar days after the date the Department notifies the taxpayer that the agreement has been voided to request that the Department reconsider voiding the agreement and to submit written proof

that there are “reasonable cause” grounds for not voiding the agreement, pursuant to the “reasonable cause” provisions in section 213.21, Florida Statutes, and Rule 12-13.007, F.A.C.

(c) If the taxpayer does not establish “reasonable cause” within the 15 consecutive calendar day period discussed in paragraph (b) of this subsection, the Department’s decision to void the agreement is final.

(3) Should the Department void the agreement, any unpaid balance due under the stipulated time payment agreement is will immediately become due and payable.

(4) If ~~paragraph (a) or (b)~~ of subsection (1) ~~is are~~ applicable or if an agreement has otherwise expired, ~~after notice and demand for payment~~, the Department will implement one or more of the following steps:

(a) Issue levy instructions to the sheriff to ~~may~~ issue a warrant for the remaining liability ~~or and may~~ execute that warrant or a warrant previously issued with respect to the liability.

(b) Refer the issue to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation for beverage license action;

(c) Implement the garnishment provisions of Section 213.67, Florida Statutes, and Part II of Rule Chapter 12-21, F.A.C.;

(d) Implement the collection referral provisions of Section 213.27, Florida Statutes;

(e) Cancel the sales tax registration certificate of a taxpayer pursuant to Section 212.18(3)(b), Florida Statutes.

~~(5) The provisions of the Florida Statutes relating to jeopardy assessments will continue to apply to a taxpayer who has entered into a stipulated time payment agreement.~~

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.21(4) FS. History—New 10-4-89, Amended _____.

12-17.010 Public Use Forms.

The following public use forms are used by the Department in the processing and scheduling of stipulated time payment agreements and are hereby incorporated by reference. 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 stated in the parentheses (<http://myflorida.com/dor>). Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331.

Form Number	Title	Effective Date
(1) DR-68	Stipulated Time Payment Agreement (n. 02/03)	xxxx

Specific Authority 213.06(1) FS. Law Implemented 213.21(4) FS. History—New _____.

PUBLIC SERVICE COMMISSION

DOCKET NO.: UNDOCKETED

RULE TITLES: RULE NOS.:

General Information and Instructions
 Required of Water and Wastewater Utilities in an Application for a Limited Proceeding 25-30.185

Notice of and Public Information for Application for Limited Proceeding Rate Increase 25-30.186

PURPOSE AND EFFECT: To define the filing requirements and to specify the noticing requirements for a limited proceeding application.

SUBJECT AREA TO BE ADDRESSED: Water and Wastewater Limited Proceedings.

SPECIFIC AUTHORITY: 350.127(2), 367.0822, 367.121(1)(a) FS.

LAW IMPLEMENTED: 367.0822, 367.121 FS.

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

TIME AND DATE: 9:30 a.m., November 20, 2002

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida; Call-In Number (850)921-6455

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (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, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tricia Merchant, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6900

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-30.185 General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding.

(1) Each applicant for a limited proceeding shall provide the following general information to the Commission:

(a) The name of the applicant as it appears on the applicant’s certificate and the address of the applicant’s principal place of business.

(b) The type of business organization under which the applicant's operations are conducted; if the applicant is a corporation, the date of incorporation; the names and addresses of all persons who own 5 percent or more of the applicant's stock; or the names and addresses of the owners of the business.

(c) The number(s) of the Commission order(s), if any, in which the Commission most recently considered the applicant's rates for the system(s) involved.

(d) The address within the service area where the application is available for customer inspection during the time the rate application is pending.

(e) An affidavit signed by an officer of the utility that states that the utility will comply with the noticing requirements in Rule 25-30.486, F.A.C.

(2) In the limited proceeding application:

(a) Each schedule shall be cross-referenced to identify related schedules.

(b) Except for handwritten official company records, all data in the petition and application shall be typed.

(c) The original and twelve copies shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) A filing fee as required in Rule 25-30.020, F.A.C., shall be submitted at the time of application.

(4) The following minimum filing requirements shall be filed with the utility's application for limited proceeding:

(a) A detailed statement of the reason(s) why the limited proceeding has been requested.

(b) If the limited proceeding is being requested to recover costs required by a governmental or regulatory agency, provide the following:

1. A copy of any rule, regulation, order or other regulatory directive that has required or will require the applicant to make the improvement or the investment for which the applicant seeks recovery.

2. An estimate by a professional engineer, or other person, knowledgeable in design and construction of water and wastewater plant, to establish the projected cost of the applicant's investment and the period of time required for completion of construction.

(c) A schedule that provides the specific rate base components for which the utility seeks recovery. Supporting detail shall be provided for each item requested, including:

1. The actual or projected cost(s);

2. The date the item will be or is projected to be placed in service;

3. Any corresponding adjustments that are required as a result of adding or removing the requested component(s) from rate base, which may include retirement entries; and

4. Any other relevant supporting information.

(d) If the utility's application includes a request for recovery of plant in service, accumulated depreciation and depreciation expense, supporting detail shall be provided by primary account as defined by the NARUC Uniform System of Accounts, as adopted by Rule 25-30.110, F.A.C.

(e) A calculation of the weighted average cost of capital shall be provided for the most recent 12-month period, using the mid-point of the range of the last authorized rate of return on equity, the current embedded cost of fixed-rate capital, the actual cost of short-term debt, the actual cost of variable-cost debt, and the actual cost of other sources of capital which were used in the last individual rate proceeding of the utility. If the utility does not have an authorized rate of return on equity, the utility shall use the current leverage formula adopted by the Commission pursuant to s. 367.081(4)(f), F.S.

(f) If the utility is requesting recovery of operating expenses, the following information shall be provided:

1. A detailed description of the expense(s) requested;

2. The total cost by primary account pursuant to the NARUC Uniform System of Accounts;

3. Supporting documentation or calculations; and

4. Any allocations that are made between systems, affiliates or related parties. If allocations are made, submit full detail that shows the total amount allocated, a description of the basis of the allocation methodology, the allocation percentage applied to each allocated cost, and the workpapers supporting the calculation of the allocation percentages.

(g) Calculations for all items that will create cost savings or revenue impacts from the implementation of the requested cost recovery items.

(h) If the utility includes any other items where calculations are required, supporting documentation shall be filed that reflects the calculations or assumptions made.

(i) A calculation of the revenue increase including regulatory assessment fees and income taxes, if appropriate.

(j) Annualized revenues for the most recent 12-month period using the rates in effect at the time the utility files its application for limited proceeding and a schedule reflecting this calculation by customer class and meter size.

(k) A schedule of current and proposed rates for all classes of customers.

(l) Schedules for the most recent 12-month period showing that, without any increased rates, the utility will earn below its authorized rate of return in accordance with s. 367.082, F.S. The schedules shall consist of a rate base, net operating income and cost of capital schedule with adjustments to reflect those consistent with the utility's last rate proceeding.

(m) If the limited proceeding is being requested to change the current rate structure, provide a copy of all workpapers and calculations used to calculate requested rates and allocations between each customer class. In addition, the following schedules should be provided from the Class A Water and/or Wastewater Utilities Accounting, Rate and Engineering

Minimum Filing Requirements (Form PSC/ECR 20 (11/93)) adopted by Rule 25-30.437, F.A.C. The test year should be the most recent 12-month period.

1. Schedule E-2, Revenue Schedule at Test Year Rates – Proof of Revenue.

2. Schedule E-12, Billing Analysis. Only two copies are required.

(n) Revised tariff sheets should not be filed with the application.

(5) A utility shall not file a request for a limited proceeding rate increase until it has demonstrated, that without recovery for the items requested in its application, the utility will earn less than its last authorized rate of return on equity. This demonstration shall include a calculation of the utility's achieved rate of return for the most recent 12-month period and shall reflect adjustments consistent with those made in the last rate proceeding for the utility. The Commission may reject a utility's request for a limited proceeding if the number of items on which recovery is sought is excessive or if the utility has not had a rate case in more than seven years. A limited proceeding shall not be filed for underearnings in lieu of a general rate case.

Specific Authority 350.127(2), 367.0822, 367.121(1)(a) FS. Law Implemented 367.0822, 367.121 FS. History–New

25-30.186 Notice of and Public Information for Application for Limited Proceeding Rate Increase.

(1) This rule applies to all requests for limited proceeding rate increases made by a water or wastewater utility.

(2) Upon filing a petition for limited proceeding rate increase, the utility shall mail a copy of the petition to the chief executive officer of the governing body of each municipality and county within the service areas included in the rate request. Each copy of the petition shall be accompanied by a statement that a copy of the minimum filing requirements (MFRs) when accepted by the Commission can be obtained from the petitioner upon request.

(3) Within 30 days after the official date of the filing established by the Commission, the utility shall place a copy of the petition and the MFRs at its official headquarters and at all business offices it has in the service areas included in the rate request. Such copies shall be available for public inspection during the utility's regular business hours. If the utility does not have a business office in a service area included in its rate request, the utility shall place a copy of the petition and the MFRs at the main county library, the local community center or other appropriate location which is within or most convenient to the service area and which is willing to accept and provide public access to the copies. If the Commission determines that these locations will not provide adequate access, the Commission will require that copies of the petition and MFRs be placed at other specified locations.

(4) Upon filing a petition and MFRs for a limited proceeding, the utility shall publish a notice of application in a newspaper of general circulation in the service areas included in the petition.

(5)(a) Within 50 days after the official date of filing established by the Commission, the utility shall provide, in writing, an initial customer notice to all customers within the service areas included in the rate request and to all persons in the same service areas who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the petition is filed.

(b) The initial customer notice must be approved by Commission staff prior to distribution and shall include the following:

1. The date the notice is to be issued;

2. A statement that the utility has filed a rate request with the Commission and a statement of the general reasons for the request;

3. A statement of the locations where copies of the MFRs and petition are available for public inspection and the hours and days when inspection may be made;

4. A comparison of current rates and charges and the proposed new rates and charges;

5. The utility's address, telephone number, and business hours;

6. A statement that written comments regarding utility service or the proposed rates and charges should be addressed to the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870, and that such comments should identify the docket number assigned to the proceeding;

7. A statement that complaints regarding service may be made to the Commission's Division of Consumer Affairs at the following toll-free number: 1(800)342-3552; and

8. The docket number assigned by the Commission's Division of the Commission Clerk and Administrative Services.

(c) The initial customer notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(6) No less than 14 days and no more than 30 days prior to the date of a customer meeting conducted by the Commission staff, the utility shall provide written notice of the date, time, location, and purpose of the customer meeting to all customers within the service areas designated by the Commission staff. The notice must be approved by Commission staff prior to distribution. The notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(7) If a proposed agency action order issued in the case is protested and any hearings are subsequently held, the utility shall give notice no less than 14 days and no more than 30 days prior to the date of each hearing held in or near a utility service area included in the rate request. The utility shall also have published in a newspaper of general circulation in the area in which such hearing is to be held a display advertisement stating the date, time, location, and purpose of the hearing. The notice must be approved by Commission staff prior to publication.

(8) After the Commission issues an order granting or denying a rate change, the utility shall notify its customers of the order and any revised rates. The customer notification must be first approved by Commission staff and shall be distributed no later than with the first bill containing any revised rates.

Specific Authority 350.127(2), 367.0822, 367.121(1)(a) FS. Law Implemented 367.0822, 367.121 FS. History—New

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Minimum Flows and Levels
 RULE CHAPTER NO.: 40E-8

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish minimum flows and levels for the Loxahatchee River & Estuary, in accordance with Chapter 373, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Minimum flows and levels.

SPECIFIC AUTHORITY: 373.042, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., November 19, 2002

PLACE: Clayton Hutchinson, Exhibit Hall A, 559 N. Military Trail, West Palm Beach, FL

DATE AND TIME: 5:30 p.m. to 7:30 p.m., November 21, 2002

PLACE: Jupiter Town Hall, 210 Military Trail, Jupiter, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: For technical issues contact, John Zahina, 1(800)432-2045, Extension 2824 or (561)682-2824, internet: jzahina@sfwmd.gov. For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6294 or (561)682-6294, internet: jjenniso@sfwmd.gov.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE MADE AVAILABLE AT THE SUBJECT WORKSHOPS.

DEPARTMENT OF ELDER AFFAIRS

Statewide Public Guardianship Office

RULE TITLE: Guardianship Training Program
 RULE NO.: 58M-3.001

PURPOSE AND EFFECT: This is a rule development notice to announce the Statewide Public Guardianship Office’s intent to develop proposed rules for a guardianship training program.

SUBJECT AREA TO BE ADDRESSED: Guardianship education.

SPECIFIC AUTHORITY: 744.7021(4) FS.

LAW IMPLEMENTED: 744.1085(3), 744.7021(2)(f) FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, December 5, 2002

PLACE: MHC 1503, University of South Florida Campus, 13301 Bruce B. Downs Blvd., Tampa, FL 33612

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Karen P. Campbell, Office of the Public Guardian, 1923B Capital Circle, N. E., Tallahassee, FL 32308, (850)487-4609, Ext. 103

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Pre-licensing Education for Broker and Salesperson Applicants
 RULE NO.: 61J2-3.008

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to bring the rule into compliance with statutory changes, which took effect July 1, 2002.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the method of providing pre-licensure education for real estate licensure.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 20, 2002

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Continuing Education for Active and Inactive Broker and Salesperson Licensees

RULE NO.: 61J2-3.009

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to bring the rule into compliance with statutory changes relating to distance education.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to continuing education courses.

SPECIFIC AUTHORITY: 455.2123, 475.01(1)(d),(e),(2), 475.42(1)(c) FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 20, 2002

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Post-licensing Education for Active and Inactive Broker and Salesperson Licensees

RULE NO.: 61J2-3.020

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to bring the rule into compliance with statutory changes, which took effect July 1, 2002, relating to distance education.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the method of providing post-licensure education for real estate licensees.

SPECIFIC AUTHORITY: 475.05, 475.17 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 20, 2002

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Standards for Continuing Professional Education

RULE NO.: 64B12-15.003

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Standards for continuing professional education.

SPECIFIC AUTHORITY: 456.013(7), 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 456.013(7), 484.008(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Standards of Practice for the Dispensing of Controlled Substances for Treatment of Pain
 RULE NO.: 64B16-27.831

PURPOSE AND EFFECT: The Board proposes to amend the time requirement for providing controlled substance prescription records pursuant to Section 465.017(2), Florida Statutes in order to accommodate any non-business hours over week-ends.

SUBJECT AREA TO BE ADDRESSED: The rule amends the required time for providing controlled substance prescription records to authorized law enforcement personnel pursuant to Section 465.017(2), Florida Statutes.

SPECIFIC AUTHORITY: 465.005, 465.0155 FS.

LAW IMPLEMENTED: 465.0155, 456.072(1)(i), 465.016(1)(i), 465.016(1)(o), 465.017(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON DECEMBER 3, 2002 IN MIAMI, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B16-27.831 Standards of Practice for the Dispensing of Controlled Substances for Treatment of Pain.
- (1) through (4) No change.
 - (5) Every pharmacy permit holder shall maintain a computerized record of controlled substance prescriptions dispensed. A hard copy printout summary of such record, covering the previous 60 day period, shall be made available within 72 ~~24~~ hours following a request for it by any law

enforcement personnel entitled to request such summary under authority of Section 465.017(2), F.S. Such summary shall include information from which it is possible to determine the volume and identity of controlled substance medications being dispensed under the prescription of a specific prescriber, and the volume and identity of controlled substance medications being dispensed to a specific patient.

(6) No change.

Specific Authority 465.005, 465.0155 FS. Law Implemented 465.0155, 456.072(1)(i), 465.016(1)(i), 465.016(1)(o), 465.017(2) FS. History--New 8-29-02, Amended.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses
 RULE NO.: 64B32-6.004

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

SUBJECT AREA TO BE ADDRESSED: Procedures for Approval of Attendance at Continuing Education Courses.

SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

(1) No change.

(2) Excluding any recertification, review, refresher, or preparatory courses, all licensees shall be awarded contact hours for:

(a) Attendance at offerings that are approved by:

1. The American Association for Respiratory Care (AARC) as Category I or III,
2. The Florida Society for Respiratory Care, and
3. The Accreditation Council for Continuing Medical Education (ACCME) ~~American Medical Association (AMA)~~ ~~as Category I~~, the American and Florida Thoracic Societies, the American College of Cardiology, the American College of Chest Physicians, the American and Florida Societies of Anesthesiologists, the American and Florida Lung Association, the National Society for Cardiopulmonary

Technologists, the American Health Association, the American Nurses Association, and the Florida Nurses Association, provided that they are related to respiratory care services;

(b) through (f) No change.

(3) through (4) No change.

Specific Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361(2) FS. History—New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00, 5-7-01,

DEPARTMENT OF HEALTH

Biomedical Research Advisory Council

RULE TITLE: Biomedical Research Grant Applications

RULE NO.: 64H-1.001

PURPOSE AND EFFECT: Amendment to this rule is necessary to incorporate the updated manual and forms required to apply for research grants under the Florida Biomedical Research Program, pursuant to the provisions of Section 215.5602, F.S. The documents were amended for the 2002 grant application process.

SUBJECT AREA TO BE ADDRESSED: The proposed rule incorporates updated versions of the Grant Application Manual and the Grant Application Form.

SPECIFIC AUTHORITY: 215.5602(9) FS.

LAW IMPLEMENTED: 215.5602(5) 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: 2:00 p.m. – 3:00 p.m. (EST), Monday, November 25, 2002

PLACE: Department of Health, Prather Building, Conference Room 135Q, 2484 Merchants Row Boulevard, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan Phillips, Florida Biomedical Research Program, Department of Health, 4052 Bald Cypress Way, Bin #A07, Tallahassee, FL 32399-1708, (850)245-4444, Ext. 3652

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64H-1.001 Biomedical Research Grant Applications. Grant applications ~~for Investigator-Initiated Research Projects and New Investigator Research Projects~~ shall be conducted in accordance with the Grant Application Manual dated ~~September 9, 2002~~ ~~January 2002~~, incorporated by reference herein. Application must be submitted on the Biomedical Research Program Grant Application Form DH 2117, ~~7/02~~ ~~2/01~~, incorporated by reference herein.

Specific Authority 215.5602(9) FS. Law Implemented 215.5602(5) FS. History—New 3-11-02, Amended.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Developmental Disabilities Program

RULE TITLE: Siting

RULE NO.: 65B-6.014

PURPOSE AND EFFECT: To implement the provisions of Section 393.501(2), F.S., requiring the department to adopt rules addressing the number of facilities on a single parcel and adjacent parcels of land. This proposed rule would, for facilities licensed or established after the effective date of the rule, limit the number of residential facilities able to be licensed on a single parcel and adjacent parcels of land based on criteria defined in the rule.

SUBJECT AREA TO BE ADDRESSED: The number of facilities on a single parcel and adjacent parcels of land.

SPECIFIC AUTHORITY: 393.067, 393.501 FS.

LAW IMPLEMENTED: 393.063, 393.066, 393.067, 393.13, 393.501 FS.

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

THE PERSON TO BE CONTACTED IN REGARD TO THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Hilary Brazzell, Developmental Disabilities Program Office, Department of Children and Families, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)488-4877, Extension 138

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65B-6.014 Siting.

(1) This rule applies to residential facilities licensed by the Department of Children and Family Services pursuant to Chapter 393, Fla. Stat. The statutory authority for this rule is Section 393.501(2), Fla. Stat. (2001).

(2) For community residential homes, as defined in Section 419.001(1)(a), Fla. Stat. (2001), and any other type of residential facility seeking licensure as foster care facilities or group home facilities under Chapter 393, F.S., after the effective date of this rule, only one dwelling unit may be sited on a single parcel of land unless an exception is granted as described in paragraphs (6) and (7) below. As to dwelling units on adjacent parcels, paragraphs (3) and (4) below shall also apply. This rule shall also apply to residential habilitation centers seeking licensure as a foster care facility(ies) or group home facility(ies), after the effective date of this rule.

(3) As to adjacent parcels of land, in no event shall more than two (2) licensed residential facilities be sited on adjacent parcels, unless an exception is granted as described in

paragraphs (6) and (7) below. This provision shall apply only to residential facilities seeking initial licensure or licensure in a different licensing category after the effective date of this rule.

(4) For facilities seeking initial licensure or licensure in a different licensing category after the effective date of this rule, no more than two (2) licensed residential facilities shall be sited within 1,000 feet of an existing licensed residential facility(ies). Accordingly, no more than a total of three (3) licensed residential facilities shall be sited within a 1,000 foot radius. Distance shall be measured along a radius from the center of the actual site where the new proposed residential facility is to be located in all directions. The facility seeking initial licensure or a change in an existing license shall be included in the computation of numbers of facilities within the 1,000 foot radius.

(5) All facilities seeking initial licensure or licensure in a different licensing category after the effective date of this rule must also fully comply with the requirements of Section 419.001, Fla. Stat. (2001), to the extent applicable.

(6) Exceptions to paragraphs (2) and (3) may be granted for the following reasons:

(a) The parcel is completely divided by a body of water, or a limited access highway which is impossible for an individual to cross on foot, by bicycle, by motor vehicle or other means of transport conveyance and which would separate the facilities.

(b) The exception would improve opportunities for community integration for individuals with developmental disabilities in rural areas. A rural area is defined as an area where the number of dwelling units for the parcel allowed by the comprehensive plan, as required by Section 163.3167, Fla. Stat., is one (1) dwelling unit per acre or fewer.

(c) Where the level of concentration of licensed residential facilities and the overall character of the neighborhood can be shown to be such that an exception, permitting licensure of a new residential facility in the area, would still be consistent with maximum integration of individuals with developmental disabilities into the community, including in their places of residence.

(7) The Director of the Developmental Disabilities Program shall make the final decision as to whether an exception should be granted. The burden of proving the appropriateness of an exception shall be with the applicant.

Specific Authority 393.067, 393.501 FS. Law Implemented 393.063, 393.066, 393.067, 393.13, 393.501 FS. History—New

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLES: RULE NOS.:
 Merchandise Trust Funds – Status of Accounts 3F-7.007
 Trust Agreements and Trustees 3F-7.015

PURPOSE AND EFFECT: The Board proposes to amend Rule 3F-7.007, F.A.C., to remove obsolete language and Rule 3F-7.015, F.A.C., is being amended to add a new subsection (5) regarding the transfer of assets to another trust fund.

SUMMARY: Rule 3F-7.007, F.A.C., explains what the merchandise trust fund is for, where the monies deposited come from, what happens to the funds while in the trust, and how the funds are disbursed when disbursements are due. Rule 3F-7.015, F.A.C., explains the requirements of trust agreements and their approval and now sets forth how and when it is permissible to transfer assets to another trust account.

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

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

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.237, 497.337 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING DATE WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

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

THE FULL TEXT OF THE PROPOSED RULES IS:

3F-7.007 Merchandise Trust Funds – Status of Accounts. For purposes of merchandise trust funds, under the provisions of the Funeral and Cemetery Act prior to implementation of 93-399, Laws of Florida, a merchandise trust fund ~~created in~~ uniformity with the requirements of the Florida Cemetery Act is in the nature of a master account (“the Fund”) used for investment purposes and is made up of commingled individual

accounts deposited into the Fund in connection with the individual contracts between the cemetery company and its customers. Each of these accounts ~~is~~ ~~are~~ to be established and retained in the Fund together with any income it might earn until certain events shall occur and it is determined to whom the principal of the account plus any earnings should be distributed. ~~The Under the Florida Cemetery Act, the principal of the account plus any earnings may be paid to the cemetery company upon the delivery of the merchandise or performance of the services or to the purchaser or his legal representative in the event that the cemetery company does not deliver the merchandise or perform the services when needed.~~

The principal and any accrued earnings or losses in such separate account is to be held in suspense until the final determination is made to which party the account will be paid. At the time of withdrawal of the amount in the account, either the seller, cemetery company, or the purchaser or his representative is entitled to not only the principal amount deposited in the account, but also any accrued earnings on the account from the time of the deposit until the time of withdrawal.

Specific Authority 20.05(5), 497.103 FS. Law Implemented 497.337 FS. History—New 11-15-83, Formerly 3D-30.31, 3D-30.031, Amended.

3F-7.015 Trust Agreements and Trustees.

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

(5) Transfer of assets to another trust agreement is permissible provided the trust agreement was approved by the Board, if applicable, and the terms of both trust agreements are consistent and meet the requirements of Rule 3F-7.020, F.A.C.

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

Specific Authority 497.103 FS. Law Implemented 497.237 FS. History—New 4-25-94, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: August 15, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: August 30, 2002

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE:

General Requirements

RULE NO.:

6F-1.001

PURPOSE AND EFFECT: The purpose of the proposed repeal of the rules is to combine all rules pertaining to the Commission into the 6E chapter. The effect is that the administration of the Commission and licensure of institutions will be simplified and the information will be coordinated in one place.

SUMMARY: Repeal of this rule is part of a plan to consolidate all rules related to the Commission in one chapter, 6E. Currently the rule listed above contains provisions regarding election of officers of the State Board of Nonpublic Career Education, other actions required to be taken at the last meeting in each fiscal year, reporting the status of the Student Protection Fund at each meeting, and implementing the Institutional Assessment Trust Fund. Each provision is covered either in the new law, Ch. 1005, F.S., or in the new 6E rules.

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: 1005.22(1)(e) FS.

LAW IMPLEMENTED: 1005.22(1)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, Department of Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, (850)488-8695

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-1.001 General Requirements.

Specific Authority 246.205(1), 246.207(1)(e), 246.213 FS. Law Implemented 120.53(1)(b), 246.207(1)(e), 246.213(1), 246.215(1), 246.217(3), 246.226, 246.2265, 246.228 FS. History—New 12-19-74, Formerly 6F-7.01, Amended 7-26-78, 5-10-84, Formerly 6F-1.01, Amended 5-27-87, 7-17-90, 10-3-91, 3-29-93, 12-4-95, 1-22-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Sandra Knight, Assistant Executive Director, Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Samuel L. Ferguson, Executive Director, Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: October 14, 2002

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLES:

Certificate of License for Schools

Change in Ownership

Change in Control

Student Protection Fund

Minimum Standards for Licensure of Schools

Fair Consumer Practices

Fee Schedule

RULE NOS.:

6F-2.001

6F-2.0015

6F-2.0016

6F-2.0017

6F-2.002

6F-2.0024

6F-2.0026

School Descriptive Inventory 6F-2.003
 Advertising 6F-2.004

PURPOSE AND EFFECT: The purpose of the proposed repeal of the rules is to combine all rules pertaining to the Commission into the 6E chapter. The effect is that the administration of the Commission and licensure of institutions will be simplified and the information will be coordinated in one place.

SUMMARY: Repeal of the rules is part of a plan to consolidate all rules related to the Commission in one chapter, 6E. Currently the rules listed above contain provisions regarding: required contents of an application for licensure; grounds for revocation or suspension of licensure; types of licensure and the requirements for each; changes in programs or operations of licensed schools; changes of ownership or control of a licensed school; establishment and administration of the Student Protection Fund; standards for licensure of nonpublic career schools, including financial stability, qualified administrators and faculty, curriculum guidelines, basic skills testing and training, and placement services; fair consumer practices, including retention of student academic records, refunds, recruiting and admissions practices, disclosure of fees, enrollment agreements, and orderly closure of a licensed school; workload fees to generate adequate revenue for the budgeted expenses of the board, which was not supported by General Revenue; documentation required in an application for license or annual review of licensure; and requirements that advertising be honest, accurate, and not misleading. Each provision is covered either in the new law, Ch. 1005, F.S., or in the new 6E rules.

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: 1005.22(1)(e) FS.

LAW IMPLEMENTED: 1005.22(1)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, Department of Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, (850)488-8695

THE FULL TEXT OF THE PROPOSED RULES IS:

6F-2.001 Certificate of License for Schools.

Specific Authority 246.205(1), 246.207(1)(e), 246.213, 246.219 FS. Law Implemented 120.60, 246.207(1)(e), 246.213, 246.215, 246.217, 246.219 FS. History--New 12-19-74, Formerly 6F-6.01, Amended 7-26-78, 5-10-84, Formerly 6F-2.01, Amended 5-27-87, 7-17-90, 10-3-91, 3-29-93, 11-27-95, 1-22-01, Repealed.

6F-2.0015 Change in Ownership.

Specific Authority 246.205(1), 246.207(1)(e), 246.213(1) FS. Law Implemented 246.207(1)(e), 246.213, 246.215 FS. History--New 7-17-90, Amended 3-29-93, 1-22-01, Repealed.

6F-2.0016 Change in Control.

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.213, 246.215 FS. History--New 7-17-90, Amended 3-29-93, 8-17-98, 1-22-01, Repealed.

6F-2.0017 Student Protection Fund.

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e),(2)(g), 246.213(1) FS. History--New 10-3-91, Amended 12-4-95, 9-9-98, 1-22-01, Repealed.

6F-2.002 Minimum Standards for Licensure of Schools.

Specific Authority 246.207(1)(e), 246.213, 246.222 FS. Law Implemented 246.207(1)(e), 246.213(2)(a),(b),(d), 246.215(1), 246.222 FS. History--New 12-19-74, Formerly 6F-5.01, Amended 7-26-78, 11-14-78, 5-10-84, Formerly 6F-2.02, Amended 5-27-87, 7-16-89, 7-17-90, 5-14-91, 10-3-91, 3-29-93, 12-4-95, 1-22-01, Repealed.

6F-2.0024 Fair Consumer Practices.

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e), 246.213(2)(a), 246.2235 FS. History--New 11-27-95, Amended 1-22-01, Repealed.

6F-2.0026 Fee Schedule.

Specific Authority 246.205(1), 246.207(1)(e), 246.213 FS. Law Implemented 120.53(1)(b), 246.207(1)(e),(2)(g), 246.213(1), 246.215(1), 246.217(3), 246.226, 246.2265, 246.228 FS. History--New 11-27-95, Amended 1-22-01, Repealed.

6F-2.003 School Descriptive Inventory.

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e), 246.213(2)(a), 246.217(1), 246.2235(6) FS. History--New 12-19-74, Formerly 6F-4.01, Amended 7-26-78, 5-10-84, Formerly 6F-2.03, Amended 5-27-87, 7-5-89, 7-17-90, 10-3-91, 11-27-95, 1-22-01, Repealed.

6F-2.004 Advertising.

Specific Authority 246.207(1)(d), 246.213 FS. Law Implemented 246.213(2), 246.215(3), 246.228(1)(h) FS. History--New 12-19-74, Formerly 6F-5.01(1)(g), Amended 7-26-78, 5-10-84, Formerly 6F-2.04, Amended 5-27-87, 11-27-95, 1-22-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra Knight, Assistant Executive Director, Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Samuel L. Ferguson, Executive Director, Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2002

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLES: **RULE NOS.:**
 Agents; License Required 6F-3.001
 Agents; Qualifications, Training, Limitation
 of Authority, Responsibilities of Schools,
 Agents, and Applicants 6F-3.002

PURPOSE AND EFFECT: The purpose of the proposed repeal of the rules is to combine all rules pertaining to the Commission into the 6E chapter. The effect is that the administration of the Commission and licensure of institutions will be simplified and the information will be coordinated in one place.

SUMMARY: Repeal of this rule is part of a plan to consolidate all rules related to the Commission in one chapter, 6E. Currently the rules listed above contain provisions regarding the requirements and procedures for licensure of recruiting agents employed by nonpublic career schools to solicit students for enrollment. Each provision is covered either in the new law, Ch. 1005, F.S., or in the new 6E rules.

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: 1005.22(1)(e) FS.

LAW IMPLEMENTED: 1005.22(1)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, Department of Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, telephone (850)488-8695

THE FULL TEXT OF THE PROPOSED RULES IS:

6F-3.001 Agents; License Required.

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e), 246.213(3), 246.215(2), 246.219 FS. History—New 12-19-74, Formerly 6F-5.01(2), Amended 10-7-75, 7-26-78, 5-10-84, Formerly 6F-3.01, Amended 5-27-87, 7-5-89, 7-17-90, 10-3-91, 1-22-01, Repealed.

6F-3.002 Agents; Qualifications, Training, Limitation of Authority, Responsibilities of Schools, Agents, and Applicants.

Specific Authority 246.207(1)(e), 246.213(1) FS. Law Implemented 246.201(3), 246.207(1), 246.213(3), 246.215(2), 246.226, 246.2265, 246.228 FS. History—New 7-17-90, Amended 1-22-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra Knight, Assistant Executive Director, Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Samuel L. Ferguson, Executive Director, Commission for Independent Education
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2002

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: **RULE NO.:**
 License Application Package 6F-4.001

PURPOSE AND EFFECT: The purpose of the proposed repeal of the rule is to combine all rules pertaining to the Commission into the 6E chapter. The effect is that the administration of the Commission and licensure of institutions will be simplified and the information will be coordinated in one place.

SUMMARY: Repeal of this rule is part of a plan to consolidate all rules related to the Commission in one chapter, 6E. Currently the rule listed above adopts application forms by reference. New forms will be incorporated in the new 6E rules.

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: 1005.22(1)(e) FS.

LAW IMPLEMENTED: 1005.22(1)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Knight, Assistant Executive Director, Commission for Independent Education, Department of Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, (850)488-8695

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-4.001 License Application Package.

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 120.53(1)(b), 246.207(1)(e), 246.213, 246.215, 246.217, 246.219 FS. History—New 12-19-74, Amended 7-26-78, 5-10-84, Formerly 6F-4.01, Amended 5-27-87, 7-16-89, 7-17-90, 10-3-91, 3-29-93, 11-27-95, 1-22-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra Knight, Assistant Executive Director, Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Samuel L. Ferguson, Executive Director, Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2002

DEPARTMENT OF REVENUE

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Informal Protest and Appeal Procedure	12-6
RULE TITLES:	RULE NOS.:
Application of Rules	12-6.001
Public Use Forms	12-6.0015
Conference Procedures for Notices of Intent to Make Audit Changes	12-6.002
Conference Procedures for Delinquency Notices or Billings	12-6.0023
Protest of Notices of Proposed Assessment Issued by the Department Which Result From an Audit	12-6.003
Protest of Assessments Issued by the Department Regarding Tax Returns, Other Required Filings, and Billings	12-6.0033
Final Assessments	12-6.004
Criteria for Qualified Representatives	12-6.005
Standards of Conduct for Qualified Representatives	12-6.006
Public Use Forms	12-6.007
Conference Procedures for Notices of Intent to Make Refund Claim Changes	12-6.030
Protest of Notices of Proposed Refund Denial	12-6.032

PURPOSE AND EFFECT: The proposed revisions to Rule Chapter 12-6, F.A.C. (Informal Protest And Appeal Procedure), update and render more taxpayer-friendly the procedures a taxpayer may use to protest specific tax actions by the Department.

SUMMARY: PART I [Consisting of Rules 12-6.001 and 12-6.0015, F.A.C.] A) Rule 12-6.001, F.A.C. (Application of Rules) – explains that these rules apply to all revenues collected by the Department of Revenue (DOR) as provided in s. 213.05, F.S.; states that all notices issued pursuant to this rule chapter will be sent to the taxpayer, unless the taxpayer designates another recipient by filing form DR-835 (Power of Attorney); explains how the time periods stipulated in these rules are handled if the period ends on a weekend or holiday; specifies that this rule chapter does not apply to formal proceedings discussed in ss. 120.569 and 120.57, F.S.; and, acknowledges that DOR will consider documents timely filed if submitted to an express or delivery service within the time period specified in these rules.

B) Rule 12-6.0015, F.A.C. (Public Use Forms) – describes the forms that DOR will use to implement the provisions of this rule chapter, and explains how to obtain a copy of these forms.

PART II [Consisting of Rules 12-6.002 through 12-6.006, F.A.C.] A) Rule 12-6.002, F.A.C. (Conference Procedures for Notices of Intent to Make Audit Changes) – clarifies that this rule deals with the procedures a taxpayer may use to request a conference after DOR issues a Notice of Intent to Make Audit Changes (NOI) or a revised NOI; grants the taxpayer 30 days after DOR’s issuance of the notice to request a conference; explains where the taxpayer should submit the request, and the

time frame in which it must be submitted; discusses what happens if a taxpayer files the request late, and how a taxpayer can ask for an extension of time in which to file it; states that the conference must be held at the earliest convenience of both parties, which cannot be later than 90 days after the original issuance of the NOI, unless both parties agree to an extension of the 90 day limitation; clarifies that DOR and the taxpayer can jointly agree to not hold a conference, which allows the taxpayer to move to the next step in the protest process; enumerates the circumstances that trigger DOR’s issuance of a Notice of Proposed Assessment (NOPA) based on the previous issuance of the NOI.

B) Rule 12-6.0023, F.A.C. (Conference Procedures for Delinquency Notices or Billings) – explains that this rule deals with the procedures a taxpayer may use to request a conference after DOR has issued a delinquency notice or billing; grants the taxpayer 20 days after DOR issues a delinquency notice or billing to request a conference with DOR; states where the taxpayer should submit the request for a conference, and the time frame in which the taxpayer must submit it; discusses what happens if a taxpayer files a request that is late, and specifies how a taxpayer can ask for an extension of time in which to request a conference; states that the conference must be held at the earliest convenience of both parties, which cannot be later than 40 days after the original issuance of the delinquency notice or billing, unless both parties agree to an extension of the 40 day limitation; enumerates the circumstances that will trigger DOR’s issuance of an assessment based on the previous issuance of a delinquency notice or billing;

C) Rule 12-6.003, F.A.C. (Protest of Notices of Proposed Assessment (NOPA) Issued by the Department Which Result From an Audit) – explains that a taxpayer can seek review of a NOPA by following this rule; states that a taxpayer must submit a written protest to DOR within 60 days of receiving the NOPA (150 days if the NOPA is addressed to a person outside the United States); states that the NOPA becomes a “final order” if the taxpayer fails to submit the request within the stipulated time, unless granted an extension of time; specifies how to request an extension or additional extensions; outlines what happens if the taxpayer fails to submit a written protest or request an extension; specifies how to file a protest, what information must be included, and how DOR handles requests that do not have the required information; explains the procedures DOR uses to review a timely, complete protest; states that DOR will issue a Notice of Decision (NOD) to the taxpayer in response to a written protest, and explains how the taxpayer can ask that the NOD be reviewed; explains that DOR will issue a Notice of Reconsideration (NOR) after considering a timely, complete request for a review; discusses the circumstances under which an NOD or NOR becomes a “final assessment” under Chapter 72, F.S.

D) Rule 12-6.0033, F.A.C. (Protest of Assessments Issued by the Department Regarding Tax Returns, Other Required Filings, and Billings) – explains that a taxpayer can seek review of an assessment issued by DOR concerning a return, other required filing, or billing, by following this rule; clarifies that a taxpayer cannot use the procedures in this rule if a review has already been sought under Rules 12-6.002 or 12-6.003, F.A.C., or, if the taxpayer has failed to comply with those rules; specifies that a taxpayer utilizing these procedures is still subject to audit by DOR; states that the taxpayer must submit a written protest to DOR within 20 days of receiving the assessment (150 days if the assessment is addressed to a person outside the U.S.); explains that the assessment becomes a “final order” if the taxpayer fails to submit the request within the stipulated time, unless granted an extension of time; specifies how to request an extension or additional extensions; outlines what happens if the taxpayer fails to submit a written protest or request an extension; specifies how to file a protest, what information must be included, and how DOR will handle requests that do not contain the required information; explains the procedures DOR will follow after it receives a timely, complete protest, including which offices review the protest, and how the agency will request additional information; states that DOR will issue a Notice of Reconsideration (NOR) to the taxpayer in response to a written protest, and that the NOR becomes a final assessment when issued; explains that DOR can pursue an enforcement action at any time during these rule procedures, if collection of the assessment is in jeopardy.

E) Rule 12-6.004, F.A.C. (Final Assessments) – this rule is repealed, since the procedures originally contained in it have been relocated to the appropriate rule sections.

F) Rule 12-6.005, F.A.C. (Criteria for Qualified Representatives) – clarifies that the term “counsel” includes a law student certified under Chapter 11 of the Rules Regulating the Florida Bar; revises provisions concerning the power of attorney form that a qualified representative must submit to DOR.

G) Rule 12-6.006, F.A.C. (Standards of Conduct for Qualified Representatives) – clarifies that the provisions governing qualified representatives apply to individuals who appear in proceedings before the Executive Director or the Executive Director’s designee.

H) Rule 12-6.007, F.A.C. (Public Use Forms) – repeals this rule, since the forms that need to be incorporated by reference have been moved to new Rule 12-6.0015, F.A.C.

PART III: REFUND PROTEST PROCEDURES A) Rule 12-6.030, F.A.C. (Conference Procedures for Notices of Intent to Make Refund Claim Changes) – explains that DOR will issue a Notice of Intent to Make Refund Claim Changes if a refund is partially or completely denied; grants the taxpayer 30 days after the notice is issued to agree to the denial, or to request a conference to discuss it; states that DOR can issue a revised notice, and discusses the taxpayer’s rights to request a

conference concerning the revision; explains where the taxpayer’s request must be submitted and what happens if it is submitted late; specifies procedures a taxpayer can use to request an extension of time in which to request a conference; states that the conference must be held at the earliest convenience of both parties (but no later than 40 days after issuing the notice), unless DOR agrees to another time; explains that a failure to timely request a conference does not prevent a taxpayer from protesting DOR’s denial of a refund; provides that if both parties mutually agree that an issue cannot be resolved at this stage, the taxpayer can waive the 30-day time period established by this rule; and, specifies the circumstances under which DOR will issue a notice.

B) Rule 12-6.032, F.A.C. (Protests of Notices of Proposed Refund Denial) – explains that taxpayers can use the provisions in this rule to seek review of a Notice of Proposed Refund Denial; provides that a taxpayer must submit a written protest to DOR within 60 days (150 days for persons with an address outside the U.S.) of the date the notice was issued; states that protests received after this date will be considered late filed, unless an extension has been granted; outlines how a taxpayer may request an extension, the length of an extension, and how to request additional extensions; specifies that failure to meet any of the time frames associated with the submission of a written protest or a request for an extension results in dismissal of the protest and forfeiture of the rights offered by this rule; discusses where to send the written protest and what information it should contain; explains how DOR will handle protests that do not contain all the required information, the time frame in which taxpayers must submit missing information, and how to request an extension of time to submit missing information; discusses the procedures associated with the review of a protest; states that the taxpayer will be given an opportunity to attend a conference and submit additional information; specifies that a notice denying the refund will be issued to the taxpayer at the conclusion of DOR’s review; provides a procedure taxpayers can use to petition DOR to reconsider the denial of the refund, including the time frame in which the petition must be submitted, the information it must include, and how to request an extension of time to file the petition; requires DOR to issue a notice that discusses the reconsideration of the denial at the conclusion of a review of a taxpayer’s petition for reconsideration.

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

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

SPECIFIC AUTHORITY: 72.011(2), 213.06(1), 213.21(1) FS.
LAW IMPLEMENTED: 72.011, 120.54(5), 120.569, 120.57, 213.053, 213.21, 213.34, 215.26 FS.

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

TIME AND DATE: 10:00 a.m., December 3, 2002

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Nancy Purvis, (850)488-0712. If you are hearing-impaired or speech-impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry Green, Tax Law Specialist, Rules and Policy Administrative Process, Office of the General Counsel, Department of Revenue, Post Office Box 6668, Tallahassee, Florida 32314-6668, (850)922-4830, e-mail: greenl@dor.state.fl.us (The full text of the proposed rule is available on the Department's website at www.myflorida.com/dor/rules).

THE FULL TEXT OF THE PROPOSED RULES IS:

INFORMAL PROTEST AND APPEAL PROCEDURE;
~~INFORMAL DISPOSITION OF TAX CONTROVERSIES;~~
~~PROCEDURES FOR COMPROMISE OF TAX PENALTIES~~
 PART I: ADMINISTRATIVE ISSUES

12-6.001 Application of ~~Rules~~ Rule.

(1) The rules set forth in this chapter are applicable to all ~~revenues taxes~~ assessed and collected by the Department pursuant to section 213.05, F.S.

(2)(a) The Department of Revenue encourages taxpayers to attempt to resolve any notice, billing, assessment, or refund denial through discussions with the Department, whether in person, in writing, or by telephone, prior to initiating the informal protest procedures contained in this Rule Chapter. This will allow the Department and the taxpayer to address possible miscommunication, misunderstanding, or Department or taxpayer error.

(b) Notices issued by the Department pursuant to this Rule Chapter will be issued to the taxpayer, unless the taxpayer submits a completed Power of Attorney and Declaration of Representative (DR-835) which instructs the Department as to how the taxpayer wants these notices to be issued (see paragraph 12-6.005(1)(d), F.A.C.).

(c)1. If this Rule Chapter provides for a specific number of consecutive calendar days within which a taxpayer or the Department must act, the expiration of such period will not occur on a Saturday, Sunday, or legal holiday. For purposes of this Rule Chapter, the term "legal holiday" shall mean a holiday that is observed by state agencies as a legal holiday as this term is defined in section 110.117, F.S. Instead, such

specific number of consecutive calendar days will expire on the next successive day that is not a Saturday, Sunday, or legal holiday.

2. For the purposes of this rule chapter, "postmark date" shall include the date on which a taxpayer delivers a document discussed in these rules to an express service or delivery service for delivery to the Department.

(d) This Chapter does not apply to the formal proceedings governed by sections 120.569 and 120.57, Florida Statutes.

~~Specific Authority 120.53(1), 120.54, 213.06(1), 213.21(1) FS., Ch. 81-178, Laws of Florida; Law Implemented 213.21 120.53(1), 120.54 FS., Ch. 81-178, Laws of Florida; History-New 10-8-81, Formerly 12-6.01, Amended _____.~~

12-6.0015 Public Use Forms.

The following forms are employed by the Department in its dealings with the public. These forms are hereby incorporated by reference in this rule. Copies of these forms are available by using 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 stated in the parentheses (<http://www.myflorida.com/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-835	Power of Attorney and Declaration of Representative (r. 01/00)	_____

~~Specific Authority 213.06(1), 213.21(1) FS. Law Implemented 72.011, 120.54(5), 120.569, 120.57, 213.21 FS. History-New _____.~~

PART II: PROTEST OF ASSESSMENTS

12-6.002 ~~Conference Field~~ Procedures for Notices of Intent to Make Audit Changes.

(1)(a) Except in cases of jeopardy assessments, ~~or~~ estimated assessments, ~~refund denials, or where review of the taxpayer's books and records results in no liability due to the state or no refundable amount due to the taxpayer,~~ the Department will, upon completion of an audit, issue a Notice of Intent to Make Audit Changes. ~~Each Notice of Intent to Make Audit Changes, and supplementary form(s), prescribed by the Department, are incorporated by reference in Rule 12-6.007, F.A.C.~~ The taxpayer shall have 30 consecutive calendar days after the date of issuance on the Notice of Intent to Make Audit Changes ~~receipt of this notice to~~ mail or fax a

written request for a field conference to the office address or fax number on the Notice with the Auditor, Audit Group Supervisor, or Senior Audit Supervisor, as the case may be.

(b) If the Department issues a Revised Notice of Intent to Make Audit Changes, the taxpayer shall have 30 consecutive calendar days after the date of issuance on each Revised Notice of Intent to Make Audit Changes to mail or fax a written request for a conference to the office address or fax number on the revised notice.

(c) A request for a field conference should be made directly to the local office designated on issuing the Notice of Intent to Make Audit Changes or the Revised Notice of Intent to Make Audit Changes. In order for the taxpayer's request to be considered timely, the request must be postmarked or faxed within 30 consecutive calendar days from the date of issuance on the Notice of Intent to Make Audit Changes or the Revised Notice of Intent to Make Audit Changes.

(d) Requests postmarked or faxed more than 30 consecutive calendar days after the date of issuance on the Notice of Intent to Make Audit Changes or the Revised Notice of Intent to Make Audit Changes will be deemed late filed and shall result in forfeiture of the taxpayer's rights to such conference, unless the taxpayer has timely secured a written extension of time within which to file a request for a conference.

(2)(a) A taxpayer may request an extension of time in which to request a conference by mailing or faxing a written request to the office address or fax number designated on the Notice of Intent to Make Audit Changes or Revised Notice of Intent to Make Audit Changes, prior to the expiration of the period within which a conference must be requested. Each extension of time will be for 30 consecutive calendar days. Within a 30 consecutive calendar day extension period, the taxpayer may submit a request in writing to the office address or fax number designated on the Notice of Intent to Make Audit Changes or Revised Notice of Intent to Make Audit Changes for an additional 30 consecutive calendar day extension within which to request a conference.

(b) Failure to mail or fax a written request for a conference within the 30 consecutive calendar day extension period, or to mail or fax a written request for an additional 30 consecutive calendar day extension within a pending extension period, shall result in forfeiture of the taxpayer's rights to such conference.

(3)(2) If a field conference is requested, it will be held at the earliest convenience of both the taxpayer and the Department, but it will not be held more than 90 consecutive calendar days after the date of issuance on of the Notice of Intent to Make Audit Changes or Revised Notice of Intent to Make Audit Changes, unless specifically agreed to authorized in writing by the Department. After the field conference, if no agreement is reached, a proposed assessment will be issued by the Compliance Support Process.

(4)(3) If a request for a field conference is not timely made, the right to seek a field conference is waived and a proposed assessment will be issued by the Department. Failure to request a field conference will not preclude instituting the protest procedures provided for in Rule 12-6.003, F.A.C.

(5)(4) If it is jointly determined by the Department's representative and the taxpayer that an issue(s) cannot be resolved at the local level, to expedite ultimate resolution of the issue(s), the 30 consecutive calendar days provided under subsection (1) of this rule the Field Protest Procedures may be waived by the taxpayer. The Department prescribes Form DR-829, Consent to Waive 30-Day Field Conference Period Allowed by Protest Procedures, Rule 12-6, F.A.C. (incorporated by reference in Rule 12-6.007, F.A.C.), to be utilized for this purpose. A waiver will result in the immediate issuance of a proposed assessment by the Compliance Support Process.

(6) A Notice of Proposed Assessment will be issued by the Department if:

(a) An agreement is not reached after the conference held pursuant to this section; or,

(b) The taxpayer has not timely filed a written request for a conference; or,

(c) The taxpayer has not timely filed a written request for an extension of time for requesting a conference; or,

(d) The taxpayer has waived his or her right to a conference pursuant to this section.

Specific Authority 213.06(1), 213.21(1) FS. Law Implemented 213.21 FS. History—New 10-8-81, Amended 12-31-81, Formerly 12-6.02, Amended 8-10-92,_____.

12-6.0023 Field Conference Procedures for Delinquency Notices or Billings (Collection and Enforcement).

(1)(a) After issuance of receiving a delinquency notice or billing by the Department, from the Taxpayer Services Process, the taxpayer may request a conference with the collection supervisor, or section or area administrator if an no assessment has not been issued. Each delinquency notice or billing form, prescribed by the Department, is incorporated by reference in Rule 12-6.007, F.A.C. A request for a conference shall be made by mailing, telephoning, or faxing the request directly to the address, telephone number, or fax number of the office designated on the delinquency notice or billing Taxpayer Services Process, 1379 Blountstown Highway, Tallahassee, Florida 32304 or to the local office issuing the notice within 20 consecutive calendar days of the date of issuance on the delinquency notice or billing (notices are filed under provisions of Chapters 206, 207, and 212, F.S.). In order for the taxpayer's request to be considered timely, the request must be postmarked, telephoned, or faxed within 20 consecutive calendar days from the date of issuance on the delinquency notice or billing.

(b) Requests postmarked, telephoned, or faxed more than 20 consecutive calendar days after the date of issuance on the delinquency notice or billing will be deemed late filed and shall result in forfeiture of the taxpayer's rights to such conference, unless the taxpayer has timely secured a written extension of time within which to file a request for a conference.

(2)(a) A taxpayer may request an extension of time in which to request a conference pursuant to subsection (1) if the request for an extension is received by the office designated on the delinquency notice or billing prior to the expiration of the period within which a conference must be requested. Each extension of time will be for 30 consecutive calendar days. Within a 30 consecutive calendar day extension period, the taxpayer may submit a request in writing to the office address or fax number designated on the delinquency notice or billing for an additional 30 consecutive calendar day extension within which to request a conference.

(b) Failure to mail, telephone, or fax a request for a conference within the 30 consecutive calendar day extension period, or failure to contact the Department, or failure to request an additional 30 consecutive calendar day extension within a pending extension period, shall result in forfeiture of the taxpayer's rights to such conference.

(3)(2) If a conference is requested, it will be held at the earliest convenience of both the taxpayer and the Department, but it will not be held more than 40 consecutive calendar days after the date of issuance on of the delinquency notice or billing, unless specifically agreed to in writing by the Department.

(4)(3) If an agreement is not reached as a result of after the field conference, or if no request is made for a conference, or if a request is not timely made for a conference, and if an assessment will be issued, and the taxpayer may file a protest under the procedures provided for in Rule 12-6.0033, F.A.C.

Specific Authority 72.011(2), 213.06(1), 213.21(1) FS. Law Implemented 72.011, 213.21 FS. History—New 7-1-88, Amended 8-10-92, _____.

(Substantial rewording of Rule 12-6.003 follows. See Florida Administrative Code for present text.)

12-6.003 Protest of Notices of Proposed Assessment Issued by the Department Which Result From an Audit.

(1)(a) A taxpayer may secure review of a Notice of Proposed Assessment (Assessment) by implementing the provisions of this section.

(b) To secure review of an Assessment, a taxpayer must file a written protest postmarked or faxed within 60 consecutive calendar days (150 consecutive calendar days if the Assessment is addressed to a person outside the United States) from the date of issuance on the Assessment.

(c) Protests postmarked or faxed more than 60 consecutive calendar days (150 consecutive calendar days if the Assessment is addressed to a person outside the United States)

after the date of issuance on the Assessment will be deemed late filed, and the Assessment becomes final for purposes of Chapter 72, F.S., upon the expiration of 60 consecutive calendar days (150 consecutive calendar days if the Assessment is addressed to a person outside the United States) after the date of issuance on the Assessment, unless the taxpayer has timely secured a written extension of time within which to file a protest.

(d)1. A taxpayer may request an extension of time for filing a protest by mailing or faxing a written request to the address or fax number designated on the Assessment. In order for the taxpayer's request to be considered timely, the request must be postmarked or faxed within 60 consecutive calendar days (150 consecutive calendar days if the Assessment is addressed to a person outside the United States) from the date of issuance on the Assessment. Each extension of time will be for 30 consecutive calendar days. Within a 30 consecutive calendar day extension period, the taxpayer may submit a request in writing to the address or fax number designated on the Assessment for an additional 30 consecutive calendar day extension within which to submit a written protest.

2. Failure to mail or fax the written protest or failure to mail or fax a written request for an additional extension within a 30 consecutive calendar day extension period shall result in forfeiture of the taxpayer's rights to the proceedings provided by this rule and the proposed assessment will become a final assessment for purposes of Chapter 72, F.S., at the expiration of the extended filing period.

(2)(a) The protest shall be filed by mailing or faxing a written request to the address or fax number designated on the Assessment, and shall include:

1. The taxpayer's name, address, telephone number, federal taxpayer identifying number, and audit number.

2. The tax type, the periods, and the dollar amount of tax, interest, or penalty protested.

3. A list of the unagreed items.

4. A statement of facts and a description of any additional information not previously available that supports the list of unagreed items.

5. A statement explaining the law or other authority on which the taxpayer's position is based.

6. A copy of the Assessment.

7. A statement whether oral presentation and argument are requested.

(b)1. If the protest does not contain this required information, the taxpayer will be notified in writing by the Compliance Support Process that the required information must be submitted within 15 consecutive calendar days. Within this 15 consecutive calendar day period, the taxpayer may submit a request in writing to the Compliance Support Process at the address or fax number listed on the written notification from the Process for an additional 15 consecutive calendar days within which to submit this required information. Within

a 15 consecutive calendar day extension period, the taxpayer may submit a request in writing to the Compliance Support Process at the address or fax number listed on the written notification from the Process for an additional 15 consecutive calendar day extension within which to submit this required information.

2. Failure to submit this information or to request an additional 15 consecutive calendar day extension within either the original 15 consecutive calendar day period or an additional 15 consecutive calendar day extension period shall result in issuance of a written dismissal of the protest and forfeiture of the taxpayer's right to the proceedings provided by this rule.

3. If the taxpayer either fails to submit the required information or fails to request an extension of time within which to submit the required information, the Assessment shall become a final Assessment for purposes of Chapter 72, F.S., on the later of:

a. The date a 15 consecutive calendar day period expires pursuant to this rule; or

b. The expiration of 60 consecutive calendar days after the date of issuance on the Assessment.

(3)(a)1. Upon receipt of a complete, timely filed written protest, the Compliance Support Process will review the protest and initiate an attempt to resolve the issues. The Compliance Support Process may require the office originating the Assessment to provide a written explanation, report, or narrative setting forth the basis for the Assessment. A copy of any explanation, report, or narrative provided by the originating office pursuant to this sub-paragraph shall be given to the taxpayer, if such document is disclosable pursuant to applicable law.

2. If a resolution is not achieved, the protest will be forwarded to Technical Assistance and Dispute Resolution. Technical Assistance and Dispute Resolution will review the protest and may require the office originating the Assessment to provide a written explanation, report, or narrative setting forth the basis for the Assessment. A copy of any explanation, report, or narrative provided by the originating office pursuant to this sub-paragraph shall be given to the taxpayer, if such document is disclosable pursuant to applicable law. If requested by the taxpayer, an opportunity for submission of additional information and an oral conference will be provided. Conferences are conducted informally in Tallahassee, Florida, and no transcript of the proceedings will be made by the Department.

(b) If a protest is timely filed and the taxpayer and the Department are unable to resolve the disputed issues, a Notice of Decision (NOD) shall be issued. The Assessment will become a final Assessment for purposes of Chapter 72, F.S., as of the date of issuance on the NOD, unless the taxpayer timely files a petition for reconsideration of the NOD.

(4)(a)1. A taxpayer shall have 30 consecutive calendar days from the date of issuance on the NOD to file a petition for reconsideration.

2. Petitions for reconsideration must be in writing, postmarked or faxed to the address or fax number stated on the NOD, and must contain additional facts or arguments in support of the taxpayer's position.

3. The Department will not grant an extension of time for filing a petition for reconsideration.

(b)1. If the petition for reconsideration does not contain this required information, the taxpayer will be notified in writing by Technical Assistance and Dispute Resolution that the required facts or arguments must be submitted within 15 consecutive calendar days. Within this 15 consecutive calendar day period, the taxpayer may submit a request in writing to Technical Assistance and Dispute Resolution for an additional 15 consecutive calendar day extension within which to submit this required information. Within a 15 consecutive calendar day extension period, the taxpayer may submit a request in writing to Technical Assistance and Dispute Resolution for an additional 15 consecutive calendar day extension within which to submit this required information.

2. Failure to submit this information or to request an additional 15 consecutive calendar day extension within either the original 15 consecutive calendar day period or an additional 15 consecutive calendar day extension period shall result in issuance of a Notice of Reconsideration (NOR) that dismisses the petition for reconsideration and sustains the NOD. The Assessment will become a final Assessment for purposes of Chapter 72, F.S., as of the date of issuance on the NOR.

(c) If a petition for reconsideration is timely filed and the taxpayer and the Department are unable to resolve the disputed issues, a NOR shall be issued. The Assessment will become a final Assessment for purposes of Chapter 72, F.S., as of the date of issuance on the NOR.

(5) Procedures outlined in this section shall be for investigative purposes as specified in s. 120.57(5), F.S.

Specific Authority 72.011(2), 213.06(1), 213.21(1) FS. Law Implemented 72.011, 213.21 FS. History—New 12-31-81, Formerly 12-6.03, Amended 7-1-88.

(Substantial rewording of Rule 12-6.0033 follows. See Florida Administrative Code for present text.)

12-6.0033 Protest of Assessments Issued by the Department Regarding Tax Returns, Other Required Filings, and Billings.

(1)(a) A taxpayer may secure review of an assessment issued by the Department regarding tax returns, other required filings, and billings by implementing the provisions of this section. When a taxpayer has pursued review under the provisions of either Rule 12-6.002 or 12-6.003, F.A.C., or both, or has failed to comply with the time limitations or has exhausted the review rights in those rules, the taxpayer shall

not have the right to pursue review under this section. The assessment procedure under this rule and review of such assessments regarding tax returns, other required filings, and departmental billings shall not preclude an audit of taxpayer books and records, and shall not preclude audit assessments or other assessments for tax deficiency.

(b) To secure review of an assessment regarding tax returns, other required filings, and billings a taxpayer must file a written protest postmarked or faxed within 20 consecutive calendar days (150 consecutive calendar days if the assessment is addressed to a person outside the United States) from the date of issuance on the assessment.

(c) Protests postmarked or faxed more than 20 consecutive calendar days (150 consecutive calendar days if the assessment is addressed to a person outside the United States) after the date of issuance on the assessment will be deemed late filed, and the assessment becomes final for purposes of Chapter 72, F.S., upon the expiration of 20 consecutive calendar days (150 consecutive calendar days if the assessment is addressed to a person outside the United States) after the date of issuance on the assessment, unless the taxpayer has timely secured a written extension of time within which to file a protest.

(d)1. A taxpayer may request an extension of time for filing a protest by mailing or faxing a written request to the address or fax number designated on the assessment. In order for the taxpayer's request to be considered timely, the request must be postmarked or faxed within 20 consecutive calendar days (150 consecutive calendar days if the assessment is addressed to a person outside the United States) from the date of issuance on the assessment. Each extension of time will be for 15 consecutive calendar days. Within a 15 consecutive calendar day extension period, the taxpayer may submit a request in writing to the address or fax number designated on the assessment for an additional 15 consecutive calendar day extension within which to submit a written protest.

2. Failure to mail or fax the written protest or failure to mail or fax a written request for an additional extension within a 20 consecutive calendar day extension period shall result in forfeiture of the taxpayer's rights to the proceedings provided by this rule and the proposed assessment will become a final assessment for purposes of Chapter 72, F.S., at the expiration of the extended filing period.

(2)(a) The protest shall be filed by mailing (or faxing a written request to the address or fax number designated on the assessment, and shall include:

1. The taxpayer's name, address, telephone number, federal taxpayer identifying number, and account number or audit number (where appropriate);
2. The tax type, the periods, and dollar amount of tax, interest, or penalty protested;
3. A list of the unagreed items;

4. A statement of facts and a description of any additional information not previously available that supports the list of unagreed items;

5. A statement explaining the law or other authority on which the taxpayer's position is based;

6. A copy of the assessment;

7. A statement whether oral presentation and argument are requested.

(b)1. If the protest does not contain this required information, the taxpayer will be notified in writing by the office issuing the assessment that the required information must be submitted within 15 consecutive calendar days. Within this 15 consecutive calendar day period, the taxpayer may submit a request in writing to the office issuing the assessment for an additional 15 consecutive calendar days within which to submit this required information. Within a 15 consecutive calendar day extension period, the taxpayer may submit a request in writing to the office issuing the assessment for an additional 15 consecutive calendar day extension within which to submit this required information.

2. Failure to submit this information or to request an additional 15 consecutive calendar day extension within either the original 15 consecutive calendar day period or an additional 15 consecutive calendar day extension period shall result in issuance of a written dismissal of the protest and forfeiture of the taxpayer's right to the proceedings provided by this rule.

3. If the taxpayer either fails to submit the required information or fails to request an extension of time within which to submit the required information, the assessment shall become a final assessment for purposes of Chapter 72, F.S., on the later of:

a. The date a 15 consecutive calendar day period expires pursuant to this rule; or,

b. The expiration of 20 consecutive calendar days after the date of issuance on the assessment.

(3)(a)1. Upon receipt of a complete, timely filed written protest, the office that issued the assessment will review the protest and initiate an attempt to resolve the issues. The office that issued the assessment may require the office originating the assessment to provide a written explanation, report, or narrative setting forth the basis for the assessment. A copy of any explanation, report, or narrative provided by the originating office pursuant to this sub-paragraph shall be given to the taxpayer, if such document is disclosable pursuant to applicable law.

2. If a resolution is not achieved, the protest will be forwarded to Technical Assistance and Dispute Resolution. Technical Assistance and Dispute Resolution will review the protest and may require the office originating the assessment to provide a written explanation, report, or narrative setting forth the basis for the assessment. A copy of any explanation, report, or narrative provided by the originating office pursuant to this

sub-paragraph shall be given to the taxpayer, if such document is disclosable pursuant to applicable law. If requested by the taxpayer, an opportunity for submission of additional information and an oral conference will be provided. Conferences are conducted informally in Tallahassee, Florida, and no transcript of the proceedings will be made by the Department.

(b) If a protest is timely filed and the taxpayer and the Department are unable to resolve the disputed issues, a Notice of Reconsideration (NOR) shall be issued. The assessment will become a final assessment for purposes of Chapter 72, F.S., as of the date of issuance on the NOR.

(4) If at any time jeopardy conditions exist, the Department may initiate enforcement action under the Department's jeopardy procedures to enforce an assessment.

(5) Procedures outlined in this section shall be for investigative purposes as specified in section 120.57(5), F.S.

Specific Authority 72.011(2), 213.06(1), 213.21(1) FS. Law Implemented 72.011, 213.21, 213.732 FS. History–New 7-1-88, Amended 8-10-92, _____.

12-6.004 Final Assessments.

Specific Authority 72.011, ~~120.53(1), 120.54~~, 213.06(1), 213.21 FS. Law Implemented 72.011, ~~120.53(1), 120.54~~, 213.21 FS. History–New 12-31-81, Formerly 12-6.04, Repealed _____.

12-6.005 Criteria for Qualified Representatives.

(1)(a) Any person who appears before the Department in any proceeding has the right, at his or her own expense, to be accompanied, represented, and advised by counsel or by other qualified representatives. For the purposes of this rule, “counsel” shall mean a member of the Florida Bar or a law student certified pursuant to Chapter 11 of the Rules Regulating Article XVIII of the Integration Rule of The Florida Bar.

(b) through (c) No change.

(d)1. Any individual person qualified as a representative under this rule shall file a Power of Attorney and Declaration of Representative power of attorney in a form acceptable to the Department, signed under penalty of perjury by the qualified representative and sworn to by the party being represented.

2. The ~~suggested form of a power of attorney is the Power of Attorney and Declaration of Representative (form DR-835), adopted and incorporated by reference in Rule 12-6.0015 that used by the Internal Revenue Service.~~

(e) Other individuals persons chosen by a taxpayer to represent the taxpayer may be qualified to appear before the Department, the Executive Director, or the Executive Director's designees appointees if the presiding officer of the proceeding is satisfied as to the qualifications of the individual person seeking to qualify as a representative. In determining qualification to represent, the presiding officer shall satisfy himself or herself by reference to the provisions in the of

Uniform Rules of Procedure, Rule 28-106.106, F.A.C. (Who May Appear; Criteria for Other Qualified Representatives) as it is in effect on the date of the adoption of this rule.

Specific Authority 213.06(1), 213.21(1) FS. Law Implemented 213.053, 213.21 FS. History–New 5-27-82, Formerly 12-6.05, Amended _____.

12-6.006 Standards of Conduct for Qualified Representatives.

In all proceedings before the Department, the Executive Director, or the Executive Director's designees under this chapter plan, all individuals persons qualified as a taxpayer's representative shall comply with the provisions Standards of conduct set forth in Uniform Rules of Procedure, Rule 28-106.107, F.A.C., as it is in effect on the date of the adoption of this rule.

Specific Authority 213.06(1), 213.21(1) FS. Law Implemented 213.21 FS. History–New 5-27-82, Formerly 12-6.06, Amended _____.

12-6.007 Public Use Forms.

Specific Authority 213.06(1), 213.21(1) FS. Law Implemented 72.011, 120.54(5), 120.569, 120.57, 213.21 FS. History–New 8-10-92, Repealed _____.

PART III REFUND PROTEST PROCEDURES

12-6.030 Conference Procedures for Notices of Intent to Make Refund Claim Changes.

(1)(a) The Department, upon determining that a refund should be wholly or partially denied, except in the case of a mathematical error, will issue a notice to the address provided by the taxpayer with his or her application for refund. The notice shall include a clear explanation of the reason for denial. No such notice will be issued by the Department if the only change made by the Department results from a mathematical error made by the taxpayer. Examples of mathematical errors include those resulting from the taxpayer's improper computation of collection allowances or discounts. The taxpayer shall have 30 consecutive calendar days after the date of issuance on the notice to sign the notice agreeing to the proposed changes or to mail or fax a written request for a conference to the address or fax number designated on the notice.

(b) If the Department issues a revised notice, the taxpayer shall have 30 consecutive calendar days after the date of issuance on the revised notice to mail or fax a written request for a conference to the office address or fax number on the revised notice.

(c) A request for a conference should be made directly to the address or fax number designated on the notice or the revised notice. In order for the taxpayer's request for a conference to be considered timely, the request must be postmarked or faxed within 30 consecutive calendar days from the date of issuance on the notice or on the revised notice.

(d) Requests postmarked or faxed more than 30 consecutive calendar days after the date of issuance on the notice or the revised notice will be deemed late filed and shall

result in forfeiture of the taxpayer's rights to such conference, unless the taxpayer has timely secured a written extension of time within which to file a request for a conference.

(2)(a) A taxpayer may request an extension of time in which to request a conference by mailing or faxing a written request to the address or fax number designated on the notice or the revised notice, prior to the expiration of the period within which a conference must be requested. Each extension of time will be for 30 consecutive calendar days. Within a 30 consecutive calendar day extension period, the taxpayer may submit a request in writing to the address or fax number designated on the notice or the revised notice for an additional 30 consecutive calendar day extension within which to request a conference.

(b) Failure to mail or fax a written request for a conference within the 30 consecutive calendar day extension period, or to mail or fax a written request for an additional 30 consecutive calendar day extension within a pending extension period, shall result in forfeiture of the taxpayer's rights to a conference.

(3) If a conference is requested, it will be held at the earliest convenience of both the taxpayer and the Department, but it will not be held more than 40 consecutive calendar days after the date of issuance on the notice or revised notice, unless specifically agreed to in writing by the Department.

(4) Failure to request a conference will not preclude instituting the protest procedures provided in Rule 12-6.032, F.A.C.

(5) If it is jointly determined by the Department's representative and the taxpayer that an issue(s) cannot be resolved, to expedite ultimate resolution of the issue(s), the 30 consecutive calendar days provided under subsection (1) of this rule may be waived by the taxpayer.

(6) A Notice of Proposed Refund Denial (form DR-832R) will be issued by the Department if:

(a) An agreement is not reached after the conference held pursuant to Rule 12-6.032, F.A.C.; or,

(b) The taxpayer has not timely filed a written request for a conference; or,

(c) The taxpayer has not timely filed a written request for an extension of time for requesting a conference; or,

(d) The taxpayer has waived his or her right to a conference pursuant to this section.

(7) When an amount to be refunded is determined, the Department shall voucher a request for warrant for the amount approved and submit it to the Comptroller.

Specific Authority 213.06(1) FS. Law Implemented 213.34, 215.26 FS. History--New _____.

12-6.032 Protest of Notices of Proposed Refund Denial.

(1)(a) A taxpayer may secure review of a Notice of Proposed Refund Denial (Form DR-832R), by implementing the provisions of this section.

(b) To secure review of a Notice of Proposed Refund Denial (NPRD), a taxpayer must file a written protest, postmarked or faxed within 60 consecutive calendar days (150 consecutive calendar days if the NPRD is addressed to a person outside the United States) from the date of issuance on the NPRD.

(c) Protests postmarked or faxed more than 60 consecutive calendar days (150 consecutive calendar days if the Notice is addressed to a person outside the United States) after the date of issuance on the NPRD will be deemed late filed, and the proposed refund denial becomes final for purposes of Chapter 72, F.S., upon the expiration of 60 consecutive calendar days (150 consecutive calendar days if the NPRD is addressed to a person outside in the United States) after the date of issuance on the NPRD, unless the taxpayer has timely secured a written extension of time within which to file a protest.

(d)1. A taxpayer may request an extension of time for filing a protest by mailing or faxing a written request to the address or fax number designated on the NPRD. In order for the taxpayer's request to be considered timely, the request must be postmarked or faxed within 60 consecutive calendar days (150 consecutive calendar days if the NPRD is addressed to a person outside the United States) from the date of issuance on the NPRD. Each extension of time will be for 30 consecutive calendar days. Within a 30 consecutive calendar day extension period, the taxpayer may submit a request in writing to the address or fax number designated on the NPRD for an additional 30 consecutive calendar day extension within which to submit a written protest.

2. Failure to mail or fax the written protest or failure to mail or fax a written request for an additional extension within a 30 consecutive calendar day extension period shall result in forfeiture of the taxpayer's rights to the proceedings provided by this rule and the proposed refund denial will become a final denial for purposes of Chapter 72, F.S., at the expiration of the extended filing period.

(2) The procedures for obtaining review of a proposed refund denial are as follows:

(a) The protest shall be filed by mailing or faxing a written request to the address or fax number designated on the NPRD and shall include:

1. The taxpayer's name, address, telephone number, account number, federal taxpayer identifying number, and audit number or refund control number;

2. The type of tax and the dollar amount of the proposed refund denial that is being protested;

3. The refund period covered by the denial;

4. A copy of the Notice of Proposed Refund Denial;

5. A concise statement of facts including a statement of all disputed issues of material fact and a description of any additional information not previously available that supports the taxpayer's position. If there are no disputed issues of material fact, the petition must so indicate;

6. A statement supporting the taxpayer's position as to any contested issue;

7. A statement explaining the law or other authority upon which the taxpayer is relying;

8. A statement explaining the relief the taxpayer seeks from the Department;

9. Whether the taxpayer desires oral presentation and argument; and

10. Other information the taxpayer contends is material to the refund.

(b)1. If the protest does not contain this required information, the taxpayer will be notified in writing by the Department that the required information must be submitted within 15 consecutive calendar days. Within this 15 consecutive calendar day period the taxpayer may submit a request in writing to the address or fax number designated on the NPRD for an additional 15 consecutive calendar days within which to submit this required information. Within a 15 consecutive calendar day extension period the taxpayer may submit a request in writing to the Department for an additional 15 consecutive calendar day extension within which to submit this required information.

2. Failure to submit this information or to request an additional 15 consecutive calendar day extension within either the original 15 consecutive calendar day period or an additional 15 consecutive calendar day extension period shall result in issuance of a written dismissal of the protest and forfeiture of the taxpayer's right to the proceedings provided by this rule.

3. If the taxpayer either fails to submit the required information or fails to request an extension of time within which to submit the required information, the proposed refund denial shall become a final refund denial for purposes of Chapter 72, F.S., on the later of:

a. The date a 15 consecutive calendar day period expires pursuant to this rule; or

b. The expiration of 60 consecutive calendar days after the date of issuance on the NPRD.

(3)(a)1. Upon receipt of a complete, timely filed written protest, the Refunds and Distribution Process will review the protest and initiate an attempt to resolve the issues. The Refunds and Distribution Process may require the field office that reviewed the Notice of Proposed Refund Denial to provide a written explanation, report, or narrative setting forth the basis for the denial. A copy of any explanation, report, or narrative provided by the originating office pursuant to this sub-paragraph shall be given to the taxpayer, if such document is disclosable pursuant to applicable law.

2. If a resolution is not achieved, the protest will be forwarded to Technical Assistance and Dispute Resolution. Technical Assistance and Dispute Resolution will review the protest and may require the office originating the Notice of Proposed Refund Denial to provide a written explanation,

report, or narrative setting forth the basis for the refund denial. A copy of any explanation, report, or narrative provided by the originating office pursuant to this sub-paragraph shall be given to the taxpayer, if such document is disclosable pursuant to applicable law. If requested by the taxpayer, an opportunity for submission of additional information and an oral conference will be provided. Conferences are conducted informally in Tallahassee, Florida, and no transcript of the proceedings will be made by the Department.

(b) If a protest is timely filed and the taxpayer and the Department are unable to resolve the disputed issues, the protest will be denied. The proposed refund denial will become a final refund denial for purposes of Chapter 72, F.S., as of the date of issuance on the denial, unless the taxpayer timely files a petition for reconsideration of the denial.

(4)(a)1. A taxpayer shall have 30-consecutive calendar days from the date of issuance on the denial to file a petition for reconsideration.

2. Petitions for reconsideration must be in writing, postmarked or faxed to the address or fax number designated on the denial, no later than 30 consecutive calendar days after the date of issuance on the denial, and must contain additional facts or arguments in support of the taxpayer's position.

3. The Department will not grant an extension of time for filing a petition for reconsideration.

(b)1. If the petition for reconsideration does not contain this required information, the taxpayer will be notified in writing by Technical Assistance and Dispute Resolution that the required facts or arguments must be submitted within 15 consecutive calendar days. Within this 15 consecutive calendar day period, the taxpayer may submit a request in writing to Technical Assistance and Dispute Resolution for an additional 15 consecutive calendar day extension within which to submit this required information. Within a 15 consecutive calendar day extension period, the taxpayer may submit a request in writing to Technical Assistance and Dispute Resolution for an additional 15 consecutive calendar extension within which to submit this required information.

2. Upon failure to submit this information or to request an additional 15 consecutive calendar day extension within either the original 15 consecutive calendar day period or an additional 15 consecutive calendar day extension period, the petition for reconsideration will be dismissed and the denial of the protest will be sustained. The proposed refund denial will become a final refund denial for purposes of Chapter 72, F.S., upon expiration of the original 15 consecutive calendar day period or the last extension period.

(c) If a petition for reconsideration is timely filed and the taxpayer and the Department are unable to resolve the disputed issues, the petition shall be denied. The proposed refund denial will become a final refund denial for purposes of Chapter 72, F.S., as of the date the petition is denied.

(5) Procedures outlined in this section shall be for investigative purposes as specified in s. 120.57(5), F.S.

Specific Authority 213.06(1) FS. Law Implemented 72.011, 213.34, 215.26 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Rules and Policy Administrative Process, Office of the General Counsel, Department of Revenue, Post Office Box 6668, Tallahassee, Florida 32314-6668, (850)922-4830, e-mail: greenl@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sylvan Strickland, Senior Attorney, Rules and Policy Administrative Process, Office of the General Counsel, Department of Revenue, P. O. Box 6668, Tallahassee, Florida 32314-6668, (850)922-4711

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 9, 2002, Vol. 28, No. 32, pp. 3424-3434. A workshop was held on August 28, 2002. Testimony was received during the workshop, and written comments were submitted. The Department made changes to the proposed rules based on these comments.

DEPARTMENT OF REVENUE

RULE CHAPTER TITLE: Refunds
RULE CHAPTER NO.: 12-26
RULE TITLES: Refund Denials, Protest Procedures, Final Agency Action
RULE NOS.: 12-26.005, 12-26.006, 12-26.007

PURPOSE AND EFFECT: These rules are being proposed for repeal because their provisions are being moved to Rule Chapter 12-6, F.A.C. (Informal Protest and Appeal Procedure). The effect of moving these rules to Chapter 12-6 is to combine all protest procedures into one rule chapter.

SUMMARY: These rules that are proposed for repeal contain procedures for the Department's denial of a taxpayer's claim for refund, the procedures a taxpayer can use to protest such denial, and how a determination of final agency action is issued.

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

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

SPECIFIC AUTHORITY: 213.06(1) FS.
LAW IMPLEMENTED: 72.011, 213.34, 215.26 FS., ss. 2.,3.,4.,5.,6.,7., and 40., Ch. 91-112, L.O.F.

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

TIME AND DATE: 10:00 a.m., December 3, 2002 (immediately following the hearing on the proposed changes to rules in Chapter 12-6, F.A.C.)

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Nancy Purvis, (850)488-0712. If you are hearing-impaired or speech-impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry Green, Tax Law Specialist, Rules and Policy Administrative Process, Office of the General Counsel, Department of Revenue, Post Office Box 6668, Tallahassee, Florida 32314-6668, (850)922-4830, e-mail: greenl@dor.state.fl.us (These rules are also available on the Department's website: www.myflorida.com/dor/rules)

THE FULL TEXT OF THE PROPOSED RULES IS:

12-26.005 Refund Denials.

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, Repealed

12-26.006 Protest Procedures.

Specific Authority 213.06(1) FS. Law Implemented 72.011, 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, Repealed

12-26.007 Final Agency Action.

Specific Authority 213.06(1) FS. Law Implemented 72.011, 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, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, Rules and Policy Administrative Process, Office of the General Counsel, Department of Revenue, Post Office Box 6668, Tallahassee, Florida 32314-6668, (850)922-4830, e-mail: greenl@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sylvan Strickland, Senior Attorney, Rules and Policy Administrative Process, Office of the General Counsel, Department of Revenue, P. O. Box 6668, Tallahassee, Florida 32314-6668, (850)922-4711

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2002

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Private Use of Official Maps
 RULE CHAPTER NO.: 14-18

RULE TITLE: Permission Required, Conditions
 RULE NO.: 14-18.002

PURPOSE AND EFFECT: This is a proposed repeal of obsolete Rule 14-18.002, F.A.C. The repeal of this rule is part of the ongoing effort by the Office of the General Counsel to review and repeal any unnecessary or obsolete rules.

SUMMARY: Rule 14-18.002, F.A.C., is being repealed.

SPECIFIC AUTHORITY: 20.05 FS.

LAW IMPLEMENTED: 20.05, 273.03 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been developed.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-18.002 Permission Required, Conditions.

Specific Authority 20.05 FS. Law Implemented 20.05, 273.03 FS. History—Amended 5-9-70, Formerly 14-3.02, Amended 7-9-75, Formerly 14-18.02, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alan Shopmyer, Surveying and Mapping Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Christine W. Speer, Assistant Secretary for Finance and Administration, for Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2002

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Advertising on Official State Transportation Maps
 RULE CHAPTER NO.: 14-117

RULE TITLES: Purpose 14-117.001
 General 14-117.002
 Acceptable Advertising Criteria 14-117.003
 Payment for Advertising 14-117.004
 Map Distribution 14-117.005
 No Endorsement Statement 14-117.006

PURPOSE AND EFFECT: This is a proposed repeal of obsolete Rule Chapter 14-117, F.A.C. Special provisions regarding advertising on official state transportation maps are contractual matters. The repeal of these seven rules is part of the ongoing effort by the Office of the General Counsel to review and repeal any unnecessary or obsolete rules.

SUMMARY: The six rules in Rule Chapter 14-117, F.A.C., are repealed. Special provisions regarding advertising on official state transportation maps are contractual matters. The rules are obsolete.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 20.23, 283.58(1) FS., Section 1, Items 1568 and 1570, 1992-93 General Appropriations Act.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been developed.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-117.001 Purpose.

Specific Authority 334.044(2) FS. Law Implemented 20.23, 283.58(1) FS. History—New 6-29-93, Repealed.

14-117.002 General.

Specific Authority 334.044(2) FS. Law Implemented 20.23 FS., Section 1, Items 1568 and 1570, 1992-93 General Appropriations Act. History—New 6-29-93, Repealed.

14-117.003 Acceptable Advertising Criteria.

Specific Authority 334.044(2) FS. Law Implemented 20.23, 283.58(1) FS. History—New 6-29-93, Repealed.

14-117.004 Payment for Advertising.

Specific Authority 334.044(2) FS. Law Implemented 20.23, 283.58(1) FS. History—New 6-29-93, Repealed.

14-117.005 Map Distribution.

Specific Authority 334.044(2) FS. Law Implemented 20.23, 283.58(1) FS. History—New 6-29-93, Repealed.

14-117.006 No Endorsement Statement.

Specific Authority 334.044(2) FS. Law Implemented 20.23, 283.58(2) FS. History—New 6-29-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alan Shopmyer, Surveying and Mapping Office
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Christine W. Speer, Assistant Secretary for Finance and Administration, for Thomas F. Barry, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2002

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Orientation
RULE NO.: 33-601.100

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to create a new rule for inmate orientation procedures, removing orientation language from Rule 33-602.101, F.A.C., Care of Inmates, in order to provide clarity in organization of rule provisions.

SUMMARY: The proposed rule creates a new rule for inmate orientation procedures, removing orientation language from Rule 33-602.101, F.A.C., Care of Inmates, in order to provide clarity in organization of rule provisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.100 Inmate Orientation.

Upon initial arrival in the Department of Corrections, as well as upon transfer within the department, each inmate shall be provided with orientation at which time the rules and procedures of the Department of Corrections, as well as information particular to the local institution shall be explained to the inmate. The warden shall review and approve the contents of the orientation to ensure that the security of the institution is not compromised. The reception centers shall provide a more in-depth orientation of overall department rules, while the receiving institutions which serve as the inmates' permanent locations shall emphasize the local operating procedures in their orientation. As inmates are received into the department, reception centers shall provide

each inmate with a printed copy of Rules 33-601.301-601.314, F.A.C., Inmate Discipline. Translations or translation assistance shall be provided as needed. Copies of the rules and procedures shall be available to inmates upon request to read or review (not for retention). In cases where the inmate is unable to read or comprehend English, translation shall be made available. Copies of the rules and procedures shall also be available for inmate inspection in the institutional library.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Vaughan

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

LAND AND WATER ADJUDICATORY COMMISSION

Town Center at Palm Coast Community Development

RULE CHAPTER TITLE: Town Center at Palm Coast
RULE CHAPTER NO.: 42JJ-1

Community Development District
RULE TITLES: Establishment
Boundary
Supervisors

RULE NOS. 42JJ-1.001
42JJ-1.002
42JJ-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district (CDD), the Town Center at Palm Coast Community Development District ("District"), pursuant to Chapter 190, F.S. The petition to establish the District, filed by Florida Landmark Communities, Inc., and Mardem, LLC, requests that the Commission establish by rule the Town Center at Palm Coast CDD in Flagler County. The land to be served by the District consists of approximately 1,600 acres generally bounded on the north by a major drainage canal; bounded on the south by State Road 100; bounded on the west by Belle Terre Parkway; and bounded on the east by Interstate 95. The Petitioner has written consent to establish the District from the owner of 100% of the real property located within the proposed District. The proposed District is designed to provide community infrastructure, services, and facilities along with certain ongoing operations and maintenance. The development plan for the proposed lands within the District includes the construction of approximately 2,500 single family and multi-family residential dwelling units, 1,400,000 square feet of office space, 2,000,000 square feet of retail space, 1,400,000 square feet of non-retail commercial space, and 625,000 square feet of institutional space, a movie theater, 480 lodging units and 240 nursing home beds.

SPECIFIC AUTHORITY: 120.53(1), 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.006(1) FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Petitioner has prepared a Statement of Estimated Regulatory Costs ("SERC"). The complete text of the SERC is contained as Exhibit 10 to the petition to establish the proposed District. The establishment of the proposed District will result in modest costs to State governmental entities to implement and enforce the proposed formation. Certain costs to the Florida Department of Community Affairs will be offset by an annual fee required by Section 189.412, F.S. The costs of rule adoption to Flagler County (the "County") and its citizens are minimal and any costs are offset by the required filing fee. Adoption of the proposed rule will have no negative impact on State and local revenues. Roads and roadway drainage facilities will all be funded by the proposed District, and operated and owned by the City of Palm Coast. The proposed District will fund, own, and maintain the recreational lakes and common areas. The District will also fund the construction of the water and sewer distribution system. The water and sewer system serving the District will be owned and operated by Florida Water Services Corporation. The proposed District may issue special assessment or other revenue bonds to fund the development of capital facilities. The bonds would be repaid through non-ad valorem assessments levied on all properties in the proposed District. Prospective future landowners in the proposed District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition, the proposed District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services. New residents voluntarily chose to locate within the proposed District and accept the assessments as a tradeoff for the numerous benefits and facilities that the proposed District will provide. There will be no impact on small businesses from the establishment of the proposed District. If anything, the impact may be positive in that the District must competitively bid all of its contracts. Establishment of the proposed District will not have any impact on small counties as Flagler County is not a small county as defined. The analysis provided is based on a straightforward application of economic theory with input received from the developer's engineer and other professionals associated with the developer.

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

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Tuesday, December 3, 2002

PLACE: Room 1703G, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least 2 business days in advance to make appropriate arrangements.

COPIES OF THE PROPOSED RULE AND ESTIMATED REGULATORY COSTS STATEMENT MAY BE OBTAINED BY CONTACTING: Michael D. Chiumento, III, Chiumento & Associates, 4 Old Kings Road North, Suite B, Palm Coast, Florida 32137, (386)445-8900 or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

(NOTE: The following rule chapter and sections were advertised in the Rule Development Notice as 42II-1; 42II-1.001; 42II-1.002; and 42II-1.003. The numbers are being changed as follows:)

TOWN CENTER AT PALM COAST COMMUNITY DEVELOPMENT DISTRICT

42JJ-1.001 Establishment.

The Town Center at Palm Coast Community Development District is hereby established.

Specific Authority 120.53(1), 190.005 FS, Law Implemented 190.005 FS, History-New

42JJ-1.002 Boundary.

The boundaries of the District are as follows:

DESCRIPTION: PARCEL "A"

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTIONS 29 AND 32, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, THENCE NORTH 88°24'49" EAST A DISTANCE OF 2642.88 FEET TO THE SOUTH QUARTER CORNER OF SECTION 32 BEING THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE NORTH 00°40'50" WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER (1/4) A DISTANCE OF 221.03 FEET, THENCE DEPARTING SAID WEST LINE SOUTH 89°15'49" WEST A DISTANCE OF 510.00 FEET TO A POINT ON THE EASTERLY BOUNDARY OF THE PLAT PINE GROVE SECTION-28, MAP BOOK 9, PAGES 51 THROUGH 66, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE NORTH 00°40'55" WEST ALONG THE EASTERLY BOUNDARY OF AND DEPARTING SAID PLAT SECTION-28 A DISTANCE OF 4569.91 FEET, THENCE NORTH 21°00'44" EAST A DISTANCE OF 1028.92 FEET TO A POINT ON THE WESTERLY LINE OF

THE LIMITED ACCESS RIGHT-OF-WAY OF INTERSTATE 95, THENCE SOUTH 18°20'58" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1809.43 FEET, THENCE NORTH 89°52'23" EAST A DISTANCE OF 290.97 FEET, THENCE SOUTH 33°20'58" EAST A DISTANCE OF 502.28 FEET, THENCE SOUTH 18°20'58" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95 A DISTANCE OF 3752.21 FEET TO A POINT ON THE SOUTH LINE OF SECTION 32, THENCE DEPARTING INTERSTATE-95 SOUTH 88°46'16" WEST ALONG THE SOUTH LINE OF SECTION 32 A DISTANCE OF 2120.40 FEET TO THE POINT OF BEGINNING;

PARCEL "A" CONTAINING 202.3081 ACRES OF LAND MORE OR LESS.

DESCRIPTION PARCEL "B"

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTIONS 4, 5, 6, 7, 8 AND 9, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE NORTHWEST CORNER OF SAID GOVERNMENT SECTION 5, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING COMMON AS THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 31 EAST, THENCE SOUTH 01°31'08" EAST ALONG THE WEST LINE OF SECTION 5 A DISTANCE OF 163.78 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE DEPARTING SAID WEST LINE NORTH 89°15'49" EAST A DISTANCE OF 1595.15 FEET, THENCE SOUTH 00°39'41" EAST A DISTANCE OF 1318.27 FEET, THENCE NORTH 89°20'19" EAST A DISTANCE OF 1320.00 FEET, THENCE NORTH 00°39'41" WEST A DISTANCE OF 1320.00 FEET, THENCE NORTH 89°15'49" EAST A DISTANCE OF 1915.75 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF INTERSTATE-95, THENCE SOUTH 18°20'58" EAST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 4927.55 FEET TO THE NORTHEAST CORNER OF MEMORIAL HOSPITAL FLAGLER INC. LANDS, RECORDED IN OFFICIAL RECORDS BOOK 657, PAGE 1835, THENCE DEPARTING INTERSTATE-95 SOUTH 71°39'02" WEST ALONG THE NORTHERLY BOUNDARY LINE OF SAID HOSPITAL LANDS A DISTANCE OF 281.01 FEET, THENCE SOUTH 36°24'53" WEST A DISTANCE OF 947.44 FEET, THENCE DEPARTING SAID BOUNDARY OF HOSPITAL NORTH 53°36'18" WEST A DISTANCE OF 61.27 FEET, THENCE NORTH 08°33'46" EAST A DISTANCE OF 99.48 FEET, THENCE NORTH 63°16'51" WEST A DISTANCE OF 51.99 FEET, THENCE NORTH 35°29'45" WEST A DISTANCE OF 69.86 FEET, THENCE NORTH 56°55'46" EAST A DISTANCE OF 72.16 FEET, THENCE NORTH 10°50'19" WEST A DISTANCE OF 128.52 FEET, THENCE SOUTH 68°47'25" WEST A DISTANCE OF 43.05 FEET TO A POINT ON THE WEST LINE OF SECTION 9, THENCE

DEPARTING SAID WEST LINE CONTINUE SOUTH 68°47'25" WEST A DISTANCE OF 688.97 FEET, THENCE SOUTH 39°53'49" EAST A DISTANCE OF 291.02 FEET, THENCE SOUTH 76°28'18" EAST A DISTANCE OF 64.12 FEET, THENCE NORTH 67°07'05" EAST A DISTANCE OF 72.01 FEET, THENCE SOUTH 39°14'51" EAST A DISTANCE OF 153.66 FEET, THENCE SOUTH 62°37'27" EAST A DISTANCE OF 59.26 FEET, THENCE NORTH 46°11'10" EAST A DISTANCE OF 36.29 FEET, THENCE NORTH 51°11'25" WEST A DISTANCE OF 74.59 FEET, THENCE NORTH 31°41'14" EAST A DISTANCE OF 38.19 FEET, THENCE NORTH 69°00'23" EAST A DISTANCE OF 148.98 FEET, THENCE SOUTH 78°58'19" EAST A DISTANCE OF 101.53 FEET TO A POINT ON THE NORTHWEST BOUNDARY LINE OF SAID HOSPITAL LANDS RECORDED IN OFFICIAL RECORDS BOOK 657, PAGE 1835, THENCE SOUTH 36°24'53" WEST A DISTANCE OF 336.01 FEET, THENCE SOUTH A DISTANCE OF 320.20 FEET, THENCE SOUTH 74°31'57" WEST A DISTANCE OF 196.13 FEET, THENCE DEPARTING SAID NORTHWEST BOUNDARY LINE OF HOSPITAL SOUTH 02°47'32" EAST A DISTANCE OF 109.00 FEET, THENCE SOUTH 49°04'23" EAST A DISTANCE OF 109.00 FEET, THENCE SOUTH 00°50'55" EAST A DISTANCE OF 190.00 FEET, THENCE SOUTH 89°09'05" WEST A DISTANCE OF 924.56 FEET, THENCE SOUTH 21°34'23" EAST A DISTANCE OF 370.29 FEET, THENCE SOUTH 89°07'49" WEST A DISTANCE OF 181.73 FEET, THENCE SOUTH 21°34'21" EAST A DISTANCE OF 695.14 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 100 (200'R/W), THENCE SOUTH 89°09'05" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 928.54 FEET, THENCE DEPARTING STATE ROAD 100 NORTH 02°23'06" WEST A DISTANCE OF 1356.48 FEET, THENCE SOUTH 88°41'00" WEST A DISTANCE OF 663.41 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST (NE) QUARTER (1/4) OF SECTION 8, THENCE SOUTH 88°49'35" WEST A DISTANCE OF 668.63 FEET, THENCE SOUTH 02°08'49" EAST A DISTANCE OF 692.67 FEET, THENCE SOUTH 88°59'33" WEST A DISTANCE OF 1344.70 FEET, THENCE SOUTH 01°32'05" EAST A DISTANCE OF 650.61 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 100, THENCE SOUTH 89°09'05" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 297.82 FEET, THENCE DEPARTING STATE ROAD 100 NORTH 01°13'40" WEST ALONG THE EASTERLY BOUNDARY LINE OF PLAT OF MIDWAY PARK, MAP BOOK 5, PAGE 25, A DISTANCE OF 1337.58 FEET, THENCE SOUTH 88°49'35" WEST ALONG THE NORTH LINE OF MIDWAY PARK A DISTANCE OF 378.00 FEET TO A POINT ON THE WEST LINE OF GOVERNMENT SECTION 8, THENCE NORTH 01°13'33" WEST ALONG SAID WEST LINE OF SECTION 8 A DISTANCE OF 786.73 FEET, THENCE

DEPARTING SAID WEST LINE OF SECTION 8 SOUTH 88° 17'00" WEST A DISTANCE OF 125.00 FEET, THENCE NORTH 01°13'33" WEST A DISTANCE OF 140.00 FEET, THENCE SOUTH 88°17'00" WEST ALONG THE NORTH LINE OF FLAGLER COUNTY SCHOOL BOARD LANDS A DISTANCE OF 1571.20 FEET, THENCE SOUTH 01°55'36" WEST ALONG THE WEST LINE OF SAID SCHOOL BOARD LANDS A DISTANCE OF 2205.60 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 100, THENCE NORTH 88°04'24" WEST A DISTANCE OF 2535.95 FEET TO THE SOUTHEAST CORNER OF LIL' CHAMP FOOD STORE LAND RECORDED IN OFFICIAL RECORDS BOOK 594, PAGES 648 AND 649, THENCE DEPARTING STATE ROAD 100 NORTH 01°55'36" EAST ALONG THE EAST BOUNDARY LINE OF SAID LIL' CHAMP LAND A DISTANCE OF 250.00 FEET, THENCE NORTH 78°46'38" WEST ALONG THE NORTH LINE OF SAID LIL' CHAMP LANDS A DISTANCE OF 250.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BELLE TERRE PARKWAY, THENCE DEPARTING LIL' CHAMP LANDS NORTH 11°13'22" EAST ALONG SAID RIGHT-OF-WAY OF BELLE TERRE PARKWAY A DISTANCE OF 1828.63 FEET TO A POINT OF CURVATURE, CONCAVE WESTERLY, THENCE NORTHERLY A DISTANCE OF 824.97 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 29°32'31", A RADIUS OF 1600.00 FEET, A CHORD BEARING OF NORTH 03°32'53" WEST AND A CHORD DISTANCE OF 815.86 FEET TO A POINT OF TANGENCY, THENCE NORTH 18°19'09" WEST A DISTANCE OF 1118.45 FEET TO A POINT OF CURVATURE, CONCAVE EASTERLY, THENCE NORTHERLY A DISTANCE OF 1037.37 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 42°27'17", A RADIUS OF 1400.00 FEET, A CHORD BEARING OF NORTH 02°54'30" EAST AND A CHORD DISTANCE OF 1013.80 FEET TO A POINT OF TANGENCY, THENCE NORTH 24°08'08" EAST A DISTANCE OF 559.85 FEET, THENCE DEPARTING BELLE TERRE PARKWAY NORTH 89°15'49" EAST A DISTANCE OF 2810.00 FEET, THENCE NORTH 00°44'11" WEST A DISTANCE OF 2015.00 FEET, THENCE NORTH 89°15'49" EAST A DISTANCE OF 1400.26 FEET TO THE POINT OF BEGINNING.

PARCEL "B" CONTAINING 1354.9228 ACRES MORE OR LESS.

PARCEL "A" TOGETHER WITH PARCEL "B" CONTAINING 1557.2309 ACRES OF LAND MORE OR LESS.

BEARINGS LOCALLY REFERENCED TO THE WEST LINE OF THE NORTHWEST QUARTER (1/4) OF GOVERNMENT SECTION 5, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING SOUTH 01°31'08" EAST.

Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New

42JJ-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Dave Lusby, Carol Benedict, Dave Root, John Seibel, and John "Jack" Kelley.

Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.006(1) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Food Stamp Employment and Training

RULE NO.: 65A-1.605

PURPOSE AND EFFECT: The proposed rule amendment provides for policy changes to the Food Stamp Employment and Training (FSET) program as a result of changes in federal regulations in 7 CFR subpart 273.7, published June 19, 2002, in the Federal Register. The Workforce Innovation Act Of 2000, Chapter 2000-165, L.O.F., provides authority for the Agency for Workforce Innovation (AWI) to provide FSET program services through an Interagency Agreement with the Department of Children and Family Services (DCFS).

SUMMARY: The rule amendment reflects the shift of responsibility for the provision of FSET program employment and training services from the Department of Labor and Employment Security to the Regional Workforce Boards (RWB). It also provides for DCFS to determine Food Stamp program eligibility; impose penalties for mandatory participants who fail to comply with FSET program requirements without good cause; to determine good cause; to lift sanctions upon notification of compliance or determination of exemption; and, form revisions incorporated by reference to reflect statutory and regulatory changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.31 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., November 25, 2002

PLACE: 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Services, Program Policy Support, 1317 Winewood Blvd., Bldg. 3, Room 421, Tallahassee, FL 32399-0700, (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 65A-1.605 follows. See Florida Administrative Code for present text.)

65A-1.605 Food Stamp Employment and Training.

(1) The Food Stamp Employment and Training (FSET) program is administered in accordance with the requirements of 7 CFR subpart 273.7, Public Law (P.L.) 104-193, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and P.L. 107-171, Food Stamp Reauthorization Act of 2002.

(2) Each member of the assistance group (AG), who does not meet an exemption in accordance with 7 CFR subpart 273.7(b)(1), must work register for the FSET program as a condition of eligibility for the receipt of food stamps. If a head of household refuses to comply with Food Stamp program requirements without good cause at initial application or reapplication, the application will be denied for that reason. Applicants will be notified at application of the Food Stamp program work registration and employment and training requirements and possible penalties for noncompliance without good cause using form CF-ES 2097, Participation and Information Notice, July 02, incorporated by reference. Non-exempt head of households and AG members will be referred to the Regional Workforce Board (RWB) Service Center using form CF-ES 2095, Work Registration Referral, July 02, incorporated by reference, to complete FSET program work registration. The Economic Self-Sufficiency (ESS) specialist must use form CF-ES 3083, Statement for Food Stamp Work Registrant, Sep. 00, incorporated by reference, to work register a non-exempt head of household or AG member(s) who resides in an area designated as remote by the department.

(3) A head of household or AG member(s) who refuses or fails to comply with FSET program requirements without good cause is ineligible to receive food stamps. The ESS specialist will determine whether the individual meets an exemption in accordance with 7 CFR subpart 273.7(i), or if good cause for non-compliance exists in accordance with 7 CFR subpart

273.7(i). If not exempt, and good cause is not established, action will be taken to deny approval or to impose a food stamp penalty in accordance with 7 CFR subpart 273.7(f). When the head of household is noncompliant with FSET program requirements, the minimum FSET program penalty period will apply to the entire AG. If at the end of the minimum penalty period the head of household is still noncompliant, or does not meet a FSET program exemption, the head of household will remain ineligible, but other members of the AG may reapply. If the noncompliant AG member is not the head of household, the penalty will only apply to that AG member until the individual serves the minimum penalty period or complies, whichever is later, or becomes exempt. The following Food Stamp program penalties for non-compliance with FSET program requirements are applied.

(a) For the first non-compliance, food stamp benefits shall be terminated for a minimum of one month, or until compliance with FSET program requirements, whichever is later, or the noncompliant AG member meets an exemption.

(b) For the second non-compliance, food stamp benefits shall be terminated for a minimum of 3 consecutive months, or until compliance with FSET program requirements, whichever is later, or the noncompliant AG member meets an exemption.

(c) For the third non-compliance, food stamp benefits shall be terminated for a minimum of 6 consecutive months, or until compliance with FSET program requirements, whichever is later, or the noncompliant AG member meets an exemption.

(d) Disqualification shall follow the AG member who was noncompliant. Assistance Group ineligibility results when a disqualified individual joins a new AG as its head of household. The minimum penalty period of AG ineligibility referred to in (a), (b), or (c) above shall apply, as appropriate. If a disqualified individual joins the new AG as a member, only the disqualified AG member shall be ineligible for the remainder of the penalty period or the individual complies, whichever is later, or becomes exempt from FSET program requirements.

(e) Food Stamp program AG members who are subject to and determined to meet the work requirements or alternative requirement plan requirements under the Temporary Cash Assistance (TCA) program will also meet FSET program requirements in accordance with 7 CFR subpart 273.11(k). If the AG member is penalized for failure to meet TCA program requirements, the ESS specialist must determine if the AG member meets a FSET program exemption. If the noncompliant AG member does not meet an exemption, FSET program penalties specified in this rule will be applied.

(4) Penalties for refusal to comply with the requirements of the FSET program shall not apply to non-English speaking persons if the department failed to provide bilingual notices or forms in accordance with bilingual requirements of 7 CFR subpart 272.4.

(5) Able-Bodied Adults without Dependents (ABAWDs). Assistance Group members who meet the definition of an ABAWD in 7 CFR subpart 273.24 and are not exempt are referred to the RWB Service Center for Food Stamp program participation.

(a) Remote Areas. Assistance Group members subject to ABAWD provisions and living in areas designated as remote by the department must sign form CF-ES 3083.

(b) Non-Remote Areas. The AG member will be referred to the RWB Service Center to work register for the Food Stamp program employment and training activities using form CF-ES 2095. Proof of work registration must be provided prior to the authorization of food stamp benefits. If proof is not provided, the application will be denied for this reason.

(c) Required Hours of Service. The required number of hours of service is determined by dividing the AG's food stamp allotment by the federal minimum wage. If more than one ABAWD is in an AG, divide the number of hours by the number of ABAWDs in the AG to determine the number of hours each ABAWD must comply with FSET program requirements. The maximum required hours of service cannot exceed 120 hours per month per food stamp AG. No individual's required hours of service will exceed 30 hours per week. Mandatory ABAWDs in AGs with individuals exempt from ABAWD provisions are required to participate the full amount of hours based on the AG's full food stamp allotment.

(d) Federal Waiver. The department is granted a federal waiver of the ABAWD three-month time limit to receive food stamps each year for counties with high unemployment. Able Bodied Adults Without Dependents who reside in the waiver areas must comply with work registration requirements and other FSET program requirements.

(6) Copies of CF-ES 3083, CF-ES 2097, and CF-ES 2095 may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Services, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Specific Authority 414.45 FS. Law Implemented 414.31 FS. History--New 10-1-87, Amended 4-13-92, Formerly 10C-32.001, Amended 3-3-99, Formerly 65A-32.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lonna Cichon, Government Operations Consultant II
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Program Policy Support
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 19, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9J-35	Local Government Comprehensive Planning Certification Program
RULE NOS.:	RULE TITLES:
9J-35.003	Application Period
9J-35.005	Application Review
9J-35.006	Identification of Eligible Applicants
9J-35.007	Certification Agreement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 39, September 27, 2002, issue of the Florida Administrative Weekly.

9J-35.003 Application Period.

Local governments may submit applications for certification only during the period beginning January 5 (or the first business day following January 5) and ending February 4 (or the first business day following February 4) each year. Applications received prior to 8:00 a.m. (EST) January 5 or after 5:00 p.m. (EST) February 4 will not be considered for certification in the subsequent state fiscal year and will be returned to the applicant local government(s), unless the applicant application has been previously determined to be eligible for certification pursuant to subsection 9J-35.006(2), F.A.C.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.005 Application Review.

(1) through (2) No change.

(3) Within ninety (90) days of receipt, the Division shall submit prepare a written assessment of each application to each applicant. The assessment will state whether the application demonstrates that the applicant meets the eligibility criteria of section 163.3246(2), F.S., and whether the area sought to be certified meets the criteria of section 163.3246(5), F.S. The assessment will describe the basis for finding that the applicant does or does not meet the eligibility criteria, and the basis for finding that the area does or does not qualify for certification. Each applicant shall be provided a copy of the assessment.

(4) No change.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.006 Identification of Eligible Applicants.

(1) After expiration of the 30-day period to submit such information, and no not later than 45 forty-five (45) days after receipt of any information submitted pursuant to subsection 9J-35.005(4), F.A.C., or after expiration of the 30-day period to submit such information, whichever occurs first, the Director of the Division of Community Planning shall determine whether the application demonstrates that the applicant meets the eligibility criteria of section 163.3246(2), F.S., and whether the area sought to be certified meets the criteria of section 163.3246(5), F.S.

(2) The Division shall prioritize applications meeting eligibility criteria in the order received pursuant to the process identified in subsection 9J-35.005(1), F.A.C. Local governments submitting the first eight qualifying applications will be eligible to become certified in any fiscal year.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.007 Certification Agreement.

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

(d) Updated comment letters regarding the appropriateness of the proposed certification from the state and regional review agencies.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CHANGE IS: James L. Quinn, State Planning Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-4925

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE CHAPTER NO.: 15C-7
RULE CHAPTER TITLE: Motor Vehicle Dealers

RULE NO.: 15C-7.003
RULE TITLE: Application for License; Requirements for Offices, Display Space and Operation; Denial, Suspension or Revocation; Implementation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 30, July 26, 2002, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.008
RULE TITLE: Pre-licensing Education for Broker and Salesperson Applicants

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 28, No. 38, September 20, 2002, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.009
RULE TITLE: Continuing Education for Active and Inactive Broker and Salesperson Licensees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 28, No. 38, September 20, 2002, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.020
RULE TITLE: Post-licensing Education for Active and Inactive Broker and Salesperson Licensees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 28, No. 38, September 20, 2002, has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-38R

RULE CHAPTER NO.: 62-210
RULE CHAPTER TITLE: Stationary Sources - General Requirements

RULE NO.: 62-210.340
RULE TITLE: Citrus Juice Processing Facilities

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 on the Internet at the Department of Environmental Protection's home page at http://www.dep.state.fl.us/ under the link or button titled "Official Notices" and in Vol. 28, No. 33, August 16, 2002, issue of the Florida Administrative Weekly.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at http://www.dep.state.fl.us/ under the link or button titled "Official Notices."

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received an emergency petition from Philadelphia Suburban Corporation and Aquasource Utility, Inc., filed October 7, 2002, in Docket No. 021023-WS, seeking waiver from paragraphs 25-30.037(3)(i),(j),(k), and 25-30.030(4)(c),(5),(6),(7), Florida Administrative Code. The rules provide that notice of a transfer application include a description using township, range and section references; that the transfer applicant file evidence that it owns the land upon which the treatment plant is located; that the applicant file tariff sheets reflecting the change in ownership; that the applicant file the original Certificates of Authorization; and that the applicant provide notice of the Application to certain enumerated parties within a set time period of the filing of the Application. Comments on the emergency petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

A copy of the emergency petition can be obtained from the Division of the Commission Clerk and Administrative Services. For additional information, please contact Lawrence Harris, Office of the General Counsel, at the above address or telephone (850)413-6076.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-156 DAO-ROW), on October 10, 2002, to Richard Dispennette. The petition for waiver was received by the SFWMD on May 16, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 23, on June 7, 2002. No public comment was received. This Order provides a waiver for placement of a fence enclosure 25 feet landward of the top of the canal bank, Section 36, Township 47 South, Range 42 East, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(6) and (7), 40E-6.091(1), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of

Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which provides that a 40 foot wide strip of right of way, measured from the top of the bank landward, shall be unencumbered by permanent and/or semi-permanent above-ground structures, within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Richard Dispennette from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-155 DAO-ROW), on October 10, 2002, to Aslan Inc. (Marina One, Inc.). The petition for waiver was received by the SFWMD on March 5, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 13, on March 29, 2002. No public comment was received. This Order provides a waiver for a revised accessway design within the south right of way of the Hillsboro Canal adjacent to U.S. Highway One, Section 31, Township 47 South, Range 43 East, Broward County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which requires a minimum low member elevation of pile-supported facilities located within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Aslan, Inc. (Marina One, Inc.) from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-157 DAO-ROW), on October 10, 2002, to Ronald Laycock. The petition for waiver was received by the SFWMD on June 5, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 26, on June 28, 2002. No public comment was received. This Order provides a waiver for a floating dock to remain within the District's staging area immediately upstream of the Prosperity Farms Road bridge, Section 17, Township 42 South, Range 43 East, Palm Beach County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground structures within the District's designated equipment staging areas within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Ronald Laycock from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299 or by e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on October 16, 2002 South Florida Water Management District (District) received a petition for waiver from the Broward County, Board of County Commissioners, Department of Planning and Environmental Protection, Application No. 02-1014-2, for utilization of Works or Lands of the District known as the C-12 Canal, Palm Beach County, for creation of oxborus, flushing channels, planting of native vegetation. The petition seeks relief from paragraphs 40E-6.011(4),(6) and (7), Fla. Admin. Code, and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which provide that a 40 foot wide strip of right of way, measured from the top of the bank landward, shall be unencumbered by permanent and/or semi-permanent above-ground structures, within Works or Lands of the District.

A copy of the petition may be obtained from Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on October 16, 2002, South Florida Water Management District (District) received a petition for waiver from Kelle Sheehan, Application No. 02-1015-2M, for utilization of Works or Lands of the District known as the C-51 Canal, Palm Beach County, for an existing dock. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which requires a minimum elevation for pile-supported docking facilities within Works or Lands of the District.

A copy of the petition may be obtained from Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a petition filed on October 1, 2002, by Marta Delgado, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on October 1, 2002, by Majid Khalaf, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition for waiver filed on October 1, 2002, by Eugene Strasser, M.D., seeking a waiver from sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition for waiver filed on October 15, 2002, by William W. Adams, M.D., seeking a waiver from sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., with regard to utilizing the services of a certified nurse anesthetist (CRNA) in the administration of Level III office anesthesia under the direct supervision of the operating surgeon. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

Section VI

Notices of Meetings, Workshops and Public Hearings

NOTICE OF CORRECTION – The Cabinet Aides Meeting scheduled for November 6, 2002 will be held at 1:00 p.m., due to out of town travel by some participants, instead of 9:00 a.m. as previously noticed in Vol. 28, No. 43 of the Florida Administrative Weekly.

DEPARTMENT OF STATE

The **Department of State, Division of Elections** announces the following meetings of the Elections Canvassing Commission for the 2002 General Election.

DATE AND TIME: November 7, 2002, 4:00 p.m.

PLACE: The Capitol, Plaza Level 03, Governor’s Large Conference Room, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review first unofficial returns to determine if a machine recount is required pursuant to Section 102.141, F.S.

DATE AND TIME: November 8, 2002, 5:30 p.m.

PLACE: The Capitol, Plaza Level 03, Governor’s Large Conference Room, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: If necessary, review second unofficial returns to determine if a manual recount is required pursuant to Section 102.166, F.S.

DATE AND TIME: November 17, 2002, 3:00 p.m.

PLACE: The Capitol, Plaza Level 03, Governor’s Large Conference Room, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certify official results for the 2002 General Election.

For additional information contact: Sarah Jane Bradshaw, Assistant Director, Division of Elections, (850)245-6200.

Any person requiring special accommodations due to disability or physical impairment should contact the agency at least 3 days prior to the meeting in order to request any special assistance by calling Sarah Jane Bradshaw, (850)245-6200.

DEPARTMENT OF LEGAL AFFAIRS

The Bylaws Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Tuesday, November 12, 2002, 10:30 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Wednesday, November 13, 2002, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Women’s Hall of Fame Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Wednesday, November 13, 2002, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida State Fair Authority** announces a meeting of the Finance, Long Range Planning and Marketing Committees.

DATE AND TIME: Wednesday, December 18, 2002, 10:30 a.m.

PLACE: Bob Thomas Equestrian Center, Horse Pavilion, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Old and New Business of the Finance, Long Range Planning and Marketing Committees.

AGENDA: A copy of the agendas may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, Post Office Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

The **Florida State Fair Authority** announces a meeting of the Full Authority to which all persons are invited.

DATE AND TIME: Wednesday, December 18, 2002, 1:00 p.m.

PLACE: Bob Thomas Equestrian Center, Horse Pavilion, Florida State Fairgrounds, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Reports: Finance, Long Range Planning and Marketing; Status of Amphitheater Negotiations; Acquisition of Ferman Property.

AGENDA: A copy of the agenda may be obtained by contacting: Ms. Ann Menchen, Florida State Fairgrounds, Post Office Box 11766, Tampa, Florida 33680.

If special accommodations are needed to attend this meeting because of a disability, please contact Ms. Ann Menchen, (813)621-7821, as soon as possible.

DEPARTMENT OF EDUCATION

The Florida **Department of Education**, State Advisory Committee for the Education of Exceptional Students announces a public meeting to which all interested persons are invited.

DATES AND TIMES: Monday, November 18, 2002, 10:00 a.m. – 5:00 p.m.; Tuesday, November 19, 2002, 8:30 a.m. – 3:00 p.m. Meeting ending times may be adjusted at the discretion of the Committee.

PLACE: Radisson Hotel, 415 North Monroe Street, Tallahassee, Florida, (850)224-6000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Exceptional student education update and scheduled meeting of the State Advisory Committee, which is required under the Individuals with Disabilities Education Act (20 U.S.C. Chapter 33, as amended by Pub. L. 105-17) for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

A copy of the agenda may be obtained by writing: State Advisory Committee, Bureau of Instructional Support and Community Services, Florida Department of Education, Room 614, Turlington Building, Tallahassee, Florida 32399-0400 or by calling the Bureau, (850)488-1570 or Suncom 278-1570.

Any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours in advance by calling the number indicated above.

The **Education Commissioner Charlie Crist** announces the fall adoption meetings of the State Instructional Materials Committees. The meetings are open to the public.

DATES AND TIME: November 6-7, 2002, 8:30 a.m., Music, K-12

DATES AND TIME: November 19-20, 2002, 8:30 a.m., Integrated Sciences, 9-12

DATES AND TIME: December 3-5, 2002, 8:30 a.m., Literature 6-12

PLACE: Embassy Suites Lake Buena Vista, 8100 Lake Avenue, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committees will evaluate instructional materials that were submitted for consideration by publishers in June 2002, and will recommend titles to be placed on the state-adopted list of instructional materials for use by public schools beginning with the 2003-2004 school year.

Copies of the agenda, committee rosters, and further information about the meetings may be obtained by contacting: Department of Education, Instructional Materials Office, (850)487-8791.

The **Covering Kids Statewide Coalition** announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, November 14, 2002, 9:00 a.m. – 12:00 Noon

PLACE: The Lawton and Rhea Chiles Center for Healthy Mothers and Babies, University of South Florida, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Site visit with Covering Kids National Program Office, Process Improvement sub-committee update, Business Partnership initiative Project update, Pilot Project updates and revision of mission and goals.

The **Commission for Independent Education** announces a series of telephone conference calls to which all persons are invited.

DATES AND TIME: November 4, 12, 18, 2002, 2:00 p.m. – 3:00 p.m.

PLACE: Meet Me Number: (850)410-0967

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider provisions for evaluating accrediting agencies applying to the Commission for Independent Education for approval.

Any person requiring further information regarding these conference calls should contact the Commission for Independent Education, Department of Education, Florida Education Center, Tallahassee, Florida 32399.

The **Florida Rehabilitation Council**, Executive Committee announces a Conference Call to which all persons are invited.

DATE AND TIME: November 7, 2002, 10:30 a.m.

PLACE: Florida Rehabilitation Council, 2002-A Old Saint Augustine Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call for the Planning of the Round Table for the Coordination committee/Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)487-3431. Any interested parties that need further information may Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to

ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council**, Evaluation Committee announces a Conference Call to which all persons are invited.

DATE AND TIME: November 7, 2002, 2:00 p.m.

PLACE: Florida Rehabilitation Council, 2002-A Old Saint Augustine Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)487-3431. Any interested parties that need further information may Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

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The **Florida Rehabilitation Council**, Coordination Committee announces a Conference Call to which all persons are invited.

DATE AND TIME: November 21, 2002, 10:00 a.m.

PLACE: Florida Rehabilitation Council, 2002-A Old Saint Augustine Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call for the Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)487-3431. Any interested parties that need further information may Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces a meeting to which all persons are invited.

DATES AND TIME: December 3-4, 2002, 8:00 a.m. – 5:00 p.m.

PLACE: Florida Rehabilitation Council, 2002-A Old Saint Augustine Road, Headquarters, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call for the Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)487-3431. Any interested parties that need further information may Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the

proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a meeting of the State Energy Program (SEP) Clean Fuel Florida Advisory Board (CFF) to which all interested parties are invited.

SEP CFF MEETING

DATE AND TIME: December 19, 2002, 9:00 a.m. – 4:30 p.m.

PLACE: University of South Florida, Center for Urban Transportation Research, Room CUT – 100, 4202 East Fowler Avenue, Tampa, Florida 33620-5375

ACTIONS TO BE TAKEN: The CFF will consider the following items:

1. Review of Progress on the CFFAB "Cornerstone Report".
2. Overview of the Status of, and comments on the draft report.
3. Consideration of final recommendations of the CFFAB for inclusion in the Cornerstone Report.
4. Report on State Energy Initiatives.
5. Legislative Outreach Committee Report.
6. Education and Outreach Committee Report.

APPEAL INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting he or she may need a record or transcript of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record may include testimony and evidence relevant to the appeal.

Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Essie Turner, Administrative Assistant, Department of Community Affairs, 2255 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2475.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Building Commission** announces the following workshop to which all persons are invited.

DATE AND TIME: November 21, 2002, 9:00 a.m.

PLACE: The Rosen Center Hotel, 9840 International Drive, Orlando, Florida 32819, 1(800)204-7234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The objectives of the workshop are to review the Florida Product Approval Program; to discuss issues related to program implementation; to receive public comment; and to develop recommendations to the Florida Building Commission for improvement.

A copy of the Commission workshop agenda may be obtained from our website at www.floridabuilding.org or by sending a request in writing: Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Kathryn Willis, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs, Division of Emergency Management** announces a meeting for the State of Florida Hazard Mitigation Plan Advisory Team (SHMPAT).

DATE AND TIME: Thursday, November 21, 2002, 10:00 a.m.

PLACE: The Betty Easley Conference Center, Room 180, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A facilitated session for state and federal agencies, non-profit organizations, and interested groups that have a stake in:

1. Identifying policies, plans, and programs that pertain to hazard mitigation (initiatives that help reduce the long-term risk to human life and property from natural and technological hazards).
2. Identifying state and or critical facilities that are vulnerable to hazards and existing/potential mitigation activities/initiatives.
3. Participating/contributing to the development of long-term state hazard mitigation strategy.

For further information please contact: Dr. Arthur Oyola-Yemaiel, (850)413-1422, e-mail arhur.oyola-yemaiel@dca.state.fl.us. Map and direction to the Betty Easley Conference Center, can be obtained at: <http://www.psc.state.fl.us/contact/map.cfm>.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 7 announces the Five Year Tentative Work Program Public Hearings for Fiscal Years July 1, 2003, through June 30, 2008, to which all interested parties are invited to attend and participate. Public comments, thoughts, and ideas are requested

at the public hearings. The Tentative Work Program covers the next five years of preliminary engineering, right of way acquisition, construction, and public transportation projects including Florida Turnpike Enterprise projects for Citrus, Hernando, Hillsborough, Pasco and Pinellas Counties.

DATE AND TIME: Tuesday, December 3, 2002, 5:00 p.m. – 7:00 p.m.

PLACE: Florida Department of Transportation, District Seven, Auditorium, 11201 N. McKinley Drive, Tampa, FL 33612

DATE AND TIME: Thursday, December 5, 2002, 5:00 p.m. – 7:00 p.m.

PLACE: Hernando County Government Center, Board of County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

GENERAL SUBJECT MATTER TO BE CONSIDERED: The public hearings are being conducted pursuant to Section 339.135(4)(d), Florida Statutes, Title VI and Title VIII of the United States Civil Rights Acts of 1964 and 1968.

Anyone needing special accommodations under the Americans with Disabilities Act of 1990, should contact Ms. Lee Royal, Community Liaison Administrator, (813)975-6427 or 1(800)226-7220, at least 10 days in advance of the public hearings.

The Department at the public hearing will receive verbal and written comments from organizations and the general public. In addition, written comments may be submitted within ten days after the last public hearing.

Written comments should be addressed to: Florida Department of Transportation, District VII, Kenneth A. Hartmann, P.E., District Secretary, 11201 N. McKinley Drive, MS #7100, Tampa, FL 33612.

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: Wednesday, November 20, 2002, 9:00 a.m. – 2:00 Noon (EST)

PLACE: The Hermitage Center, Hermitage Conference Room 116, 1801 Hermitage Blvd., Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the development and review of the FHCF's investment policy, proposed FHCF legislation, and to engage in the general business of the Council.

Anyone wishing a copy of the agenda should contact: Patti Elsbernd, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, any person needing special accommodation to attend the meeting is requested to contact Patti Elsbernd by mail, at the address

given immediately above, or by telephone (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

DEPARTMENT OF CITRUS

NOTICE OF CANCELLATION – The **Department of Citrus** announces a public meeting of the Florida Growers' Symbol Committee.

DATE AND TIME: October 18, 2002, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee was meeting to discuss an update on the progress of the symbol development and other business that might come before the council for consideration.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 13, 2002, 9:00 a.m.

PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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, Building C, 2601 Blairstone Road, 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 five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

NOTICE OF AMENDMENT – The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 20, 2002, 9:00 a.m.

PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction/Recovery Supervision and Control Release Matters. The Commission

will also consider amendments to the proposed administrative rules (Chapter 23-25, which were published in Vol. 28, No. 36, September 6, 2002, issue of the Florida Administrative Weekly), pertaining to the Addiction/Recovery Supervision Program.

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 five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a public meeting or workshop in the following undocketed matter to which all interested persons and parties are invited.

Docket No.: Undocketed Workshop on Florida Renewable Technologies Assessment

DATE AND TIME: Thursday, November 14, 2002, 9:30 a.m. – 1:00 p.m.

PLACE: The Betty Easley Conference Center, Florida Public Service Commission, Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to take comments on a draft report that assesses renewable energy technologies in Florida.

The report is being prepared in cooperation with the Florida Department of Environmental Protection. Copies of the draft report entitled Renewable Energy Assessment can be downloaded at: http://www.psc.state.fl.us/industry/electric_gas/index.cfm.

Specific written comments provided in lieu of verbal comments are preferred. Where specific changes are being suggested, it would be helpful if such changes were provided in a type and strike format. Written comments can be sent electronically or mailed to: Ms. Kathy Lewis, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850, (850)413-6594, klewis@psc.state.fl.us.

A copy of the agenda for this meeting may be obtained by writing: Florida Public Service Commission, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 or by calling (850)413-6770.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services,

(850)413-6770, at least 48 hours prior to the meeting. Any person who is speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this workshop.

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: * November 18, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Room 140, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting the Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission through the Florida Relay Service by using the following numbers: 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

* In the event of a scheduling conflict, this meeting may be moved to November 19, 2002, immediately proceeding the Commission Conference, in Room 140.

THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 020006-WS – Water and wastewater industry annual reestablishment of authorized range of return on common equity for water and wastewater utilities pursuant to Section 367.081(4)(f), F.S.

DATE AND TIME: November 18, 2002, 3:00 p.m.

PLACE: The Betty Easley Conference Center, Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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 the Commission Clerk and Administrative Services, (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, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: November 19, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy. (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 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.: 020384-GU – Petition for rate increase by Peoples Gas System.

DATE AND TIME: November 22, 2002, 8:30 a.m.

PLACE: The Betty Easley Conference Center, Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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 the Commission Clerk and Administrative Services, (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, which can be reached at 1(800)955-8771 (TDD).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor’s Select Task Force on Healthcare Professional Liability Insurance** announces a Conference to which all persons are invited.

DATE AND TIME: Monday, November 4, 2002, 9:00 a.m. – 6:00 p.m.

PLACE: Lois Pope Life Center, APEX Center, 7th Floor, 1095 Northwest 14th Terrace, Miami, Florida 33136, (305)284-5155

GENERAL SUBJECT MATTER TO BE CONSIDERED: The work of the Governor’s Select Task Force will make recommendations to protect Floridians’ access to high-quality and affordable healthcare. The Governor’s Select Task Force shall study the relevant issues and make written recommendations and/or propose legislation. The work product of the Governor’s Select Task Force should include, but need not be limited to, the following: (1) findings from an examination of the Florida healthcare liability insurance market, pertinent tort laws, claims and premium data compared to other states of similar size and diversity; (2) an assessment of the impact of the cost, accessibility and availability of healthcare liability insurance on the cost, accessibility and availability of high quality healthcare in this state; and (3) specific strategies to ease the healthcare liability insurance crisis faced by physicians, hospitals and other healthcare providers in the state. A report of such recommendations and/or proposed legislation shall be submitted by January 31, 2003, to the Governor, the President of the Florida Senate and the Speaker of the House of Representatives.

To aid its study of the issues and the development of its recommendations, the Governor’s Select Task Force shall take public testimony from experts and stakeholders. In addition, the Governor’s Select Task Force is encouraged to take whatever other steps are necessary to gain a full understanding of the medical, Legal, insurance and other issues involved.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Mary Pater or Faith Schneider, Florida Department of Health, General Counsel’s Office, (850)245-4444, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact Ms. Pater or Ms. Schneider using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Governor’s Select Task Force on Healthcare Professional Liability Insurance** announces telephone conference meetings to which all persons are invited. The calls will be on an as needed basis. Please call for verification that the Task Force is meeting.

DATE AND TIME: Wednesday, November 6, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(800)416-4254, Tallahassee, 922-2903, Suncom 292-2903

DATE AND TIME: Friday, November 8, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(888)816-1123, Tallahassee, 921-5230, Suncom 291-5230

DATE AND TIME: Monday, November 11, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(800)416-4254, Tallahassee, 922-2903, Suncom 292-2903

DATE AND TIME: Wednesday, November 13, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(800)416-4254, Tallahassee, 922-2903, Suncom 292-2903

DATE AND TIME: Friday, November 15, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(888)816-1123, Tallahassee, 921-5230, Suncom 291-5230

DATE AND TIME: Monday, November 18, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(888)816-1123, Tallahassee, 921-5230, Suncom 291-5230

DATE AND TIME: Wednesday, November 20, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(800)416-4254, Tallahassee, 922-2903, Suncom 292-2903

DATE AND TIME: Monday, November 25, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(888)816-1123, Tallahassee, 921-5230, Suncom 291-5230

DATE AND TIME: Wednesday, November 27, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Toll Free 1(888)816-1123, Tallahassee, 921-5230, Suncom 291-5230

GENERAL SUBJECT MATTER TO BE CONSIDERED: Task Force issues.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Mary Pater or Faith Schneider, Florida Department of Health, General Counsel's Office, (850)245-4444, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact Ms. Pater or Ms. Schneider using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Governor's Select Task Force on Healthcare Professional Liability Insurance** announces a Conference to which all persons are invited.

DATE AND TIME: Friday, November 22, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Hyatt Regency Orlando International Airport, 4th Floor, The Briefing Room, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The work of the Governor's Select Task Force will make recommendations to protect Floridians' access to high-quality and affordable healthcare. The Governor's Select Task Force shall study the relevant issues and make written recommendations and/or propose legislation. The work product of the Governor's Select Task Force should include, but need not be limited to, the following: (1) findings from an examination of the Florida healthcare liability insurance market, pertinent tort laws, claims and premium data compared to other states of similar size and diversity; (2) an assessment of the impact of the cost, accessibility and availability of healthcare liability insurance on the cost, accessibility and availability of high quality healthcare in this state; and (3) specific strategies to ease the healthcare liability insurance crisis faced by physicians, hospitals and other healthcare providers in the state. A report of such recommendations and/or proposed legislation shall be submitted by January 31, 2003, to the Governor, the President of the Florida Senate and the Speaker of the House of Representatives.

To aid its study of the issues and the development of its recommendations, the Governor's Select Task Force shall take public testimony from experts and stakeholders. In addition, the Governor's Select Task Force is encouraged to take whatever other steps are necessary to gain a full understanding of the medical, legal, insurance and other issues involved.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Mary Pater or Faith Schneider, Florida Department of Health, General Counsel's Office, (850)245-4444, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact Ms. Pater or Ms. Schneider using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited.

DATE AND TIME: November 21, 2002, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, Conference Room, 4th Floor, 4980 Bayline Drive, North Fort Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

All Council Subcommittee meetings will immediately follow the Council meeting.

A copy of the proposed agenda may be obtained by writing: Mr. David Burr, Interim Executive Director, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. David Burr, (239)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Burr using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF CORRECTIONS

Under authority of the Florida Criminal Justice Standards and Training Commission, the Florida **Department of Corrections** and the Region XVI, Criminal Justice Standards and Training Trust Fund Training Council announces a public meeting to which all interested persons are invited.

DATE AND TIME: November 13, 2002, 10:00 a.m.

PLACE: Florida Department of Corrections, Headquarters, Building B, 2nd Floor, Training Room B, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 This is a regularly scheduled meeting of the Region XVI Training Council of the Florida Criminal Justice Standards and Training Commission. The primary business of the meeting will be to discuss training and budget issues.
 A copy of the agenda for the above meeting may be obtained by writing: Florida Department of Corrections, Bureau of Human Resources, Staff Development, Room A336, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, Attention: Clara Floyd.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: November 12, 2002, 9:00 a.m.
PLACE: Lafayette County Courthouse, 2nd Floor, Lafayette County Commission Room, Corner of Fletcher and Maine, Mayo, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

DATE AND TIME: November 12, 2002, 2:00 p.m.
PLACE: Fiddler’s Restaurant, 1306 S. E. Riverside Drive, Steinhatchee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
District Programs Workshop.

DATE AND TIME: November 13, 2002, 8:30 a.m.
PLACE: Fiddler’s Restaurant, 1306 S. E. Riverside Drive, Steinhatchee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Continuation of District Programs Workshop.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, 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 who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following Projects and Land Committee Water Supply Workshop.

PROJECTS AND LAND COMMITTEE WATER SUPPLY WORKSHOP

DATE AND TIME: November 7, 2002, 3:30 p.m. – 5:30 p.m.
PLACE: Seminole County Services Building, Commission Chambers, 1101 East First Street, Sanford, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Water supply workshop.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Sonia Kuecker, BRS IV/Water Resources, (904)312-2330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

The **St. Johns River Water Management District** announces the following Projects and Land Committee meeting and tour.

PROJECTS AND LAND COMMITTEE BUSINESS MEETING

DATE AND TIME: November 8, 2002, 8:00 a.m.
PLACE: Altamonte Springs Service Center, 975 Keller Road, Altamonte Springs, FL. A tour will follow at the Wekiva Springs State Park.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Business meeting.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Sonia Kuecker, BRS IV/Water Resources, (904)312-2330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

The **Southwest Florida Water Management District** (SWFMWD) announces the following public meeting to which all interested persons are invited.

BASIN BOARD EDUCATION COMMITTEE

DATE AND TIME: Wednesday, November 6, 2002, 9:30 a.m.
PLACE: Starkey Environmental Education Center, 10500 Wilderness Road, New Port Richey, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Consideration of Committee business.

GOVERNING BOARD WORKSHOP

DATE AND TIME: Friday, November 8, 2002, 9:00 a.m.
PLACE: SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of Southern Water Use Caution Area issues.

POWER PLANT TASK FORCE MEETING

DATE AND TIME: Friday, November 15, 2002, 9:00 a.m.
 PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Task Force business.

GOVERNING BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Tuesday, November 19, 2002, 8:30 a.m.
 PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

GOVERNING BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, November 20, 2002, 9:00 a.m.
 PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

PUBLIC LAND ACQUISITION AND MANAGEMENT CONFERENCE

DATES AND TIMES: Wednesday, November 20, 2002, 1:00 p.m. – 5:00 p.m. through Friday, November 22, 2002, 12:30 p.m.
 PLACE: Mission Inn Golf and Tennis Resort, Howey-in-the-Hills, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss and exchange ideas and information relative to conservation land acquisition and management.

BASIN BOARD LAND RESOURCES COMMITTEE MEETING

DATE AND TIME: Friday, November 22, 2002, 12:00 Noon
 PLACE: Mission Inn Golf and Tennis Resort, Howey-in-the-Hills, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee business.

A copy of the agenda for the above meeting(s) may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899 or by calling the SWFWMD, (352)796-7211 or 1(800)423-1476, Suncom 628-4150.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida) or (352)796-7211, Extension 4609, Fax (352)754-6874, TDD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces a public meeting.

DATE AND TIME: Tuesday, November 19, 2002, 9:00 a.m.
 PLACE: Southwest Florida Water Management District, Tampa Service Office, Board Room, 7601 Highway 301, North, Tampa, Florida 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: The public hearings on rule amendments to Chapters 40D-2 and 40D-8, F.A.C., for Category 3 lake levels and for the Southern Water Use Caution Area are continued to the Governing Board meeting on November 19, 2002.

A copy of the Governing Board agenda may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899 or by calling the Southwest Florida Water Management District, (352)796-7211 or 1(800)231-6103, Suncom 628-4150, TDD ONLY 1(800)231-6103.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Pursuant to the provisions of the American 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 Dianne Lee, (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only 1(800)231-6103, Fax (352)754-6878, Suncom 663-6878.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited.

DATE AND TIME: November 6, 2002, 10:00 a.m. – 2:00 p.m.
 PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resource Advisory Council B-List Rulemaking Governing Board Public Workshop.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6260, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or wishing to submit written or physical evidence may contact: Marcie Daniel, Budget Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6469.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: Wednesday, November 13, 2002, at or after 9:00 a.m.

PLACE: Indian River Community College, 500 Northwest California Blvd., Port St. Lucie, FL 34986

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in Amwest Surety Insurance Company v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 00-4860-CIV-Martinez; and Brooks Builders, Inc. v. South Florida Water Management District, Circuit Court, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. CL 00-0598 AG.

ATTENDEES: Governing Board Members T. Williams, P. Brooks-Thomas, M. Collins, H. English, G. Fernandez, P. Gleason, N. Gutiérrez, L. Lindahl, H. Thornton; Executive Director H. Dean; District attorneys J. Fumero, S. Wood, S. Glazier, J. Nutt, G. Miller and F. Mendez.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

A copy of the agenda may be obtained: (1) District website <http://www.sfwmd.gov/agenda.html> or (2) by writing South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: Wednesday, November 13, 2002, at or after 9:00 a.m.

PLACE: Indian River Community College, 500 Northwest California Blvd., Port St. Lucie, FL 34986

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in Hevey v. South Florida Water Management District, Circuit Court, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. CA 01-09911 AH.

ATTENDEES: Governing Board Members T. Williams, P. Brooks-Thomas, M. Collins, H. English, G. Fernandez, P. Gleason, N. Gutiérrez, L. Lindahl, H. Thornton; Executive Director H. Dean; District attorneys S. Wood, S. Glazier, J. Nutt and E. Pettis.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record.

A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

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GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in Miccosukee Tribe of Indians of Florida, v. South Florida Water Management District and Sam Poole, and Friends of Everglades v. South Florida Water Management District, United States Court of Appeals Eleventh Circuit, Case No. 00-15703; Friends of the Everglades Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 02-80309-CIV-Middlebrooks; and Florida Wildlife Federation v. South Florida Water Management District, United States District Court, Middle District of Florida, Ft. Myers Division, Case No. 2:02-cv-340-FtM-29DNF.

ATTENDEES: Governing Board Members T. Williams, P. Brooks-Thomas, M. Collins, H. English, G. Fernandez, P. Gleason, N. Gutiérrez, L. Lindahl, H. Thornton; Executive Director H. Dean; District attorneys J. Fumero, S. Wood, S. Glazier, D. MacLaughlin, J. Nutt and K. Burns.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

A copy of the agenda may be obtained: (1) District website <http://www.sfwmd.gov/agenda.html> or (2) by writing South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a private closed door attorney-client session in the event this subject matter is not reached as noticed for November 13, 2002, in the Friday, November 1, 2002, issue of the F.A.W.

DATE AND TIME: Thursday, November 14, 2002, at or after 8:30 a.m.

PLACE: South Florida Water Management District, Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in Amwest Surety Insurance Company v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 00-4860-CIV-Martinez; and Brooks Builders, Inc. v. South Florida Water Management District, Circuit Court, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. CL 00-0598 AG.

ATTENDEES: Governing Board Members T. Williams, P. Brooks-Thomas, M. Collins, H. English, G. Fernandez, P. Gleason, N. Gutiérrez, L. Lindahl, H. Thornton; Executive Director H. Dean; District attorneys J. Fumero, S. Wood, S. Glazier, J. Nutt, G. Miller and F. Mendez.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

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DATE AND TIME: Thursday, November 14, 2002, at or after 8:30 a.m.

PLACE: South Florida Water Management District, Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in Hevey v. South Florida Water Management District, Circuit Court, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. CA 01-09911 AH.

ATTENDEES: Governing Board Members T. Williams, P. Brooks-Thomas, M. Collins, H. English, G. Fernandez, P. Gleason, N. Gutiérrez, L. Lindahl, H. Thornton; Executive Director H. Dean; District attorneys S. Wood, S. Glazier, J. Nutt and E. Pettis.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

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DATE AND TIME: Thursday, November 14, 2002, at or after 8:30 a.m.

PLACE: South Florida Water Management District, Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in Miccosukee Tribe of Indians of Florida, v. South Florida Water Management District and Sam Poole, and Friends of Everglades v. South Florida Water Management District, United States Court of Appeals, Eleventh Circuit, Case No. 00-15703; Friends of the Everglades Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 02-80309-CIV-Middlebrooks; and Florida Wildlife Federation v. South Florida Water Management District, United States District Court, Middle District of Florida, Ft. Myers Division, Case No. 2:02-cv-340-FtM-29DNF.

ATTENDEES: Governing Board Members T. Williams, P. Brooks-Thomas, M. Collins, H. English, G. Fernandez, P. Gleason, N. Gutiérrez, L. Lindahl, H. Thornton; Executive Director H. Dean; District attorneys J. Fumero, S. Wood, S. Glazier, D. MacLaughlin, J. Nutt and K. Burns.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

A copy of the agenda may be obtained: (1) District website <http://www.sfwmd.gov/agenda.html> or (2) by writing South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: December 12, 2002, 8:50 a.m.

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Acquisition of certain lands contained within the Save Our Rivers Land Acquisition & Management Plan which lands are further described as follows:

Part of the Atlantic Ridge Ecosystem project comprised of one parcel referred to as SFWMD Tract No. X1-100-038 consisting of approximately 518 acres plus access easement and lying in Gomez Grant, Martin County, Florida.

Part of the Indian River Lagoon C23/24 Storage Reservoir project comprised of lands referred to as SFWMD Tract Nos. KE-100-005, KE-100-006 and KE-100-010, consisting of approximately 996.38 acres, and lying in Sections 26, 34 and 35, Township 35 South, Range 38 East, St. Lucie County, Florida.

Part of the C-51 and Southern L-8 Reservoir referred to as SFWMD Tract Nos. VF-100-002 and VF-100-003 consisting of 1,220 acres, more or less, and lying in Sections 17, 20, 29 and 32, Township 43 South, Range 40 East, Palm Beach County, Florida.

Part of the Kissimmee River Project comprised of two parcels referred to as SFWMD Tract No. 19-103-427 consisting of approximately 15 acres and Tract No. 19-103-456 consisting of approximately 0.27 acres, both lying in Section 17, Township 36 South, Range 33 East, in Highlands County, Florida.

Part of the Kissimmee River Project comprised of two parcels referred to as SFWMD Tract No. 19-102-137 consisting of approximately 9.6 acres and Tract No. 19-102-138 consisting of approximately 7.5 acres, both lying in Section 13, Township 37 South, Range 31 East, in Highlands County, Florida.

Part of the Kissimmee River Project comprised of one parcel referred to as SFWMD Tract No. 19-102-140 consisting of approximately 300 acres, lying in Sections 9 and 10, Township 35 South, Range 32 East, in Highlands County, Florida.

Part of the Kissimmee River Project comprised of thirty-five parcels referred to as SFWMD Tract Nos. 19-103-519 through 19-103-553, consisting of a total of approximately 3.75 acres all lying in Section 17, Township 36 South, Range 33 East, in Highlands County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of two parcels referred to as SFWMD Tract Nos. 18-200-005 and 18-200-007, consisting of approximately 700 acres, all lying in Sections 28 through 32, Township 27 South, Range 30 East, in Osceola County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of five parcels referred to as SFWMD Tract Nos. 18-011-002 through 18-011-006, consisting of approximately 5 acres, all lying in Sections 24 and 25, Township 30 South, Range 30 East, in Polk County, Florida.

Part of the CRITICAL CREW (Southern Corkscrew Regional Ecosystem Watershed) project comprised of thirty-seven parcels referred to as SFWMD Tract Nos. 09-003-194, 09-003-198, 09-003-434, 09-003-511, 09-003-513, 09-003-729, 09-003-750, 09-003-756, 09-003-773, 09-003-779, 09-003-782, 09-003-783, 09-003-865, 09-003-875, 09-005-013, 09-005-119, 09-005-022, 09-005-231, 09-005-034, 09-005-126, 09-005-132, 09-005-141, 09-005-147, 09-005-149, 09-005-181, 09-005-183, 09-005-193, 09-005-194, 09-005-199, 09-005-200, 09-005-230, 09-005-269, 09-005-256, 09-005-270, 09-005-271, 09-005-279 and 09-005-281 consisting of approximately 557.86 acres and lying in Sections 25, 26, 32, 33, 34 and 35, Township 47 South, Range 26 East within Lee County, Florida.

Part of the Water Conservation Areas comprised of five parcels referred to as SFWMD Tract Nos. 27-100-050, 27-100-051, 27-100-052, 27-100-054 and 27-100-055 consisting of approximately 430 acres, and lying in Sections 01, 03, 21 and 32, Townships 50, 52 and 53 South, Ranges 35, 37 and 39 East in Miami-Dade and Broward Counties, Florida.

Part of the Comprehensive Everglades Restoration Plan (CERP) C-43 Caloosahatchee Basin project comprised of two parcels referred to as SFWMD Tract Nos. GX-100-006 and GX-100-007, consisting of approximately 397 acres, and lying in Sections 23, 24, 25 and 36, Township 43 South, Range 28 East in Hendry County, Florida.

Part of the L-31 North/C-111 project comprised of one parcel referred to as SFWMD Tract No. B7-100-211 consisting of approximately 19.60 acres and lying in Section 19, Township 56 South, Range 38 East in Miami-Dade County, Florida.

A copy of the agenda may be obtained: (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Ruth Clements, Deputy Department Director, Land Acquisition, District Headquarters, 3301 Gun Club Road, Mail Stop Code 3310, West Palm Beach, FL 33406, (561)682-6271.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Conference Committee Meeting to which all persons are invited.

DATE AND TIME: Friday, November 15, 2002, 10:00 a.m. – Until completion

PLACE: Rhyne Building, Suite 1A, 2740 Centerview Drive, Tallahassee, FL, (850)410-5700. Conference Call: (850)922-0737, Suncom 292-0737, 1(866)374-3368, Ext. 2401
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss plans for 2003 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 Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700, 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 Board Workshop and Regular Board Meeting to which all persons are invited.

DATE AND TIME: Monday, November 18, 2002, 9:00 a.m.

PLACE: Tampa Bay Water, Suite 211-A, 2535 Landmark Drive, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop to discuss New Water Supply selection/implementation process, and the Long-term Demand Forecasting Project.

DATE AND TIME: Monday, November 18, 2002, 10:00 a.m. or immediately following Board Workshop

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.

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.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs** announces a public hearing to which all persons are invited.

DATE AND TIME: November 13, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Elder Affairs, Room 225F, 4040 Esplanade Way, Tallahassee, FL 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Advisory Council for the Office of Long-Term Care Policy to discuss the state of long-term care in Florida and methods for improvement.

To obtain a copy of the agenda, please contact: Kimberly Pittman-Moore by phone (850)414-2114, by email Pittmankd@elderaffairs.org or by mail 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

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 department at least 48 hours before the meeting by contacting Kimberly Pittman-Moore, (850)414-2114. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

SHINE (Serving Health Insurance Needs of Elders) Program Planning and Steering Committee Meeting

DATES AND TIMES: Wednesday, November 13, 2002, 9:00 a.m. through Thursday, November 14, 2002, 2:00 p.m.

PLACE: Embassy Suites Orlando Airport, 5835 T. G. Lee Boulevard, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Elder Insurance Benefits, Counseling, Training, Education and Outreach techniques for the SHINE Program. A copy of the agenda may be obtained by contacting: Shelia Kilpatrick, (850)414-2060.

The **Florida Statewide Public Guardianship Office** announces a Public Hearing on Proposed Rule 58M-2.001, Professional Guardian Registration, to which all persons are invited.

DATE AND TIME: December 5, 2002, 2:00 p.m. – 4:00 p.m.
PLACE: University of South Florida Campus, 13301 Bruce B. Downs Blvd., MHC 1503, Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being conducted pursuant to the provisions of Section 120.54(3)(c)1., F.S. This hearing is being held to afford affected persons an opportunity to present evidence and argument on all issues under consideration.

Anyone needing public hearing information may contact: Karen P. Campbell, Office of the Public Guardian, 1923B Capital Circle, N. E., Tallahassee, FL 32308, (850)487-4609, Ext. 103.

Anyone needing a copy of the agenda may request one by writing: Karen P. Campbell, Office of the Public Guardian, 1923B Capital Circle, N. E., Tallahassee, FL 32308.

Anyone requesting special accommodations under the Americans with Disabilities Act of 1990 should do so in writing to Karen P. Campbell, Office of the Public Guardian, 1923B Capital Circle, N. E., Tallahassee, FL 32308.

DEPARTMENT OF MANAGMENT SERVICES

The **Florida Partnership for School Readiness** announces a meeting of their Board to which all interested parties are invited.

DATE AND TIME: November 19, 2002, 10:00 a.m. – 3:00 p.m.

PLACE: The Crowne Plaza Miami International Airport, 950 Northwest Lejeune Road, Miami, Florida. For reservations, please contact the hotel, (305)446-9000, and state that you are part of the Florida Partnership for School Readiness room block in order to get the \$75.00 per night room rate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Board business.

For more information, please contact: Lisa Barnes, (850)922-4200 or lisa.barnes@schoolreadiness.org.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Tuesday, November 12, 2002, 8:00 a.m.

PLACE: Commission on Human Relations, Suite 100, 2009 Apalachee Parkway, Tallahassee, Florida. The Meet-Me Number: 1(800)416-4132 or (850)922-7892 (Tallahassee)

GENERAL SUBJECT MATTER TO BE CONSIDERED: A portion of this meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, Suite 100, 2009 Apalachee Parkway, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA Notice: Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Division of Hotels and Restaurants** announces a meeting of the Hotels and Restaurants Advisory Council Meeting via telephone conference call to which all persons are invited.

DATE AND TIME: November 14, 2002, 10:00 a.m. – 12:00 Noon

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting of Hotels and Restaurants Advisory Council.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Lee M. Cornman, Management Review Specialist, (850)410-1491. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The person to be contacted regarding the workshop is: Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)410-1491; The Johns Building, 725 South Bronough Street, Tallahassee, Florida.

The Florida **Electrical Contractors' Licensing Board** announces Official Board Meetings to which all interested persons are invited.

DATE AND TIME: November 20, 2002, 8:30 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting (portions closed to the public). The Probable Cause Panel will review cases for possible findings of probable cause.

DATE AND TIME: November 20, 2002, 10:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

DATE AND TIME: November 21, 2002, 9:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

PLACE: Doubletree Hotel Tallahassee, 101 S. Adams Street, Tallahassee, FL 32301, (850)224-5000

A copy of the agenda may be obtained by writing: The 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 Gregory Spence, Electrical Contractors' Licensing 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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy** announces the following public meetings to which all person are invited.

DATES AND TIMES: Thursday, December 5, 2002, 8:30 a.m., Probable Cause Panel; Friday, December 6, 2002, 9:00 a.m., Meeting of the Board

PLACE: Hilton Tampa Airport, 2225 Lois Avenue, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered. The Board will meet to consider enforcement proceedings including consideration of investigating officer's reports and other general business. This is a public meeting.

A copy of any probable cause materials which are open to the public and a copy of the Board agenda may be obtained by writing: John W. Johnson, Acting Division Director, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607.

NOTE: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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 John W. Johnson, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: November 19, 2002, 1:30 p.m. or the soonest thereafter

PLACE: Zora Neale Hurston Building, North Tower, Suite 901, 400 West Robinson Street, Orlando, Florida

Portions of the probable cause proceedings are not open to the public.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** (FREC) announces a meeting to which all persons are invited.

DATE AND TIME: November 20, 2002, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, Recovery Fund Claims, education issues, petitions for declaratory statement, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite 802, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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: Wednesday, November 13, 2002, 9:00 a.m. (ET)

PLACE: O'Leno State Park, Dining Hall, U.S. Highway 441 (Six Miles North of High Springs), High Springs, Florida 32643

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the proposed land management plan for O'Leno State Park and River Rise Preserve State Park with the DEP Advisory Group members.

The full text of this notice is published on the Internet at the Department of Environmental Protection's homepage at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, November 12, 2002, 7:00 p.m. (ET)

PLACE: O'Leno State Park, Dining Hall, U.S. Highway 441 (Six Miles North of High Springs), High Springs, Florida 32643

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed land management plan for O'Leno State Park and River Rise Preserve State Park to the public.

The full text of this notice is published on the Internet at the Department of Environmental Protection's homepage at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The Florida **Department of Environmental Protection, Southeast District** announces a public input meeting to which all persons are invited. The purpose of the meeting is to provide a forum for the discussion of objectives to be achieved through restoration of the Loxahatchee River and its watershed.

The full text of the notice is published on the Internet at the DEP homepage at <http://www.dep.state.fl.us/> under the link or button entitled "Official Notices."

NOTICE OF AMENDMENT – The **Department of Environmental Protection** announces an amended date, location and time for a previously noticed public meeting to which all persons are invited. The meeting described below replaces the one previously noticed for Thursday, November 7, 2002.

DATE AND TIME: Tuesday, November 12, 2002, 9:30 a.m. – 4:30 p.m.

PLACE: The Capitol, Committee Meeting Room 214, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss the progress of the seven (7) pilot communities' respective field-testing of the fiscal impact analysis model (FIAM) being developed and to discuss potential implementation issues related to the model. Meeting participants include the project consultant, agency representatives, working group and pilot community representatives.

A copy of the agenda, if any, may be obtained by writing: Ms. Sally B. Mann, Director of Intergovernmental Programs, Department of Environmental Protection, 3900 Commonwealth Blvd., MS #47, Tallahassee, Florida 32399-3000.

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 Bureau of Personnel Services, (850)245-2511. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The Florida **Department of Environmental Protection** announces a public meeting of the Alligator Bay Ecosystem Management Team Permitting Group to which all persons are invited.

DATE AND TIME: November 14, 2002, 10:00 a.m.

PLACE: Charlotte County Public Works, Conference Room, Punta Gorda, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss permitting issues associated with the Manchester Waterway lock removal project.

For further information, contact: Jon Iglehart, Department of Environmental Protection, South District, P. O. Box 2549, Ft. Myers, FL 33902-2549, (239)332-6975 or Jon.Iglehart@dep.state.fl.us.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF JUVENILE JUSTICE

The Florida **Department of Juvenile Justice**, Juvenile Justice and Delinquency Prevention State Advisory Group (JJDP) will hold its quarterly meeting:

DATES AND TIMES: November 12, 2002, 9:00 a.m. – 4:30 p.m.; November 13, 2002, 9:00 a.m. – 12:00 Noon

PLACE: Hyatt Orlando, 6375 W. Irlo Bronson Memorial Hwy., Kissimmee, FL 34747

For additional information contact: Joyce Wilson, Office of Prevention and Victim Services, 2737 Centerview Drive, Tallahassee, Florida 32399, (850)921-5210, Suncom 291-5210.

DEPARTMENT OF HEALTH

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: November 8, 2002, 2:00 p.m.

PLACE: Meet Me Number: (850)488-5778, Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, November 16, 2002, 8:30 a.m. or soon thereafter

PLACE: The Wyndham Westshore, 4860 W. Kennedy Blvd., Tampa, FL 33609, (813)286-4400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Larry McPherson, 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 committee 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, 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 is to be based.

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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: November 22, 2002, 2:00 p.m.

PLACE: Meet Me Number: (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Correctional Medical Authority** announces a meeting to which all persons are invited.

DATE AND TIME: November 15, 2002, 8:30 a.m. – 12:30 p.m.

PLACE: Department of Health, Prather Building, Conference Room 310A, 2585 Merchant's Row Boulevard, Tallahassee, Florida 32399, (850)245-4044

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, BIN #B-04, Tallahassee, Florida 32399-1732, (850)245-4044.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the staff, at least 48 hours prior to the meeting in order to request any special assistance.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

EXECUTIVE COMMITTEE

DATES AND TIME: November 6, 8, 13, 15, 20, 22, 2002, 9:00 a.m. – 12:00 Noon

PLACE: Department of Children and Family Services, Room 327-D, 337 N. 4th St., Ft. Pierce, FL 34950

For More information, please contact: Betty Robinson, CBC Liaison, Suite A, 337 North 4th St., Ft. Pierce, FL 34950, (772)467-4174.

SPECIAL ACCOMMODATION: Any person requiring a special accommodation for this meeting because of a disability or physical impairment should contact Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Advocacy Committee**, Service Area 11 announces a public meeting to which all persons are invited.

DATE AND TIME: November 19, 2002, 9:30 a.m.

PLACE: Benton Regional Service Center, Room 335, 337 North 4th Street, Fort Pierce, FL 34950

A copy of the agenda may be obtained by contacting: Ellen Higinbotham, FLAC Liaison, (561)467-4176.

SPECIAL ACCOMMODATION: Any person requiring a special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Children and Family Services** announces a meeting of the Hernando County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, November 13, 2002, 9:00 a.m.

PLACE: Hernando County School Board Building, 919 North Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 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 Steering Committee to which all persons are invited.

DATE AND TIME: Wednesday, November 20, 2002, 12:00 Noon

PLACE: Public Safety Complex, Room 302, 12900 Lane Park Cutoff Rd., Tavares, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 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 Citrus County Shared Services Alliance to which all persons are invited.

DATE AND TIME: Thursday, November 21, 2002, 8:30 a.m.

PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 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 Citrus County Shared Services Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, November 21, 2002, 10:00 a.m.

PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 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 Sumter County Community Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Wednesday, November 27, 2002, 9:00 a.m.

PLACE: City Hall, 100 N. Main Street, Wildwood, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 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 **Summit on Out of School Time**, Sponsored by: Broward Child Welfare Initiative and Children's Services Council of Broward announces a meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 6, 2002, 8:00 a.m. – 4:30 p.m.

PLACE: Broward Convention Center, 1950 Eisenhower Blvd., Ft. Lauderdale, FL 33316

The **Council on Homelessness** announces a conference call meeting of its Discharge Committee to which all persons are invited.

DATE AND TIME: Tuesday, November 19, 2002, 900 a.m. – 10:00 a.m.

PLACE: Call: (850)921-6623 or Suncom 291-6623

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will take place to continue in the development of tasks and strategies for implementing the Council's objective on reducing discharges to homelessness by 25%.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691, at least 48 hours in advance of the meeting.

The **Council on Homelessness** announces a series of conference call meetings of its Barriers and Support Services, Data Collections, Health Care, Financial Resources, and Discharge Planning Committees to which all persons are invited.

COMMITTEE: Barriers and Support Services

DATE AND TIME: Tuesday, December 10, 2002, 2:00 p.m. – 3:00 p.m.

PLACE: Call: (850)488-5776 or Suncom 278-5776

COMMITTEE: Data Collections

DATE AND TIME: Thursday, December 12, 2002, 11:00 a.m. – 12:00 Noon

PLACE: Call: (850)488-5776 or Suncom 278-5776

COMMITTEE: Discharge Planning

DATE AND TIME: Tuesday, December 17, 2002, 9:00 a.m. – 10:00 a.m.

PLACE: Call: (850)487-9552 or Suncom 277-9552

COMMITTEE: Health Care

DATE AND TIME: Thursday, December 19, 2002, 9:00 a.m. – 10:30 a.m.

PLACE: Call: (850)487-9552 or Suncom 277-9552

COMMITTEE: Financial Resources

DATE AND TIME: Thursday, December 19, 2002, 2:00 p.m. – 3:00 p.m.

PLACE: Call: (850)487-9552 or Suncom 277-9552

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees' continued development of policy recommendations and work tasks to address the Council's Strategic Plan to reduce the number of persons who may be facing homelessness in Florida.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691, at least 48 hours in advance of the meeting.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following public meeting to which all interested persons are invited.

DATE AND TIME: November 8, 2002, 10:00 a.m. – 12:00 Noon

PLACE: Tallahassee City Hall, 2nd Floor, Tallahassee Room, 891 South Adams Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: A non-profit roundtable to receive comments and suggestions concerning participation by non-profit entities in Florida Housing's competitive rental programs, focusing especially on the 2003 Universal Application Cycle.

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Laurie Camp, (850)488-4197. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Housing Finance Corporation** announces the following public meeting to which all interested persons are invited.

DATE AND TIME: November 8, 2002, 1:00 p.m. – 4:00 p.m.

PLACE: Tallahassee City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments and suggestions from interested persons relative to rule Chapters 67-21 and 67-48, F.A.C., and the competitive funding programs of the Corporation, including the Multifamily Mortgage Revenue Bond Program, the State Apartment Incentive Loan (SAIL) Program, the HOME Investment Partnerships (HOME Rental) Program, and the Housing Credit (HC) Program.

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Laurie Camp, (850)488-4197. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

SOUTHWEST FLORIDA CRIMINAL JUSTICE ACADEMY

The **Criminal Justice Standards and Training**, Region X Council announces a meeting to which all interested persons are invited.

DATE AND TIME: November 5, 2002, 9:30 a.m.

PLACE: Charlotte County Sheriffs Office, 7474 Utilities Rd., Punta Gorda, FL 33982

GENERAL SUBJECT MATTER TO BE CONSIDERED/AGENDA:

- Review the minutes from the last meeting.
- Review budget expenditures and classes offered.
- Review the Region's needs for future planning.
- 2003-2004 Region 10 Academy budget projection.
- Additional submissions for Training Council Discussion.
- FDLE Report from Ivette Basora.
- Other items of interest.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces a public meeting to which all persons are invited to the FAJUA Board of Governors.

FAJUA Board of Governors Meeting

DATE AND TIME: Thursday, November 14, 2002, 8:30 a.m.

PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct interviews for candidates for General Manager position and selection of same; receive committee reports, consider and take actions based on those reports; and any other matters that may come before the Board.

Additional information may be obtained from: Lisa B. Stoutamire, FAJUA, 1113 East Tennessee Street, Suite 401, Tallahassee, FL 32308, (850)681-2003, fajua@aol.com.

DEPARTMENT OF MILITARY AFFAIRS

The **Department of Military Affairs** announces a Armory Board Meeting to which all persons are invited.

DATE AND TIME: Saturday, November 16, 2002, 1:00 p.m.

PLACE: St. Francis Barracks, Adjutant General's Conference Room, 82 Marine Street, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Armory Board will consider action on contracts, leases, agreements and other business relative to real property and facility management issues under its control.

If a person decides to appeal any decision made by the Armory Board with respect to any matter considered at this meeting, 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 FLORIDA STATUTE 286.0105.

SENATE JUDICIARY COMMITTEE

The **Study Committee on Public Records** will hold the following public meeting to which all persons are invited.

DATE AND TIME: Friday, November 22, 2002, 10:00 a.m. – 4:00 p.m.

PLACE: Room 412, Knott Building, 111 St. Augustine Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To complete unfinished business of the October 30th meeting, to hear presentations, to hold discussions regarding privacy and public access to information in court records, official records and public records maintained by the clerks of the court, and to hear public testimony.

For more information or to obtain a copy of the agenda, please contact: Maria Matthews, Senate Judiciary Committee, 515 Knott Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100, (850)487-5198 or via e-mail matthews.maria@leg.state.fl.us.

Any person requiring special accommodations due to a disability should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)487-5224.

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 Wayne Automatic Sprinklers, Inc., on January 8, 2002. The following is a summary of the agency's disposition of the petition:

Question: Is the above referenced fire sprinkler project required to be designed exclusively per the parameters of NFPA 13, Standard for the Installation of Sprinkler Systems, 1999 edition?

Answer: No. Since NFPA 13 references NFPA 13D and 13R, 13D and 13R were intended to prescribe the standards used in the type of buildings described.

Question: Is the use of NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, 1999 edition, for this project in violation of Florida law?

Answer: No, for the same reason indicated in response to the previous question. Section 553.895, Florida Statutes, references NFPA 13 and requires it to be followed. That means that Section 553.895, Florida Statutes, requires all of NFPA 13 to be the authority. If NFPA 13 then references another NFPA document, such as NFPA 13D or 13R, those alternative documents may be followed if consistent with Table 500 in Chapter 5 of the Florida Building Code, Building Volume.

A copy of the declaratory statement may be obtained in any of the following ways:

1. Write to, call or send a fax to Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax

(850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises), or

2. E-mail your request to mazzeog@doi.state.fl.us (please be sure to specify if you want an unofficial, unsigned but exact duplicate copy e-mailed back to you, or if you want a copy of the official, signed declaratory statement mailed or faxed to you), or

3. Obtain an unofficial, unsigned but exact duplicate copy by visiting the State Fire Marshal's website at <http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement.htm>.

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by Piper Fire Protection, Inc., on August 25, 2002. The following is a summary of the agency's disposition of the petition:

Question 5.A.: Is it permissible for a certified fire equipment dealer to sub-contract a job to another certified fire equipment dealer?

Response to Question 5.A.: Yes, provided that each of the following conditions are met:

- I. The subcontracting fire equipment dealer must know of his, her, or its own personal knowledge that the fire equipment dealer performing the work has satisfied all requirements of Sections 633.061 and 633.065, Florida Statutes, that it is properly licensed to do the work subcontracted to it, and that it carries the statutorily mandated insurance; and

- II. The subcontracting fire equipment dealer must remain fully responsible along with the fire equipment dealer for the work performed.

Question 5.B.: Is it permissible for a certified fire sprinkler contractor to sub-contract a job to another certified fire sprinkler contractor.

Response to Question 5.B.: Yes, provided that each of the following conditions are met:

- I. The subcontracting fire protection system contractor must know of his, her, or its own personal knowledge that the fire protection system contractor performing the work has satisfied all requirements of Sections 633.521 through 633.541, Florida Statutes, that it is properly licensed to do the work subcontracted to it, and that it carries the statutorily mandated insurance; and

- II. The subcontracting fire protection system contractor must remain fully responsible along with the fire protection system contractor for the work performed.

In addition, please note that Section 633.541(2)(b), Florida Statutes, provides: "A fire protection contractor certified under this chapter may not: (b) Apply for or obtain a construction permit for fire protection work unless the fire protection contractor...has contracted to conduct the work specified for

the permit.” Therefore, the fire protection contractor which contracts for the work must also be the same fire protection contractor which pulls the construction permit.

A copy of the declaratory statement may be obtained in any of the following ways:

1. Write to, call or send a fax to Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises), or
2. E-mail your request to mazzoeg@doi.state.fl.us (please be sure to specify if you want an unofficial, unsigned but exact duplicate copy e-mailed back to you, or if you want a copy of the official, signed declaratory statement mailed or faxed to you), or
3. Obtain an unofficial, unsigned but exact duplicate copy by visiting the State Fire Marshal’s website at <http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement.htm>.

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by the Naples Boat Club, L.L.C., on September 30, 2002. The following is a summary of the agency’s disposition of the petition:

QUESTION: A. Does National Fire Protection Association Publication 30A prohibit the configuration described in the Petition?

B. Do other more specific Code provisions prohibit the configuration described in the Petition?

RESPONSE: National Fire Protection Association Publication 30A does not prohibit the configuration described in the Petition, nor is there any other more specific code provision which does prohibit such configuration.

A copy of the declaratory statement may be obtained in any of the following ways:

1. Write to, call or send a fax to Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises), or
 2. E-mail your request to mazzoeg@doi.state.fl.us (please be sure to specify if you want an unofficial, unsigned but exact duplicate copy e-mailed back to you, or if you want a copy of the official, signed declaratory statement mailed or faxed to you), or
 3. Obtain an unofficial, unsigned but exact duplicate copy by visiting the State Fire Marshal’s website at <http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement.htm>.
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NOTICE IS HEREBY GIVEN THAT the Department of Insurance, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed October 9, 2002, by C. Victor Higgs, Cocoa Beach Fire Rescue. The Petition is seeking the Department’s interpretation of National Fire Protection Association Publications 101, 13, and 13R, Florida Statutes, as they relate to Petitioner’s circumstances. Petitioner specifically requests a declaratory statement on the following questions:

1. Do storm shutters attached across the open face of a balcony of a high-rise condominium which is two levels of parking and eleven floors of condos enclose the area and require sprinkler protection?
2. Is the balcony classified as an occupied area or a part of the occupied condo area requiring sprinkler coverage?
3. Is the Petitioner allowed to deny a permit for installation of storm shutters for a balcony which is not covered by sprinkler heads?

A copy of the Petition for Declaratory Statement may be obtained by writing: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, or by calling Kimberly Riordan, (850)413-3170, or by faxing the request (850)922-1235, Attn: Gabriel Mazzeo.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Florida Building Material Association, on June 3, 2002. It was assigned the number DCA02-DEC-166. This Declaratory Statement was issued October 14, 2002, and determined that door hardware and components may be interchanged in exterior door assemblies that have been tested subject to the discretion of the Building Official to determine whether the substituted hardware and components provides equivalent or greater performance.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Allied Universal Corporation, on June 20, 2002. It was assigned the number DCA02-DEC-190. This Declaratory Statement was issued October 14, 2002, and determined that sodium hypochlorite tanks are subject to the Florida Building Code.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from Herrell Plumbing, Inc., on July 1, 2002. It was assigned the number DCA02-DEC-205. This Declaratory Statement was issued October 14, 2002, and determined that freeze protection is not required by the Florida Building Code for the described replacement pipes on the Petitioner's project located in Seminole County, Florida.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued a Declaratory Statement in response to the request received from T-Drill Industries, Inc., on July 22, 2002. It was assigned the number DCA02-DEC-215. This Declaratory Statement was issued October 14, 2002, and determined that mechanically formed tee fittings are allowed in the project described by the Petitioner subject to the discretion of the Building Official to determine that the fittings are equivalent to those required by the Code.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on October 7, 2002 and received an amended Petition for Declaratory Statement on October 21, 2002, from Carlos L. Hermida. The Petitioner requests a determination of whether Section 301.13 of the Florida Building Code, Mechanical Volume requires cooling towers, coolers and condensers to be tied down to meet the wind resistance requirements of Chapter 16 of the Florida Building Code, Building Volume. It has been assigned the number DCA02-DEC-270.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on October 11, 2002, from the Lee County Division of Development Services. The Petitioner requests a determination

regarding the requirement for a three inch main vent pursuant to Section 903.1, Florida Building Code, Plumbing Volume. It has been assigned the number DCA02-DEC-271.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on October 15, 2002, from Sklararchitecture, Interior Architecture and Design regarding the definition of "food preparation" as described in section 1003.31, of the Florida Building Code, Plumbing Volume 2001. The petition specifically refers to the requirement for a grease trap when a building serves only prepared foods from another location. It has been assigned the number DCA02-DEC-272.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has received a petition for a Declaratory Statement from CNM Networks, Inc. The petition seeks the agency's opinion as to the applicability of Section 364.02(12), Florida Statutes, as it applies to petitioner.

A copy of the petition may be obtained: <http://www.psc.state.fl.us/psc/dockets/> or by writing Division of the Commission Clerk and Administrative Services, 4075 Esplanade Way, Tallahassee, FL 32399-0862.

Docket No. 021061-TP.

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:

Bryan Yamhure and Henry Yamhure vs. Department of Agriculture and Consumer Services; Case No.: 02-4003RX; Rule No.: 5J-10.001

Bert Rodgers School of Real Estate, Inc. vs. Department of Business and Professional Regulation, Florida Real Estate Commission; Case No.: 02-3920RX; Rule Nos.: 61J2-3.009, 61J2-3.020

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Kissimmee River Valley Sportsmans Association, Inc. and Phillip B. Griner vs. South Florida Water Management District; Case No.: 02-3460RX; Rule No.: 40E-7.523; Voluntary Dismissal

RHC and Associates, Inc. vs. Hillsborough County School Board; Case No.: 02-3138RU; Invalid

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 03L-46, Housing Project BR127-16-004H, Sledd Hall Electrical Upgrade, estimated budget: \$340,000-\$380,000, to be opened November 26, 2002, 2:00 p.m. (Local Time). Scope of work: Total replacement of electrical system from transformer to outlet/lamp in a 5 story (approximately 60,000 sq. ft.), occupied, student dormitory. Work includes all new lighting and conduit, switchboard, distribution and branch circuit panels. Substantial completion will be no later than July 18, 2003. Specifications and Plans are available in Central Purchasing, Elmore Hall, Radio Road, Gainesville, FL 32611, (352)392-1331.

A Mandatory Pre-Bid Meeting will be held November 7, 2002, 1:00 p.m., in the Murphree Commons Conference Room, Southwest corner of West University Avenue and Fletcher Drive, 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 Meeting or the Bid opening, contact Emily J. Hamby, (352)392-1331, Ext. 303, within three (3) days of the event.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida A & M University (FAMU), a unit of the Florida Board of Education (Division of Colleges and Universities), announces that Professional Services in the discipline of Architecture will be required for the following: Project No. FM-301, University Housing Phase-IV, Florida A & M University, Tallahassee, Florida.

This project consists of the design and construction of a 360 bed apartment-style student housing complex. The buildings are to be constructed of brick veneer over concrete block. The units will consist of a mix of three and four bedrooms. In addition, a 3,456 square feet Commons/Laundry Building and 960 square feet Maintenance Building are included. The site is approximately 6 acres and slopes down to the north giving a wide vista of the Downtown, Tallahassee Skyline. The estimated construction budget is \$8,978,350.

A copy of the Facility Program can be obtained at the requester’s expense by calling: Target Copy, (850)224-3007, and ask for the Manager or a Key Operator.

The selected firm will provide design, construction documents and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$500,000 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. The last version of the former Board of Regents “Professional Qualifications Supplement,” (PQS) form SUSPQS: 09/99, completed by the applicant. 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 six (6) ring, comb or spiral (no hard, solid or tack) bound copies of the requested data 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 \$25,000 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 (PQS) forms, descriptive project information, and selection criteria may be obtained by contacting: Samuel J. Houston, Director, Office of Facilities Planning and Construction, Florida A & M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307, (850)599-3197 Fax (850)561-2289. Submittals must be received in the Office of Facilities Planning and Construction, by 2:00 p.m. (Local Time), November 25, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE REGARDING ELECTRONIC POSTING

Pursuant to Section 287.042(3)(b)2. of the Florida Statutes, the Department of Management Services hereby provides notice of the following URL for the centralized website that will be used for electronically posting solicitations, decisions or intended decisions, and other matters relating to procurement: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BID NO. BDRS 34-02/03

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the renovation at Historic Santos near Ocala, Florida. Work to include grading, renovation of ball field, construction of restroom and picnic shelters, and installation of well, septic tank and drainfield. Sealed bids will be received until 3:30 p.m., Tuesday, November 26, 2002. Minority businesses are encouraged to participate. The Department reserves the right to reject any or all bids.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NATIGATION DISTRICTS

SIGN FABRICATION CONTRACT

The Florida Inland Navigation District is seeking bids from qualified and licensed sign fabrication contractors to manufacture five-hundred (500) Manatee Regulatory Signs for the District. The specifications for this project may be obtained by contacting: Mr. Mark Tamblyn, Florida Inland Navigation

District, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386. Sealed bids will be due by 2:00 p.m., December 2, 2002.

Section XII Miscellaneous

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application. 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 Rule 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., November 22, 2002):

APPLICATION AND PLAN FOR THE PURCHASE OF CERTAIN ASSETS AND ASSUMPTION OF CERTAIN LIABILITIES

Acquiring Entity: Sanibel Captiva Community Bank (in organization), 2495 Palm Ridge Road, Sanibel, Florida 33957
Selling Entity: First Community Bank of Southwest Florida, Fort Myers, Florida (a branch located in Sanibel) 33907
Received: October 17, 2002

DEPARTMENT OF COMMUNITY AFFAIRS

EMERGENCY MANAGEMENT, PREPAREDNESS, AND ASSISTANCE COMPETITIVE GRANT PROGRAM

The Department of Community Affairs is providing you with the Notice of Funding Availability (NOFA) for Fiscal Year 2003-2004 for the Emergency Management Preparedness and Assistance (EMPA) Trust Fund. The application cycle is officially open on November 1, 2002 with a final application submission deadline of January 21, 2003. Contingent on a Legislative appropriation and no pending appeals, funds provided under the Fiscal Year 2003-2004 cycle will be available to award recipients on July 1, 2003.

The Department encourages all interested and eligible parties with projects that will enhance emergency management capabilities within the State of Florida to apply for awards during this open period.

As provided for in Rule Chapter 9G-19, F.A.C., two programs offering competitive awards encompassing four separate categories are available as follows:

PROGRAMS

1) **EMERGENCY MANAGEMENT COMPETITIVE GRANT PROGRAM (General)** provides competitive grants to state or regional agencies, local governments, and private non-profit organizations to implement projects that will further state and local emergency management objectives. Eligible applicants may submit multiple applications, however, no single application shall seek or receive an award in excess of \$300,000. All eligible applicants, with the exception of counties and state agencies shall be limited to no more than three (3) application submissions in an application cycle.

Anticipated funds available under this program for the 2003-2004 cycle – \$3,475,030

2) **MUNICIPAL COMPETITIVE GRANT PROGRAM** – provides competitive grants to municipalities that are legally constituted, have an authorized, established, and maintained emergency management program, and have signed the current Statewide Mutual Aid Agreement (SMAA) and supplied all required information and documentation such that the SMAA is ready to be signed by the Division as of the date of the application deadline. Each Municipal Emergency Management Program may apply for one competitive grant not to exceed \$50,000 in requested grant funds.

Anticipated funds available under this program for the 2003-2004 cycle – \$1,251,010

APPLICATION CATEGORIES:

Applications are accepted in the following four categories under both programs:

- 1) Projects that will promote public education on disaster preparedness and recovery issues.
- 2) Projects that will enhance coordination of relief efforts of statewide private sector organizations, including public-private business partnership efforts.
- 3) Projects that will improve the training and operations capabilities of agencies assigned lead or support responsibilities in the State Comprehensive Emergency Management Plan.
- 4) Other projects that will further state and local emergency management objectives which have been designated by the State of Florida as priorities in the applicable Notice of Fund Availability. **NOTE:** Priority points are available for applications submitted under this Category only.

Priority Areas:

A) Projects which implement the community’s Local Hazard Mitigation Strategy and are clearly identified as projects which can be initiated and completed within the 12 month

grant contract period. The applicant must provide a copy of their Local Mitigation Strategy priority initiative list reflecting inclusion of their project(s).*

B) Projects which will improve emergency management capabilities in any of the following fundamental areas of preparedness, response or recovery:*

- Continuity of Government Plans
 - Continuity of Operations Plans
 - Shelter Deficit Reduction including Special Needs Population
 - Support Citizen Initiatives
 - Community Warning
- Proposals must be clearly linked to all applicable Comprehensive Emergency Management Plans and must contain appropriate implementation and operational procedures.

C) Projects that will improve the training and operations capabilities of agencies assigned lead or support responsibilities as identified on the ESF Matrix on page 30, figure 7 of the Florida Comprehensive Emergency Management Plan. *

*At a minimum, all critical facility projects, whether mitigation, retrofit, renovations or new construction, must conform to the hurricane vulnerability guidelines established in the American Red Cross’ publication “Standards for Hurricane Evacuation Shelter Selection” (ARC 4496, January 2002). To assist in the determination of a facility’s compliance with these guidelines, an ARC 4496 Evaluation Questionnaire version will be made available. If these standards cannot be met until the project is complete, the evaluation will need to reflect what measures will be used to reach compliance status.

THE EVALUATION QUESTIONNAIRE MUST BE COMPLETED AND SUBMITTED WITH THE APPLICATION.

Critical facilities include, but are not limited to, hurricane shelters, Emergency Operations Centers, structures for fire stations, rescue operations, or law enforcement facilities, hospitals, public works facilities, etc. Other more stringent codes and standards may apply to new construction or substantial renovation/retrofit projects.

Applications addressing the above (A through C) priorities must be submitted under Application Category #4. “Other projects that will further state and local emergency management objectives which have been designated by the State of Florida as priorities in the applicable Notice of Fund Availability” list in Section I of the Competitive Grant Application Packet, June 2002 Version, Form #007.

Application Packets may be obtained by (1) downloading the Application and Administrative Rule 9G-19, F.A.C., from the Division’s internet site at www.dca.state.fl.us/cps/grants.htm (2) telephoning the Division, (850)410-1595, and leaving the following information:

Name
 Agency
 Address City/State/Zip Code
 Telephone
 E-mail
 or by (3) writing the Division at:
 Attention: EMPATF Program
 Department of Community Affairs
 Division of Emergency Management
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100.

Effective September 2003, we will no longer provide Advance Notification regarding Availability of Funds for the Emergency Management Preparedness and Assistance Competitive Grant Program in hard copy through the U.S. Postal Service. If you wish to remain on our advance notification list and receive this information via Internet Email, please remit your name, phone number and email address to:

empa@dca.state.fl.us or
 Attention: EMPATF Program
 Department of Community Affairs
 Division of Emergency Management
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

DCA Final Order No.: DCA02-OR-273

In re: MONROE COUNTY LAND DEVELOPMENT
 REGULATIONS ADOPTED BY
 MONROE COUNTY ORDINANCE NO. 019-2002

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern 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 local government within the Florida Keys Area.
2. On August 19, 2002, the Department received for review Monroe County Ordinance No. 019-2002 which was adopted by the Monroe County Board of County Commissioners on July 17, 2002 ("Ord. 019-2002"). Ord. 019-2002 amends Section 9.5-242 of the Monroe County Code to add language that will permit the construction of wastewater treatment facilities and wastewater treatment collection systems as a "major conditional use" in any land use district in order to allow the maximum flexibility for the location of such facilities.

3. Ord. 019-2002 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001).
 5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
 6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 019-2002 are land development regulations.
 7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 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). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
 8. Ord. 019-2002 promotes and furthers the following Principles:
 - (a) 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.
 - (e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
 - (h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 2. Sewage collection and disposal facilities;
 - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.
 9. Ord. 019-2002 is not inconsistent with the remaining Principles. Ord. 019-2002 is consistent with the Principles for Guiding Development as a whole.
- WHEREFORE, IT IS ORDERED that Ord. 019-2002 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, 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.

SONNY TIMMERMAN, 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 SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this __ day of October, 2002.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Charles "Sonny" McCoy

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:
 Jim Quinn, Bureau of State Planning, DCA Tallahassee
 Rebecca Jetton, DCA Florida Keys Field Office
 Richard A. Lotspeich, Assistant General Counsel, DCA Tallahassee

DCA Final Order No.: DCA02-OR-274

In re: CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS ADOPTED BY CITY OF KEY WEST ORDINANCE NO. 02-22

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2001), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The City of Key West is a designated area of critical state concern.
2. On September 17, 2002, the Department received for review City of Key West Ordinance No. 02-22 which was adopted by the City of Key West City Commission on September 4, 2002 ("Ord. 02-22"). Ord. 02-22 amends Section 90-428 of the Land Development Regulations to clarify that appeals of decisions made by the Historic Architectural Review Commission are made to the City's Special Master and that the Special Master's review of an appeal is de novo.
3. Ord. 02-22 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in an area of critical state concern. §§ 380.05(6) and (11), Fla. Stat., (2001).
5. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2001) and Rule 28-36.001, Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 02-22 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the "Principles"). § 380.05(6), 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). The Principles for the City of Key West Area of Critical State Concern are set forth in subsection 28-36.003(1), Fla. Admin. Code.

8. Ord. 02-22 promotes and furthers the following Principles in subsection 28-36.003(1), F.A.C.:
 - (a) Strengthen local government capabilities for managing land use and development.
 - (e) Protection of the historical heritage of Key West and the Key West Historical Preservation District.
 - (h) Protection of the public health, safety, and welfare and economy of Key West and maintenance of Key West as a unique Florida resource.
9. Ord. 02-22 is not inconsistent with the remaining Principles. Ord. 02-22 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 02-22 is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, 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.

SONNY TIMMERMAN, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

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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 SUBSECTION 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 SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this __ day of October, 2002.

Paula Ford, Agency Clerk

By U.S. Mail:

Jimmy Weekley
Mayor of the City of Key West
P. O. Box 1409
Key West, Florida 33041

Cheri Smith
Clerk to the City Commission
P. O. Box 1409
Key West, Florida 33041

Robert Tischenkel
City Attorney
P. O. Box 1409
Key West, FL 33041

Julio Avel
City of Key West
P. O. Box 1409
Key West, FL 33041

By Hand Delivery or Interagency Mail:
Jim Quinn, Growth Management Administrator, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
Richard A. Lotspeich, Assistant General Counsel, DCA Tallahassee

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Triumph Motorcycles (America) Ltd., intends to allow the establishment of Cycle Accessories West Inc., as a dealership for the sale of Triumph motorcycles, at 6336 Blanding Blvd., Jacksonville (Duval County), Florida 32244, on or after September 12, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Cycle Accessories West Inc. are dealer operator(s) and principal investor(s): Doyle Carter, 6336 Blanding Blvd., Jacksonville, FL 32244.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jane Brady, Dealer Development, Triumph Motorcycles (America) Ltd., 385 Walt Sanders Memorial Drive, Suite 100, Newnan, GA 30265.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Southeast Toyota Distributors, LLC, intends to allow the establishment of (Name TBD) as a dealership for the sale of Toyota vehicles, at 28225 Hwy. 54, Wesley Chapel (Pasco County), Florida 34249, on or after March 31, 2004.

The name and address of the dealer operator(s) and principal investor(s) of (Name TBD) are dealer operator(s): Corvin Morris, 26951 Bird's Eye Drive, Wesley Chapel, FL 33542 and Scott Wilkerson, 128 Buena Vista Drive, North, Dunedin, FL 34698; principal investor(s): Corvin Morris, 26951 Bird's Eye Drive, Wesley Chapel, FL 33542, Scott Wilkerson, 128 Buena Vista Drive, North, Dunedin, FL 34698 and The Dealer Development Group, Inc., 100 N. W. 12th Avenue, Deerfield Beach, FL 33442.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: John O'Donoghue, Market Representation Manager, Southeast Toyota Distributors, LLC, 100 N. W. 12th Ave., Deerfield Beach, FL 33442.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

REGIONAL PLANNING COUNCILS

BRADFORD COUNTY COMMUNITY TRANSPORTATION COORDINATOR

Request for Letters of Interest

The North Central Florida Regional Planning Council, is seeking letters of interest and statements of qualifications from agencies or firms interested in coordinating transportation services for the transportation disadvantaged in Bradford County, Florida. The selected contractor will be the designated Community Transportation Coordinator for Florida's Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes, and more fully described in Chapter 41-2, Florida Administrative Code. Experience with eligibility-based transportation services is required.

The Community Transportation Coordinator is defined by Chapter 427, Florida Statutes, as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, Florida Statutes, as "those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities or other life sustaining activities, or children who are handicapped or high-risk or at-risk as defined in Section 411.202, F.S."

Interested providers are required to provide proof of qualifications in the following areas: coordination experience, scheduling and routing software used by the organization and vehicle acquisition. Letters of interest and qualifications should be limited to four (4) pages.

Potential providers should submit their expression of interest and qualifications in a sealed envelope to: North Central Florida Regional Planning Council, ATTENTION: Charles F. Justice, Executive Director, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603. Letters must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR BRADFORD COUNTY COMMUNITY TRANSPORTATION COORDINATOR. Letters of interest and qualifications must be received by 5:00 p.m., December 2, 2002.

Faxed and e-mailed responses will not be accepted. Late letters will be returned unopened with the notation. This letter of interest was received after the delivery time designated for receipt and opening in the legal notice. Only responses to the request for letters of interest will be considered if a request for proposals is issued for Community Transportation Coordinator. The North Central Florida Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the State.

UNION COUNTY COMMUNITY
TRANSPORTATION COORDINATOR

Request for Letters of Interest

The North Central Florida Regional Planning Council, is seeking letters of interest and statements of qualifications from agencies or firms interested in coordinating transportation services for the transportation disadvantaged in Union County, Florida. The selected contractor will be the designated Community Transportation Coordinator for Florida's Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes, and more fully described in Chapter 41-2, Florida Administrative Code. Experience with eligibility-based transportation services is required.

The Community Transportation Coordinator is defined by Chapter 427, Florida Statutes, as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, Florida Statutes, as "those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore,

dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life sustaining activities, or children who are handicapped or high-risk or at-risk as defined in Section 411.202, F.S.”

Interested providers are required to provide proof of qualifications in the following areas: coordination experience, scheduling and routing software used by the organization and vehicle acquisition. Letters of interest and qualifications should be limited to four (4) pages.

Potential providers should submit their expression of interest and qualifications in a sealed envelope to: North Central Florida Regional Planning Council, ATTENTION: Charles F. Justice, Executive Director, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603. Letters must be marked, “LETTER OF INTEREST AND QUALIFICATIONS FOR UNION COUNTY COMMUNITY TRANSPORTATION COORDINATOR. Letters of interest and qualifications must be received by 5:00 p.m., December 2, 2002.

Faxed and e-mailed responses will not be accepted. Late letters will be returned unopened with the notation. This letter of interest was received after the delivery time designated for receipt and opening in the legal notice. Only responses to the request for letters of interest will be considered if a request for proposals is issued for Community Transportation Coordinator. The North Central Florida Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the State.

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
NOTICE OF WITHDRAWAL**

The Agency for Health Care Administration hereby notices withdrawal from review of the following Certificate of Need applications:

County: Duval Service District: 4
CON #: 9600 Decision Date: 10/16/2002 Decision: W
Facility/Project: St. Vincent’s Medical Center, Inc.

Applicant: St. Vincent’s Medical Center, Inc.
Project Description: Establish a Level II NICU of up to 10 beds through the delicensure of up to 10 Level II NICU beds at St. Luke’s Hospital

County: Duval Service District: 4
CON #: 9601 Decision Date: 10/16/2002 Decision: W
Facility/Project: St. Vincent’s Medical Center, Inc.

Applicant: St. Vincent’s Medical Center, Inc.
Project Description: Establish a new acute care hospital of up to 220 beds

County: Duval Service District: 4
CON #: 9602 Decision Date: 10/16/2002 Decision: W
Facility/Project: Southern Baptist Hospital of Florida, Inc.

Applicant: Southern Baptist Hospital of Florida, Inc.
Project Description: Establish a new acute care hospital of up to 125 beds through the delicensure of 125 acute care beds at Baptist Medical Center.

County: Duval Service District: 4
 CON #: 9603 Decision Date: 10/16/2002 Decision: W
 Facility/Project: St. Luke's Hospital Association
 Applicant: St. Luke's Hospital Association
 Project Description: Establish a replacement hospital of up to 214 beds and existing cardiac and transplant programs

County: Pinellas Service District: 5
 CON #: 9607 Decision Date: 10/16/2002 Decision: W
 Facility/Project: HealthSouth Rehabilitation Hospital
 Applicant: HealthSouth of Largo Limited Partnership
 Project Description: Add up to 20 comprehensive medical rehabilitation beds

County: Polk Service District: 6
 CON #: 9611 Decision Date: 10/16/2002 Decision: W
 Facility/Project: MCH/CSI Florida, Inc.
 Applicant: MCH/CSI Florida, Inc.
 Project Description: Establish a long-term care hospital of up to 40 beds

County: Charlotte Service District: 8
 CON #: 9613 Decision Date: 10/16/2002 Decision: W
 Facility/Project: MCH/CSI Florida, Inc.
 Applicant: MCH/CSI Florida, Inc.
 Project Description: Establish a long-term care hospital of up to 30 beds

CERTIFICATE OF NEED
EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Orange District: 7
 ID #: 0200022 Decision: A Issue Date: 10/21/2002
 Facility/Project: University Behavioral Center
 Applicant: Orlando HMA, Inc.
 Project Description: Add 10 Intensive Residential Treatment Facility beds
 Proposed Project Cost: \$50,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION
 The Florida Department of Environmental Protection has determined, under the State Revolving Fund program, that the proposed facilities for the improvements to the City of Winter Garden existing water system will not adversely affect the environment.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

For more information call: Jun Tabanguil, (850)245-8388.

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Division of Criminal Justice Information Systems

11C-6.009	10/16/02	11/5/02	28/30	
11C-7.009	10/16/02	11/5/02	28/30	

Division of Local Law Enforcement Assistance

11D-6.001	10/16/02	11/5/02	28/30	
11D-6.003	10/16/02	11/5/02	28/30	
11D-8.002	10/16/02	11/5/02	28/30	
11D-8.003	10/16/02	11/5/02	28/30	
11D-8.0036	10/16/02	11/5/02	28/30	
11D-8.004	10/16/02	11/5/02	28/30	
11D-8.006	10/16/02	11/5/02	28/30	
11D-8.007	10/16/02	11/5/02	28/30	
11D-8.0075	10/16/02	11/5/02	28/30	
11D-8.008	10/16/02	11/5/02	28/30	
11D-8.010	10/16/02	11/5/02	28/30	
11D-8.013	10/16/02	11/5/02	28/30	
11D-8.014	10/16/02	11/5/02	28/30	
11D-8.015	10/16/02	11/5/02	28/30	
11D-8.017	10/16/02	11/5/02	28/30	
11D-9.001	10/16/02	11/5/02	28/30	
11D-9.002	10/16/02	11/5/02	28/30	
11D-9.003	10/16/02	11/5/02	28/30	
11D-9.004	10/16/02	11/5/02	28/30	
11D-9.005	10/16/02	11/5/02	28/30	
11D-9.006	10/16/02	11/5/02	28/30	

Employee Relations

11I-1.002	10/16/02	11/5/02	28/30	
11I-1.003	10/16/02	11/5/02	28/30	
11I-1.004	10/16/02	11/5/02	28/30	
11I-1.005	10/16/02	11/5/02	28/30	
11I-1.006	10/16/02	11/5/02	28/30	
11I-1.010	10/16/02	11/5/02	28/30	

Office of Inspector General

11N-1.002	10/16/02	11/5/02	28/30	
11N-1.0021	10/16/02	11/5/02	28/30	
11N-1.0022	10/16/02	11/5/02	28/30	

PUBLIC SERVICE COMMISSION

25-6.044	10/18/02	11/7/02	28/35	
25-6.0455	10/18/02	11/7/02	28/35	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

61G16-1.011	10/16/02	11/5/02	28/37	
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DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

64B10-11.002	10/17/02	11/6/02	28/37	
64B10-11.003	10/17/02	11/6/02	28/37	
64B10-11.012	10/17/02	11/6/02	28/37	
64B10-12.002	10/15/02	11/4/02	28/37	
64B10-12.0105	10/15/02	11/4/02	28/37	
64B10-15.001	10/15/02	11/4/02	28/37	

Board of Optometry

64B13-16.002	10/17/02	11/6/02	28/20	
64B13-16.004	10/17/02	11/6/02	28/20	

Division of Environmental Health and Statewide Pro

64E-2.001	10/14/02	11/3/02	28/28	28/38
64E-2.008	10/14/02	11/3/02	28/28	28/38
64E-2.009	10/14/02	11/3/02	28/28	28/38
64E-2.0094	10/14/02	11/3/02	28/28	28/38
64E-2.010	10/14/02	11/3/02	28/28	
64E-2.013	10/14/02	11/3/02	28/28	28/38
64E-2.015	10/14/02	11/3/02	28/28	
64E-2.030	10/14/02	11/3/02	28/28	28/40
64E-2.031	10/14/02	11/3/02	28/28	
64E-2.033	10/14/02	11/3/02	28/28	28/38
64E-2.036	10/14/02	11/3/02	28/28	28/38
64E-2.039	10/14/02	11/3/02	28/28	28/38
64E-16.011	10/16/02	11/5/02	28/29	28/34
64E-16.013	10/16/02	11/5/02	28/29	
64E-25.001	10/16/02	11/5/02	28/29	28/34
64E-25.002	10/16/02	11/5/02	28/29	
64E-25.003	10/16/02	11/5/02	28/29	

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-12.010	10/14/02	11/3/02	28/31	28/38
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Section XIV
List of Rules Affected

This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.

- w - Signifies Withdrawal of Proposed Rule(s)
- c - Rule Challenge Filed
- v - Rule Declared Valid
- x - Rule Declared Invalid
- d - Rule Challenge Dismissed
- dw - Dismissed Upon Withdrawal

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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STATE

1A-35.005	28/18		
1A-35.007	28/18		
1A-36.001	28/10		
1A-36.002	28/10		
1A-36.003	28/10		
1A-36.004	28/10		
1A-36.005	28/10	28/23	
1A-36.006	28/10	28/23	
1A-36.007	28/10		
1A-36.008	28/10	28/23	
1A-36.009	28/10		
1A-36.010	28/10	28/23	
1A-36.011	28/10		
1B-2.011	28/37		
1B-24.002	26/43		
1SER02-1			28/33
1SER02-2			28/37
1S-2.035	28/42		
1T-1.001	28/34		

BANKING AND FINANCE

3-1	28/23c		
3D-40.001	28/31	28/40	
3D-40.100	28/31	28/40	
3D-40.200	28/31	28/40	
3D-40.220	28/31	28/40	
3D-40.242	28/31	28/40	
3E-7.001	28/42		
3E-7.002	28/42		
3E-7.003	28/42		
3E-7.006	28/42		
3E-7.007	28/42		
3E-48.005	28/42		
3E-600.0132	28/40		
3F-5.005	28/35		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
3F-5.007	28/35		28/41w
3F-7.007	28/44		
3F-7.015	28/44		

INSURANCE

4-1	27/16c		
	28/23c		
4-128.024	28/34	28/42	28/42
4-128.025	28/34	28/42	28/42
4-128.030	28/40		
4-128.031	28/40		
4-128.032	28/40		
4-128.033	28/40		
4-128.034	28/40		
4-128.035	28/40		
4-136.002	28/36		
4-136.004	28/36		
4-136.006	28/36		
4-136.011	28/36		
4-136.015	28/36		
4-136.031	28/36		
4-138.040	28/41		
4-138.041	28/41		
4-138.042	28/41		
4-138.043	28/41		
4-138.044	28/41		
4-138.045	28/41		
4-138.046	28/41		
4-138.047	28/41		
4-138.048	28/41		
4-141.0016	21/2c		
4-144.002	27/35	28/7	28/41
		28/35	28/41
4-144.005		23/46	28/41
		28/7	28/41
		28/35	28/41
4-144.010	27/35	28/7	28/41
		28/35	28/41

4-149	24/3c		
	24/3c		
4-149.001		20/14	28/43
	28/33		28/43
4-149.002		20/14	28/43
	28/33		28/43
4-149.003		20/14	28/43
	28/33		28/43
4-149.005	28/35		
4-149.006	28/35		
4-149.007	28/35		
4-149.101	24/3c		
	24/3c		
4-149.102	24/3c		
	24/3c		
4-149.103	24/3c		
	24/3c		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-149.104	24/3c			4-154.406	28/33		
	24/3c			4-154.407	28/33		
4-149.105	24/3c			4-154.4071	28/33		
	24/3c			4-154.408	28/33		
4-149.106	24/3c			4-154.411	28/33		
	24/3c			4-154.412	28/33		
4-149.107	24/3c			4-154.502	28/33		
	24/3c			4-154.503	28/33		
4-149.108	24/3c			4-154.504	28/33		
	24/3c			4-154.506	28/33		
4-149.109	24/3c			4-154.507	28/33		
	24/3c			4-154.508	28/33		
4-149.110	24/3c			4-154.511	28/33		
	24/3c			4-154.512	28/33		
4-149.1105	24/3c			4-154.513	28/33		
4-149.111	24/3c			4-154.514	28/33		
	24/3c			4-154.515	28/33		
4-149.112	24/3c			4-154.516	28/33		
	24/3c			4-154.517	28/33		
4-149.113	24/3c			4-154.518	28/33		
	24/3c			4-154.5181	28/33		
4-149.114	24/3c			4-156.011	28/40		
4-149.115	24/3c			4-157.001	28/36		
4-149.116	24/3c			4-157.002	28/36		
4-149.117	24/3c			4-157.004	28/36		
4-149.118	24/3c			4-157.010	28/36		
4-149.119	24/3c			4-157.023	28/36		
4-149.120	24/3c			4-157.101	28/36		
	24/3c			4-157.102	28/36		
4-149.121	24/3c			4-157.103	28/36		
	24/3c			4-157.104	28/36		
4-149.122	24/3c			4-157.105	28/36		
	24/3c			4-157.106	28/36		
4-149.123	24/3c			4-157.107	28/36		
	24/3c			4-157.108	28/36		
4-149.124	24/3c			4-157.109	28/36		
4-149.125	24/3c			4-157.110	28/36		
4-149.126	24/3c			4-157.111	28/36		
4-149.127	24/3c			4-157.112	28/36		
4-149.128	24/3c			4-157.113	28/36		
4-149.129	24/3c			4-157.114	28/36		
4-149.130	24/3c			4-157.115	28/36		
	24/3c			4-157.116	28/36		
4-149.131	24/3c			4-157.117	28/36		
	24/3c			4-157.118	28/36		
4-149.132	24/3c			4-157.119	28/36		
	24/3c			4-157.120	28/36		
4-149.133	24/3c			4-157.121	28/36		
	24/3c			4-157.122	28/36		
4-149.190	24/3c			4-167.002	27/14		
4-154.102	28/43			4-170.135(5)	27/49c		
4-154.112	28/43			4-189.003	28/35		28/44
4-154.402	28/33			4-193.065	27/27		
4-154.403	28/33			4-203.042	28/22	28/32	28/38
4-154.404	28/33			4-203.045	28/22	28/32	28/38
4-154.405	28/33			4-203.100	28/22	28/32	28/37w

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4-204.001	27/45	28/12		4AER02-6			28/41
		28/39		4AER02-7			28/41
4-204.002	27/45	28/12		4AER02-8			28/41
		28/39		4AER02-9			28/41
4-204.004	27/45	28/12		4AER02-10			28/41
		28/33		4A-3.002	27/12		
		28/39		4A-43.019	28/27		28/37
4-204.006	27/45	28/12		4A-50.005	28/23		
		28/33		4A-58.001	28/35		
		28/39		4A-58.002	28/35		
4-204.010	27/45	28/12		4A-58.003	28/35		
		28/33		4A-58.004	28/35		
		28/39		4A-58.005	28/35		
4-204.012	27/45	28/33		4A-58.006	28/35		
		28/39		4A-58.007	28/35		
4-204.022	27/45	28/12		4A-58.008	28/35		
		28/33		4A-58.009	28/35		
		28/39		4A-62.005	28/18	28/30	28/37
4-204.0225	28/33	28/39		4A-64.001	28/42		
4-204.025	27/45	28/12		4A-64.002	28/42		
		28/33		4A-64.003	28/42		
		28/39		4A-64.004	28/42		
4-211.029	27/44		28/41	4A-64.005	28/42		
4-211.030	27/44		28/41	4E-3.008	28/31		28/38
4-211.031	27/44			4J-1.001	27/49c		
4-211.040	27/44	28/30	28/41	4L-6.021	28/33		28/42
4-211.041	27/44	28/30	28/41	4L-6.022	28/43		
4-211.042	27/44	28/30	28/41				
4-211.043	28/16	28/16	28/41w	AGRICULTURE AND CONSUMER SERVICES			
4-220.001	28/21	28/29		5B-58.001	27/29		
4-221.003	28/30				27/42	27/49	
4-221.051	28/30						
4-221.055	28/30			5B-58.001(16)	27/50c		
4-221.060	28/30			5C-26.001	28/33	28/40	
4-221.070	28/30			5C-26.002	28/33	28/40	
4-221.095	28/30			5C-26.003	28/33	28/40	
4-221.100	28/30			5C-26.004	28/33	28/40	
4-221.110	28/30			5C-26.005	28/33	28/40	
4-221.115	28/30			5C-26.006	28/33	28/40	
4-221.120	28/30			5C-26.007	28/33	28/40	
4-221.140	28/30			5C-26.008	28/33	28/40	
4-221.145	28/30			5C-26.009	28/33	28/40	
4-221.150	28/30			5E-1.023	28/31		28/41
4-228.055	26/35			5E-14.102(5)	27/37c		
4-231.010	27/44		28/38	5F-6.001	28/39		
4-231.020	27/44		28/38	5F-8.005	28/32	28/37	28/44
4-231.030	27/44		28/38	5F-10.001	28/38		
4-231.080	27/44		28/38	5F-11.047(1)	28/22c		
4-231.150	27/44	28/32	28/38	5J-4.004	28/41		
4-235.003	28/40			5J-4.005	28/41		
4AER02-1			28/28	5J-4.007	28/41		
4AER02-2			28/41	5J-6.005	28/41		
4AER02-3			28/41	5J-6.013	28/41		
4AER02-4			28/41	5J-6.014	28/41		
4AER02-5			28/41	5J-8.003	28/41		
				5J-9.002	28/41		

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14-103.004	28/35		28/42	19B-7.001	28/39		
14-106.001	28/30		28/37	19B-15.001	28/8		
14-106.002	28/30		28/37	19B-15.002	28/8		
14-106.003	28/30		28/37	19B-15.003	28/8		
14-106.004	28/30		28/37	19B-15.004	28/8		
14-106.005	28/30		28/37	19B-15.005	28/8		
14-106.006	28/30		28/37	19B-15.006	28/8		
14-106.007	28/30		28/37	19B-15.007	28/8		
14-106.008	28/30		28/37	19B-15.008	28/8		
14-117.001	28/44			19B-15.009	28/8		
14-117.002	28/44			19B-15.010	28/8		
14-117.003	28/44			19B-15.011	28/8		
14-117.004	28/44			19B-16.001	28/39		
14-117.005	28/44			19B-16.004	28/40		
14-117.006	28/44			19B-16.005	28/39		
14B-1.001	27/32			19B-16.008	28/40		
14B-1.002	27/32			19B-16.010	28/39		
14B-1.003	27/32			19B-16.012	28/39		
14B-1.004	27/32						
14B-1.005	27/32						
14B-1.006	27/32						
14B-1.007	27/32						
HIGHWAY SAFETY AND MOTOR VEHICLES							
15C-7.003	28/30		28/44w	20ER02-1	28/42c		28/40
ENVIRONMENTAL REGULATION				20ER02-2	28/42c		28/40
17-503.420	16/15			20ER02-3	28/42c		28/40
17-503.430	16/15			20ER02-4			28/41
17-503.500	16/15			20ER02-5			28/41
17-660.300	15/50	16/8		20ER02-6			28/41
17-671.100	15/32			20-13.007	28/36		
17-671.200	15/32			20-13.008	28/36		
17-671.300	15/32			20-40.001	28/36		
17-671.310	15/32			20-71.005	28/15	28/27	
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST				20-71.006	28/15	28/27	
18-21.004	25/48	25/50		20-72.009	28/15	28/27	
STATE BOARD OF ADMINISTRATION					28/33c		
19-8.010	28/34			PROFESSIONAL REGULATION			
19-8.029	28/34			21M-49.002	19/6c		
19-10.002	28/34			21M-50.002	19/6c		
19-10.003	28/34	28/42		21M-50.003	19/6c		
19-11.001	28/34	28/42		21M-50.007	19/6c		
19-12.001	28/34	28/42		21M-50.009	19/6c		
19-12.007	28/34	28/42		21SS-6.003	28/38	28/42	
19B-4.001	28/39			FLORIDA PAROLE COMMISSION			
19B-4.003	28/39			23-25.001	28/31	28/36	
19B-4.005	28/39			23-25.002	28/31	28/36	
19B-5.004	28/39			23-25.003	28/31	28/36	
				23-25.004	28/31	28/36	
				23-25.005	28/31	28/36	

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25-4.036	28/42			33-3.015	21/43		
25-6.044	28/35		28/44	33-3.018	17/14		
25-6.0455	28/35		28/44	33-8.0142	19/43		
25-17.0832	27/38			33-22.003	17/12		
25-22.082	28/43			33-22.009	17/12		
25-24.491	28/42			33-22.011	17/12		
25-24.515	28/42			33-32.021	19/5		
25-24.585	28/42			33-32.022	19/5		
25-30.432	28/30			33-38.001	25/35	25/43	
EXECUTIVE OFFICE OF THE GOVERNOR				33-38.003	25/35	25/43	
27E-4.001	20/11			33-38.005	25/35	25/43	
27E-4.002	20/11			33-38.006	25/35	25/43	
27E-4.003	20/11			33-38.009	25/35	25/43	
27E-4.004	20/11			33-38.010	25/35	25/43	
27E-4.005	20/11			33-38.011	25/35	25/43	
27E-4.006	20/11			33-38.012	25/35	25/43	
27E-4.007	20/11			33-103.002	28/43		
27E-4.008	20/11			33-103.015	28/43		
ADMINISTRATION COMMISSION				33-104.101	28/33		28/43
28-18	27/52c			33-203.101	28/38		
	28/22c			33-204.111	27/29		
28-18.100	27/44		28/43	33-208.101	28/35		
28-18.200	27/44	28/8	28/43	33-208.504	28/42		
		28/19	28/43	33-208.507	26/16		
		28/33	28/43		28/42		
28-20	27/52c			33-208.508	28/42		
28-20.100	27/44	28/8	28/43	33-208.510	28/42		
		28/33	28/43	33-210.101	28/21	28/34	
28-106.201	28/33c					28/40	
REGIONAL PLANNING COUNCILS				33-210.102	28/21	28/34	
29C-9.001	28/25		28/38w	33-210.103	28/21	28/34	
29G-1.001	28/35		28/43	33-302.105	28/42		
29G-1.002	28/35		28/43	33-302.109	28/29		28/37
29G-1.003	28/35		28/43	33-501.401		26/3	28/39
29G-1.004	28/35		28/43		28/30		28/39
29G-1.005	28/35		28/43	33-508.101	28/13		
29G-1.006	28/35		28/43	33-601.100	28/42		
29G-1.007	28/35		28/43		28/44		
29G-1.008	28/35		28/43	33-601.101(1)(a)5.,			
29G-1.009	28/35		28/43	(2),(7)	28/39c		
29G-1.010	28/35		28/43	33-601.217	28/29		28/37
29G-1.011	28/35		28/43	33-601.236	28/32		28/39
CORRECTIONS				33-601.606	28/38		
33-2.001	23/25			33-601.725	28/4	28/9	
33-3.0081	25/35	25/43		33-601.738	26/48	27/38	
33-3.0082	25/35	25/43		33-602.101	28/42		
33-3.0084	25/35	25/43		33-602.205	28/42		
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				34-7.010	28/38		

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38E-106.401	24/1			40D-4.091	22/48		
38F-8.055	22/4				25/3		
38I-60.200	20/7			40D-4.201	21/22		
38K-1.0045	23/27			40D-4.301		21/36	28/38
					28/29		28/38
WATER MANAGEMENT DISTRICTS				40D-4.302	28/29		28/38
40B-4.1090	28/39			40D-6.521	24/50		
40C-1.101	27/52			40D-8.624	23/38	24/48	
40C-1.181	20/18			40D-8.6240	23/38	24/48	
40C-4.091	28/16	28/34	28/38	40D-40.011	28/29		28/38
	28/16			40D-40.040	28/29		28/38
40C-41.011	28/16			40D-40.044	28/29		28/38
40C-41.023	28/16			40D-40.112	28/29		28/38
40C-41.033	28/16			40D-40.301	28/29		28/38
40C-41.043	28/16			40D-40.302	28/29		28/38
40C-41.051	28/1			40D-40.321	28/29		28/38
40C-41.063	28/16			40D-40.331	28/29		28/38
40C-42.023	28/16			40D-40.381	28/29		28/38
40C-44.065	28/16			40D-45.341	19/42	20/3	
40C-44.091	28/16			40E-1	28/22c		
40C-400.201	21/48	21/48		40E-1.510	20/18	21/36	
40D-0.201	20/3			40E-1.603	19/4c		
40D-1.002	28/27		28/38	40E-1.606	19/4c		
40D-1.202	19/36	19/42		40E-1.607	19/43		
40D-1.600	28/29		28/38	40E-1.612	20/18	21/36	
40D-1.602	28/29		28/38	40E-1.614	20/18	21/36	
40D-1.603	28/29		28/38	40E-1.659	20/18	21/36	
40D-1.607	28/29		28/38		25/18		28/42w
40D-1.659	28/27	28/30		40E-1.669	19/4c		
40D-2.031	20/48			40E-2.041	27/26	27/31	
40D-2.041	20/48			40E-3.011	28/5		
40D-2.091	20/48	20/52		40E-3.021	28/5		
		21/13	28/38	40E-3.031	28/5		
		21/15	28/38	40E-3.032	28/5		
		21/17	28/38	40E-3.035	28/5		
		21/44	28/38	40E-3.037	28/5		
		24/7	28/38	40E-3.038	28/5		
		28/5	28/38	40E-3.039	28/5		
	22/48			40E-3.0391	28/5		
	24/48	26/10	28/38	40E-3.040	28/5		
	28/29		28/38	40E-3.041	28/5		
40D-2.101	20/48			40E-3.051	28/5		
40D-2.301	22/48			40E-3.0511	28/5		
40D-2.321	20/48			40E-3.101	28/5		
40D-2.331	20/48			40E-3.301	28/5		
40D-2.381	20/48			40E-3.321	28/5		
40D-2.601	20/48			40E-3.341	28/5		
40D-2.621	20/48			40E-3.411	28/5		
40D-2.801	20/48	21/44		40E-3.451	28/5		
		24/7		40E-3.461	28/5		
		28/5		40E-3.500	28/5		
40D-3.531	28/27		28/38	40E-3.501	28/5		
40D-4.021	28/29		28/38	40E-3.502	28/5		
				40E-3.504	28/5		

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40E-3.507	28/5			42S-1.002	28/30		28/39
40E-3.512	28/5			EXPRESSWAY AUTHORITIES			
40E-3.517	28/5			45A-2.001	21/49		
40E-3.521	28/5			MARINE FISHERIES COMMISSION			
40E-3.525	28/5			46-15.002	21/35		
40E-3.529	28/5			46-21.007(1)	18/2		
40E-3.531	28/5			46-24.003	21/27		
40E-4.091		21/36		46-37.001	20/18		
	25/18		28/42w	46-37.002	20/18	20/25	
	28/10		28/41w	46-37.003	20/18		
40E-7.214	28/43			46-37.004	20/18	20/25	
40E-7.215	28/43			46-37.005	20/18		
40E-7.216	28/43			46-37.006	20/18	20/25	
40E-7.217	28/43			46-42.003	20/35		
40E-7.218	28/43			46-47.007	22/27		
40E-7.219	28/43			LOTTERY			
40E-7.511	28/39			53ER02-35			28/28
40E-7.520	28/39			53ER02-36			28/28
40E-7.521	28/39			53ER02-37			28/30
40E-7.523	28/39			53ER02-38			28/30
	28/39c		28/44dw	53ER02-39			28/33
40E-7.525	28/39			53ER02-40			28/33
40E-7.526	28/39			53ER02-41			28/31
40E-7.527	28/39			53ER02-42			28/34
40E-7.529	28/39			53ER02-43			28/34
40E-7.532	28/39			53ER02-44			28/35
40E-7.534	28/39			53ER02-45			28/34
40E-7.537	28/39			53ER02-46			28/37
40E-7.538	28/39	28/41		53ER02-47			28/37
40E-7.539	28/39			53ER02-48			28/39
40E-7.639	22/23	22/37		53ER02-49			28/39
40E-8.021	28/32			53ER02-50			28/39
40E-8.341	28/32			53ER02-51			28/39
40E-8.421	28/32			53ER02-52			28/41
40E-63.223	27/2	27/9		53ER02-53			28/41
40E-601.314	26/9			53ER02-54			28/43
COMMISSION FOR THE TRANSPORTATION DISADVANTAGED				53ER02-55			28/43
41-2.012	28/23			53-19.0035	25/43		
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION				ELDER AFFAIRS			
422-3.009	28/38		28/44w	58A-1.001	28/42		
42F-1.002	28/37			58A-1.001(45)	28/22c		
42HH-1.001	28/29		28/37	58A-1.004	28/42		
42HH-1.002	28/29		28/37	58A-1.006	28/42		
42HH-1.003	28/29		28/37	58A-1.007	28/42		
42II-1.001	28/43			58A-1.007(3)(f)	28/22c		
42II-1.002	28/43			58M-2.001	28/41		
42II-1.003	28/43						
42JJ-1.001	28/44						
42JJ-1.002	28/44						
42JJ-1.003	28/44						

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				59GER02-5			28/29
59-1	28/22c			59G-4.035	28/31		28/43
	28/33c			59G-4.055	21/39	21/45	
	28/39c			59G-4.070	27/6	27/18	
59A-2.024	20/1			59G-4.150	28/34c		
59A-3.170	21/20			59G-4.160	28/34c		
59A-3.180	21/3			59G-4.230	28/34c		
59A-3.2055	22/52	23/10		59G-4.250	28/8	28/22	28/40
59A-5.022	26/39	27/10				28/31	28/40
59A-7.020	20/25			59G-6.010	28/30		
59A-12.002	28/43			59G-6.020	28/30		
59A-12.003	28/43			59G-6.030	28/30		
59A-12.004	28/43			59G-8.200	28/18	28/36	28/43
59A-12.006	28/43					28/37	28/43
59A-12.007	28/43				28/24c		
59A-12.0071	28/43			59G-8.200(6)(b),			
59A-12.0072	28/43			(10)(c)	28/22c		
59A-12.010	28/43			59G-11.001	28/38		
59A-12.020	26/32	26/36		59G-11.002	28/38		
59A-12.030	28/37			59G-11.003	28/38	28/43	
59A-18.003	26/25			59G-11.004	28/38		
59A-25.001	28/17	28/34	28/40	59G-12.001	28/33		
59A-25.002	28/17	28/24	28/40	59G-12.002	28/33		
59A-25.003	28/17	28/24	28/40	59G-12.003	28/33		
59A-25.004	28/17		28/40	59G-12.004	28/33		
59A-25.005	28/17	28/24	28/40	59G-12.005	28/33		
		28/34	28/40	59G-208.101	27/4	27/16	
59AA-17.004	21/46			59H-1.00352	26/3	26/17	
59B-7.020	19/30			59M-3.005	21/25		
59B-7.021	19/30			59O-2.002	22/34	24/49	
59B-7.022	19/30			59O-2.003	22/34	24/49	
59B-7.023	19/30			59O-3.002	22/34	24/49	
59B-7.024	19/30			59O-9.003	22/34	24/48	
59B-7.025	19/30			59Q-9.002	20/39		
59B-7.026	19/30			59R-62.010	21/5		
59B-7.027	19/30			59R-62.040	21/5		
59B-7.028	19/30			59T-11.013	23/22	23/35	
59B-7.029	19/30			59T-14.004	23/22	23/35	
59B-13.001	28/30		28/42	59T-15.002	23/22	23/35	
59B-13.003	28/30		28/42	59T-16.001	23/22	23/35	
59B-13.006	28/30		28/42	59T-16.002	23/22	23/35	
59C-1.0355(4)(d)	27/49c			59U-11.019	20/51	21/7	
59C-1.045	28/35		28/41w	59U-14.002	23/24	23/35	
59E-1.001	20/27			59V-3.007	20/34	20/48	
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59E-1.004	20/27						
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59E-1.006	20/27						
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60BB-2.023	28/7			61B-17.002	28/40		
60BB-2.024	28/7			61B-17.003	28/40		
60BB-2.025	28/7			61B-17.005	28/40		
60BB-2.026	28/7			61B-17.006	28/40		
60BB-2.027	28/7			61B-17.009	28/40		
60BB-2.028	28/7			61B-17.011	28/40		
60BB-2.031	28/7			61B-18.004	28/40		
60BB-2.032	28/7			61B-22.001	28/40		
60BB-2.035	28/7			61B-22.003	28/40		
60BB-2.037	28/7			61B-22.005	28/40		
60BB-4.100	28/34			61B-23.002	28/40		
60BB-4.200	28/34			61B-23.0021	28/40		
60BB-4.201	28/34			61B-24.002	28/40		
60BB-4.202	28/34			61B-30.004	20/19		
60BB-4.203	28/34			61B-30.006	22/45		
60BB-4.204	28/34			61B-31.001	23/2		
60BB-4.205	28/34			61B-31.002	23/2		
60BB-4.206	28/34			61B-32.001	21/30		
60BB-4.207	28/34			61B-39.001	22/33		
60BB-4.208	28/34			61B-39.002	22/33		
60BB-4.209	28/34			61C-1.002	22/23	22/36	
60BB-4.210	28/34			61C-3.002	22/23	22/36	
60BB-4.300	28/34			61C-5.001	26/24		
60L-31.001	28/42			61C-76.0061	21/35		
60L-31.002	28/42			61C-76.0062	21/35		
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60L-31.004	28/42			61D-3.004	23/36	23/44	
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60L-32.002	28/42			61F6-34.001	20/7		
60L-32.005	28/42			61F6-50.007	18/53	20/24	
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60L-33.007	28/42			61G2-3.005	21/33		
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61G15-24.001	28/30		28/37	62-17.161	24/45	24/45	
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61G16-2.001	23/12			62-210.340	28/33	28/44	
61G16-5.003	21/43	21/50		62-210.900	28/32		28/42w
61G17-1.006	21/6			62-210.990	20/36		
61G17-3.003	28/34			62-213.430	20/52	21/7	
61G17-3.0031	28/34		28/42	62-296.401	22/32	22/38	
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61G18-16.003	26/29			62-312.122	24/18		
61G18-16.0035	26/29			62-330.2001	26/9		
61G19-7.0010	26/41			62-341.201	28/39		
61G19-9.004	28/30	28/42		62-341.476	28/39		
61H-20.0053	26/28			62-341.602	21/22	21/22	
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61H1-20.008	28/24		28/39	62-343.020	21/22		
61H1-20.009	28/24		28/39	62-343.030	21/22		
61H1-20.0091	28/24		28/39	62-343.040	21/22		
61H1-20.0092	28/24		28/39	62-343.050	21/22		
61H1-20.0093	28/24		28/39	62-343.060	21/22		
61H1-20.0094	28/24		28/39	62-343.070	21/22		
61H1-20.0095	28/24		28/39	62-343.080	21/22		
61H1-20.0096	28/24		28/39	62-343.090	21/22		
61H1-20.0097	28/24		28/39	62-343.100	21/22		
61H1-20.0098	28/24		28/39	62-343.110	21/22		
61H1-20.0099	28/24		28/39	62-343.120	21/22		
61H1-54.002	21/29			62-343.130	21/22		
61J1-2.005	28/41	28/43		62-343.140	21/22		
61J1-3.001	28/41	28/43		62-343.900	21/22		
61J1-3.002	28/41	28/43		62-524.400	20/45		
61J1-4.005	28/41	28/43		62-528.120	28/41		
61J1-4.240	27/45			62-528.200	28/41		
61J1-7.004	28/41	28/43		62-528.300	28/41		
61J1-7.005	28/41	28/43		62-528.600	28/41		
61J2-2.027	28/22			62-528.601	28/41		
61J2-2.031	28/22			62-528.615	28/41		
61J2-3.008	28/38		28/44w	62-528.620	28/41		
61J2-3.009	28/38		28/44w	62-528.630	28/41		
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62-707.500	22/30			64B3-2.003	22/34	24/49	
62-712.100	21/34				28/37		28/43
62-712.200	21/34			64B3-3.001	28/29		28/39
62-712.300	21/34			64B3-3.003	28/37		28/43
62-712.400	21/34			64B3-3.004	23/51		
62-712.410	21/34			64B3-5.002	28/33		28/41
62-712.420	21/34			64B3-5.003	26/38	27/20	28/43
62-712.430	21/34					27/21	28/43
62-712.440	21/34				28/33	28/37	28/43
62-712.450	21/34			64B3-5.004	28/33	28/37	28/43
62-712.460	21/34			64B3-5.007	28/33		28/41
62-712.500	21/34			64B3-6.001	27/5	27/17	
62-712.800	21/34			64B3-6.002	28/34		28/41
62-712.810	21/34			64B3-7.002	28/25		28/38w
62-712.900	21/34			64B3-7.005	28/25		28/38w
62-730.050	23/7			64B3-10.005		28/2	28/43
62-730.150	20/38	20/51	28/40		28/29		28/43
	28/30		28/40	64B3-11.001	28/29		28/41
62-730.220	28/24			64B3-12.001	28/25	28/32	28/40
62-730.900	28/30		28/40	64B4-3.001	25/22		
62-761.891	24/14			64B4-3.003	28/33		28/41
62-771.300	21/52			64B4-4.002	28/33		28/41
62-775.500	21/52	22/15		64B4-4.015	28/33		28/41
62-788.400	25/5			64B4-4.017	25/32		
62B-2	28/8			64B4-4.018	25/32		
62D-2.014	21/52	22/13		64B4-5.001	28/33		28/41
62N-3.002	21/43			64B4-5.007	25/32		
62N-36.004	21/43			64B4-6.0013	25/32		
62R-7.002	21/17			64B4-6.003	28/33		28/41
62R-7.010	23/34			64B4-6.0045	25/32		
62R-7.020	21/17			64B4-6.009	28/33		28/41
62R-7.022	21/17			64B4-22.110	28/33		28/41
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62R-7.026	21/17			64B5-12.019	28/42		
62R-7.028	21/17			64B5-12.020	28/42		
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				64B6-2.002	27/45	28/33	28/40
				64B6-4.010	28/38		
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				64B6-7.002	28/34	28/39	
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				64B7-26.001	28/22		
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64-2.002	28/37						
64B-21.0015	27/39						
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64B1-6.005	28/39						
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64B2-16.0075	28/18	28/32	28/40				
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64B7-28.010	28/18	28/40		64B14-4.003	28/38		
64B7-29.003	28/22	28/40		64B14-5.001	28/38		
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64B8-8.001	28/20	28/43		64B16-26.606	28/43		
64B8-9.008	27/49c			64B16-27.105	27/4	27/21	
64B8-9.013	28/38			64B16-27.832	28/27	28/42	
64B8-12.007	28/34		28/42	64B16-28.140	24/38		
64B8-13.0045	27/48	28/16		64B16-28.820	28/43		
64B8-44.003	28/17			64B16-28.904	28/43		
64B8-52.004	28/38			64B17-3.001	28/35c 28/36		
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64B9-3.007	25/9			64B17-8.002	28/28	28/34	28/40
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64B9-15.009	28/27	28/36	28/43	64B19-17.007	28/33		28/41
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64B10-11.012	28/37		28/44	64B21-500.003	28/34		28/41
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64B10-15.001	28/37		28/44	64B21-502.001		27/35	28/42
64B10-15.002	28/37 28/41		28/39w	64B21-503.003	28/31		28/42
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64B11-2.012	28/35		28/43	64B24-2.001	28/24	28/37	28/38
64B11-3.007	28/42			64B24-2.002	28/24		28/38
64B11-3.009	28/35		28/43	64B24-2.003	28/24	28/36	28/42
64B11-6.001	28/35		28/43	64B24-2.004	28/24	28/36	28/42
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64B12-11.017	28/36		28/43	64B24-5.002	28/24		28/38
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64B12-19.002	27/11			64B32-5.001	28/3	28/5	
64B13-11.001	28/35	28/38		64B33-1.005	26/25	28/31	28/37
64B13-11.004	28/35	28/38		64B33-5.001	28/35	28/32	28/37
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67-44.001	28/33		28/41	68AER02-3			28/29
67-44.002	28/33		28/41	68AER02-4			28/29
67-44.003	28/33		28/41	68AER02-5			28/29
67-44.004	28/33		28/41	68AER02-6			28/29
67-44.005	28/33		28/41	68AER02-7			28/29
67-44.006	28/33		28/41	68A-4.0051	28/31		28/41
67-44.007	28/33		28/41	68A-11.001	28/42		
67-44.008	28/33		28/41	68A-11.005	28/42		
67-44.009	28/33		28/41	68A-12.010	28/31	28/38	28/44
67-44.010	28/33		28/41	68A-13.004	28/31		28/41
67-44.011	28/33		28/41	68A-15.005	28/31		28/41
67-46.001	28/33		28/41	68A-15.062	28/31		28/41
67-46.002	28/33		28/41	68A-20.005	28/42		
67-46.003	28/33		28/41	68A-24.003	28/17		
67-46.004	28/33		28/41	68A-24.004	28/17		
67-46.005	28/33		28/41	68A-24.006	28/17		
67-46.006	28/33		28/41	68B-3.008	28/31		28/41
67-46.007	28/33		28/41	68B-13.008	27/31	26/13	
67-47.010	24/27	24/36	28/41	68B-14.001	28/42		
	28/33		28/41	68B-14.002	28/42		
67-47.020	28/33		28/41	68B-14.0035	28/42		
67-47.030	28/33		28/41	68B-14.00355	28/42		
67-47.035	28/33		28/41	68B-14.0036	28/42		
67-47.040	28/33		28/41	68B-14.0045	28/42		
67-47.050	28/33		28/41	68B-14.005	28/42		
67-47.060		24/36	28/41	68B-14.005	28/42		
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67-47.070		24/36	28/41	68B-33.001	28/33		28/41
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67-47.080		24/36	28/41	68B-33.0035	28/33		28/41
	28/33		28/41	68B-33.004	28/33		28/41
67-47.090		24/36	28/41	68C-22.007	28/26	28/42	
	28/33		28/41	68C-22.011	28/25	28/39	
67-47.100		24/36	28/41	68C-22.013	28/25	28/42	
	28/33		28/41	68C-22.014	28/25	28/42	
67-47.110	28/33		28/41	68C-22.015	28/25	28/42	
67-47.115	28/33		28/41	68C-22.026	28/25	28/42	
67-47.120	24/27	24/36	28/41	68D-1.001	27/4		
	28/33		28/41	68D-23.003	27/4	27/19	
67-47.130	28/33		28/41	68D-23.101	27/4		
67-47.140	28/33		28/41	68D-23.102	27/4		
67-47.150	24/27	24/36	28/41	68D-23.103	27/4	27/19	
	28/33		28/41	68D-23.104	27/4	27/19	
67-47.160	28/33		28/41	68D-23.105	27/4	27/19	
67-47.170	24/27	24/36	28/41	68D-23.106	27/4	27/19	
	28/33		28/41	68D-23.107	27/4		
67-48.005	27/45c			68D-23.108	27/4		
	28/22	28/34	28/40	68D-23.109	27/4		
	28/42			68D-23.110	27/4		
				68D-23.111	27/4		
				68D-23.112	27/4	27/19	
				68D-24.136	28/43		