

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLE: Effect of Law Enforcement Records on Applications for Licensure
 RULE NO.: 4-211.042

PURPOSE AND EFFECT: The purpose of the workshop is to discuss amending Rule 4-211.042(21)(aa), F.A.C., to insert the words “with intent to defraud” after “passing worthless check(s)” in the list of class A crimes. This is to explicitly conform the rule to case law construing the meaning of “moral turpitude” in the context of writing a bad check; e.g., *The Florida Bar v. Davis*, 361 So2d 159.

SUBJECT AREA TO BE ADDRESSED: The explicit inclusion of fraudulent intent to “passing worthless check(s)” in the list of crimes involving moral turpitude for the purpose of insurance representative licensure application evaluation.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.207, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS.

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

TIME AND DATE: 9:30 a.m., October 15, 2002

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Audrey Huggins, Chief, Bureau of Agent and Agency Licensing, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5405

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-211.042 Effect of Law Enforcement Records on Applications for Licensure.

(1) through (20) No change.

(21) Class “A” Crimes include all those listed in this subsection, where such crimes are felonies, and all are of equal weight notwithstanding from which subparagraph they are drawn. The Department finds that each felony crime listed in this subsection is a crime of moral turpitude.

(a) through (z) No change.

(aa) Passing worthless check(s) with intent to defraud.

(bb) through (lll) No change.

(22) through (24) No change.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.207, 626.211, 626.291, 626.601, 626.611(7), (14), 626.621(8), 626.631, 626.641 FS. History–New 10-17-02, Amended

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Logo Sign Program
 RULE CHAPTER NO.: 14-85

RULE TITLE: Logo Sign Program
 RULE NO.: 14-85.004

PURPOSE AND EFFECT: The proposed amendment to Sections (11)(c)6., (11)(e) and (12)(a) is needed to streamline the renewal process and to more closely follow standard business practice. There also is a clarification to eliminate a conflict with another section in the rule.

SUBJECT AREA TO BE ADDRESSED: Sections (11)(c)6., (11)(e), and (12)(a) are being amended to streamline the renewal process and to more closely follow standard business practice.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(28), 479.261 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-85.004 Logo Sign Program.

(1) through (10) No change.

(11) Permitting.

(a) through (b) No change.

(c) Initial Permit Application. A business applying for a business logo sign must submit a completed Logo Application/Annual Permit Renewal, Form Number FLI-163, Rev. 09/01, incorporated herein by reference, to the address specified on the form. The Logo Application/Annual Permit Renewal, Form Number FLI-163, Rev. 09/01, may be obtained from the Program Administrator.

1. Completed applications will be approved or denied within 90 days of receipt. A written notice of the approval or denial will be furnished to the applicant.

2. Permit fees must be received by the Program Administrator within 30 days of the notification of permit approval.

3. After notification of approval of the application, the applicant shall be responsible for providing the Program Administrator with a business logo sign which meets the specifications provided herein.

4. The business logo sign will be affixed to the display panel by the Department or its agent within 30 days of receipt of the sign or the permit fee, whichever is later.

5. Whenever space is not available on a logo structure for a business logo sign, the Program Administrator shall review the application for distance pursuant to paragraph (10)(b) above, and for operating hours pursuant to paragraph (10)(e)4., and will place the business on a waiting list in the order of the dates on which they were received. A notice will be provided to the business indicating its position on the waiting list. When space becomes available, notice will be provided to the business with the highest priority allowing the business 30 days within which to submit an application in accordance with this section.

6. For gas, food, and lodging ~~##~~ categories only, applications received for businesses within three miles of an interchange have priority over businesses that are within three to six miles of an interchange.

- (d) No change.
- (e) Annual Permit Renewal.

1. On or before November 1 of each year, the Program Administrator will provide a Notice of Annual Permit Renewal to each holder of a valid permit. Failure to receive the Notice will not excuse timely submission of the permit renewal application by the permit holder.

2. Each permit holder must submit a completed Logo Application/Annual Permit Renewal, form number FLI-163, Rev. 09/01, to the Program Administrator by fax, mail, or hand delivery no later than December 1. The Annual Permit Renewal must be postmarked no later than December 1. If the application is mailed or faxed it must be received no later than 5:00 p.m. on December 1. If the application is hand delivered it must arrive and be date and time stamped by the Program Administrator no later than 5:00 p.m. on December 1.

3. The ~~annual~~ permit fee amount must be received and be date and time stamped by the Program Administrator no later than 5:00 p.m. on December 1. submitted with the Annual Permit Renewal.

4. If the completed application and permit fee are not received by the Program Administrator Failure to submit the Annual Permit Renewal by 5:00 p.m. on December 1, will result in expiration of the permit will expire and removal of the business logo sign will be removed from the display panel. Should the business subsequently reapply for a permit, such reapplication will be processed as an initial permit application in accordance with this section.

(12) Denial, revocation, suspension, voiding, or cancellation of permit.

(a) Denial. An application for a business logo permit will be denied if:

- 1. Space is not available;
- 2. The business does not meet the eligibility requirements;

or

3. A completed Logo Application/Annual Permit Renewal, form FLI-163, Rev. 09/01, and applicable permit The required fees are not received by the Program Administrator by 5:00 p.m. on December 1 submitted with the application.

(b) through (f) No change.

(13) No change.

Specific Authority 334.044(2) FS. Law Implemented 334.044(28), 479.261 FS. History—New 6-26-85, Formerly 14-85.04, Amended 3-20-91, 10-10-96, 12-31-96, 10-8-97, 5-25-99, 8-31-99, 7-15-02,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Chaplaincy Services
RULE NO.: 33-503.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the circumstances under which inmates may attend and participate in religious services.

SUBJECT AREA TO BE ADDRESSED: Inmate participation in religious services

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-503.001 Chaplaincy Services.

(1) through (2) No change.

(3) Religious Services and Rituals.

(a) through (b) No change.

(c) In the interest of security, order or effective management of the institution, the warden may limit the number of religious services or activities inmates may attend per week. When it is considered necessary for security or good order of the institution, the warden may limit attendance at or discontinue completely a religious service or activity. The warden may not restrict or allow the religious group itself to restrict attendance at or participation in a religious service or activity on the basis of race, color, or nationality, or creed. Inmates are allowed to visit religious services other than their

own so long as the services are not scheduled by call-out, the inmate visits the religious service during his own free time, and the inmate does not provoke disruption of the service. The volunteer clergy or religious leader is authorized to limit participation in specific sacraments to members of the faith according to the faith tradition. Inmates attending a religious service or activity may be required to sign an attendance record.

(d) through (12) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 20.315, 944.09, 944.11 FS. History—New 1-6-82, Formerly 33-3.14, 33-3.014, Amended 10-18-01, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Drivers
 RULE NO.: 33-601.605

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete obsolete language and to clarify: selection criteria for work release center inmate drivers; procedures for taking license examinations; payment of routine license fees; and search procedures for inmate drivers returning to the WRC.

SUBJECT AREA TO BE ADDRESSED: Inmate drivers.

SPECIFIC AUTHORITY: 944.09, 945.091 FS.

LAW IMPLEMENTED: 20.315, 322.03, 322.04, 322.15, 944.09, 945.091 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.605 Inmate Drivers.

(1) Definitions.

(a) through (b) No change.

~~(e) Commercial Vehicle Driving Vocational Program—a vocational program designed to prepare inmates for employment as tractor trailer or truck drivers. Instruction will include 1000 miles of road driving under the supervision of a qualified commercial vehicle driver prior to completion of the program. Road driving activities will include experience on two-lane, four-lane, interstate and city streets and highways. Twenty percent or more of the experience will occur at night on both wet and dry roads.~~

~~(c)~~(d) No change.

(e) Work Release Center (WRC), where used herein, refers to a facility where a community based transition program is conducted for approved minimum custody inmates prior to release from custody ~~is conducted~~.

(2) No change.

(3) Selection Criteria for WRC Inmate Drivers.

(a) The inmate must meet the criteria for the work release program and not have a current or prior conviction in any of the following categories:

1. Any degree of murder or attempted murder,

2. Homicide,

3. Manslaughter,

4. Driving under the influence,

5. Driving while licensed suspended or revoked,

6. Kidnapping,

7. False imprisonment,

8. Escape, or a disciplinary report for escape or attempted escape for which the inmate was found guilty, ~~or~~

9. Vehicle theft, or

10. Fleeing or eluding a police officer.

(b) No change.

(c) The inmate must be in community ~~minimum~~ custody and have proven his or her trustworthiness by performing in an outside community ~~minimum~~ custody assignment thirty ~~ninety~~ days prior to his or her selection.

(d) No change.

(e) The inmate must have a favorable driving record which does not reflect any moving violations within the last two ~~three~~ years prior to incarceration.

(4) The classification officer considering an inmate as a work release center driver shall review the inmate’s driving history utilizing the Kirkman Data Center database. Questions or concerns regarding the Kirkman Data Center database are to be directed to the work release coordinator in the Bureau of Classification and Central Records for resolution.

(5) No change.

(6) Obtaining licenses for non-licensed inmate drivers.

(a) No change.

(b) An inmate shall be authorized to use a department vehicle for the purpose of taking a driver’s license examination. The selection of the vehicle shall be made by the WRC chief. A correctional officer shall escort the inmate to DHSMV for the scheduled appointment and shall remain with the inmate while he or she completes the license examination.

(c) Routine fees for driver’s examinations, licenses and renewals will be paid from funds as determined by the inmate bank section of the Office of the Chief of Staff ~~by the work release center where the inmate is assigned at the time the fee is incurred~~. Any additional costs to obtain a driver’s license will be the financial responsibility of the inmate and will be paid directly to the DHSMV Driver’s License Office.

- (d) No change.
- (7)(a) No change.

(b) The Correctional Officer in the control room will make the appropriate documentation on the Control Room Log, DC6-207, every time a driver's license and keys are given to and received from an inmate. Form DC6-207 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is August 29, 2000.

(8) Supervision of WRC Inmate Drivers. A correctional officer sergeant at the work release center will be assigned to ensure the inmate driver fulfills the driving duties in the prescribed manner:

(a) The responsibilities of the assignment will be thoroughly explained to the inmate and the inmate will be required to sign the Inmate Driver Agreement Form, DC6-116. Form DC6-116 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is August 29, 2000.

(b) through (f) No change.

(g) Each time an inmate driver returns to the work release center a correctional officer shall conduct a clothed physical search of the inmate for the detection of contraband and shall document the search on the control room log. An inmate found with contraband will have his or her driving privileges immediately suspended pending review by the approving authority and shall be subject to the disciplinary process.

(9) No change.

~~(10) Commercial Vehicle Driving Vocational Program.~~

~~(a) In order to qualify for the Commercial Vehicle Driving Vocational Program designed to prepare an inmate for employment as a tractor trailer or truck driver, an inmate must exhibit a safe driving record, be at least 21 years of age, comply with State and Federal licensing requirements, and be otherwise eligible pursuant to subsection (3) of this rule.~~

~~(b) An inmate who does not have a valid Florida Driver's License on file shall be permitted to obtain his driver's license in order to participate in the Commercial Vehicle Driving Vocational Program. The license will be obtained as described in subsection (6) of this rule. The inmate will be required to purchase the license and Commercial Driver's License (CDL) at his own expense and pay such fees to the DHSMV Driver's License Office.~~

~~(c) Under no circumstances will an inmate be permitted to operate the tractor trailer or truck outside of the state.~~

~~(d) An inmate will be authorized to retain his CDL on his person only when necessary for that specific part of the program which requires driving. When not in use, the driver's license and the keys to the vehicle shall be returned to the instructor for safe storage. Under no circumstances will an inmate be permitted to complete the field training part of the program that occurs outside the parameters of an institution without proper supervision and the accompaniment of a skilled professional.~~

Specific Authority 944.09, 945.091 FS. Law Implemented 20.315, 322.03, 322.04, 322.15, 944.09, 945.091 FS. History—New 8-29-00, Amended 1-1-01,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow RULE CHAPTER NO.: 40D-8

PURPOSE AND EFFECT: To amend Chapter 40D-8, F.A.C., to incorporate the next set of priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of a "Category 3" minimum lake level methodology and minimum lake levels for for Lake Letta, Lake Lotela, Lake Jackson and Little Lake Jackson in Highlands County, Florida, and for Lake Clinch, Eagle Lake, Lake McLeod and Lake Wales (Wailes) in Polk County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086, 373.216, 373.219, 373.223, 373.229, 373.413, 373.414, 373.416 FS.

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

TIME AND DATE: 7:00 p.m., October 22, 2002

PLACE: Sebring Civic Center, 355 West Center Avenue, Sebring, FL 33870

PURPOSE: Public workshop on minimum levels for Lake Letta, Lake Lotela, Lake Jackson and Little Lake Jackson in Highlands County, Florida.

TIME AND DATE: 6:00 p.m., October 24, 2002

PLACE: City of Lake Wales Municipal Building, 201 Central Avenue, West, Lake Wales, FL 33859-1320

PURPOSE: Public workshop on minimum levels for Lake Clinch, Eagle Lake, Lake McLeod and Lake Wales (Wailes) in Polk County, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

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

WATER MANAGEMENT DISTRICTS**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Water Levels and Rates of Flow
 RULE CHAPTER NO.: 40D-8

PURPOSE AND EFFECT: To amend 40D-8 to incorporate the next set of priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of a "Category 3" minimum lake level methodology and minimum lake levels for for Lake Calm, Church Lake, Cypress Lake, Echo Lake, Fairy lake (a.k.a. Lake Maurine), Halfmoon Lake, Lake Raleigh, and Lake Rogers in Hillsborough County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086, 373.216, 373.219, 373.223, 373.229, 373.413, 373.414, 373.416 FS.

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

TIME AND DATE: 7:00 p.m., October 23, 2002

PLACE: Keystone Civic Center, 17928 Gunn Highway, Odessa, FL 33556

PURPOSE: Rule Development Public workshop on minimum levels for Lake Calm, Church Lake, Cypress Lake, Echo Lake, Fairy lake (a.k.a. Lake Maurine), Halfmoon Lake, Lake Raleigh, and Lake Rogers in Hillsborough County, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

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

WATER MANAGEMENT DISTRICTS**South Florida Water Management District**

RULE CHAPTER TITLE: General and Procedural
 RULE CHAPTER NO.: 40E-1

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's forms and application processing fees.

SUBJECT AREA TO BE ADDRESSED: Amend the water use compliance forms, water use permit application, and supporting information forms and amend the application processing fees for individual public water supply permits, individual irrigation permits, individual mining (dewatering) permits, individual industrial permits, and minor permit modifications.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: Parts I and II, Chapter 373 FS.

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

TIME AND DATE: 10:00 a.m., October 22, 2002

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet:jjenniso@sfwmd.gov)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT [HTTP://WWW.SFWMD.GOV/ORG/WSD/WATERUSE/B_LIST.HTML](http://WWW.SFWMD.GOV/ORG/WSD/WATERUSE/B_LIST.HTML) OR CONTACT RUFINO OSORIO, (561)682-6261, ROSORIO@SFWMD.GOV.

WATER MANAGEMENT DISTRICTS**South Florida Water Management District**

RULE CHAPTER TITLE: Consumptive Use
 RULE CHAPTER NO.: 40E-2

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's Water Use Rules to reflect new legislative direction, new policy development and regional water supply plan implementation.

SUBJECT AREA TO BE ADDRESSED: The following topics will be discussed:

Supplemental irrigation requirement, pollution remediation; interference with existing legal uses; offsite land use impacts; pasture irrigation; use of reclaimed water; wellfield operational plans; diversion/impoundment allocation; permit duration; permit renewal process; impact evaluations; local sources first; aquifer storage and recovery; wetland protection; areas with maximum developable limits; year round water conservation measures, including those for the Lower West Coast region; water shortage plan; fees and forms. The changes will also correct citations and make changes to clarify language currently in the rule.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: Parts I and II, Chapter 373 FS.

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

TIME AND DATE: 10:00 a.m., October 22, 2002

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Regarding procedural questions: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet:jjenniso@sfwmd.gov);

regarding substantive questions: Scott Burns, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6817 or (561)682-6817.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT [HTTP://WWW.SFWMD.GOV/ORG/WSD/WATERUSE/B_LIST.HTML](http://WWW.SFWMD.GOV/ORG/WSD/WATERUSE/B_LIST.HTML) OR CONTACT RUFINO OSORIO, (561)682-6261, ROSORIO@SFWMD.GOV.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Artificial Recharge
 RULE CHAPTER NO.: 40E-5

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the rules regarding artificial recharge systems pursuant to sections 373.106 and 373.219, F.S.

SUBJECT AREA TO BE ADDRESSED: Artificial recharge systems in conjunction with aquifer recharge, aquifer storage and recovery systems, and heat exchange and the intentional introduction of water into any underground formation, except activities under Chapter 377, F.S. The changes will also correct citations and make changes to clarify language currently in the rule.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.106 FS.

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

TIME AND DATE: 10:00 a.m., October 22, 2002

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet:jjenniso@sfwmd.gov)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT [HTTP://WWW.SFWMD.GOV/ORG/WSD/WATERUSE/B_LIST.HTML](http://WWW.SFWMD.GOV/ORG/WSD/WATERUSE/B_LIST.HTML) OR CONTACT RUFINO OSORIO, (561)682-6261, ROSORIO@SFWMD.GOV.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: General Water Use Permits
 RULE CHAPTER NO.: 40E-20

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's Water Use Rules to reflect new legislative direction, new policy development and regional water supply plans.

SUBJECT AREA TO BE ADDRESSED: Conditions for permit issuance, conditions for permit modifications, conditions for dewatering permits, and permit durations. The changes will also correct citations and make changes to clarify language currently in the rule.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: Parts I and II, Chapter 373 FS.

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

TIME AND DATE: 10:00 a.m., October 22, 2002

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6817 or (561)682-6817.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DISTRICT'S WEBSITE AT [HTTP://WWW.SFWMD.GOV/ORG/WSD/WATERUSE/B_LIST.HTML](http://www.sfwmd.gov/org/wsd/wateruse/b_list.html) OR CONTACT RUFINO OSORIO, (561)682-6261, ROSORIO@SFWMD.GOV.

LAND AND WATER ADJUDICATORY COMMISSION

Bellalago Community Development District

RULE CHAPTER TITLE: Bellalago Community Development
 RULE CHAPTER NO.: 42II-1

District
 RULE TITLES: RULE NOS.:
 Creation 42II-1.001
 Boundary 42II-1.002
 Supervisors 42II-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district (CDD), the Bellalago Community Development District ("District"), pursuant to Chapter 190, F.S. The petition to establish the District, filed by Avatar Properties, Inc., (Petitioner), requests that the Florida Land and Water Adjudicatory Commission establish by rule the Bellalago CDD. A Notice of Receipt of Petition for the Bellalago CDD was published in the April 26, 2002, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District consists of approximately 1,313 acres located within the boundaries of Osceola County. The District is bounded on the east by Lake Tohopekaliga and undeveloped property; bounded on the west by Pleasant Hill Road; bounded on the north by Osceola County Regional Park; and bounded on the south by undeveloped property and a single-family residence, which is located in the southwest corner bordering the proposed District. The District is planned as a residential community of approximately 1,700 single-family and 600 multi-family residential dwelling units, passive recreational areas, parks, and a clubhouse. The land use designation on the Osceola County Comprehensive Plan Future Land Use Map for the District is "Rural/Agricultural" and "Suburban/Overlay." The Petitioner is pursuing approval of a Development of Regional Impact and related Comprehensive Plan amendment that would permit development of a total of approximately 2,300 units within the District. The District, if established, currently intends to fund off-site roadway improvements, stormwater management, drainage structures, mitigation creation, mitigation area acquisition, stormwater land acquisition, a potable water supply system, and a sanitary sewer system for the lands within the District.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Bellalago Community Development District.

SPECIFIC AUTHORITY: 120.53(1), 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.006(1) 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 (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Tuesday, October 22, 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Kendig-Schrader, Greenberg Traurig, P.A., 450 South Orange Avenue, Sixth Floor, Orlando, Florida 32801, (407)420-1000 or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE: Part I, Hospital and Other
 RULE CHAPTER NO.: 59A-3

Licensed Facilities

PURPOSE AND EFFECT: The proposed Rule reorganizes Chapter 59A-3, F.A.C., to present a more logical flow of the licensing requirements and creates sections from numerous subsections in the existing Rule for easier location and use.

Sections 59A-3.007-.081, F.A.C., proposed Rule development adds sections dealing with failure and external emergency communications; revises references to codes and standards for the review of freestanding emergency facilities; revises documentation for plans submission and the restrictive location of ambulatory surgical centers and other medical facilities attached to hospitals; deletes all design and construction requirements for hospitals buildings; and, revises code and reference standards for the review of intensive residential treatment facilities.

Sections 59A-3.201 through 59A-3.232, F.A.C., proposed Rule development deletes definitions not used in the Rule; corrects definition citations; clarifies the hospital licensing procedures and imposes financial penalty for late filing of a renewal application; expands infectious diseases control, prevention and surveillance; adds criteria when a full licensing survey will be conducted; provides for a plan of correction on areas of non-compliance; provides that the agency shall have full

access to patient medical records and the right to review all hospital employee and contract personnel files, including board certified personnel with hospital privileges; deletes the quarterly report on organ donation requests; replaces the existing Patient Rights and Care with a new section; adds off-site emergency department criteria; adds a requirement to update the emergency services inventory at renewal; requires resubmission of an approved exemption request biennially; breaks out the Departments and Services section into separate sections for each department and service; adds processes to the nutritional care plan; clarifies Pharmacy and Medication Services; adds disaster and emergency recovery requirements to Health Information Management; eliminates agency assistance with training for organ procurement organizations, tissue and eye banks, and the requirement that copies of ACHA Form 3130-8006 be forwarded to the agency; and, adds adult to the requirement to report abuse and neglect.

The proposed Rule combines the intensive residential treatment facility sections into one area of the Rule and adds to the staffing requirements.

SUBJECT AREA TO BE ADDRESSED: Hospitals and other licensed facilities.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 395 FS.

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

TIME AND DATE: 10:00 a.m., Thursday, October 24, 2002

PLACE: AHCA, 2727 Mahan Drive, Building 3, Rooms C and D, Tallahassee, Florida

THE PERSONS TO BE CONTACTED REGARDING PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, ARE: Plans and Construction, 59A-3.007-.081 – Skip Gregory, AHCA, 2727 Mahan Drive, Bldg. 1, First Floor, Mail Stop #24, Tallahassee, Florida 32308; Hospital and Outpatient Services, 59A-3.201-.232 – Laura MacLafferty, AHCA, 2727 Mahan Drive, Bldg. 1, Second Floor, Mail Stop #31, Tallahassee, Florida 32308

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE: Nursing Homes **RULE CHAPTER NO.:** 59A-4

PURPOSE AND EFFECT: The proposed Rule revises 59A-4, F.A.C., to distinguish between licensing requirements and construction requirements now contained in the Florida Building Code. Section 59A-4.122 and Sections 59A-4.1295-.134, F.A.C., proposed Rule development adds

reference concerning temperature levels, adds sections dealing with systems failure, external emergency communications, plans submission and fee requirements; and deletes all design and construction requirements for nursing home buildings.

SUBJECT AREA TO BE ADDRESSED: Nursing Homes.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 400, Part II FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, October 23, 2002

PLACE: AHCA, 2727 Mahan Drive, Building 1, OPC Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Plans and Construction, 59A-4.122-.133 – Sonya Longfellow, AHCA, 2727 Mahan Drive, Bldg. 1, First Floor, Mail Stop #24, Tallahassee, Florida 32308

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE: Ambulatory Surgical Centers **RULE CHAPTER NO.:** 59A-5

PURPOSE AND EFFECT: The proposed Rule revises 59A-5, F.A.C., to distinguish between licensing requirements and construction requirements now contained in the Florida Building Code. Rules 59A-5.016-.022, F.A.C., proposed Rule development revises documentation for plans submission and code references; and deletes all design and construction requirements for Ambulatory Surgical Center buildings.

SUBJECT AREA TO BE ADDRESSED: Ambulatory Surgical Centers.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 395 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, October 22, 2002

PLACE: AHCA, 2727 Mahan Drive, Building 3, Rooms C, Tallahassee, Florida

THE PERSONS TO BE CONTACTED REGARDING PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT ARE: Plans and Construction, Sonya Longfellow, AHCA, 2727 Mahan Drive, Bldg. 1, First Floor, Mail Stop #24, Tallahassee, Florida 32308

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractor’s Licensing Board

RULE TITLE: Specialty Electrical Contractors
PURPOSE AND EFFECT: The Board proposes to review this rule to determine the necessity of amendments.
SUBJECT AREA TO BE ADDRESSED: Specialty Electrical Contractors.
SPECIFIC AUTHORITY: 489.511(5) FS.
LAW IMPLEMENTED: 489.511(5), 489.503(14), 489.505(19) FS.

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Guidelines for the Disposition of Disciplinary Cases
PURPOSE AND EFFECT: The Board proposes to amend this rule to clarify the offenses and sanctions the board can take disciplinary cases.
SUBJECT AREA TO BE ADDRESSED: Guidelines for the Disposition of Disciplinary Cases.
SPECIFIC AUTHORITY: 310.101, 310.185, 455.2273 FS.
LAW IMPLEMENTED: 455.2273 FS.

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

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

Spivey, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Re-examination
PURPOSE AND EFFECT: The Board proposes to review the existing text in this rule to determine if amendments are necessary.
SUBJECT AREA TO BE ADDRESSED: Re-examination.
SPECIFIC AUTHORITY: 480.035(7), 480.044(1) FS.
LAW IMPLEMENTED: 480.044(1)(g) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Citations
PURPOSE AND EFFECT: The Board proposes to update the rule to add practice violations that may be disposed of by citations consistent with Section 456.077, Florida Statutes.
SUBJECT AREA TO BE ADDRESSED: Practice violations that may be disposed of by citation.
SPECIFIC AUTHORITY: 456.073, 456.077 FS.
LAW IMPLEMENTED: 456.073, 456.077 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD SCHEDULED FOR THE BOARD’S NEXT MEETING ON DECEMBER 7, 2002 IN ORLANDO, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-19.007 Citations.

(1) As used in this rule, "citation" means an instrument which meets the requirements set forth in Section 456.077, ~~455.621~~, Florida Statutes, and which is served upon a licensee or certificateholder for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section ~~456.073, 455.225~~, Florida Statutes, the Agency is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject for a complaint that is the basis for the citation, within six months after the filing of the complaint that is the basis for the citation. If a violation for which a citation may be issued is discovered during the course of an investigation for an unrelated violation, the citation must be issued within 6 months from the discovery of the violation and filing of the uniform complaint form by the investigator.

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

(a) through (c) No change.

(d) First time failure of the licensee to satisfy continuing education hours. The fine shall be \$150 for each hour not completed or completed late. In addition, \$2,000 and for each hour of continuing education not completed or completed late, the licensee shall make up all hours not completed, and shall be required to take 1 additional hour of continuing education for each hour not completed or completed late. All missing CEUs shall be made up within four (4) months of the date the citation becomes a Final Order. Respondent must submit certified documentation of completion of all CEU requirements for the period for which the citation was issued prior to renewing the license for the next biennium. Respondent must document compliance with the CEU requirements for the relevant period.

(e) Failure to report to the Board within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. The fine shall be ~~\$800~~ \$500.

(f) through (g) No change.

(h) Failure to conspicuously list the name of the osteopathic physician in an advertisement as required in paragraph 64B15-14.001(2)(k), F.A.C. The fine shall be \$500.

(i) Advertising or holding oneself out as a board-certified specialist, if not qualified under Section 459.0152, F.S. The fine shall be \$1,500.

(j) Failure to include the disclosure statement in an advertisement as required in Section 456.062, F.S. The fine shall be \$750.

(k) Failure to timely provide medical records of only one patient. The fine shall be \$500.

(l) Excessively charging copying fees for patient records as defined in Rule 64B15-15.003, F.A.C. The fine shall be \$750.

(m) Failure to update physician profile as required in Sections 456.039(3) and 459.008, F.S. The fine shall be \$50 per day not in compliance not to exceed \$5,000.

(n) Failure to comply with Section 381.0261, F.S., by failing to inform patients of the address and telephone number of the agency responsible for responding to patient complaints or failure to make available a summary of rights to patients as required in Sections 459.015(1)(g) and 456.072(1)(k), F.S.; Section 381.0261(b), F.S. The fine shall be \$100 non-willful and \$500 willful.

(o) First time failure to pay fine or costs. The fine shall be 10% of the fine and/or costs imposed plus the fine and costs. Failure to pay citation shall result in an administrative complaint.

(4) through (7) No change.

Specific Authority 456.073, 456.077 FS. Law Implemented 456.073, 456.077 FS. History—New 10-28-91, Amended 8-24-92, 11-17-92, Formerly 21R-19.007, 61F9-19.007, 59W-19.007, Amended 11-27-97, 11-12-00.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLE: RULE NO.:

Educational Requirements 64B20-2.002

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

SUBJECT AREA TO BE ADDRESSED: Educational requirements.

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1155, 468.1185 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: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Certification of Environmental Testing Laboratories 64E-1

PURPOSE AND EFFECT: The department proposes to adopt applicable laboratory standards approved in May 2001 at the National Environmental Laboratory Accreditation Conference (NELAC). Accordingly, the scope of certification offered will be reorganized from accreditation tiers based on EPA program, method, and analytes into tiers based on matrix, technology/method, and analytes.

SUBJECT AREA TO BE ADDRESSED: Certification of drinking water and environmental testing laboratories, the scope of certification to be offered, proficiency testing, and other criteria for laboratories to be certified.

SPECIFIC AUTHORITY: 403.0625(1), 403.863(1), 403.8635(3), 381.00591 FS.

LAW IMPLEMENTED: 403.0625(1), 403.0625(2), 403.863(1), 403.863(4), 403.8635(1), 403.8635(3), 381.00591 FS.

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

TIME AND DATE: 1:00 p.m., Tuesday, October 29, 2002
PLACE: Florida Department of Environmental Protection, Twin Towers, 2600 Blair Stone Road, Room 609, Tallahassee, FL

TIME AND DATE: 1:00 p.m., Wednesday, October 30, 2002
PLACE: Florida Department of Health, Tampa Branch Laboratory, 3602 Spectrum Blvd., Tampa, FL

TIME AND DATE: 9:00 a.m., Thursday, October 31, 2002
PLACE: Ft. Myers Regional Service Center, 2295 Victoria Ave., Room 165, Ft. Myers, FL

TIME AND DATE: 9:00 a.m., Friday, November 1, 2002
PLACE: A. G. Holley Hospital, Auditorium, 1199 West Lantana Road, Lantana, FL

TIME AND DATE: 1:00 p.m., Monday, November 4, 2002
PLACE: Florida Department of Health, Bureau of Laboratories, Porter Auditorium, 1217 North Pearl Street, Jacksonville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Stephen A. Arms, Florida Department of Health, Bureau of Laboratories, P. O. Box 210, Jacksonville, FL 32231, (904)791-1502, SunCom 866-1502

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

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Sales of Certificates of Deposit **RULE NO.:** 3E-600.0132

PURPOSE, EFFECT AND SUMMARY: The Department of Banking and Finance and the Department of Insurance jointly announce the following public rule hearing to which all persons are invited. The purpose of the rule is to establish standards for the regulation of the sale of certificates of deposit by insurance agents rules pursuant to recently enacted legislation that affects insurance agents and the sale of certificates of deposit issued by certain types of financial institutions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.12(20), 517.201, 517.211, 517.191, 517.221, 517.301(1), 517.302, 517.311(1)-(3), 517.312 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., October 30, 2002
PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Don B. Saxon, Director, Department of Banking and Finance, Office of the Comptroller, Tallahassee, Florida 32399-0350; (850)410-9805

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-600.0132 Sales of Certificates of Deposit.

(1) Any person licensed under s. 626.041 or s. 626.051, Florida Statutes, and not otherwise registered under s. 517.12, Florida Statutes, who offers or sells a security defined in s. 517.021(19)(g), Florida Statutes, pursuant to the authority in s. 517.12(20), Florida Statutes, shall comply with or be subject to:

(a) The provisions of s. 517.301(1), s. 517.302, s. 517.311(1)-(3) and s. 517.312, Florida Statutes;

(b) Investigations, examinations, and subpoenas pursuant to s. 517.201, Florida Statutes;

(c) The remedies contained in s. 517.211, Florida Statutes;

(d) Injunctions issued pursuant to s. 517.191, Florida Statutes;

(e) Cease and desist orders issued pursuant to s. 517.221, Florida Statutes; and

(f) Rule 4-235.003, Florida Administrative Code.

(2) Any person who violates any of the provisions of chapter 517 is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(3) Nothing in this rule shall be deemed to limit any other departmental authority existing under Chapter 517, Florida Statutes.

Specific Authority 517.03(1) FS. Law Implemented 517.12(20), 517.201, 517.211, 517.191, 517.221, 517.301(1), 517.302, 517.311(1)-(3), 517.312 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Don B. Saxon, Director, Department of Banking and Finance, Office of the Comptroller

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Department of Banking and Finance, Office of the Comptroller

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF INSURANCE

RULE TITLES:
PART VII Standards For Safeguarding Customer Information

RULE NOS.:

Preamble	4-128.030
Definitions	4-128.031
Information Security Program	4-128.032
Objectives of Information Security Program	4-128.033
Examples of Methods of Development and Implementation	4-128.034
Effective Date	4-128.035

PURPOSE, EFFECT AND SUMMARY: The proposed rules adopt, with minor modifications for clarity, the NAIC model “Standards for Safeguarding Customer Information” that will be contained in Part VII of Rule Chapter 4-128. This is a supplement to the Privacy of Consumer Financial And Medical Information rules which the Department adopted in 2001. The Gramm Leach Bliley (GLB) Act requires the states to adopt standards to protect against unauthorized access to or use of protected records, which could result in substantial harm or inconvenience to any customer. See §501(a).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 626.9651 FS.

LAW IMPLEMENTED: 624.307(1), 626.9651 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, October 29, 2002

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Steve Roddenberry, Deputy Director, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-5104

THE FULL TEXT OF THE PROPOSED RULES IS:

Part VII Standards For Safeguarding Customer Information

4-128.030 Preamble.

(1) These rules establish standards for developing and implementing administrative, technical and physical safeguards to protect the security, confidentiality, and integrity of customer information, pursuant to Sections 501, 505(b), and 507 of the Gramm-Leach-Bliley Act, codified at 15 U.S.C. 6801, 6805(b) and 6807.

(2)(a) Section 501(a) provides that it is the policy of the Congress that each financial institution has an affirmative and continuing obligation to respect the privacy of its customers and to protect the security and confidentiality of those customers’ nonpublic personal information.

(b) Section 501(b) requires the state insurance regulatory authorities to establish appropriate standards for the financial institutions under their jurisdiction relating to administrative, technical, and physical safeguards:

1. To ensure the security and confidentiality of customer records and information;
2. To protect against any anticipated threats or hazards to the security or integrity of such records; and
3. To protect against unauthorized access to or use of records or information that could result in substantial harm or inconvenience to a customer.

(c) Section 505(b)(2) requires state insurance regulatory authorities to implement the standards prescribed under Section 501(b) by rule with respect to persons engaged in providing insurance.

(d) Section 507 provides, among other things, that a state regulation may afford persons greater privacy protections than those provided by subtitle A of Title V of the Gramm-Leach-Bliley Act.

(3) This Part requires that the safeguards established pursuant to this Part shall apply to nonpublic personal information, including nonpublic personal financial information and nonpublic personal health information.

Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New _____.

4-128.031 Definitions.

For purposes of this Part, the following definitions apply:

- (1) "Customer" means a customer of the licensee as the term customer is defined in subsection 4-128.002(8), F.A.C.
- (2) "Customer information" means nonpublic personal information as defined in subsection 4-128.002(18), F.A.C., about a customer, whether in paper, electronic, or other form, that is maintained by or on behalf of the licensee.
- (3) "Customer information systems" means the electronic or physical methods used to access, collect, store, use, transmit, protect, or dispose of customer information.
- (4) "Licensee" means a licensee as that term is defined in subsection 4-128.002(16), F.A.C., except that "licensee" shall not include: a purchasing group, or an unauthorized insurer in regard to the surplus line business conducted pursuant to Section 626.938, Florida Statutes.
- (5) "Service provider" means a person that maintains, processes, or otherwise is permitted access to customer information through its provision of services directly to the licensee.

Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New _____.

4-128.032 Information Security Program.

- (1) Each licensee shall implement a comprehensive written information security program that includes administrative, technical, and physical safeguards for the protection of customer information.
- (2) The administrative, technical, and physical safeguards included in the information security program shall be appropriate to the size and complexity of the licensee and the nature and scope of its activities.

Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New _____.

4-128.033 Objectives of Information Security Program.

A licensee's information security program shall be designed to:

- (1) Ensure the security and confidentiality of customer information;
- (2) Protect against any anticipated threats or hazards to the security or integrity of the information; and
- (3) Protect against unauthorized access to or use of the information that could result in substantial harm or inconvenience to any customer.

Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New _____.

4-128.034 Examples of Methods of Development and Implementation.

The following actions and procedures are examples of methods of implementation of the requirements of Rules 4-128.032 and 4-128.033, F.A.C. These examples are non-exclusive illustrations of actions and procedures that licensees may follow to implement Rules 4-128.032 and 4-128.033, F.A.C.

- (1) Assess Risk. The licensee:
 - (a) Identifies reasonably foreseeable internal or external threats that could result in unauthorized disclosure, misuse, alteration, transmission, or destruction of customer information or customer information systems;
 - (b) Assesses the likelihood and potential damage of these threats, taking into consideration the sensitivity of customer information; and
 - (c) Assesses the sufficiency of policies, procedures, customer information systems, and other safeguards in place to control risks.
- (2) Manage and Control Risk. The licensee:
 - (a) Designs its information security program to control the identified risks, commensurate with the sensitivity of the information as well as the complexity and scope of the licensee's activities;
 - (b) Trains staff as appropriate to implement the licensee's information security program; and

(c) Regularly tests or otherwise regularly monitors the key controls, systems, and procedures of the information security program. The frequency and nature of these tests or other monitoring practices are determined by the licensee's risk assessment.

(3) Oversee Service Provider Arrangements. The licensee:

(a) Exercises appropriate due diligence in selecting its service providers; and

(b) Requires its service providers to implement appropriate measures designed to meet the objectives of this rule; and, where indicated by the licensee's risk assessment, takes appropriate steps to confirm that its service providers have satisfied these obligations.

(4) Adjust the Program. The licensee monitors, evaluates, and adjusts as appropriate the information security program in light of any relevant changes in:

- (a) Technology;
- (b) The sensitivity of its customer information;
- (c) The volume of its customer information;
- (d) Internal or external threats to information; and
- (e) The licensee's own changing business arrangements,

such as:

- 1. Mergers and acquisitions;
- 2. Alliances and joint ventures;
- 3. Outsourcing arrangements; and
- 4. Changes to customer information systems.

Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New

4-128.035 Effective Date.

Each licensee shall establish and implement an information security program, including appropriate policies and systems pursuant to this Part, by December 31, 2002.

Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Steve Roddenberry, Deputy Director, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin McCarty, Deputy Insurance Commissioner, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

DEPARTMENT OF INSURANCE

RULE TITLE:	RULE NO.:
Loss Ratio Standards and Refund or Credit of Premium	4-156.011

PURPOSE, EFFECT AND SUMMARY: The rule is being amended to delete obsolete references, incorporate forms by reference, provide filing addresses and make a technical change.

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: 624.308, 627.674(2) FS.

LAW IMPLEMENTED: 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS.

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

TIME AND DATE: 2:00 p.m., Tuesday, October 29, 2002
PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Bureau of L & H Forms & Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

THE FULL TEXT OF THE PROPOSED RULE IS:

4-156.011 Loss Ratio Standards and Refund or Credit of Premium.

- (1) No change.
- (2) Refund or Credit Calculation.

(a)1. An issuer shall collect the data necessary, and file with the Department each year by May 31, the refund or credit calculation information. This filing shall include:

a. Form DI4-1507, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter", with the purpose section and section II completely filled out in accordance with Form DI4-1507A, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet", as adopted in Rule 4-149.022, F.A.C.;

b. The following forms for each type in a standard Medicare supplement benefit plan, and each type of pre-standardized business:

(I)(A) “Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Individual Policies” Form DI4-MSB-I (7/02), for individual business, completed in compliance with the instructions for the form; or

(B) “Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Group Policies” Form DI4-MSB-G (7/02), for group business, completed in compliance with the instructions for the form; and

(II) The “Medicare Supplement Refund Calculation Form”, Form DI4-MSR, completed in compliance with the instructions for the form. An issuer shall collect and file with the Department, in compliance with the instructions to the form, by May 31 of each year the data contained in the “Medicare Supplement Refund Calculation Form”, Form DI4-MSR (6/96), for each type in a standard Medicare supplement benefit plan, and each type of pre-standardized business.

2. Forms DI4-MSB-I (7/02), DI4-MSB-G (7/02), and Form DI4-MSR (rev. 7/02) are hereby adopted and incorporated by reference, and may be obtained by writing to the Department of Insurance, Division of Insurer Services, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, FL 32399-0328.

3. a. The Filings forms shall be mailed to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, ~~2800 South Adams Street~~, Post Office Box 8040, Tallahassee, FL ~~32301-8040 32314-5320~~, or submitted electronically to <https://iportal.fldoi.com>.

b. All filings sent to the Department by Federal Express or any other form of special delivery shall be delivered to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, First Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.

(b)1. No change.

2. In particular, for policies and certificates issued as pre-standardized business:

a.(A) In the preparation of the “Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Individual Policies” Form DI4-MSB-I, (rev. 6/96) and “Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Group Policies” Form DI4-MSB-G, the insurer shall consider January 1, 1992, to be the date of inception for all policies and certificates and first year premium shall be the 1992 earned premium.

(H) Form DI4-MSB is hereby adopted and incorporated by reference, and may be obtained by writing the Department of Insurance, Division of Insurer Services, Bureau of Life and Health Forms and Rate, 200 East Gaines Street, Tallahassee, FL 32399-0328.

b. The insurer shall prepare ~~pages 1 through 3 of~~ Form DI4-MSR for the two types of pre-standardized business. Since all policies and certificates are considered to have been issued on January 1, 1992, only experience since that date shall be included in this exhibit.

c. All individual businesses, regardless of issue date, shall use the factors on the ~~individual policy page of the~~ “Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Individual Policies” (Form DI4-MSB-I).

(c) No change.

(3) through (4) No change.

Specific Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS. History—New 1-1-92, Amended 7-14-96, 12-17-96, 7-26-99, 3-4-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Bureau of Life and Health Form and Rates, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Bureau Chief, Bureau of Life and Health Forms and Rates, Department of Insurance

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

DEPARTMENT OF INSURANCE

RULE TITLE: Sale of Certificates of Deposit
RULE NO.: 4-235.003

PURPOSE, EFFECT AND SUMMARY: The Department of Banking and Finance and the Department of Insurance jointly announce the following public rule hearing to which all persons are invited. The purpose of the rule is to establish standards for the regulation of the sale of certificates of deposit by insurance agents rules pursuant to recently enacted legislation that affects insurance agents and the sale of certificates of deposit issued by certain types of financial institutions.

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: 624.308(2) FS.

LAW IMPLEMENTED: 624.307(1), 517.12, 626.611, 626.621 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., October 30, 2002
 PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phil Fountain, Assistant Director, Division of Agent and Agency Services, Department of Insurance, 200 E. Gaines Street, Tallahassee, Florida 32399-0318, (850)413-5416

THE FULL TEXT OF THE PROPOSED RULE IS:

SALE OF NON-INSURANCE PRODUCTS BY INSURANCE REPRESENTATIVES

4-235.003 Sale of Certificates of Deposit.

(1) Activities of licensed general lines and life insurance agents authorized by Section 517.12(20), Florida Statutes, are considered activities under the agents' licenses for purposes of Sections 626.611 and 626.621, Florida Statutes.

(2) In determining whether an agent has been a source of injury or loss to the public or detrimental to public interest within the meaning of Section 626.621(6), Florida Statutes, the Department will consider the facts applicable to each transaction.

(a) Conduct determined by the Department of Banking and Finance to violate Rule 3E-600.0132, F.A.C., constitutes conduct that is a source of injury or loss to the public or detrimental to public interest within the meaning of Section 626.621(6), Florida Statutes.

(b) The Department will apply the standards established in Part IX of Chapter 626, Florida Statutes, against engaging in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of business under an agent's license to agent transactions authorized under Section 517.12(20), Florida Statutes.

Specific Authority 624.308(2) FS. Law Implemented 624.307(1), 517.12, 626.611, 626.621 FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Phil Fountain, Assistant Division Director, Division of Agent and Agency Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Division of Agent and Agency Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Aquaculture Best Management Practices

RULE CHAPTER NO.: 5L-3

RULE TITLE: Aquaculture Best Management Practices Manual

RULE NO.: 5L-3.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend 5L-3 to reference an updated aquaculture best management practice manual, dated October, 2002. The manual change will specifically include an additional section to the aquaculture best management practices for aquatic animal health.

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

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 within 21 days of this notice.

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

LAW IMPLEMENTED: 597.002, 597.003, 597.004 FS.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Kal Knickerbocker, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301

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

TIME AND DATE: 1:00 p.m., Tuesday, October 29, 2002

PLACE: Division of Aquaculture Conference Room, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Division of Aquaculture at (850)488-4033 at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kal Knickerbocker, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301; Phone: (850)488-4033

THE PROPOSED RULE AND REFERENCE MANUAL ARE AVAILABLE ON THE DIVISION OF AQUACULTURE'S WEBSITE: www.FloridaAquaculture.com

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-3.004 Aquaculture Best Management Practices Manual.

(1) The Best Management Practices manual used by the Department under Rule 5L-3, F.A.C., is adopted and incorporated by reference in this section. The manual is listed below by subject title and date. Copies of the manual may be obtained by contacting the Department.

(2) Aquaculture Best Management Practices Manual, October, 2002 ~~July, 2000~~.

Specific Authority 570.07(23), 595.004(2)(b) FS. Law Implemented 597.003, 597.004 FS. History--New 10-4-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kal Knickerbocker

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 19, 2002

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: Mapping Requirements RULE NO.: 12D-1.009

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-1.009, F.A.C., is to clarify the data requirements of property ownership maps maintained by property appraisers.

SUMMARY: The proposed rule amendment provides for property ownership maps to reflect dimensions on all parcels, where known; acreage if used for assessment purposes; and other elements for digital environments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 193.085(2), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED 195.022, 195.062, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., October 30, 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 any proceeding before the Property Tax Technical Unit is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-1.009 Mapping Requirements.

(1) Each county property appraiser shall have and maintain the following:

- (a) Aerial photography suitable for the needs of his office.
(b) Property ownership maps which will reflect the following:

1. Recorded subdivisions and/or unrecorded subdivisions, if being used for assessing, in their entirety on the property ownership maps including lot and block division and dimensions if known.

2. Dimensions and acreage, where known, on all parcels, where known as determined from the public records over one acre in size.

3. Acreage, where known as determined from the public records, if used as a unit of measurement for assessment purposes.

4. Parcel number (normally the last four digits of the property identification number).

5. Positions recorded in State Plane Coordinate feet and based on North American Datum 1983 (1990 Adjustment), if maintained in a digital environment.

6. Minimum positional accuracy according to National Map Accuracy Standards [Date].

(2) No change.

Specific Authority 193.085(2), 195.027(1), 213.06(1) FS. Law Implemented 195.022, 195.062, 213.05 FS. History--New 10-12-76, Formerly 12D-1.09, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002, Vol. 28, No. 31. A rule development workshop was held on August 22, 2002, in Tallahassee, Florida. Written comments were received prior to the workshop on the proposed amendments but no written comments were received at the workshop. Oral comments were received at the workshop. No changes have been made from the proposed rule text as noticed in the August 2, 2002, Florida Administrative Code.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES:

RULE NOS.:

Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Veterans 12D-7.003
Additional Homestead Exemption Up to \$25,000 for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year 12D-7.0143

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-7.003, F.A.C., is to implement the provisions of Chapter 2002-271, Laws of Florida, providing for an increased exemption for disabled ex-service members.

The purpose of the proposed amendment to Rule 12D-7.0143, F.A.C., is to implement the provisions of Chapter 2002-52, Laws of Florida, providing for documentation required to be submitted with the sworn statement of adjusted gross income of the household for taxpayers claiming the additional homestead exemption.

SUMMARY: The proposed amendment to Rule 12D-7.003, F.A.C., provides that the increased exemption for disabled veterans is \$5,000 and the aggregate exemption for a disabled veteran receiving exemptions under sections. 196.24, 196.031, and 196.202, F.S., may not exceed a certain amount.

The proposed amendment to Rule 12D-7.0143, F.A.C., provides that any extension of time to file federal returns is included in the documentation required to be submitted in support of adjusted gross income of a household for the additional homestead exemption for persons 65 and older; that supporting documentation is not required for renewal of the additional homestead exemption unless requested by the property appraiser; and that the property appraiser may not grant or renew the exemption where required documentation, including documentation requested by the property appraiser, is not provided by the applicant.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 195.027(1), 196.075(5), 213.06(1) FS.

LAW IMPLEMENTED: 196.031, 193.074, 196.075, 196.202, 196.24, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., October 30, 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 any proceeding before the Property Tax Technical Unit is asked to advise the Department at least five (5) calendar days before such proceeding by contacting: Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-7.003 Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Veterans.

(1) No change.

(2) The \$5,000 exemption granted by section 196.24, Florida Statutes, shall be considered to be the same constitutional disability exemption provided for by section 196.202, Florida Statutes. The exemptions under sections 196.24, 196.031, and 196.202, Florida Statutes, shall be cumulative, but in no event shall the aggregate exemption exceed \$31,000.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.031, 196.202, 196.24, 213.05 FS. History—New 10-12-76, Formerly 12D-7.03, Amended 11-21-91, 12-31-98.

12D-7.0143 Additional Homestead Exemption Up to \$25,000 for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year.

(1) No change.

(2) A taxpayer claiming the additional exemption is required to submit a sworn statement of adjusted gross income of the household (Form DR-501SC, Sworn Statement of Adjusted Gross Income of Household and Return, incorporated by reference in Rule 12D-16.002, F.A.C.) to the property appraiser by March 1, comprising a confidential return of

household income for the specified applicant and property. The sworn statement must be supported by copies of the following documents to be submitted for inspection by the property appraiser ~~by June 1:~~

(a) federal income tax returns for the prior year for each member of the household, which shall include the federal income tax returns 1040, 1040A, and 1040EZ, if any; and

(b) Any request for an extension of time to file federal income tax returns; and

~~(c)~~ Any wage earning statements for each member of the household, which shall include Forms W-2, RRB-1042S, SSA-1042S, 1099, 1999A, RRB 1099 and SSA-1099, if any.

(3) No change.

(4) Supporting documentation is not required to be submitted with the sworn statement for renewal of the exemption, unless requested by the property appraiser.

(5) The property appraiser may not grant or renew the exemption if the required documentation including what is requested by the property appraiser is not provided.

Specific Authority 195.027(1), 196.075(5), 213.06(1) FS. Law Implemented 193.074, 196.075, 213.05 FS. History—New 12-30-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002, Vol. 28, No. 31. A workshop was held on August 22, 2002 in Tallahassee, Florida. No written or oral comments were received at the workshop on the proposed rules.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES:	RULE NOS.:
Assessment of Property for Back Taxes	12D-8.006
Additional Requirements for Preparation of the Real Property Roll	12D-8.008
Uniform Standards for Computer Operations: Minimum Data Requirements	12D-8.011

PURPOSE AND EFFECT: The purpose of the amendment to Rule 12D-8.006, F.A.C., is to implement the provisions of section 9, Chapter 2002-18, Laws of Florida, providing for assessment of escaped taxes to the previous owner where the purchaser was without knowledge of the escaped taxes.

The purpose of the amendment to Rule 12D-8.008, F.A.C., is to clarify a cross reference to Rule 12D-8.011, F.A.C.

The purpose of the proposed amendment to Rule 12D-8.011, F.A.C., is to implement the provisions of Chapter 2002-271, Laws of Florida, providing for exemptions for disabled ex-service members and to update exemption codes used for data processing files.

SUMMARY: The proposed amendment to Rule 12D-8.006, F.A.C., provides for assessments of escaped taxes against the previous owner of property. The proposed amendment to Rule 12D-8.008, F.A.C., clarifies a cross reference.

The proposed amendment to Rule 12D-8.011, F.A.C., updates the exemption type codes to include the 2002 legislative increase in the disabled veterans' exemption and to reflect the current codes in use for data processing files maintained by property appraisers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.073, 193.092, 193.155, 195.027, 195.073, 195.084, 195.096, 196.081, 196.101, 196.202, 196.24, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., October 30, 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 any proceeding before the Property Tax Technical Unit is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-8.006 Assessment of Property for Back Taxes.

(1) through (3) No change.

(4) Back assessments of property acquired by a bona fide purchaser that had no knowledge that the property purchased had escaped taxation shall be assessed to the previous owner in

accordance with Section 193.092(1), F.S. A “bona fide purchaser” means a purchaser, for value, in good faith, before the certification of the assessment of back taxes to the tax collector for collection.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.073, 193.092, 193.155, 213.05 FS. History—New 12-7-76, Formerly 12D-8.06, Amended 12-27-94, 12-31-98, _____.

12D-8.008 Additional Requirements for Preparation of the Real Property Roll.

(1) In addition to the requirements of Rule 12D-8.007, F.A.C., the Real Property Roll for each county shall include a description of the property assessed or a cross-reference to the description which shall be accurate and certain enough to give to the taxpayer the necessary notice of the tax assessed against the particular piece of property; the description so cross-referenced shall afford an adequate conveyance to the purchaser at a sale of the property for satisfaction of a lien originating in the non-payment of the tax. The Official Record Book and Page number of the conveyance upon which the owner of record’s title is based shall also be shown, provided such information has been gathered pursuant to Rule 12D-8.011(1)(2)(m), F.A.C.

(a) through (2) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.027, 195.073, 195.084, 213.05 FS. History—New 12-7-76, Formerly 12D-8.08, Amended 12-27-94, 12-25-96, _____.

12D-8.011 Uniform Standards for Computer Operations: Minimum Data Requirements.

(1) Each property appraiser shall maintain the following data in one or more of his or her data processing files regarding each parcel of real estate in his or her county.

(a) through (n) No change.

(o) A code or codes indicating each exemption granted to the parcel and the value(s) thereof. The property appraiser may continue to use any existing codes provided they are translated to the codes prescribed when submitted to the Department: Personal exemption codes shall be “0” indicating the exemption does not apply or an alphabetic character indicating the exemption does apply. Five of six exemptions may apply for each parcel, in the following order.

Exemption Type	Maximum Value	Code
Homestead	\$25,000	X
Widowed	500	W/O
Blind	500	B
Disabled or Veteran Disabled	500	P or V
Veteran Disabled	5000	V
Disabled (100 percent Exempt)	—	D

An individual who qualified for the ~~\$25,000 dollar~~ exemption may also be entitled to the ~~\$500 dollar~~ exemption of section 3(b), Art. VII, State Const. (for widows, widowers, blind or totally and permanently disabled persons) and Section 196.202, Florida Statutes, and/or the \$5000 exemption under

Section 196.24, Florida Statutes (disabled veterans). In but in no event shall the aggregate exemption exceed \$26,500, for individuals exempt under Section 196.202, Florida Statutes, or \$31,000 for individuals exempt under Section 196.24, Florida Statutes, except for total exemptions under Sections 196.081, 196.091, ~~196.096,~~ or 196.101, Florida Statutes.

(p) through (q) No change.

(2) Each property appraiser shall maintain the following data in one or more of his data processing files regarding each personal property account in his county.

(a) through (l) No change.

(m) Exemption type. A code indicating the type of exemption granted the account. The code is as follows:

A – Senior Homestead Exemption (Section 196.075, Florida Statutes) ~~Institutional (Sections 196.195, 196.196, 196.197, Florida Statutes)~~

B – Blind (Section 196.202, Florida Statutes) ~~Non-Governmental Educational Property other than under Section 196.1985, Florida Statutes. (Section 196.198, Florida Statutes)~~

C – Charitable, Religious, Scientific or Literary (Section 196.196, Florida Statutes) ~~Federal Government Property (Section 196.199(1)(a), Florida Statutes)~~

D – Disabled (Sections 196.081, 196.091, 196.101, Florida Statutes) ~~State Government Property (Section 196.99(1)(b), Florida Statutes)~~

E – Economic Development (Section 196.1995, Florida Statutes) ~~Local Government Property (Section 196.199(1)(c), Florida Statutes)~~

G – Federal Government Property (Section 196.199(1)(a), Florida Statutes); State Government Property (Section 196.99(1)(b), Florida Statutes); Local Government Property (Section 196.199(1)(c), Florida Statutes); Leasehold Interests in Government Property (Section 196.199(2), Florida) ~~Economic Development (Section 196.1995, Florida Statutes)~~

H – Historic Property (Section 196.1997, Florida Statutes) ~~Not-for-profit Sewer and Water Companies (Section 196.2001, Florida Statutes)~~

I – Historic Property Open to the Public (Section 196.1998, Florida Statutes) ~~Blind Exemption (Section 196.202, Florida Statutes)~~

~~J – Total and Permanent Disability Exemption (Section 196.202, Florida Statutes)~~

~~K – Widow’s Exemption (Section 196.202, Florida Statutes)~~

L – Labor Organization (Section 196.1985, Florida Statutes)

M– Homes for the Aged (Section 196.1975, Florida Statutes)

N – Nursing Homes, Hospitals, Homes for Special Services (Section 196.197, Florida Statutes)

O – Widowers (Section 196.202, Florida Statutes)

P – Totally and Permanently Disabled (Section 196.202, Florida Statutes)

Q – Combination (Homestead, Disabled, Widow, Widower, Totally and Permanently Disabled, Senior Homestead Exemption – Sections 196.031, 196.075, 196.202, Florida Statutes)

R – Renewable Energy Source (Section 196.175, Florida Statutes)

S – Sewer and Water Not-for-Profit (Section 196.2001, Florida Statutes)

T – Community Centers (Section 196.1986, Florida Statutes)

U – Educational Property (Section 196.198, Florida Statutes)

V – Disabled Veteran (Section 196.24, Florida Statutes)

W – Widows (Section 196.202, Florida Statutes)

X – Homestead Exemption (Section 196.031, Florida Statutes)

Y – Combination (Homestead, Disabled, Widow, Widower, Blind, Totally and Permanently Disabled, Disabled Veteran, Senior Homestead Exemption – Sections 196.031, 196.075, 196.202, 196.24, Florida Statutes)

Z – Combination (Renewable Energy Source, Economic Development – Sections 196.175, 196.1995, Florida Statutes)

(n) through (4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.027, ~~195.096~~, 196.081, 196.091, 196.101, 196.202, 196.24, 213.05 FS. History—New 12-7-76, Amended 9-30-82, Formerly 12D-8.11, Amended 12-31-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002, Vol. 28, No. 31. A workshop was held on August 22, 2002 in Tallahassee, Florida. No written or oral comments were received at the workshop on the proposed rule amendments.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES: RULE NOS.:

Receipt of Taxpayer’s Petition to 12D-10.004
be Acknowledged

Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with s. 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners 12D-10.0044

PURPOSE AND EFFECT: The purpose of the amendment to Rule 12D-10.004, F.A.C., is to incorporate the provisions of section 3, Chapter 2002-18, L.O.F., providing time frames for mailing of notices of scheduled value adjustment board hearings. The purpose of the creation of Rule 12D-10.0044, F.A.C., is to implement the provisions of sections 2 and 4, Chapter 2002-18, L.O.F., providing requirements for acceptance of value adjustment board petition forms; providing for exchange of information for value adjustment board hearings; requiring the Department of Revenue to prescribe uniform procedures for value adjustment board hearings; and providing that petitioners may reschedule hearings.

SUMMARY: The proposed amendment to Rule 12D-10.004, F.A.C., provides that a taxpayer may submit and the value adjustment board must accept Forms DR-486 or DR-486T and revises the time frames for a petitioner’s receipt of scheduled value adjustment board hearings.

The proposed creation of Rule 12D-10.0044, F.A.C., provides the requirements for exchange of information between value adjustment board petitioners and the property appraiser and mailing/delivery methods and time frames for the information; provides that value adjustment boards are required to hold organizational hearings and make value adjustment board uniform proceedings available to petitioners prior to scheduled hearings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 194.011(5), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 194.011, 194.015, 194.032, 194.034, 194.035, 195.022, 200.069, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., October 30, 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 any proceeding before the Property Tax Technical Unit is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at (800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-10.004 Receipt of Taxpayer's Petition to be Acknowledged.

(1)(a) The taxpayer has the sole responsibility for filing a petition with the clerk of the value adjustment board to appeal any decision of the property appraiser, including denial of homestead exemption. The prescribed form for filing a petition is Form DR-486 (or DR-486T for tangible personal property), as incorporated by reference in ~~to~~ Rule 12D-16.002, F.A.C. Regardless that the value adjustment board uses a form other than Forms DR-486 or DR-486T, as permitted under section 195.022, F.S., a taxpayer may submit, and the value adjustment board must accept, Forms DR-486 and DR-486T.

(b) The clerk shall acknowledge receipt of the petition and promptly furnish a copy of the petition to the property appraiser. If the taxpayer files a petition after the statutory deadline of 25 days after the notice of proposed property taxes was mailed, the clerk shall note this fact on the petition and bring it to the attention of the board.

(c) If any taxpayer's request for homestead exemption is denied by the property appraiser, such taxpayer may file a petition with the clerk of the value adjustment board. The taxpayer must file this petition on or before the 30th day following the mailing (postmark date) of the notice of denial. It is the sole option and responsibility of the taxpayer to file this petition.

(2) The clerk of the board shall prepare a schedule of appearances before the board based on timely filed petitions. The clerk shall notify each petitioner of the scheduled time of

appearance. The notice shall be in writing, and delivered by regular or certified U.S. mail or personal delivery so that the notice shall be received by the taxpayer no less than twenty (20) fifteen (15) calendar days prior to the day of such scheduled appearance. The clerk will have prima facie complied with the requirements of this section if the notice was deposited in the U.S. mail twenty five (25) (20) days prior to the day of such scheduled appearance.

(3) through (4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 213.05 FS. History—New 10-12-76, Formerly 12D-10.04, Amended 1-11-94, 12-28-95, 12-31-98, _____.

12D-10.0044 Uniform Procedures for Hearings: Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser. Consistent with s. 194.032, F.S.: Organizational Meeting: Uniform Procedures to be Available to Petitioners.

(1) The value adjustment board must accept Forms DR-486 and DR-486T, regardless that the value adjustment board uses another such form, as permitted under section 195.022, F.S.

(2) Subsequent to the mailing of the hearing notice, and at least 10 days before the scheduled hearing, the petitioner shall provide the property appraiser with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing.

(3) No later than 5 days after the property appraiser receives the petitioner's documentation, the property appraiser shall provide the petitioner with a list and summary of evidence with copies of documentation to be presented at the hearing. The evidence list must contain the property record card if provided by the clerk.

(4)(a) If the taxpayer does not provide the information to the property appraiser at least ten days prior to the hearing pursuant to subsection (2), the property appraiser need not provide the information to the taxpayer pursuant to subsection (3).

(b) If the property appraiser does not provide the information within the time required by subsection (3), the taxpayer shall be entitled to reschedule the hearing.

(c) If there is insufficient time for the property appraiser to provide the information five days after the receipt of the information from the taxpayer and still at least five days before the hearing the property appraiser shall be entitled to reschedule the hearing.

(5)(a) The exchange in subsections (2) and (3) shall be delivered by regular or certified U.S. mail, personal delivery, overnight mail, FAX or email. A party will have prima facie complied with the requirements of this rule if the information was deposited in the U.S. mail 5 days prior to the day of the scheduled delivery. The taxpayer and property appraiser may agree to a different timing and method of exchange.

(b) The information shall be sent to the address listed on the petition form; however, it may be submitted to an email or FAX address if given.

(6) Level of detail on testimony summary: The summary shall be sufficiently detailed as to reasonably inform a party of the general subject matter of the witness' testimony, and the name and address of the witness.

(7) Hearing procedures: Neither the Board nor the special master shall take any general action regarding compliance with this section, but any action on each petition shall be considered on a case by case basis. Any action shall be based on a consideration of whether there has been a substantial noncompliance with this section.

(8) The information shall be in writing, and may be delivered by regular or certified U.S. mail or personal delivery so that the information shall be received timely. A party will have prima facie complied with the requirements of this section if the information was deposited in the U.S. mail five (5) days prior to the day of such scheduled delivery.

(9) The petitioner may reschedule the hearing one time by submitting a written request to the clerk of the board no less than 5 days before the scheduled appearance.

(10) This rule provides procedures for information and evidence exchange between the petitioner and property appraiser, consistent with s. 194.032, F.S., subject to the provisions of s. 194.034(1)(d), F.S. and subsection 12D-10.003(4), F.A.C.

(11) The value adjustment board shall hold an organizational meeting and must make the uniform procedures available to petitioners. Such procedures shall be available a reasonable time following the organizational meeting and shall be available a reasonable time before the commencement of hearings in conformance with this rule.

(12) Such procedures shall be available in time to permit parties to comply with them, and such procedures, and the provisions of this rule, shall apply to petitions heard on and after January 1, 2003.

Specific Authority 194.011(5), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 194.034, 194.035, 195.022, 200.069, 213.05 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443; (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002, Vol. 28, No. 31. A workshop was held on August 22, 2002 in Tallahassee, Florida.

No written comments were presented at the workshop. Changes have been made to the proposed rule as published in the August 2, 2002, F.A.W. based on oral comments received at the workshop and written comments received prior to and subsequent to the workshop.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES:	RULE NOS.:
Refunds	12D-13.009
Lien of Taxes	12D-13.011
Installment Taxes: Tax Collector to Mail Applications	12D-13.024
Redemption or Purchase of Tax Certificates Belonging to the County	12D-13.052

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-13.009, F.A.C., is to remove a requirement for notarization of Form DR-462 and implement the provisions of section 6, Chapter 2002-18, Laws of Florida, providing the procedures and timeframes for refunds.

The purpose of the proposed amendment to Rule 12D-13.011, F.A.C., is to implement the provisions of section 9, Chapter 2002-18, Laws of Florida, providing for assessment against the previous property owner for escaped taxes.

The purpose of the proposed amendment to Rule 12D-13.024, F.A.C., is to clarify that installment taxes are applicable to all ad valorem property taxes.

The purpose of the proposed amendment to Rule 12D-13.052, F.A.C., is to conform the rule to section 197.472, Florida Statutes.

SUMMARY: The proposed amendment to Rule 12D-13.009, F.A.C., removes a requirement for notarization of Form DR-462, Application for Refund; provides time frames for refunds processing by the property appraiser, tax collector, and Department of Revenue; and provides for processing of refunds of less than \$400 directly by the tax collector.

The proposed amendment to Rule 12D-13.011, F.A.C., provides for recorded liens against previous owners of property that escaped taxation.

The proposed amendment to Rule 12D-13.024, F.A.C., provides that installment taxes apply to all ad valorem property taxes.

The proposed amendment to Rule 12D-13.052, F.A.C., provides that county held tax certificates may be redeemed at any time before a tax deed has been issued or the land is placed on the list of lands available for sale.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 195.022, 195.027(1), 213.06(1) FS.
LAW IMPLEMENTED: 192.053, 193.092, 193.1145, 196.295, 197.122, 197.123, 197.131, 197.172, 197.182, 197.222, 197.2301, 197.322, 197.323, 197.332, 197.343, 197.3632, 197.432, 197.443, 197.446, 197.472, 197.473, 197.492, 197.502, 197.582, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., October 30, 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 any proceeding before the Property Tax Technical Unit is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-13.009 Refunds.

(1) No change.

(a) For purposes of this rule section, the terms "claim", "application", or "request" for refund shall all mean the tendering of a signed ~~and notarized~~ Form DR-462, Application for Refund of Ad Valorem Taxes (incorporated by reference in Rule 12D-16.002, F.A.C.), to the tax collector. When a certificate of correction, Form DR-409 (incorporated by reference in Rule 12D-16.002, F.A.C.), from the property appraiser predates the Form DR-462, the claim date shall be the date the certified Form DR-409 from the property appraiser is delivered to and received by the tax collector.

(b) through (2) No change.

(3) The tax collector shall submit to the Department any claim for refund for \$400 or more resulting from a change to the assessed value or classified use value on the tax roll, resulting from an error of the property appraiser which is sought to be corrected by the correction of error procedure described in Rule 12D-8.021 or 12D-13.006, F.A.C. Refunds of less than \$400 shall be made directly by the tax collector, from undistributed funds, without approval from the Department or the various taxing authorities.

(a) through (6) No change.

(7)(a)1. Claim for refund shall be made by filing Form DR-462 with the tax collector. The claim shall state each year for which refund is being claimed. The property appraiser shall refer taxpayers to the tax collector to file a claim. No tax collector, board of county commissioners, or clerk of the court shall refuse to allow timely application for refund to be processed or forwarded to the Department for consideration. Taxpayers are not required to make payments under protest in order to subsequently file an application for refund.

2. Where funds are available from current receipts, a taxpayer is entitled to receive an approved refund within 100 days after the claim for refund is made. This time limitation may be extended for a maximum of 60 days if good cause is shown by the property appraiser, tax collector, or the Department. The procedures set forth in subsection (9) of this rule apply where funds are not available from current receipts.

(b) A certificate of correction from the property appraiser is not necessary to file an application for refund. Where a property appraiser has not made a certificate of correction, the tax collector shall forward the refund application to the property appraiser within 30 days after receipt of the application. The property appraiser has 30 days after receipt of the application to make a correction to the tax roll if the property appraiser agrees that an error has been made which can be corrected under Rules 12D-8.021 or 12D-13.006, F.A.C., and other applicable rules. After 30 days, the property appraiser shall return the refund application, with a signed Certificate of Correction, Form DR-409, to the tax collector or provide a written statement of the reason the tax roll has not been corrected. The times stated in this rule paragraph may be extended by a maximum of 60 days if good cause is stated the taxpayer shall work with the property appraiser to obtain one, if the property appraiser agrees that an error has been made which can be corrected under Rules 12D-8.021, 12D-13.006, F.A.C., and other applicable rules.

(c) A county property appraiser's appraisal determination is entitled to a presumption of correctness and may not be later adjusted through certificate of correction except as provided in Rule 12D-8.021, F.A.C. No taxpayer may challenge the assessed or taxable value unless authorized by law.

(8)(a) Upon receipt of a completed application for refund, the tax collector shall process the application or shall certify the application for refund to the Department if necessary in accordance with this rule. The request or application for refund shall be on Form DR-462. The tax collector shall certify that the refund claim is complete by signing and dating the Form DR-462. The tax collector shall attach such proof as is necessary to prove the claims. Such proof shall include, but not be limited to, the following documents as applicable. The property appraiser shall provide proof of these items as indicated in Rule 12D-8.021, F.A.C.

1. through (c) No change.

(d) The Department must approve or deny the refund claim within 30 days after receipt. However, where good cause is stated for delaying the approval or denial of a refund, the Department may extend such approval or denial for a maximum of 60 additional days.

(9) through (10) No change

(11) An action to contest a denial of a refund must be made within 60 days after the tax collector issues, by certified mail, the written denial or 4 years after January 1 of the year for which the taxes were paid, whichever is later.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.1145, 196.295, 197.122, 197.123, 197.131, 197.182, 197.2301, 197.323, 197.332, 197.343, 197.3632, 197.432, 197.443, 197.473, 197.492, 197.502, 197.582, 213.05 FS. History–New 6-18-85, Formerly 12D-13.09, Amended 12-10-92, 12-31-98, 12-30-99,_____.

12D-13.011 Lien of Taxes.

(1) through (3) No change.

(4) A lien created through the back assessment on real property acquired by a bona fide purchaser, as defined under s. 193.092(1), F.S., that had no knowledge that the property purchased had escaped taxation shall be assessed to the previous owner in accordance with and in the manner prescribed under s. 193.092(1), F.S. Such recorded liens comprise a lien on property in the same manner as a recorded judgment and may be enforced by the tax collector using all remedies related to recorded judgments.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 192.053, 193.092, 197.122, 197.332, 197.432, 213.05 FS. History–New 6-18-85, Formerly 12D-13.11, Amended 12-13-92, 12-31-98,_____.

12D-13.024 Installment Taxes: Tax Collector to Mail Applications.

(1) The tax collector shall mail, to those taxpayers requesting it, an application for installment payment of ad valorem property real estate taxes, Form DR-534, (incorporated by reference in Rule 12D-16.002, F.A.C.). It shall only be necessary to mail one application to owners of multiple parcels. Owners of multiple parcels shall be notified that additional applications may be obtained from the tax collector upon request.

(2) No change.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 197.222, 197.322, 197.3632, 213.05 FS. History–New 6-18-85, Formerly 12D-13.24, Amended 12-13-92,_____.

12D-13.052 Redemption or Purchase of Tax Certificates Belonging to the County.

(1) When tax certificates are struck off to the county, they shall be held by the tax collector of the county in which the property is located. A tax certificate struck off to the county may be redeemed in whole or in part, at any time before a tax deed has been issued or before the property is placed on the list of lands available for sale the vesting of title in the county, so long as the interest to be redeemed can be ascertained by legal

description. Except for certificates struck off to the county pursuant to Section 197.432, F.S., and Rule 12D-13.047, F.A.C., a tax certificate struck off to by the county may be purchased, in whole or in part, at any time before a tax deed application has been issued or before the property is placed on the list of lands available for sale, filed with the tax collector so long as the interest to be purchased can be ascertained by legal description.

(2) through (3) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 197.172, 197.3632, 197.432, 197.446, 197.472, 213.05 FS. History–New 6-18-85, Formerly 12D-13.52, Amended 5-23-91, 12-13-92, 12-31-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002, Vol. 28, No. 31. A workshop was held on August 22, 2002 in Tallahassee, Florida. No written or oral comments were received at the workshop on the proposed rules.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: Index to Forms
 RULE NO.: 12D-16.002

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12D-16.002, F.A.C., is to implement forms revisions created in Chapters 2002-18, 2002-52, and 2002-271, Laws of Florida, and incorporate other technical changes made to forms.

SUMMARY: The proposed amendments to Rule 12D-16.002, F.A.C., incorporate legislative and technical changes to ad valorem property tax forms used by property appraisers, tax collectors, and the general public.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.
 LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 196.24, 197.182, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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

TIME AND DATE: 10:30 a.m., October 30, 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 any proceeding before the Property Tax Technical Unit is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-16.002 Index to Forms.

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

Form Number	Form Title	Effective Date
(2) DR-401	Private Car and Freight Line Equipment Companies Annual Report to State of Florida Department of Revenue Property Tax Administration (r. 12/02 11/01)	12/02 12/01
(3) through (7)(b)	No change.	
(c) DR-405	Tangible Personal Property Tax Return (r. 12/02 12/00)	12/02 12/01

(8)	No change.	
(9)(a) DR-409	Certificate of Correction of Tax Roll (r. 12/02 6/98)	12/02 12/98
(b)	through (13)(c) No change.	
(d) DR-420S	Certification of School Taxable Value (r. 1/03 6/99)	12/02 1/00
(14)(a)	No change.	
(b) DR-422	Certification of Final Taxable Value (r. 1/03 6/98)	12/02 12/01
(15) through (16)	(a) No change.	
(b) DR-453B	Notice of Tax Lien for Assessment of Escaped Taxes (n. 12/02)	12/02
(c) DR-455	Renewable Energy Source Device Exemption Application (r. 6/92)	12/94
(17)	No change.	
(18) DR-462	Application for Refund of Ad Valorem Taxes (r. 12/02 11/92)	12/02 12/94
(19) through (24)	No change.	
(25)(a) DR-486	Petition to Value Adjustment Board (r. 12/02 12/96)	12/02 12/96
(b) DR-486T	Petition to Value Adjustment Board Tangible Personal Property (r. 12/02 2/92)	12/02 12/94
(c) through (33)(a)	No change.	
(b) DR-499	Renewal Application for Agricultural or High-Water Recharge Classification of Lands (r. 12/02 12/96)	12/02 12/96
(c) through (37)	No change.	
(38)(a) DR-501	Original Application for Ad Valorem Tax Exemption (r. 12/02 12/99)	12/02 1/00
(b) through (c)	No change.	
(d) DR-501SC	Sworn Statement of Adjusted Gross Income of Household and Return (r. 12/02 11/00)	12/02 1/01
(39)(a) DR-501S	Eligibility Criteria to Qualify for Property Tax Exemption (r. 12/02 11/01)	12/02 12/01
(b) through (46)(a)	No change.	
(b) DR-513	Tax Collector's Certification (r. 12/02 12/00)	12/02 1/01
(c) through (51)(a)	No change.	

- (b) DR-534 Notice and Application for Alternative Payment of 2003 ~~2002~~ Property Taxes (r. 12/02 ~~11/01~~) 12/02 ~~12/01~~
- (52) through (60) No change.
- (61)(a) DR-593 Application for Section 218.66, F.S. Special Distributions for Contested Property Taxes (n. 6/98) 12/98
- (b) DR-593A Application for Section 194.035, F.S. Reimbursement of Special Master Payments By Small Counties (n. 12/02) 12/02

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 196.24, 197.182, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 2, 2002, Vol. 28, No. 31. A workshop was held on August 22, 2002 in Tallahassee, Florida. No written or oral comments were received at the workshop on the proposed rules.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: Florida Real Property Appraisal Guidelines RULE NO.: 12D-51.003

PURPOSE AND EFFECT: The purpose of the creation of Rule 12D-51.003, F.A.C., is to provide reference to the source from which interested parties may obtain copies or have access to the Florida Real Property Appraisal Guidelines. These guidelines are being adopted in general conformity with the procedures set forth in section 120.54, F.S., consistent with section 195.032, F.S., but shall not have the force or effect of rules. These guidelines are to be used only to assist property appraisers in the assessment of real property, other than classified use real property, as provided by section 195.002, F.S. These guidelines supersede previous real property

appraisal guidelines, other than classified use real property guidelines. The proposed rule and these proposed guidelines will be presented at the public hearings at the dates, times, and locations noticed below.

SUMMARY: The creation of Rule 12D-51.003, F.A.C., provides the address and web site from which the Florida Real Property Appraisal Guidelines may be obtained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 195.027(1), 195.032, 213.06(1) FS. LAW IMPLEMENTED: 195.032, 195.062, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., October 30, 2002

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

A HEARING WILL BE HELD ON THE PROPOSED FLORIDA REAL PROPERTY APPRAISAL GUIDELINES AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., November 1, 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 any proceeding before the Property Tax Technical Unit is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-51.003 Florida Real Property Appraisal Guidelines. Pursuant to section 195.062, F.S., this rule shall give notice that these guidelines are available from the address given below. These guidelines do not have the force and effect of rules. These guidelines are entitled: Florida Real Property Appraisal Guidelines Rev. XX/02

Copies of these guidelines may be obtained from the Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 and may be found on the Internet at <http://www.myflorida.com/dor/property.html>.

Specific Authority 195.027(1), 195.032, 213.06(1) FS. Law Implemented 195.032, 195.062, 213.05 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999, Vol. 25, No. 18; July 30, 1999, Vol. 25, No. 30; November 24, 1999, Vol. 25, No. 47. Workshops were held on May 26 and August 17, in Tallahassee, Florida and on December 14, 1999, in Miami, Florida. No written or oral comments were received at the workshop on the proposed rule creation.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
State Highway System Connection	
Permits	14-96
RULE TITLES:	RULE NOS.:
Purpose	14-96.001
Forms	14-96.0011
Definitions	14-96.002
General Provisions	14-96.003
Connection Categories and Fees	14-96.004
Application	14-96.005
Application Submittal, Review, Approval, and Conditions	14-96.007
Construction and Maintenance of Traffic Requirements	14-96.008
Non-conforming Connection Permits	14-96.009
Modification of Connections	14-96.011
Closure and Modification of Unpermitted Connections (Including Those to be Considered “Grandfathered”)	14-96.012
Immediate Remedial Action Against Hazards	14-96.0121
Department Design and Construction Projects	14-96.015
Maintenance of Connections and Traffic Control Devices	14-96.016

PURPOSE AND EFFECT: Rule Chapter 14-96, F.A.C., is being amended to incorporate by reference new and revised forms and to generally revise and update the rules. Rule 14-96.012, F.A.C., is being repealed with the text of that rule

being combined in Rule 14-96.011, F.A.C. The words “Administrative Process” also are being deleted from the title for Rule Chapter 14-96, F.A.C.

SUMMARY: This is a proposed amendment to Rule Chapter 14-96, relating to access management permits.

SPECIFIC AUTHORITY: 334.044(2), 335.182(2), 335.183, 335.184 FS.

LAW IMPLEMENTED: 334.044(14), 335.18-.187 FS.

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.

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

TIME AND DATE: 1:30 p.m., October 30, 2002

PLACE: Department of Transportation, Haydon Burns Building, 605 Suwannee Street, Suwannee Room (Room 250), Tallahassee, Florida

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:

14-96.001 Purpose.

This rule chapter is adopted to implement the State Highway System Access Management Act for the regulation and control of vehicular access and connection points of ingress to, and egress from, the State Highway System, and other transportation facilities under the Department’s jurisdiction except for limited access facilities. This rule chapter does not apply to limited access facilities. The permitting of connections within the controlled access portion of interchange areas, pursuant to paragraph 14-97.003(1)(j), F.A.C., however, is subject to the permitting procedures in this rule chapter. This rule chapter describes the connection permit application process and procedures, a voluntary preapplication process, and requirements for relocation, alteration, modification or closure of connections to the State Highway System. ~~This rule chapter also is adopted to promote close cooperation with local governments in their site planning decisions that increase the safe traffic operations of the State Highway System.~~

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95,_____.

14-96.0011 Forms.

The following forms shall be used in the connection application administrative process and are incorporated by reference and made a part of the rules of the Department:

Title	Form Number	Date
<u>Driveway/Connection Application – Category A</u>	<u>850-040-14</u>	<u>06/02</u>
Driveway/Connection Application for All Categories	850-040-15	<u>06/02</u> 11/94
Receipt of Connection Application and Fee (or Waiver of Fee)	850-040-16	11/93
Record of Waived Requirements for All Categories	850-040-17	03/94
Driveway Connection Permit for All Categories	850-040-18	<u>06/02</u> 11/93
Record Drawings Report by Permittee’s Professional Engineer	850-040-19	11/94
Security Instrument Receipt	850-040-20	04/93
State Highway Access Connection Completeness Review	850-040-21	11/94
Applicant Time Extension Form	850-040-22	04/93
Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit	850-040-23	<u>06/02</u> 04/99
Proposed State Highway Access Connection Notice of Intent to Issue Permit	850-040-24	<u>06/02</u> 04/99
Violation and Notice to Show Cause	850-040-26	<u>06/02</u> 04/99

These forms are available from the Department of Transportation’s local area Maintenance Office, District Office, Urban Area Office, or Central Office at 605 Suwannee Street, Mail Station 19, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.18-.187 FS. History–New 4-18-90, Amended 7-16-95, 6-24-99.

14-96.002 Definitions.

For the purposes of this rule chapter the following definitions of the terms shall apply unless the context clearly indicates otherwise:

(1) “Applicant” means the person submitting a connection permit application. An applicant may be a property owner or the owner’s authorized agent. The Department will also accept a connection permit application by a person holding an unrecorded interest in the property, such as a lease, that includes the right of access to the property, upon written proof of authorization from the property owner to submit the application executed before a notary public.

~~(2)~~(+) “Application” means a completed Driveway/Connection Application – Category A, Form 850-040-14, 06/02, or Driveway/Connection Application for All Categories, Form 850-040-15, 06/02 ~~11/94~~, the required application fee, and related property, site, driveway, roadway, and traffic information required in this rule chapter.

~~(3)~~(2) “Average Daily Traffic (ADT)” means the an average number of vehicles passing a specific point on a connection or roadway on an average day.

~~(4)~~(3) “Connection” means as defined in Section 335.182(3)(a), Florida Statutes, ~~means driveways, streets, turnouts or other means of providing for the right of reasonable access to or from the State Highway System. Traffic control features and devices in the Department’s right of way are not part of the connection.~~

~~(5)~~(4) “Connection Category” means a Department assigned permit designation category for all State Highway connections, based on estimated vehicle trips per day to and from the property as set forth by ~~the Rules~~ 14-96.004, F.A.C. of the Department or derived through ~~g~~Generally a ~~Professional p~~Practice.

~~(6)~~(5) “Connection Permit” means a written authorization issued by the Department allowing for the initiation of construction of a specifically designed connection and any specific conditions related to the subject connection to the State Highway System at a specific location generating an estimated volume of traffic.

~~(7)~~(6) “Connection Relocation, Alteration, or Closure” (pursuant to Section 335.187, Florida Statutes) means are defined as follows:

(a) “Alteration” of a cConnection² means Department action to substantially change reduce the width of a connection or to change the availability of prohibit right turn exits or right turn entries. For purposes of this provision, two connections, one providing right turn entry and the other providing right turn exit, shall be considered one connection if they are within functional proximity of each other.

(b) “Closure” of a connection² means a Department prohibition of the ability to enter and exit via the connection.

(c) “Relocation” of a connection² means an Department action to substantially move a connection, laterally or to move relocate a connection to a service road connected to the state highway.

~~(8)~~(7) “Controlled Access Facility” for the purpose of this rule chapter means a transportation facility to which access is regulated through the use of a permitting process by the Department.

~~(9)~~(8) “Department” means the Florida Department of Transportation.

(10)(9) “Development Approval or Order” means an official action by the governmental authority having jurisdiction to approve a development site plan or to authorize the developer or land owner to begin construction of any permanent improvements on the property.

(11)(10) “Directional Median Opening” means an opening in a restrictive median designed to control certain and specific turning movements from either the state highway or the access connection.

(12)(11) “Distance Between Connections” means the distance between connections, measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.

(13) “Florida Intrastate Highway System” means the system of limited access and controlled access facilities, which are part of the State Highway System, and are developed and managed to have the capacity to provide for high speed and high volume traffic movements in an efficient and safe manner. Highways on the Florida Intrastate Highway System may only be included as part of this system as designated pursuant to Sections 334.04 and 338.001, Florida Statutes.

(14)(12) “Full Median Opening” means an opening in a restrictive median designed to allow all safe turning movements (except U turns in some instances) to take place from both the state highway and the adjacent connection.

(15)(13) “Generally Accepted Professional Practice” for the purpose of this rule chapter means the use of professional engineering and planning knowledge in the applicable professional publications, such as traffic studies or traffic study guidelines done in accordance with the procedures of recognized traffic or transportation organizations and agencies such as the Transportation Research Board, Eno ~~ENO~~ Foundation, Institute of Transportation Engineers, or design standards or principles of the American Association of State Highway and Transportation Officials (AASHTO), the Department, or the Federal Highway Administration (FHWA).

(16)(14) “Governmental Entity” means as defined in Section 11.45, Florida Statutes, a unit of local government or an officially designated transportation authority that has the responsibility for planning, construction, operation, maintenance, or jurisdiction over transportation facilities.

(15) “Intrastate Highway System” means the system of limited access and controlled access facilities, which are part of the State Highway System, and are developed and managed to have the capacity to provide for high speed and high volume traffic movements in an efficient and safe manner. Highways on the Intrastate Highway System may only be included as part of this system as designated pursuant to Sections 334.04 and 338.001, Florida Statutes.

(17)(16) “Joint Use Connection” means a connection that provides access to more than one property or development including those in different ownerships.

(18)(17) “Limited Access Facility” means a street or highway established as such a limited access facility pursuant to Section 338.01, Florida Statutes, and meeting the definition of Section 334.03(13), Florida Statutes, including interchange areas and other facilities within the limited access right of way.

(19)(18) “Median” means the portion of a divided highway separating vehicular traffic traveling in opposite directions. See “Restrictive Median” restrictive and “Non-Restrictive Median” also defined.

(20) “Modification” of a connection means relocation, alteration, or closure of a connection.

(21)(19) “Non-Restrictive Median” means a median or painted centerline which does not provide a physical barrier between center traffic turning lanes or traffic lanes traveling in opposite directions. This includes highways with continuous center turn lanes and undivided highways. See “Restrictive Median” also defined.

(22)(20) “Operational Characteristics of a Connection,” (as specified in Section 335.184(3), Florida Statutes), means ~~include, but are not limited to,~~ turning movements, turning radii, channelization, grade, and connection width.

(23)(21) “Property Owner” means the person or persons holding the recorded title to property abutting the state highway system, and other persons holding a recorded interest in such property that includes the right of access.

(24) “Public Road System” means the State Highway System, county roads, and city streets.

(25)(22) “Reasonable Access” means the minimum number of connections, direct or indirect, necessary to provide safe and efficient ingress and egress to the State Highway System based on Section 335.18, Florida Statutes, the Access Management Classification, projected connection and roadway traffic volumes, and the type and intensity of the land use.

(23) “Reciprocal Agreement” means an agreement between the Department and a local government entity exempting each other from permit fees.

(26) “Replacement” means reconstructing an existing connection without alteration or relocation of the connection.

(27)(24) “Restrictive Median” means the portion of a divided highway physically separating vehicular traffic traveling in opposite directions. Restrictive medians are ~~include~~ physical barriers that restrict ~~prohibit~~ movement of traffic across the median such as a concrete barrier, a raised curb island guard rail, or a grassed or a swaled median.

(28)(25) “Right of Way (R/W)” means land or interest therein, acquired for or devoted to transportation purposes. More specifically, land in which the governmental entity ~~State, the Department, a county, or a municipality~~ owns the fee simple title, has an easement devoted to or acquired for use as a public road and appurtenant facilities, or has established ownership by means of a published map pursuant to Section 95.361, Florida Statutes.

~~(29)~~(26) “Safety Upgrade Category” includes all modifications to existing connections initiated by the property owner, which improve ~~upgrade~~ the safety of the public road system(s) and the connection. This category is not applicable to connections involving significant change covered under “Significant Change,” as defined in Section 335.182(3)(b), Florida Statutes. Examples of this type of work are include increase of turning radii, channelization, resurfacing, relocation to improve connection spacing, widening or narrowing of a connection to better meet Department standards, and connection closure.

(30) “Security Instrument” means a letter of credit or bond as described in Section 334.187, Florida Statutes.

~~(31)~~(27) “Significant Change,” means as defined in 335.182, Florida Statutes, ~~means a change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding 25 percent more trip generation (either peak hour or daily) and exceeding 100 vehicles per day more than the existing use.~~ If the Department determines that the increased traffic generated by the property does not require modifications to the existing permitted connections, a new permit application shall not be required.

~~(32)~~(28) “State Highway System (SHS)” means the network of limited access and controlled access highways that have been functionally classified as such, and which are under the jurisdiction of the State of Florida pursuant to as defined in Section 334.03(25), Florida Statutes.

~~(33)~~(29) “Traffic Control Features and Devices” includes signs, markings, traffic signals, channelizing islands, medians, median openings, and turn lanes, and ~~other features~~ described in the *Manual on Uniform Traffic Control Devices (MUTCD)*, (incorporated by reference in Rule 14-15.010, F.A.C.).

~~(34)~~(30) “Traveled Way” means the portion of roadway for the movement of vehicles, not including shoulders and auxiliary lanes.

~~(35)~~(31) “Trip” means a one way vehicle movement. For example, one customer visiting an establishment in a car usually equals two trips, one in and one out.

~~(36)~~(32) “Trip Generation” means the number of trips, existing or projected, based on actual counts or the estimation methodology in the 6th 5th Edition of the Institute of Transportation Engineers *Trip Generation Report* or other Generally Accepted Professional Practice.

~~(37)~~(33) “Vehicle Trips Per Day (VTPD)” means the an average number of vehicle trips generated on an average day by a specific site development. For the purpose of this rule chapter VTPD will not be adjusted for roadway diversion, which estimates what percent of land use trips were already existing on the road system and not new trips specially generated by the land use.

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95, _____.

14-96.003 General Provisions.

(1) Local Permits and Approvals. Connection permits authorize the initiation of construction of connections within Department right of way and the maintenance of connection(s) according to the permit provisions and adopted Department standards. It is the responsibility of the applicant or permittee to obtain any other local permits or other agency approvals that may be required before the initiation of the connection construction ~~regardless of local government permits and approvals.~~ No person may construct, relocate, or substantially alter a connection without first obtaining a connection permit from the Department, as provided in this rule chapter, regardless of governmental entity permits and approvals.

(2) Pre-Application. Prior to filing an econnection application and prior to receipt of development or site plan approval, all applicants, but in particular those applying for a Category C, D, E, F, or and G connections, are strongly encouraged to request a pre-application meeting to review on the site plan with the Department and other governmental entities, as appropriate, with respect to the proposed connection(s) locations with the Department and other local agencies as appropriate. This review will be performed by the Department without a fee.

(a) Purpose of Pre-~~A~~Application Meeting. The purpose of the pre-application meeting is to establish the connection(s) ~~application~~ category and the general location and design of the connection(s) to the property. Traffic study requirements may also be determined during this meeting.

(b) Non-Binding Nature of the Pre-~~A~~Application Meeting. The pre-application meeting is advisory only and the results of this meeting are not non binding on the Department or and the applicant. An econnection application must be submitted and a cConnection permit must be issued before the applicant can initiate construction.

~~(3) Connections Involving Drive-in Theaters. Connections involving drive-in theaters shall comply with the requirements of rule chapter 14-42, F.A.C.~~

~~(3)~~(4) Cost of Construction.

(a) The cost of all construction related to the permit shall be the responsibility of the applicant permittee.

(b) Existing permitted connections impacted by the Department’s current construction activities and which; require relocation, alteration, closure, relocation, or safety upgrade replacement in order to meet current adopted Department standards shall be relocated, altered, closed, relocated, or upgraded for safety replaced by the Department at no cost to the permittee.

~~(4)~~(5) Traffic Control Features and Devices in the State Right of Way. Traffic control features and ~~Traffic Control d~~Devices in the ~~Department’s~~ right of way, such as including,

~~but not limited to~~, traffic signals, channelizing islands, medians, median openings, and turn lanes or any other transportation control features or measures in the state right of way are operational and safety characteristics of the State Highway System and are not means of access. The Department may install, remove, or modify any present or future traffic control feature or ~~traffic control device in the state right of way, such as median opening, traffic signal or a feature affecting turning movements through a connection,~~ to promote traffic safety in the right of way or promote efficient traffic operations on the highway. A connection permit is only issued for connections and not for any present or future ~~median openings, signals, or traffic control features or devices at or near the permitted connections. The permit may describe these features and/or devices,~~ but such description does not create any type of a vested interest in such features.

~~(5)(6) Other Review Processes, such as Development of Regional Impact (DRI).~~ The Department shall not be obligated bound to permit or approve any connection, traffic control feature or device, or any other site related improvement that has been specified in a development approval process separate from the official connection approval process described in this rule chapter. However, early coordination may minimize conflicts at application time.

~~(6)(7) Alternative Access Plans not Consistent with Access Management Standards.~~ If the requirements of Rrule Chapter 14-97, F.A.C., or other adopted Department access management standards, cannot be reasonably complied with, or if the standards can be met but the applicant desires to submit an alternative plan, the applicant may submit alternative access plans which will require approval of the Department's District Secretary or designee. The acceptance of any alternative access plans shall be based upon maximum achievement of the purpose of Rrule Chapter 14-97, F.A.C., and Sections 335.18-335.188 335.181, Florida Statutes. Any alternative access plan proposed under this section will need to provide documentation, in a traffic study, signed and sealed by a professional engineer registered in the State of Florida; of how the plan better serves the driving public and not just the applicant or its applicant's clients or customers. The Department will also consider the transportation conditions stated in Section 335.184(3)(a), Florida Statutes. See also, Rules 14-96.007(4)(a)2. and 14-96.009, F.A.C.

~~(7)(8) Limited Access Facilities.~~ Owners of property abutting a limited access facilities facility have no right of access to such facilities. Requests for any access (such as new interchanges) to limited access such facilities will not be processed under this rule chapter.

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History--New 4-18-90, Amended 7-16-95,_____.

14-96.004 Connection Categories and Fees.

All connections, public or private, shall be determined by the Department to be in one of the following categories:

(1) Standard Connection Categories. The following table summarizes the standard connection categories and application fees:

DESCRIPTION/PROJECTED AVERAGE VEHICLE TRIPS PER DAY OF SITE	APPLICATION FEE
Category A – Uses to 20 VTPD	\$ 50
Category B – Uses with 21 – 600 VTPD	\$ 250
Category C – Uses with 601 – 1,200 VTPD	\$1,000
Category D – Uses with 1,201 – 4,000 VTPD	\$2,000
Category E – Uses with 4,001 – 10,000 VTPD	\$3,000
Category F – Uses with 10,001 – 30,000 VTPD	\$4,000
Category G – Uses with 30,000 + VTPD	\$5,000

(2) Special Connection Categories.

(a) “Temporary Connection Category” provides a temporary, time limited, connection to the State Highway System for a specific property, use, and estimated traffic volume. Such uses may include forest land clearing and temporary agricultural or construction uses. This category may not be used for permanent construction at a site where it is reasonably expected that the use this permanent construction is the ultimate use of the property. Further, a temporary connection permit does not bind the Department, in any way, to the future issuance of a permanent connection permit at the temporary connection location. The permittee shall remove, at the permittee's own cost, the temporary connection at the end of the permit period or shall apply for an extension or a new permit. The fee for this category is \$250 for a six month period. The period will may be extended for increments of six months upon written request, payment of a new fee, and a showing of good cause, such as weather delays, natural disasters, ~~local~~ governmental entity coordination delays, or other technical problems not within the control of the applicant. However, in no event shall may the period extend beyond 24 consecutive months. The Department reserves the right to remove any temporary connection upon expiration of the permit.

(b) ~~“Local Government Public Street or Road Category”~~ provides for a connection or connection modification for any new or substantially improved public road. The fee will be waived if the applicant is a ~~local governmental entity having a reciprocal fee waiver agreement with the department if this is a local government sponsored project and the local government is the applicant.~~ If the fee is not waived, then the fee shall be based on the fee schedule in Rrule section subsection 14-96.004(1), F.A.C., using expected Average Daily Traffic for the Category determination.

(c) “Safety Upgrade Category” shall not be used for connections involving significant change. This category includes all modifications to existing connections not included as Substantial Connection Changes. This category allows for

~~work to existing or operating connections or sites which upgrade the safety of the public road system and the connection. This category shall not be used for connections covered under "Significant Change" as defined in Section 335.182(3)(b), Florida Statutes. Examples of this type of work include increase of turning radii, channelization, turn lane construction, resurfacing, relocation to improve connection spacing, widening or narrowing of connection to better meet Department standards, and connection closure. These applications shall be initiated by the applicant and will not require a fee.~~

~~(3)(d) Phased Developments.~~ New phases of an existing development requiring a new permit will have their fee based on the development in the individual phase.

~~(4)(3) Fee Payment Type.~~ Full payment of fees shall be made by cashier's check, certified check, cash, or money order, and shall be made payable to the State of Florida Department of Transportation at the time of application. Checks drawn on governmental entity accounts will be accepted by the Department. The use of pre-paid accounts are also allowed in accordance with the Department's pre-paid account practices. ~~Cash will not be accepted.~~ If at any time during the application process a check for the fee is returned for insufficient funds, the applicant will be notified that the application is not complete and no further processing will occur until a cashier's check, certified check, cash, or money order is presented. The application fee is non-refundable, as required by ~~in~~ Section 335.183, Florida Statutes.

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History--New 4-18-90, Amended 7-16-95, _____.

14-96.005 Application.

(1) Connection Permit Application and Information. The Driveway/Connection Application - Category A, Form 850-040-14 (06/02) and Driveway/Connection Application for All Categories, Form 850-040-15, (06/02) 4-94, and application information are available from the office of the local area Maintenance Engineer, District Office, or Urban Area Office. A complete application shall consist of the Connection Permit Application Form, (with original signatures, the number of signatures ~~these~~ to be determined by the District staff) application fee, site plans, drawings, traffic data, and connection and roadway information specified in this rule chapter.

(a) The Department suggests that prior to submitting an application the applicant ~~ask the Department about inquire on~~ the level of detail and ~~on~~ additional information requirements pursuant to this rule chapter. [See Rule Section 14-96.003(2), F.A.C. "Pre-Application"].

(b) The Department will reserves the right to request clarification or additional information required in this rule chapter during the application review process where the applicant has failed to complete the application.

(c) Failure to provide the requested information within time limits specified within this rule chapter shall result in the review and decision being based on information provided.

(d) An application will not be accepted if the appropriate fee is not paid.

(e) The applicant shall be allowed to submit any site specific information which the applicant deems to be pertinent to the ~~Department's Permitting Authority's~~ review of the connection application.

~~(2) A connection permit application may be submitted by a property owner or his authorized agent. The Department will also accept a connection permit application by a person holding an unrecorded interest in the property, such as a lease, that includes the right of access to the property, upon written proof authorization to submit the application executed by a property owner.~~

~~(2)(3) Changes in Property Use.~~

(a) ~~Significant Change in Land Use as Defined in Section 335.182(3)(b), Florida Statutes.~~ Where such additional traffic is projected due to expansion or redevelopment, the property owner shall contact the Department to determine if a new permit application and modifications of ~~to~~ existing connections will be required. If the Department determines that the increased traffic generated by the property results in a significant change, ~~does not require modifications to the existing permitted connections,~~ a new permit application shall ~~not~~ be required.

(b) Failure to contact the Department to determine the need for connection modifications or to submit apply for a new application permit for such modifications prior to initiation of property improvements, land use changes, or traffic flow alteration actions which constitute significant change will, defined as "Significant Change" in Section 335.182, Florida Statutes, may result in notification to the property owner of the Department's intent to revoke or modify the existing permit and closure of the connection to the property as specified in Rule Section 14-96.011(2), F.A.C.

(c) Vacant or Abandoned Sites. For purposes of determining the "existing use" of a property under the definition of significant change, the following criteria apply: "Significant Change" in 335.182(3)(b), Florida Statutes.

1. For connections under Sections 335.187(1) and (2), Florida Statutes, (~~"Grandfathered"~~), the use of the property on July 1, 1988, shall be considered the existing use, unless thereafter discontinued for a period of one year or more.

2. For connections under Section 335.187(4), Florida Statutes, (~~normal permitted~~), the use of the property reflected in the permit shall be considered the existing use, unless thereafter discontinued for a period of one year or more.

3. The use of a property is considered discontinued when there has been a cessation of trips to the property for a period of one year or more, except for trips to maintain or market the property associated with that use. The use of the property will

also be considered discontinued where the business located on the property has been out of service for a period of one year or more.

4. If the use of a business property has been discontinued for the period of one year or more, ~~any that period of discontinued use will be the "existing use" in calculating significant change when a new use is proposed by an applicant shall constitute significant change.~~

(d) The applicant permittee is responsible for all costs associated with ~~connection removal, relocation, alteration, or closure of a connection if the need for relocation, alteration, or closure modification if removal, relocation or change is directly caused by the actions of the applicant permittee.~~

~~(3)(4) Information Required for:~~ All Applications. The following information is required of all applications for all connections categories: ~~Proposed features in the right of way, such as median openings and other traffic control devices, are not part of the connection(s) to be authorized by a connection permit and information regarding such features which is required by this rule chapter or the application for is used only to evaluate the proposed connection(s).~~

(a) Identification and signature of property owner and applicant. The ~~current~~ complete names, and current mailing addresses and telephone numbers of property owner(s), the developer(s), the applicant, and transportation and legal consultants representing the applicant (if any), will be noted on the appropriate application ~~forms~~ as detailed in this rule chapter.

(b) Notarized letter of authorization. If the property owner desires to have a representative sign, file, and handle the application, a notarized letter of authorization from the property owner designating the applicant and the authorized representative (~~if the applicant has one~~) shall be provided with the application package.

(c) Responsible ~~o~~fficer. When the owner or applicant is a company, corporation, or other public agency, the name, address, and telephone number of the responsible officer shall be furnished with the application.

(d) Signatures. The names of all individuals signing the application and their titles shall be typed or printed directly below the signatures.

(e) Property use. The existing and planned property use shall be noted in sufficient detail to determine the appropriate connection category of the application.

(f) ~~(Site Plan)~~ Location of all existing and proposed connections ~~on the Property~~. This will include a site plan indicating ~~of~~ any physical features (existing or proposed) that would have an impact on traffic circulation and sight distance on the public road system. Examples of such physical features are walls, fences, trees, mail boxes, gates, and utility poles, ~~etc.~~

~~(4)(5) Additional Information Required for Category C, D, E, F, and G Applications.~~ In addition to the information required on all applications, the following information is required will be necessary on all Category categories C, D, E, F, and G applications: -

(a) Trip generation data. The applicant will estimate the site's ADT average vehicles trips per day (VTPD) and peak hour trip generation. The peak hour(s) will be proposed at the time of application or conceptual review based on the most critical hour for the proposed property use. This determination of the most critical peak hour will be made considering both the peaking characteristics of the proposed site and the surrounding road system. Estimates shall be made in accordance with the 6th 5th Edition Trip Generation Report, published by the Institute of Transportation Engineers, Washington D.C., or other generally accepted professional practice. If the Department determines, ~~based on Generally Accepted Professional Practice,~~ that the trip generation data provided by the applicant are not accurate or not realistic, the Department will require further trip generation analysis signed, sealed, and dated by a Professional Engineer registered in the State of Florida ~~qualified in the area of Transportation Engineering.~~

(b) Site plan. Each site plan submitted with ~~the application for a Category Categories C, D, E, F, or and G application shall contain the following (by phase):~~ ~~(r~~Recent aerial photographs of sufficient scale and clarity ~~which are acceptable to the Department~~ may be used in conjunction with the following):-

1. Any physical features (existing or proposed) such as buildings, other structures, or natural features which would have an impact on traffic circulation and sight distances on the public road system.
2. Traffic circulation plan and parking lay out.
3. Right of way and property lines (surveys are acceptable, but not required, this is not necessarily a requirement for a full legally binding survey)
4. Any existing joint access or cross access connection features.
5. A plat map showing abutting parcels and ownership ~~may be required by the Department.~~

(c) Transportation facility and neighboring connection information. Each site plan submitted for a Category C, D, E, F, or G application shall also contain the following information:

1. Road names and highway numbers for all abutting roads and highways.
2. ~~The Florida Department's of Transportation~~ county section and milepost number (~~t~~This identification is available at the Department).
3. Existing laneage for all roads abutting the development, including left and right turn storage and auxiliary lanes and medians.

4. Location of future roads (known to the applicant) and improvements to existing roads; abutting or entering the property.

5. Neighboring ~~cConnections and median~~ Median ~~oOpenings~~. The location and type of connections (on both sides of the road, ~~where applicable~~), median openings, intersections, and traffic signals within the following distances from the site's property lines:

a. If the posted speed limit is over ~~70 km/h (45 MPH)~~ then the distance of the features documented shall be ~~400 m (1,320 feet ft-)~~, or to the closest public street intersection, (whichever is less.)

b. If the posted speed limit is ~~70 km/h (45 MPH)~~ or less, the distance of the features documented shall be ~~200 m (660 feet ft-)~~, or to the closest public street intersection, (whichever is less.)

c. Recent aerial photographs of sufficient scale and clarity to depict the site and the immediate area may be used to provide this information.

d. The Department will waive or reduce the requirement for neighboring connection information where restrictive medians or other physical features negate the need for this information.

e. If the Department determines that additional information is needed (such as connection driveway location ~~farther further~~ than the distances stated here) the Department shall request such information in writing and at the same time provide the justification for the need for information in writing justify and document this need before it can be required of the applicant.

(d) ~~Connection lLocation and dDesign iInformation~~. Applications for connection categories C, D, E, F, and G, as well as public road system street connections and those connections requiring auxiliary lanes, shall contain detailed connection and design information, in accordance with the Department's Plans Preparation Manual, January 2000, or other generally accepted professional practice. This information shall be signed, sealed, and dated by a Professional Engineer registered in the State of Florida ~~qualified in the area of Transportation Engineering~~. The connection location and design information will include:

1. Location of all proposed connections, connection profiles, as well as public road system street connections, and those connections requiring auxiliary lanes, connection width, connection radii, connection angle.

2. Design and cross section (to the ~~rRight of wWay~~ line) of auxiliary lanes and pavement to serve the requested connection(s).

3. Location and type of traffic control devices proposed.

4. Proposed pavement marking and signing.

5. Location and type of drainage features existing and proposed within the ~~state~~ right of way.

6. Median opening design and cross-section, for any new or modified median or median opening to be used by the property's traffic.

7. Type of roadway materials to be used.

8. Location and type of eExisting utilities.

9. ~~Maintenance of Traffic Plan~~. The maintenance of traffic control plan must conform ~~econforming~~ to ~~Department standards set forth in the Federal Manual on Uniform Traffic Control Devices, incorporated by reference in Rule 14-15.010, F.A.C. The maintenance of traffic plan must also conform to and the Department's Roadway and Traffic Design Standards, January 2002 1994, or other generally accepted professional practice. The Topic #625-010-003-c, incorporated by reference under Rule 14-96.008, and the expected time of roadway closure must be in accordance with the Department's Roadway Plans and Preparation Manual, January 2000, 1989 edition, or other generally accepted professional practice as amended June 1994, Topic 625-000-101-b, incorporated by reference under Rule 14-96.008. A maintenance of traffic plan which does not conform to the Plans and Preparation Manual and the Roadway and Traffic Design Standards must be signed and sealed by a Professional Engineer registered in the State of Florida.~~

10. Horizontal and vertical curvature of abutting roads where severe topography or sight distance concerns warrant.

11. Indication of all proposed turning movements.

(e) ~~Traffic Study Requirements. Category A, B, and C applications will generally be exempted from traffic study requirements except where the Department identifies a special need based on operation or safety. For Category C, D, E, F, and G applications, or any application requesting or requiring a new traffic signal, new median opening, auxiliary lane, or modified median opening, the following traffic study data requirements apply. The specific detail and content of the traffic study will vary depending upon the existing and projected traffic volumes, highway capacity, levels of service, and safety concerns. Any tTraffic sStudy (except a cursory analysis, such as an indication of peak hour movements from the applicant's site) must be signed, dated, and sealed by a Professional Engineer registered in the State of Florida qualified in the area of Transportation Engineering. All work submitted by such a Professional Engineer in a tTraffic sStudy will be reviewed by or under the supervision of a Department Professional Engineer registered in the State of Florida qualified in the area of Transportation Engineering. The tTraffic sStudy must include at least:~~

1. Critical peak hour turn movements from each proposed connection and abutting public road in graphic form.

2. Traffic operations analysis of sufficient depth to analyze the impacts of the development on the surrounding transportation system.

3. An appropriately sized study area and The size of the study area as well as the time horizon based upon will depend on the type and size of the development. The specific detail and content of the report will vary depending upon the existing and projected traffic volumes, highway capacity, levels of service and safety concerns.

(f) Category C Exemptions. Category C applicants are will be exempted from some of the requirements listed above if the applicant can show that the information would have no significant bearing on the permitting decision process.

Specific Authority 334.044(2), (27), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95, _____.

14-96.007 Application Submittal, Review, Approval, and Conditions.

(1) Application Submittal. The application shall be submitted to the Department's District Permits Office or to the Department's District Maintenance Office. Applications that are submitted to the local maintenance office or the urban offices of the Department will then be forwarded to the District Permits Office, however, the application will not be considered received until it arrives at the District Permits Office.

(2) Application Completeness Review. The Department shall notify the applicant within 30 days of submittal, using State Highway Access Connection Completeness Review, Form 850-040-21, (11/94), if additional information is needed, or if there are errors or omissions. This notification will list those items needed to complete the application, consistent with the requirements of this rule chapter or additional information needed to evaluate the application. If such a request for additional information is given to an applicant within the 30-day period, the application will be deemed incomplete until the additional requested information is supplied to the Department. An application that requires a fee will not be accepted without the fee.

(a) Unless otherwise indicated in the notice of completeness review, applicants must provide such requested information within 60 days of the receipt of the Access Connection Completeness Review Form.

(b) If the additional information has not been received by the Department within the prescribed time from the date of notification, the application shall be processed based upon with the information provided. This may result in an automatic denial of the application.

(c) If no additional information is requested during the prescribed 30 60 day Completeness Review Period, the application shall be deemed complete as of the date the Department received the application.

(3) Applicant Time Extension. If the applicant needs more time to provide additional information or correct deficiencies in the application; than would be allowed under this rule

chapter, then the applicant may request a waiver of the time requirements by stating the reasons in writing on an Applicant Time Extension Form, Form 850-040-22, (04/93).

(4) Technical Planning and Engineering Sufficiency/Compliance Review. The applicant will be notified within 90 days of receipt of a complete application, receipt of all required information, or expiration of the time period for receipt of additional or corrected information. The notification will include the Department's the important details regarding the analysis and decision of on access approval or denial of the application.

(a) Notice of Intent to Issue Permit. The Department shall send the applicant a Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02), ~~11/93~~ if either:-

1. The If the Department determines that an application is consistent with Rule Chapters 14-96 and 14-97, F.A.C., and there is no need to exceed the minimum standards as stated in Section 14-97.003(1)(e), F.A.C.; or

2. The If the Department determines that an application is not consistent with Rule Chapters 14-96 and 14-97, F.A.C., but that denial of a connection would be denial of reasonable access and that such a connection would not jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway, consistent with Rule 14-96.007, F.A.C.

(b) Direct Permitting. If an applicant provides an application that otherwise meets all the requirements of Rule Chapters 14-96 and 14-97, F.A.C. this rule chapter and the Department is not imposing any additional conditions, the Department will issue a permit directly.

(c) Notice of Intent to Deny. The Department shall send the applicant Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/02) ~~03/94~~, if the Department determines that an application applicant is not consistent with currently adopted Department rules and design standards or additional site specific operations and safety concerns as stated in paragraph 14-97.003(1)(e), F.A.C., apply, and:

1. The Department determines that denial of a connection would not be a denial of reasonable access; or

2. The Department determines that denial of a connection would be a denial of reasonable access but that a connection would jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway.

(d) Additional Connections. When For permitted driveway/connections where one or more connections of a property to a state highway have previously been approved and an applicant seeks a permit for additional or alternative connection(s), the previously permitted approved connections are presumed to provide reasonable access to the a State Highway System unless the property owner shows:

1. That there has been a change in the use of the property from that reflected in the application(s) for the previously approved connection(s), which change has or will cause an increase in the trip generation (peak hour or daily) of the property exceeding 25 percent more ~~trip generation (peak hour or daily)~~ than reflected in the prior application(s), and that such change in use and increase in trip generation was not reasonably foreseeable at the time the application(s) for the previously approved connection(s) was/were filed; or

2. That ~~the~~ circumstances relating to traffic safety and ~~efficiency, efficiently~~ outside the control of the permittee, have arisen that were not reasonably foreseeable at the time of approval of the connections that prevent the connection(s) from providing reasonable access to the highway.

(e) Agreements made after Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/02) 01/99, is issued. If an agreement is made between an applicant and the Department which will allow the Department to approve a connection, this agreement will not be effective, nor supersede the Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/02) 01/99, unless it is in writing written, executed by the applicant and the Department, and appropriate revisions are reflected on signed and sealed construction plans before the ~~30-day~~ time period allowed for a denial challenge an appeal has expired. The agreement will completely describe the mutually agreed access plan.

(5) Conditions of the Notice of Intent to Issue Permit. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02) 11/93, shall set forth all conditions not otherwise required by this rule chapter for issuance of a permit and maintenance of the connection(s). The notice will specify which of the conditions set forth in the notice must be met before issuance of a permit and those that must be met after the permit is issued.

(a) Not a Permit. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02) 11/93, does not authorize the initiation of connection construction within the Department right of way but acknowledges completion of the Department review and indicates the Department's intent to issue a permit upon compliance with the conditions stated in the Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02) 11/93.

(b) Time Period. A Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02) 11/93, is valid for one year and may not be revoked during that period, provided that no material change has occurred in the proposed development or traffic characteristics on the abutting State Highway System. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02) 11/93, may be extended, upon Department approval, upon a showing of

good cause by the applicant (such as: weather delays, natural disasters, ~~local~~ governmental entity coordination delays, or other technical problems not within the control of the applicant). A Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02) 11/93, may be assigned to a purchaser or new occupant within one year of issuance if there is ~~no~~ 1. No change in the land use or in the site plan and the, ~~2. It has been reassigned within one year of issuance,~~ 3. The Department is notified of the reassignment by the original applicant.

(c) Standard Conditions. The following standard conditions will apply to all Proposed State Highway Access Driveway/Connection Notices of Intent to Issue Permit, Form 850-040-24, (06/02), before a connection permit can be issued:

1. Development approval from the appropriate ~~local~~ governmental entity consistent with the Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02);

2. Assurance of performance pursuant to Section 334.187, Florida Statutes, ~~(if required)~~;

3. An indemnity agreement shall be executed by the applicant wherein it is agreed that the Department shall be indemnified, defended, and held saved harmless from any and all claims, demands, costs, or expense for loss, damage, or injury to persons or property of the other caused by, arising out of, or resulting from:

a. Any act or omission by the applicant or the applicant's contractors, agents, servants, or and employees in connection with any construction activities undertaken pursuant to the connection permit, within the right of way;

b. The negligence of the applicant or negligence of the applicant's contractors, agents, servants, or employees; ~~or~~

c. Any other event or act that is the result of, or proximately caused by, the applicant or the applicant's contractors, agents, servants, or and employees in constructing or maintaining the connection or any other features.

4. Compliance with drainage requirements in Rule Chapter 14-86, F.A.C., and

5. Special requirements ~~may be added if necessary~~ to promote safety and efficiency; ~~and~~

6. Liability Insurance For All Category Categories C, D, E, F, and G Permits. Before construction is to begin, the applicant shall deliver to the Department proof of insurance verifying that the applicant or the applicant's contractor has coverage under a liability insurance policy issued by an reputable insurance company authorized to do business in the State of Florida naming itself themselves as insured, and the Department as an additional named insured, which policy shall contain a ~~broad form~~ contractual endorsement specifically covering the liabilities arising from the indemnity agreement.

a. The policy shall provide public liability insurance, including property damage, in the amount of \$500,000 combined single limit for each occurrence.

b. The above required policy shall be endorsed with a provision requiring the insurance company to notify the Department ~~30~~ thirty days prior to the effective date of cancellation or of any material change in the policy if the change occurs during the construction period.

c. The applicant shall pay all premiums and other charges due on said policy and keep said policy, or a materially identical replacement policy, in force to insure ~~during~~ the entire period of construction of the connection.

(6) Issuance of Permit. A Driveway Connection Permit for All Categories, Form 850-040-18, ~~(06/02) 44/93~~, will be issued after the applicant provides satisfactory evidence of compliance with all conditions that must be met before issuance of a permit. ~~A Unless modified pursuant to an administrative proceeding, or negotiation with the applicant, a permit shall be subject to all the conditions set forth in the Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/02) 04/99. A permit authorizes construction is valid~~ for one year from the date of issuance and expires if construction of the connection is not completed within that period.

(a) Failure to Comply. If the Department determines that the applicant has failed to comply with all conditions required prior to the issuance of a permit, it shall notify the applicant that the Department will not issue a permit and specify the conditions that have not been met. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106-~~44~~, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules Chapter 28-106-~~104~~, ~~28-106.201~~, and ~~28-106.304~~, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106-~~44~~, F.A.C.

(b) Permit Time Extension. The permit will be extended beyond ~~past~~ the one year time limit (only with Department approval) for good cause, such as weather delays, natural disasters, ~~local governmental entity~~ coordination delays, or other technical problems not within the control of the permittee applicant.

(7) Concurrent ~~Local~~ Governmental Entity Review. Nothing contained herein shall preclude concurrent review of the permit application by the Department and governmental entities ~~local government(s)~~.

(8) Permit Conditions. Failure by the applicant ~~or~~ permittee to abide by the permit conditions ~~provisions~~ that are applicable after permit issuance shall be just cause for the Department to order alteration of the connection, or to ~~revoke~~ the permit and close the connection at the expense of the applicant permittee, subject to the provisions in this rule chapter, or for the Department ~~to exercise the Performance Bond~~ to have the necessary modifications made and seek ~~payment from the applicant~~. The permit requirements shall be

binding on the applicant permittee, the applicant's permittee's successors, heirs, and assigns, the permit application signatories, and all future owners and occupants of the property. The Department may require permits these conditions to be recorded in the public records with the legal description of the property when cross or joint access exists, when permit conditions requiring future performance by the permittee exist such as installation of traffic control features or devices, or when other conditions warrant recording where cross access agreements or other applicable conditions apply.

(9) Government Owned Rail or Abandoned Non-Highway Vehicular Use Corridors. Corridors including separate pedestrian trails, bike trails, current or abandoned exclusive bus or transit corridors, current or abandoned rail corridors, or waterways. These corridors are not part of the State Hhighway Ssystem and are not subject to the provisions of the Access Management Act, Sections 335.18-335.188, Florida Statutes. These corridors, that abut the a State Hhighway System, are considered intervening property and property on the other side of such a corridor ~~from a state highway~~ will not be considered to be abutting the State Hhighway System. Action will be taken under Rule 14-96.011, F.A.C., to ~~revoke, close, or~~ modify an existing connection access across a corridor if it interferes with the safe or efficient operation of the corridor or State Hhighway System. ~~In such event, revocation will be in accordance with Rule 14-96.011 or 14-96.012, F.A.C.~~

Specific Authority 334.044(2), 334.187(4), 335.182(2), 335.183 FS. Law Implemented 334.187, 335.181-1825, 335.184, 335.185 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99.

14-96.008 Construction and Maintenance of Traffic Requirements.

All construction and maintenance on Department right of way shall conform to the Federal *Manual on Uniform Traffic Control Devices* (MUTCD), incorporated by reference under Rule 14-15.010, F.A.C. All construction and maintenance on Department right of way shall also conform to; the Department's *Roadway and Traffic Design Standards*, January 2000 ~~1994, Topic #625-010-003-e;~~ and the *Standard Specifications for Road and Bridge Construction*, 2000 ~~1994~~ Edition, as amended, and the Department's *Roadway Plans and Preparation Manual*, January 2000, or other generally accepted professional practices ~~1989 Edition, as Amended June 1994, Topic #625-000-101-b.~~ With the exception of the MUTCD, which already is incorporated by reference under Rule 14-15.010, F.A.C., the manuals and standards specifically listed in this section are hereby incorporated by reference and made a part of the rules of the Department of Transportation.

(1) Disruption of Traffic. For safety and operational purposes, the Department may require or restrict hours of construction to minimize disruption of traffic on the State Highway System. When construction activity on a connection causes undue disruption of traffic or creates safety hazards on a sState hHighway, the District Secretary or designee shall

advise the permittee of the need for immediate corrective action by a specified time, and may issue a stop work order if deemed necessary.

(2) Connection Completion Time Limit. Construction shall be completed within one year of the date of issuance of the permit. Failure to comply with the one year time limit shall result in an automatic expiration of the permit unless extended by the Department as described in Section 335.185(2), Florida Statutes. A stop work order may be issued by the Department if work exceeds the imposed time ~~restrictions~~ limit. For any permit which expires for failure to construct the connection within the one year limit, the ~~applicant~~ permittee shall submit a new ~~a~~ Application, including the payment of the required application fee prior to the initiation or continuation of any construction.

(3) Assurance of Performance. Assurance of performance pursuant to Section 334.187, Florida Statutes, will be required if the permit requires extensive work within the ~~state~~ right of way, such as auxiliary lanes, median modifications, relocation of structures, ~~and~~ or traffic signals.

(a) Prior to the issuance of a permit, the applicant shall provide ~~a~~ the security instrument in the estimated dollar amount of the improvements in the ~~state~~ Right of ~~w~~Way. The Department shall be named as the beneficiary. ~~The~~ ~~This~~ ~~said~~ security instrument shall be provided to the Department before the ~~Connection~~ ~~p~~Permit is issued. The security instrument shall be valid for a sufficient time to cover the construction and inspection of the permitted work, but for not less than 18 months.

(b) The applicant shall provide the estimated cost of improvements on ~~state~~ right of way in a document as signed, sealed, and dated by a Professional Engineer registered in the State of Florida.

(c) Security Instrument Receipt, Form 850-040-20, (04/93) must be used.

(d) Such security instruments shall be required except ~~when in such cases or where~~ a performance bond covering the work on the ~~state~~ Right of ~~w~~Way is included as part of the bond necessary for development approval by the local governmental entity and the Department is ~~also~~ a named beneficiary.

(e) The Department will waive the security instrument requirement ~~when~~ ~~where~~ there is an agreement with the ~~appropriate~~ local governmental entity to withhold the certificate of occupancy until problems are corrected and there is no indication that the requirements of this rule chapter will be violated.

(f) The Department ~~shall~~ ~~may~~ require a security instrument for any connection or access feature, construction, or permit activity if the ~~this~~ activity is in relation to:

1. An ~~a~~ ~~discovered~~ unpermitted connection that is going through the process of becoming permitted;

2. The correction of a safety hazard caused by activities on the property; or

3. Mmodification of an existing connection or traffic control ~~access~~ feature or device as per Rule 14-96.011, F.A.C., or 14-96.012 for changed conditions on the property.

(g) The security instrument will be returned to the ~~applicant~~ permittee when final inspection by the Department shows that the work has been completed ~~done~~ as permitted.

(4) Posting of Permit. The approved connection permit shall be displayed in a prominent location in the vicinity of the connection construction.

(5) Traffic Signals and Other Traffic Control Devices. Such devices, installed by ~~a~~ ~~applicant~~ permittee, shall conform to the MUTCD and Department design and construction standards. The ~~applicant~~ permittee is responsible for securing any additional ~~state and local~~ permits or governmental entity ~~and~~ approvals needed for traffic signalization and regulatory signing and marking.

(6) Professional Engineer Statement of Construction for Extensive Roadway Construction or Large Developments. If the permit requires extensive work within the ~~state~~ right of way, such as auxiliary lanes, median modifications, relocation of structures, ~~and~~ or traffic signals, a statement from the project's Professional Engineer will be necessary. The ~~applicant~~ permittee will provide documentation by a Professional Engineer registered in the State of Florida ~~and qualified to inspect highway construction~~ that construction was accomplished in accordance with the requirements set out in the permit. This documentation shall include a statement that necessary inspections, tests, and physical measurements have been made, that construction was accomplished in accordance with the design information included with the connection ~~permit application~~ in accordance with this Rule Chapter 14-96, F.A.C., and that all materials entering into the work conform to the specifications in the connection permit, conform to the applicable specifications contained in the Standard Specifications for Road and Bridge Construction, 2000 1994 edition as amended, or otherwise conform to or meet generally accepted professional practices, incorporated by reference under Rule 14-96.008. The Record Drawings Report by Permittee's Professional Engineer, Form 850-040-19, 11/94, shall be used for this purpose.

(7) Utility and Right of Way User Notification. The applicant has the responsibility to determine and notify the users of the right of way of the permitted construction. ~~The applicant shall then notify all users within the right of way.~~ The applicant shall also resolve any conflicts within the right of way. Before a permit is issued, the applicant shall show documentation of this notification and resolution of conflicts.

Specific Authority 334.044(2), 334.187(4), 335.182(2), 335.184 FS. Law Implemented 334.044(14), 334.187, 335.181-.1825, 335.185 FS. History--New 4-18-90, Amended 7-16-95,_____.

14-96.009 Non-conforming Connection Permits.

The Department shall ~~permitting authority may~~ issues a permit for a connection not meeting Department location and spacing criteria standards if the Department determines it finds that a conforming connection connecting is not attainable at the time of the permit application submittal, ~~and~~ that denial would leave the property without access a reasonable means of connection to the public road system, ~~and that the connection would not jeopardize the safety of the public or have a negative impact upon the operation of the highway.~~ The Department ~~permitting authority~~ also shall issue a connection permit requiring a legally enforceable joint-use connection when determined to be in the best interest of the State for restoring or maintaining the operational efficiency and safety of the State Highway System. Non-conforming connection permits shall specify conditions or limits including:

- (1) The maximum vehicular usage of the connection.;
- (2) The construction of a conforming connection when future alternate means can be obtained with removal of the non-conforming connection.;
- (3) The properties to be served by the connection; ~~and any other conditions as necessary to carry out the provisions of the State Highway System Access Management Act.~~

Specific Authority 334.044(2), 335.182(3), 335.184 FS. Law Implemented 334.044(14), 335.181-.1825, 335.185 FS. History—New 4-18-90, Amended _____.

14-96.011 ~~Permit Modification or Revocation; Alteration or Closure of Permitted Connections.~~

~~Closing a connection, (unless it has an adverse effect on traffic safety or operations) resurfacing, or bringing a connection to current Department design standards, at the existing location may be considered a safety upgrade as in this rule chapter and will not require a permit.~~

(1) Validity of Existing Permits. All connection permits issued by the Department ~~after July 1, 1988, prior to the effective date of this rule chapter~~ remain valid until ~~revoked or~~ modified pursuant to the criteria set forth in this rule chapter. The Department ~~will may~~ initiate action to ~~revoke or~~ modify any permit or existing permitted connection if any of the following occurs:

- (a) A ~~sSignificant cChange, as defined in Section 335.18, Florida Statutes, has occurred.;~~
- (b) The connection was not constructed at the location or in accordance with ~~to~~ the design specified in the permit.;
- (c) Permit conditions are not met by the permittee, ~~or;~~
- (d) Such revocation or modification is determined to be necessary because the connection poses a current or potential safety or operational problem on the State Highway System. This problem must be substantiated by an engineering study signed and sealed by a Pprofessional Eengineer registered in the State of Florida ~~qualified in transportation engineering.~~ Such engineering study shall consider, ~~but not be limited to,~~ the following:

1. Analysis of accidents ~~Accident~~ or operational analysis directly involving the connection access points or similar connections access points, or a traffic conflicts analysis of the site.

2. Analysis of the impact, ~~the closure,~~ modification of the connection, or relocation, will have on maintenance, or safety on the pPublic rRoad sSystem.

3. Analysis of the impact, ~~closure,~~ modification of the connection, or relocation will have on traffic patterns and circulation on the pPublic rRoad sSystem.

4. The principles of transportation engineering as determined by generally accepted pProfessional pPractice.

(e) If the Department acts to revoke or modify a permit, the Department shall offer an opportunity to meet on site on-site with the ~~permittee,~~ property owner, or designated their representative. The Department will take into consideration the following:

1. Documents, reports, or studies obtained by the property owner and provided to the Department.
2. ~~Consideration and development of A~~alternative solutions proposed by the property owner applicant.

(f) Also see 14-96.0051(2)(c), Vacant or Abandoned Sites.

(2) Notification Process for Permitted Connections. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106-111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules Chapter 28-106-104, 28-106-201, and 28-106-301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106-111, F.A.C.

(a) If the reason for the ~~revocation or~~ modification is due to ~~permittee~~ noncompliance, this notice will include the Violation and Notice to Show Cause, Form 850-040-26, (06/02) 01/99. The notification shall state that, unless the deficiencies are corrected, the permit shall be ~~revoked or~~ modified and the connection to the State Highway shall be ~~closed or~~ modified by the Department at the expense of the property owner.

(b) If the reason for ~~revocation or~~ modification is due to ~~sSignificant cChange, as defined in Section 335.18, Florida Statutes,~~ the notice will state the basis of the Department's determination for modification and the Department's intent to ~~modify or revoke the permit by requiring the relocation, alteration, or closure~~ of an existing connection. Where the Department's action has become final and no timely application for a new ~~access~~ connection permit has been filed, the Department will take immediate action to ~~close or~~ modify the connection in accordance with the notice.

(c) If the reason for revocation or modification is a safety or operational problem, the notice will state the basis of the Department's determination and describe the changes necessary to reduce the hazard or correct the situation.

(3) Unpermitted Connections.

(a) Grandfathered Connections to the State Highway System. Connections permitted or in existence prior to July 1, 1988, use of which have never been discontinued as described in subparagraph 14-96.005(2)(c)3., F.A.C., are considered "grandfathered" and shall not require the issuance of a permit and may continue to provide connection to the State Highway System except as provided in subsection (4).

(b) Unpermitted/Non-Grandfathered Connections. All other unpermitted connections are subject to closure in accordance with paragraph (5)(b).

(4) Modification of Grandfathered Connections.

(a) The Department will require that a permit be obtained in accordance with subsection 14-96.005(3), F.A.C., pursuant to the provisions of Section 335.187(1), Florida Statutes, if significant changes have occurred.

(b) The Department will modify a connection if such modification is determined to be necessary because the connection would jeopardize the safety of the public or have a negative impact on the operational characteristics of the state highway. The problem may be substantiated by an engineering study signed, sealed, and dated by a professional engineer registered in the State of Florida. Such engineering study shall consider the following:

1. Analysis of accidents or operational analysis directly involving the connection or similar connections, or a traffic conflicts analysis of the site.

2. Analysis of the impact modification of the connection will have on maintenance or safety on the public road system.

3. Analysis of the impact modification of the connection will have on traffic patterns and circulation on the public road system.

4. The principles of transportation engineering as determined by generally accepted professional practice.

(c) If the Department acts to modify a connection, the Department shall offer an opportunity to meet on site with the property owner or designated representative. The Department will take into consideration the following:

1. Documents, reports, or studies obtained by the property owner or lessee and provided to the Department.

2. Alternative solutions proposed by the property owner.

(5) Notification Process for Modification of Unpermitted Connections. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed

with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

(a) The Department shall give written notice to the property owner, with a copy to the occupant, for a grandfathered connection if significant changes have occurred or if the connection is found to cause a safety or operational problem (as specified in this rule chapter). The notice will identify the specific information regarding the safety or operational problem and request that the problem be corrected or that a written agreement on a schedule for the correction be approved by the Department within 30 days of receipt of the notice.

1. If the reason for the modification is due to significant change the notice will state the basis of the Department's determination and require the filing of a permit application by a specified date. Where the Department's requirement to file an application has become final and no timely application has been filed, the Department will take immediate action to modify the connection in accordance with the notice at the owner's expense.

2. If the reason for the modification is a safety or operational problem, the notice will state the basis of the Department's determination and describe the changes necessary to reduce the hazard or correct the situation.

(b) If a timely request for an administrative proceeding is filed, or a permit application is filed within the 21 days, no further action shall occur until review of the application or the administrative proceeding is complete. If the connection is not closed and no timely application or request for an administrative proceeding is filed, the Department will take immediate action to install barriers across or modify the connection at the property owner's expense.

1. If a timely application is approved, the Department may allow the existing connection to be used for a period of time specified or until the connection specified in the permit application is constructed and the existing connection is closed. If necessary to ensure safety and highway integrity, modifications of unpermitted connections will be required by the Department as a requirement of permit approval, subject to the requirements of this rule chapter and Chapter 120, Florida Statutes. If the application is denied, the Department shall notify the property owner or lessee of the denial, with a copy to the occupant, and shall immediately close the unpermitted connection(s), subject to the provisions of this rule chapter and Chapter 120, Florida Statutes.

2. In lieu of filing an application, the property owner or lessee may challenge the requirement to file a permit application by filing in accordance with Rule Chapter 28, F.A.C., a timely written request (within 21 days of receipt of notice) for an administrative proceeding stating the reasons why a permit is not required for the connection. In such a case,

final action to modify the unpermitted connection shall be taken in accordance with the results of the administrative proceeding.

(6) Responsibility for Costs of Correcting Deficiencies. The property owner and current user of the connection shall be responsible for the costs of modifications required pursuant to actions taken in accordance with the procedure in Rule 14-96.011, F.A.C.

~~(3) Responsibility for Costs of Correcting Deficiencies. The permittee, assignee, or current user of the permit shall be responsible for the costs of correcting deficiencies and the closure due to revocation pursuant to the procedure in this rule chapter.~~

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182, 335.185, 335.1825 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99, _____.

14-96.012 Closure and Modification of Unpermitted Connections (Including Those to be Considered “Grandfathered”).

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182, 335.185, 335.1825 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99, Repealed.

14-96.0121 Immediate Remedial Action Against Hazards. This rule chapter shall not restrict the Department’s right to take immediate remedial action, including the modification closure of a connection if there is an immediate and serious danger to the public health, safety, and welfare as determined in writing by the District Secretary or designee. Upon determination that there is a need for immediate remedial action against hazards, the District Secretary or designee shall issue an order in compliance with Section 120.60(8), Florida Statutes, and the Department District shall provide the property owner and occupant with written notice of the Department’s immediate action to close or modify the connection and of the right to contest the decision pursuant to Rule Chapter 28-106, F.A.C. Department’s initiation of a formal revocation or modification of the connection and any permit issued for the connection.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 335.182, 120.60(8) FS. History—New 7-16-95, Amended.

14-96.015 Department Design and Construction Projects. When existing connections are modified affected by a Department project, access will be provided to abutting properties, subject to reasonable regulations as referred to in Section 335.181(2)(b), Florida Statutes will be provided to abutting properties. To the maximum extent feasible, this new access will should be consistent with adopted Department connection standards.

(1) Corridors will be examined during the preliminary engineering and design phases to determine if existing connections, median openings, and signals spacing and design standards are in conformance, or can be brought into reasonable conformance, with adopted Department standards.

~~(2) When a permitted or grandfathered connections is are made or modified as part of a Department construction project, replacing or modifying existing permitted connections, and not due pertaining to a sSignificant cChange of land use, as defined in 335.18, Florida Statutes, no additional permit shall be required.~~

(3) Where connections are to be modified elosed or substantially re-located as part of a Department construction improvement project, and the Department is not planning to acquire any portion of the property for the project, the Department will provide notice and opportunity for an administrative proceeding pursuant to Rrules 14-96.0011, F.A.C., or 14-96.012 and Chapter 120, Florida Statutes. For purposes of Rule 14-96.011(1)(d), F.A.C., construction plans for a Department project signed, sealed, and dated by a Professional Engineer registered in the State of Florida shall substantiate a connection’s non-conformance with Department standards or potential safety or operational problem, and a separate engineering study shall not be required.

(4) The construction of new connection points, if approved by the Department, through the permit process in this rule chapter, shall be ~~done~~ at the property owner’s expense by either the Department’s contractor as part of the construction project roadway improvement or by the owner’s contractor.

(5) The Department will bear the cost of modification routine replacement of existing approved connections necessitated solely by Department construction projects.

(6) The Department shall require that work done by the owner’s contractor be accomplished without interfering with the Department’s contractor.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182-1825 FS. History—New 4-18-90, Amended 7-16-95, _____.

14-96.016 Maintenance of ~~Driveways, Roadway~~ Connections and Traffic Control Devices.

(1) Maintenance of ~~Driveways and Roadway~~ Connections.

(a) Rural Section. Department maintenance shall extend ~~out~~ to five feet from the edge of pavement (including auxiliary lanes) or to the limits of paved shoulders. The remainder of any paved or unpaved connection area on the right of way shall be maintained by the owner or the authorized agent.

(b) Urban (Curb and Gutter) Section. Department maintenance of pavement shall extend to the existing or maintained right of way line or to the back of sidewalk back of sidewalk, whichever distance is less.

(c) Drainage. Control and maintenance of drainage facilities within the right of way shall be solely the responsibility of the Department, unless otherwise specified in differently by the connection Department permit.

(2) Maintenance of Traffic Control Devices.

(a) The maintenance and operation of highway lighting, traffic signals, associated equipment, and other necessary devices shall be the responsibility of the governmental entity public agency having maintenance jurisdiction of the equipment or devices. During the construction of connection(s), the permittee will be responsible for the operation, repair, replacement, or provision of temporary maintenance, ~~if the above~~ traffic control devices are impacted by the permittee's operations.

(b) All pavement markings on the Sstate Hhighways System, including acceleration and deceleration lane markings, and signing installed for the operation of the State Highway System shall be maintained by the Department.

(c) All signing and markings required for the operation of the connection (such as stop bars and stop signs for the connection) shall be the responsibility of the property owner and permittee, current user owner, entity responsible for the connection, or governmental entity having jurisdiction over the connection, road, or intersection of the state highway regardless of the owner of the right of way as provided stated in Chapter 316, Florida Statutes.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182-.1825 FS. History—New 7-16-95, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Sokolow, Systems Planning
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 12, 2002

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Rest Area Information (RestInfo) Program
RULE CHAPTER NO.: 14-99

RULE TITLE: RestInfo Program
RULE NO.: 14-99.001

PURPOSE AND EFFECT: This rule is to implement the Rest Area Information (RestInfo) Program authorized under Section 479.28, Florida Statutes.

SUMMARY: Proposed Rule 14-99.001, F.A.C., is established as authorized by Section 479.28, Florida Statutes.

SPECIFIC AUTHORITY: 334.044(2), 479.28 FS.

LAW IMPLEMENTED: 479.28 FS.

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.

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: 2:30 p.m., October 29, 2002

PLACE: Haydon Burns Building (Department of Transportation), 605 Suwannee Street, Fourth Floor Conference Room (Room 479), Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Craig Myers, (850)414-5393, James.myers@sot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-99.001 RestInfo Program.

(1) General.

(a) The Florida Department of Transportation shall implement a rest area information program, hereafter referred to as "RestInfo Program," to be implemented in selected full service rest areas along the Interstate Highway System, to present information of specific interest to the traveling public and to promote tourist-oriented businesses.

(b) Facilities for the display of information, hereinafter referred to as display areas, shall be designed to accommodate the names, locations, and short messages regarding tourist attractions, points of interest, events, public service, lodging, camping, and retail sales in Florida.

(c) A minimum of 40 percent of the display areas must be devoted to providing public service information announcements by the Department for the traveling public. The remaining 60 percent of the display areas shall contain only information which is of specific interest and benefit to the traveling public.

(d) The Department has contracted with Florida Logos, Inc., 4706 Capital Circle, S.W., Tallahassee, Florida 32305, phone number (888)608-0833, to provide the services required by this rule chapter including the construction, marketing, operation, collection of fees, and maintenance of the display areas.

(2) Definitions.

(a) "Business" as used in this rule chapter shall include points of interest, not-for-profit entities, events, and other facilities which are of specific interest to the traveling public.

(b) "Department" means the Florida Department of Transportation.

(c) “Display Area” refers to a facility located at selected full service rest areas that provides information to the traveling public.

(d) “Full Service Rest Area” refers to rest areas along the Interstate Highway System that provide public restrooms, lighting, and telephone service.

(e) “Program Participant” means a business that is authorized to display messages at display areas.

(f) “Public Service Information” means any information related to safety, recreation, or assistance for the traveling public provided by the Department.

(g) “Public Telephone” means a coin-operated or business-owned telephone available for use by the public.

(h) “RestInfo” refers to the rest area information program.

(3) Qualification of Program Participants. To qualify for space on the display area, a business must meet all of the following conditions:

(a) Serve the public without regard to race, color, religion, sex, age, or national origin.

(b) Have all required state and local occupational licenses, health permits, and any other permits, licenses, or approvals required by state, local, or other governmental entities.

(c) Provide a public telephone.

(d) Provide access to and from the business including access for handicapped patrons as required by all applicable laws and regulations.

(e) Provide sufficient on-site parking as required by local ordinances.

(f) Allow admission to the general public.

(4) Permit Application.

(a) A business wishing to participate in the RestInfo program must complete and submit a RestInfo Permit Application, Form FLI-163-RI, Rev. 11/02, incorporated herein by reference, which may be obtained from Florida Logos, Inc., 4706 Capital Circle, S. W., Tallahassee, FL 32305, phone number (888)608-0833.

(b) Approval of applications for participation in the Restinfo program shall be prioritized as follows:

1. Qualified applicants located closest to a rest area shall have first priority for display space.

2. Whenever space is not available, qualified applicants will be placed on a waiting list in priority order.

3. Waiting list applicants shall be approved as space becomes available with priority based upon the distance from the rest area to the applicant’s location. Distance will be measured along the main traveled way.

(5) Fees and Costs.

(a) Program participants shall be charged a permit fee for each display area at which a message is displayed. Such permit fees shall not exceed \$1800.00 per year for a 14"x 22" message, depending upon the location of the message within the display area. A \$50.00 production fee shall be charged for

each message. An additional \$50.00 production fee will be charged for any requested changes to the initial message, or for any requested changes of message location. Discounts may be given for the purchase of additional space within a display area or for purchase of space in multiple display areas.

(b) RestInfo program participants shall be responsible for remitting payment of the annual permit fee prior to the expiration date on the face of the permit. Payment must be received by the RestInfo Program Administrator, Florida Logos, Inc., on or before the expiration date, or the permit will expire and the message will be removed from the display area.

(c) The permit period shall be for a period of 12 months based on the date of issuance of the permit.

Specific Authority 334.044(2), 479.28 FS. Law Implemented 479.28 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Roger Eudy, Administrator, State Logo Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Payment and Minimum Contributions
RULE NO.: 19B-16.004

PURPOSE AND EFFECT: To revise the requirements for minimum contributions to the Florida College Savings Program.

SUMMARY: This rule change provides that the minimum contributions to the Florida College Savings Program will apply to the Program, rather than to the individual investment options that are available in the Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6), (7), (8) FS.

LAW IMPLEMENTED: 240.553 FS.

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

TIME AND DATE: 2:00 p.m., October 28, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.004 Payment and Minimum Contributions.

(1) Contributions to an account may be made by checks, money orders, rollover distributions, electronic funds transfers, automatic contribution plan or employer payroll deductions. Contributions may not be made by credit cards or other means of credit, third party checks of \$10,000.00 or more, traveler's checks or cashier's checks.

(2) Neither a benefactor nor a designated beneficiary shall direct the investment of any contributions or amounts held in the Program.

(3) The benefactor must select one or more investment options for the funds contributed to an account on the application. A benefactor may change the selection of the investment options that will apply to future contributions to an account at any time. A benefactor may transfer all or any portion of the funds invested in one investment option or options to another investment option or investment options, to the extent permitted under Section 529 of the Internal Revenue Code.

(4) To establish an account, a benefactor must submit, together with the completed application one of the following:

(a) A deposit of not less than twenty-five dollars (\$25.00) ~~per investment option~~; or

(b) An authorization for a payroll deduction or automatic contribution plan in an amount not less than fifteen dollars (\$15.00) ~~per investment option~~.

(5) After an account is established, all subsequent contributions ~~by the benefactor~~ to the account shall be:

(a) In an amount of not less than twenty-five dollars (\$25.00) ~~dollars per investment option~~; or

(b) Made through an authorization for a payroll deduction or automatic contribution plan in an amount not less than fifteen dollars (\$15.00) ~~per investment option~~.

(6) A benefactor may make a contribution to the account at any time.

Specific Authority 240.553(6),(7),(8) FS. Law Implemented 240.553 FS. History--New 5-30-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Contingent Benefactor

RULE NO.: 19B-16.008

PURPOSE AND EFFECT: To delete the requirement that changes to the person named as the contingent benefactor for an account in the Florida College Savings Program be notarized.

SUMMARY: This rule change allows the benefactor of an account in the Florida College Savings Program to change the contingent benefactor for the account without having the change notarized.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6), (8) FS.

LAW IMPLEMENTED: 240.553 FS.

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

TIME AND DATE: 2:00 p.m., October 28, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.008 Contingent Benefactor.

The benefactor may designate a contingent benefactor on the application who will enjoy a right of survivorship in the event of the death of the benefactor and who will become the owner of the account automatically upon the death of the benefactor, subject to any applicable limitations associated with the benefactor functioning in a custodial capacity. Upon the death of the benefactor, the contingent benefactor shall become the benefactor if the Board receives a certified copy of the death certificate of the deceased benefactor and a completed application signed by the contingent benefactor. Subject to any applicable limitations associated with the benefactor functioning in a custodial capacity, the benefactor may change the contingent benefactor at any time without the consent of the contingent benefactor by submitting a written, ~~notarized~~ request signed by the benefactor to the Board.

Specific Authority 240.553(6),(8) FS. Law Implemented 240.553 FS. History--New 5-30-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: June 23, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 20, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile
 Homes**

RULE TITLES:	RULE NOS.:
Definitions	61B-15.0001
Definitions for Filings and Documents	61B-15.0011
Forms	61B-15.0012
Developer, Defined	61B-15.007

PURPOSE AND EFFECT: To clarify existing provisions, delete outdated provisions and references, streamline the review process, facilitate electronic submissions and division responses, and add provisions that address existing areas of ambiguity.

SUMMARY: Repeals the definitions of multicondominium and multicondominium association that have recently been defined by statute in Chapter 2000-302, Laws of Florida. Creates a rule containing definitions that recognize and facilitate electronic submissions and division responses and clarifies the meaning of “days” for purposes of statutory deadlines. Creates a rule that consolidates and renumbers required forms into one rule to assist the public in finding the forms; provides the address where the public may obtain the forms; clarifies and removes outdated language in the forms; and facilitates future changes to the forms. Simplifies and clarifies the definitions of “creating developer” and “successor developer.”

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

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

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.103(2),(11),(14),(17), 718.403, 718.502, 718.503, 718.504 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., October 28, 2002

PLACE: Warren Building, Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida 32301

Those persons who cannot attend in person may submit their comments in writing to: Sharon Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

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: Sharon Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Elzie, Senior Management Analyst II, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-15.0001 Definitions.

Specific Authority 718.501 FS. Law Implemented 718.103, 718.111(6), 718.302, 718.403 FS. History—New 7-11-93, Formerly 7D-15.0001, Amended 1-19-97, Repealed.

61B-15.0011 Definitions for Filings and Documents.

For purposes of these rules and sections 718.502, 718.503, and 718.504, Florida Statutes, the following definitions shall apply:

(1) “Documents” means any or all of the documents comprising the “filing” as that term is defined in these rules.

(2) “Days” means calendar days and, in computing any period of time prescribed or allowed for a filing or response, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. The term “legal holiday” means those days on which State of Florida government offices are closed for legal holiday as provided by section 110.117, Florida Statutes.

(3) “File” means to submit required documents to the division in the Tallahassee, Florida, office via ground mail, airmail, facsimile, e-mail, or other means, so long as the division actually receives the filing and has the equipment and software necessary to view and review the filing.

(4) “Filing” means the documents required to be submitted to the division pursuant to sections 718.502, 718.503, or 718.504, Florida Statutes. The documents or filing may be comprised of paper, CD-ROM, facsimile, e-mail, or other media, so long as the division actually receives the filing and has the equipment and software necessary to view and review the filing.

(5) “Medium” or “media” means the format used to file documents with the division or deliver documents to purchasers. Examples of “media” include: paper, e-mail, facsimile, CD-ROM, and Internet website.

(6) “Offer” means any advertisement, inducement, solicitation, or attempt to encourage any person to acquire an interest in a condominium unit, either proposed or existing, if undertaken for gain or profit.

(7) “Received” or “receipt” by the division refers to the date on which the division or department actually receives a filing or documents related to a filing. If a filing is delivered to the division via facsimile or e-mail, the facsimile or e-mail confirmation sheet shall be evidence of the date on which the division received the filing. If the filing is delivered to the division via ground mail, airmail, or overnight service, the carrier’s delivery receipt shall be evidence of the date on which the division received the filing. In the absence of any of the foregoing evidence of division receipt, the division will use the earliest department or division date stamp on the filing as the date received.

(8) “Written” means and includes paper, CD-ROM, facsimile, e-mail, or other media so long as the division actually receives the filing and has the equipment and software necessary to view and review the filing.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.502, 718.503, 718.504 FS. History–New _____.

61B-15.0012 Forms.

(1) The forms prescribed for use by the division for submission of filings and documents are the following:

(a) Developer/Condominium Filing Statement, DBPR Form CO 6000-2, incorporated herein by reference and effective _____;

(b) Filing Statement for Subsequent Phases, DBPR Form CO 6000-3, incorporated herein by reference and effective _____;

(c) Notice of Condominium Recording Information, BPR Form CO 6000-1, incorporated herein by reference and effective _____;

(d) Frequently Asked Questions and Answers Sheet, DBPR Form CO 6000-4, incorporated herein by reference and effective _____;

(e) Certificate of Identical Documents, DBPR Form CO 6000-5, incorporated herein by reference and effective _____;

(f) Receipt for Condominium Documents, DBPR Form CO 6000-6, incorporated herein by reference and effective _____;

(g) Filing Checklist, DBPR Form CO 6000-7, incorporated herein by reference and effective _____;

(2) All forms may be obtained by contacting the Division of Florida Land Sales, Condominiums, and Mobile Homes, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1033.

Specific Authority 718.501(1)(f), 718.502(1)(c), 718.621 FS. Law Implemented 718.403, 718.502, 718.503, 718.504, 718.618(8) FS. History–New _____.

61B-15.007 Developer, ~~Association~~, Defined.

(1) For purposes of Sections 718.202, 718.502, 718.503, and 718.504, Florida Statutes, and Rule 61B-23.003(9), Florida Administrative Code, the term developer includes, subject to the exceptions provided in Section 718.103(14), Florida Statutes, or these rules:

(a) A creating developer, ~~which~~ means any person who creates a condominium ~~or offers condominium parcels for sale or lease in the ordinary course of business;~~

(b) A successor or subsequent developer, which means any person, ~~other than the creating developer or concurrent developer, who succeeds to the interests of a developer by sale, lease, assignment, foreclosure of a mortgage or other transfer~~ and who offers condominium parcels for sale or lease in the ordinary course of business; or,

(c) No change.

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

(3) Notwithstanding the above, the presumption that one is offering condominium units in the ordinary course of business will not apply for filing purposes where all of the units are offered and conveyed to a single purchaser in a single transaction. An example of such a transaction would be a financial lending institution receiving title to a number of condominium units through foreclosure or deed in lieu of foreclosure and then conveying all of such units to another person. In such circumstances, the lending institution would not be deemed to be a developer for the filing purposes. However, such entity shall, upon the conveyance to a single purchaser, notify the ~~division~~ bureau in writing of the identity and business address of the purchaser, the name of the condominium involved, the date of the conveyance and the number of units conveyed.

Specific Authority 718.501 FS. Law Implemented 718.103(2),(11),(14),(17), 718.106(2), 718.502-.504 FS. History–New 10-1-85, Formerly 7D-15.07, Amended 1-27-87, 7-10-88, 3-21-89, 6-13-89, Formerly 7D-15.007, Amended 11-14-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Laura Glenn, Chief, Bureau of Standards and Registration,
 Division of Florida Land Sales, Condominiums and Mobile Homes,
 1940 North Monroe Street, Tallahassee, Florida
 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary,
 Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Developer, Filing	61B-17.001
Procedure for Filing	61B-17.002
Phase Condominium Filing	61B-17.003
Examination of Documents	61B-17.005
Filing and Examination of Amendments to Documents	61B-17.006
Alternative Assurances	61B-17.009
Delivery of Documents Via Alternative Media	61B-17.011

PURPOSE AND EFFECT: To clarify existing provisions, delete outdated provisions and references, streamline the review process, facilitate electronic submissions and division responses, and add provisions that address existing areas of ambiguity.

SUMMARY: Moves the definition of “offer” into the definitions rule (Rule 61B-15.0001, F.A.C.); amends the incorporation language for forms because all forms will be created and incorporated in one rule (Rule 61B-15.0012, F.A.C.) and moves the division’s address for obtaining forms into one place (Rule 61B-15.0012, F.A.C.); requires disclosure of address or other location information related to the condominium as proof of the developer’s ownership or contractual interest in the land prior to offering; deletes redundant or unnecessary language. Re-inserts the form certificate of identical documents that allows a developer to make reference to previously filed documents without re-filing the same documents again; states that the division shall utilize electronic means of communication unless the developer requests a hard copy. Clarifies the term “subsequent phase” and related filing procedures; clarifies the statutory requirement that subsequent phases require the payment of filing fees for units added by the subsequent phase; deletes language rendered unnecessary or redundant by passage of later statutes. Includes various changes to eliminate the separate form review and form approval letter now required prior to offering; specifies that developers can offer condominium units upon filing with the division but may not close on contracts until all statutory conditions precedent are satisfied; limits the ability of the developer to ask for unlimited extension of time in which to respond to deficiencies cited by the division; simplifies the various timeframes allowed for certain actions, provides that all days referenced are calendar days; clarifies that the division’s review time and review will not commence until proper filing fees are received. Broadens yet simplifies the

definition of amendment and provides that all changes to previously approved documents are amendments, regardless of the nature of the changes or the identity of the filer; excludes certain types of filings that the division does not review; provides that subsequent phase amendments shall be filed pursuant to the rule on subsequent phases; removes the requirement to notify the division when all units have been conveyed; clarifies existing interpretation that no filing fees are required for certain submissions that do not change an accepted filing; streamlines successor developer filing process by requiring that all changes after initial filing acceptance be filed as amendments while retaining current filing fee structure for successor developer amendments; simplifies industry amendment processes by identifying certain types of ministerial amendment changes as non-material and not re-opening rescission rights of purchasers; simplifies the various timeframes allowed for certain actions, provides that all days referenced are calendar days; makes conforming changes related to elimination of form review. Adds provisions related to the review and approval of an alternate assurance for use of purchase deposits prior to completion of construction; deletes some existing provisions related to review and approval of letters of credit; provides a list of acceptable assurances and minimum terms and conditions required in the assurance instrument. Creates provisions that recognize the developer’s ability to disseminate documents to the public via electronic means; requires that purchaser has the choice of electronic or hard copy documents; requires disclosure of the purchaser’s election in a separate disclosure statement that includes the system requirements necessary to open and view the documents; provides that the alternative media disclosure statement shall be listed on the form receipt for documents on which purchasers sign to acknowledge their receipt of required documents; provides that the developer must file a sample copy of the alternative media documents with the division along with a certificate of identical documents, indicating that the alternative media documents are identical to the hard copy documents accepted by the division.

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

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

SPECIFIC AUTHORITY: 718.501, 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.103(14), 718.104, 718.403, 718.502, 718.502(1)(c), 718.504(20), 718.104(4)(i), 718.301, 718.503, 718.504, 718.202, 718.403(1)-(7), 718.503(2), 718.104(4)(f), 718.501, 718.502, 718.103(14), 718.502(3), 718.202(1), 718.501(1)(d)2. FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., October 28, 2002

PLACE: Warren Building, Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida 32301

Those persons who cannot attend in person may submit their comments in writing to: Sharon Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

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: Sharon Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Elzie, Senior Management Analyst II, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-17.001 Developer, Filing.

~~(1) “Offer” means any advertisement, inducement, solicitation, or attempt to encourage any person to acquire an interest in a condominium unit, either proposed or existing, if undertaken for gain or profit.~~

~~(1)(2)(a) Except in the case of a reservation program, a developer of a residential condominium shall file with the Division one copy of each document required by Sections 718.502(5), 718.503, and 718.504, Florida Statutes. The filing shall occur at the time the condominium is created pursuant to Section 718.104, Florida Statutes, or prior to any offering of a condominium unit to the public, whichever occurs first. The developer shall submit with the filing a Developer/Condominium Filing Statement, DBPR Form CO 6000-2 BPR form 33-016, referenced in Rule 61B-15.0012, F.A.C. incorporated herein by reference and effective 2-20-97. When each subsequent phase is filed, the developer shall submit DBPR Form CO 6000-3 BPR form 33-017, Filing Statement for Subsequent Phases, as referenced in Rule 61B-15.0012, F.A.C. incorporated herein by reference and effective 2-20-97. BPR forms 33-016 and 33-017 may be obtained by writing the Bureau of Condominiums, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1033.~~

(b) In the case of a reservation program, a developer of a condominium shall file with the Division one copy of each document required by Section 718.502(2), Florida Statutes,

and shall obtain approval of the Division prior to any offering of a condominium unit to the public. In addition, a developer shall file, prior to offering, proof of the developer’s ownership, contractual, or leasehold interest in the land upon which the condominium is to be developed. Such evidence must provide the address, or otherwise specify the location, of the land upon which the condominium is to be developed.

(2) For purposes of this rule the Division shall accept a signed written statement from the developer or the developer’s attorney describing the developer’s interest in the land upon which the condominium is to be developed. The signature of the developer or the developer’s attorney constitutes a certificate that they have read the statement and, to the best of their knowledge information, and belief formed after reasonable inquiry, the statement accurately describes the developer’s interest in the land.

~~(3) Upon receipt of a developer’s filing, the Division will take action pursuant to these rules. When a filing is determined to be in correct form pursuant to Rule 61B-17.005, Florida Administrative Code, offerings to the public may be made pursuant to the statute and these rules.~~

~~(3)(4) Upon recording the declaration of condominium pursuant to Section 718.104(2), Florida Statutes, or amendments adding phases pursuant to Section 718.403, Florida Statutes, the developer shall file the recording information with the division within 120 ~~30~~ working days on DBPR Form CO 6000-001, NOTICE OF CONDOMINIUM RECORDING INFORMATION, as referenced in Rule 61B-15.0012, F.A.C. incorporated herein by reference and effective April 14, 1999. This form may be obtained by writing the Bureau of Condominiums, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1033.~~

~~(4)(5) Frequently Asked Questions and Answers Sheet. Each developer shall submit with its filing a completed Frequently Asked Questions and Answers Sheet substantially conforming to DBPR Form CO 6000-4 BPR form 33-032, FREQUENTLY ASKED QUESTIONS AND ANSWERS SHEET, as referenced in Rule 61B-15.0012, F.A.C. incorporated herein by reference and effective 2-20-97. This form may be obtained by writing the Bureau of Condominiums, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1033.~~ The answers to the questions may be summary in nature, in which case the answers shall refer to identified portions of the condominium documents.

~~(5)(6) Estimated Operating Budgets. Each condominium filing shall include an estimated operating budget conforming to the requirements of Rule 61B-22.003, Florida Administrative Code, in a single exhibit labeled “Estimated Operating Budget.”~~

~~(6) Once a developer has filed documents with the division for review pursuant to Rule 61B-17.005, Florida Administrative Code, the developer may offer units to the~~

public. However, the developer shall not close on contracts until the documents are approved by the division pursuant to Rule 61B-17.005, Florida Administrative Code.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.103(14), 718.104, 718.403, 718.502, 718.504(20) FS. History—New 11-15-77, Amended 7-22-80, 7-6-81, 8-31-83, 10-1-85, Formerly 7D-17.01, Amended 1-27-87, 7-10-88, Formerly 7D-17.001, Amended 2-22-94, 2-20-97, 4-14-99, _____.

61B-17.002 Procedure for Filing.

(1) through (4) No change.

(5) There shall be submitted with each filing a Filing Checklist which substantially conforms to DBPR Form CO 6000-7 BPR Form 33-031, Filing Checklist, as referenced in Rule 61B-15.0012, Florida Administrative Code incorporated herein by reference and effective 4-1-92.

(6) No change.

(7) If the developer wishes to include in the filing certain documents that were previously reviewed and accepted by the division, the filing shall be accompanied by DBPR Form CO 6000-5, Certificate of Identical Documents, as referenced in Rule 61B-15.0012, Florida Administrative Code.

(8) Wherever possible, the division shall utilize electronic means of communication in its correspondence with the developer including e-mail and facsimile. If requested, the division shall utilize the means of communication preferred by the developer.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.202, 718.502, 718.503, 718.504 FS. History—New 11-15-77, Amended 7-22-80, Formerly 7D-17.02, Amended 4-1-92, Formerly 7D-17.002, Amended _____.

61B-17.003 Phase Condominium Filing.

(1) Every developer of a phase residential condominium shall file the initial phase with the Division. Said initial filing shall be submitted as required by Rule 61B-17.002, Florida Administrative Code.

(2) “Subsequent Phase” means any phase not submitted to the condominium form of ownership with the recording of the original declaration of condominium. Subsequent phase(s) shall be filed as set forth below prior to offering any unit therein for sale or lease when the lease period is more than five years. Amendments to the declaration providing for subsequent phases and supporting documentation may be filed at the same time as the initial filing, or at a later time, but at any time all requirements of this rule shall be observed.

(3) In addition to filing as mentioned above, upon recording an amendment to the declaration submitting a subsequent phase to the condominium form of ownership, the developer shall file the recording information in accordance with Rule 61B-17.001(4), Florida Administrative Code. In addition, Upon substantial completion of the construction of each subsequent phase, the developer shall file with the Division a survey prepared by a surveyor authorized to practice in the State of Florida with the appropriate certificate of the surveyor. Said certificate shall state that the construction of the

improvements is substantially complete and is an accurate representation of the location and dimensions of the improvements. There shall be no filing fee for the filings described in this paragraph.

(4) When subsequent phase(s) are filed, the developer shall submit all amendments and all additional information, as outlined in Chapter 718 and these rules, ~~that which~~ that which pertain to said phase. Documents previously filed with the initial phase and which also pertain to the subsequent phase being filed, may be incorporated into the filing of subsequent phase(s) by reference thereto in the Filing Statement for Subsequent Phase(s).

(5) Subsequent phases shall be filed using the amendment procedures provided by Rule 61B-17.006, Florida Administrative Code, except that the \$100 filing fee shall not apply. The filing fee due pursuant to Section 718.502(3), for each residential unit being added in the subsequent phase, shall accompany the filing. Each filing of a subsequent phase shall be submitted with the Filing Statement for Subsequent Phase(s), and the appropriate fees as described in Chapter 718.

(6) Filing for each subsequent phase shall contain a Table of Contents identifying the contents of the filing and their page numbers. The developer shall prepare the Table of Contents indicating the order in which the documents appear in the subsequent filing in order to facilitate review by the Division.

(7) The declaration for an initial phase shall include a description of each anticipated phase in the manner required by Section 718.403, Florida Statutes.

(a) The estimated operating budget filed with the Division in a phase condominium shall include a budget for the condominium completed through the phase being filed and a budget for the condominium as it would be upon completion of all phases, using estimated expenses as of the date of filing.

(b) The description of the general size of units pursuant to Section 718.403(2)(b), Florida Statutes, shall be stated in terms of approximate square footage per unit type.

~~(c) The declaration shall contain a formula by which a unit owner can compute that unit's change in percentage or proportion of ownership in the common elements as each phase is added.~~

~~(8) “Commencement” of a phase pursuant to Section 718.403(3), Florida Statutes, means the issuance of a building permit or the equivalent authorization issued by the governmental body having jurisdiction, or the recording of the amendment to the declaration adding the phase, whichever occurs first. The required notice shall be mailed within five business days of commencement.~~

(8)(9) Any amendment to the declaration ~~that which~~ that which adds subsequent phases shall state the resulting percentage or proportion of the ownership interest in the common elements appurtenant to each unit.

~~(9)(10)~~ After the original declaration of condominium has been recorded, any amendment changing the estimated completion dates of any phase or changing the items required to be included in the original declaration by Section 718.403(2), Florida Statutes, shall be approved by all units owners, ~~unless:~~

~~(a) The original declaration was recorded prior to May 11, 1982 and the declaration as originally recorded gave the developer the authority to amend such provisions without the consent of all unit owners; or~~

~~(b) The original declaration was recorded on or after October 1, 1984 and the original declaration gives the developer the authority to amend those items and the amendment is consistent with the provisions of Section 718.403(2), Florida Statutes.~~

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.403(1)-(7), 718.502(3), 718.503(2), 718.104(4)(f) FS. History--New 11-15-77, Amended 7-22-80, 5-11-82, Formerly 7D-17.03, Amended 1-27-87, Formerly 7D-17.003, Amended 1-20-97, _____.

61B-17.005 Examination of Documents.

(1) Upon receipt of a filing, the Division will determine whether the filing is in proper ~~correct~~ form. The filing is considered to be in proper ~~correct~~ form when:

(a) All forms and documents, properly completed, tabbed, labeled and assembled in accordance with these rules, are included;

(b) The Condominium Filing Statement has been completed properly; and

(c) The correct filing fee has been received by the Division.

~~(2) Upon the completion of review for correct form, the Division will notify the developer or its agent of the status of the filing by mail. The notice shall state whether the filing is acceptable or unacceptable for purposes of the examination process. If the division does not give notice is not given within (10) business days after receipt of the filing, the filing is presumed to be in proper correct form for purposes of the examination process. If the filing is not considered to be in proper correct form, the Division shall notify the developer or its agent of the unacceptability of the filing and the specifically state the reasons therefor for not accepting the filing.~~

(3)(a) ~~When the filing is found to be in correct form, The~~ the Division will examine the content of the filing to determine its sufficiency under the Condominium Act and these rules. Within 45 days from receipt of the initial filing documents in correct form, the Division shall notify the developer or its agent by mail of any deficiencies ~~in the content~~ or that the filing is accepted proper for filing purposes. If the notice is not given within 45 days from receipt of the filing documents in correct form, the filing is presumed to be accepted properly filed. However, failure to notify the developer or its agent of

any deficiencies shall not preclude the determination of deficiencies at a later date nor shall it relieve the developer of any responsibility under the law.

(b) Division acceptance of a filing pursuant to these rules shall automatically expire if, within 24 months after the date of the Division's acceptance letter ~~for filing purposes~~, the developer has not, pursuant to Section 718.104, Florida Statutes, created the condominium indicated in the accepted filing, or in the case of a phase condominium, has not created the phase or phases pertaining to that filing. However, Division acceptance of a filing will not expire if, within 30 days before or after the expiration of the 24-month period referenced above, the developer in writing requests to extend the filing acceptance for an additional 24-month period. Additional requests to extend the acceptance may be filed within 30 days before or after the expiration of any requested extension. There is no fee associated with the timely filing of a request to extend the Division's acceptance of a developer filing. Accompanying each request for extension shall be a statement signed by the developer or its duly authorized representative affirming that as of the date the request for extension is sent to the Division, all changes to the accepted filing occasioned by changes in Chapter 718, The Condominium Act, and the rules of the Division, have been effectuated. The developer, when the filing acceptance expires pursuant to this rule, shall immediately and in writing notify all purchasers under contract of the expiration of acceptance of the filed documents and shall offer immediate refunds of any deposits collected, as well as interest as appropriate, under the contracts. If a filing acceptance expires, the developer, when subject to the provisions of Section 718.202, Florida Statutes, shall, within 45 days of such expiration, provide to the Division a complete accounting of any deposits collected pursuant to the accepted documents. A complete refiling of the documents pursuant to the requirements of Chapter 718, Florida Statutes, and these rules, including the payment of filing fees, shall be required prior to any additional offerings.

(c) As utilized in this rule, the phrase "complete accounting" refers to a list of the names and addresses of all purchasers under contract, the date each contract was entered into, the amount of each deposit, the date and amount of each disbursement from the escrow account, and a copy of all notifications to purchasers under contract required by this rule.

(4) The developer shall have 45 days from the date of the division's notification of deficiencies in the filing reservation documents or condominium documents filings to correct any ~~form or content~~ deficiencies noted by the division. The division shall, however, grant an extension of the 45-day period upon written request received by the division within the 45-day period, which request shall set forth the reasons for the request. If deficiencies are not corrected within the 45-day period and an extension of time is not timely requested, the division shall reject the filing and no further offers may be

made. The developer will not be granted more than four (4) 45-day extensions. The division shall notify the developer of said rejection by a final order. Prior to the issuance of a final order, the division shall notify the developer of the pending action and shall provide an opportunity for the developer to respond in writing or at a hearing if requested. If a filing is rejected, the developer, when subject to the requirements of Section 718.202, Florida Statutes, shall, within 45 days of issuance of the final order of rejection, provide the division with a complete accounting of any deposits collected pursuant to the rejected documents. The developer shall also, immediately and in writing, notify all purchasers under contract of the rejection and shall offer immediate refund of deposits collected, as well as interest as appropriate, under the contracts. A complete refiling of the documents pursuant to the requirements of Chapter 718, Florida Statutes, and these rules, including the payment of filing fees, will be required prior to any additional offerings.

(5) The Division shall notify the developer or its agent within 30 20-business days from the receipt of documents correcting noted deficiencies of the acceptability of the corrections. If the notice is not given within 30 20-business days, the documents will be considered accepted proper for filing purposes.

(6) In no event shall the division's acceptance of the filing proper filing with the Division be construed as a division endorsement or approval of the offering by the Division and no document or offering material shall indicate that the Division has in any manner endorsed or approved the offering.

(7) If a filing is received without the correct filing fee, the division's review period will not commence and the filing will not be reviewed. If the correct filing fee is not submitted within one week after the developer receives the division's notification, the filing will be returned, no further offers may be made, and all purchasers under contract shall be entitled to a refund of any deposit and interest earned thereon.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.501, 718.502 FS. History—New 11-15-77, Amended 7-22-80, 8-31-83, Formerly 7D-17.05, Amended 9-7-88, 3-21-89, Formerly 7D-17.005, Amended _____.

61B-17.006 Filing and Examination of Amendments to Documents.

(1) "Amendment" means any change to documents that have previously been filed with and accepted by the division, whether technical or substantive, regardless of the procedure by which the change is made. Developers shall file such changes as amendments, regardless of the nature of the changes. For purposes of this rule, "amendment" does not mean an amendment to a recorded declaration adding a subsequent phase pursuant to Section 718.403(6), Florida Statutes. Amendments adding subsequent phases shall be filed in accordance with Rule 61B-17.003, Florida Administrative Code.

(2)(a) Every developer of a condominium who holds a unit for sale in a condominium shall submit to the division any amendments in documents or items on file with the division and deliver to the purchaser pursuant to Rule 61B-18.001, Florida Administrative Code, all amendments prior to closing, but in no event, later than 10 days after the amendment. ~~When all units in the condominium have been conveyed, the developer shall so notify the division in writing.~~

(b) Upon filing an amendment or amendments to documents or items that which have been accepted by the division, the developer shall pay to the division a filing fee of \$100 per filing. A developer may include within each filing, multiple amendments relating to a single condominium in which case a filing fee of only \$100 shall be charged. However, there shall be no charge for filing documents that do not change an accepted condominium filing, such as a Certificate of Incorporation, or a change to a notice of intended conversion, reservation program, or notice of termination of condominium. Filing of an amendment to effectuate a change in the form of the business organization of the developer or a merger or consolidation of the developer with another entity or entities will require payment of a filing fee pursuant to Section 718.502(3), Florida Statutes, with respect to the residential units being offered by the developer.

(c) The following amendments do not materially alter or modify the offering within the meaning of Section 718.503, Florida Statutes. However, nothing herein shall preclude a developer from arguing that other amendments not expressly described herein do not materially alter or modify the offering within the meaning of Section 718.503, Florida Statutes.

1. Any grammatical or typographical correction, or change in presentation or format that does not affect the meaning of any provision of the accepted offering documents and does not violate conspicuous type or other disclosure requirements contained in Chapter 718, Florida Statutes;

2. Any substitution of an executed, filed or recorded copy of a document for the otherwise identical unexecuted, unfiled or unrecorded copy of the document contained in the accepted offering documents (with regard to the inclusion of a recorded phase amendment pursuant to Sections 718.110 and 718.403, Florida Statutes, substitution shall be permitted if the form of phase amendment accepted with the initial registration is utilized for the phase amendment and the only modifications are ministerial in nature and designed to complete the amendment instrument as originally contemplated);

3. Inclusion of updated information such as identification or description of:

a. The current officers and directors of the association;
b. The name or ownership of the developer so long as the business organization of the developer still exists;

c. Phases added to the condominium in accordance with the phasing plan, pursuant to Section 718.403, Florida Statutes, and accepted by the division;

d. Any action taken pursuant to any previously disclosed reserved right not arising under Section 718.110(4) or 718.403(2), Florida Statutes;

e. Disclosure of improvements for which construction has been completed and which improvements were either previously proposed or not complete;

f. Modification of the applicable budgets to incorporate submission of additional phases committed to the condominium; or

g. Elimination of disclosures required by Section 718.504(12), Florida Statutes, following transfer of control of the association pursuant to Section 718.301, Florida Statutes.

4. Any inclusion of information that will have application only to purchasers not currently under contract;

5. Modifications related to an increase in closing costs for prospective purchasers;

6. Modifications related to a change in the escrow agent or changes in the provision of title insurance; or

7. Modification of a master escrow agreement to include additional condominium projects or to remove condominium projects for which the developer is no longer offering units for sale.

(3) through (6) No change.

(7) Within 20 ~~15~~ business days after the receipt of documents responding to deficiencies noted by the division, the division ~~agency~~ shall notify the developer or its agent as to the acceptability of the corrected documents. If the notice is not given within 20 ~~15~~ business days, the amended documents will be considered accepted ~~proper for filing purposes~~.

(8)(a) ~~For filing purposes, After the filing is accepted receiving an initial Rule 61B-17.005(5), Florida Administrative Code, filing acceptance,~~ a developer shall not alter the condominium type through these amendment procedures. For purposes of this rule, the condominium types utilized by the Division are as follows:

1. Standard Ccondominium refers to a single condominium operating under a single condominium association the development of which is completed in one stage of construction, as opposed to a phase condominium;

2. Land Condominium refers to a condominium in which the residential units of the real property being submitted to the condominium form of ownership consist of land only;

3. Planned Unit Development refers to a condominium which is included in or located within a real property development project ~~that which~~ contains or will contain other types of real property ownership such as townhouses or single family homes;

4. Conversion Condominium refers to a condominium development in which currently existing real property improvements are being converted to residential condominium ownership;

5. Phase Condominium means a condominium developed pursuant to Section 718.403, Florida Statutes; and,

6. ~~Multi-condominium~~ Multicondominium means a condominium ~~that which~~ is part of or included within a development which contains more than one condominium operated by a single association.

(b) In order to change the condominium type of an accepted condominium filing, for example changing from a standard condominium plan to a phase plan, conversion, or planned unit development, or any combination thereof, the developer must file anew with the Division pursuant to Section 718.502, Florida Statutes, and Rule 61B-17.005(5), Florida Administrative Code.

(9) In no event shall the division's acceptance of an amendment ~~proper filing with the Division~~ be construed as endorsement or approval of the amendment by the Division. No documents or offering materials shall indicate the Division has in any manner endorsed or approved the materials.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.103(14), 718.502, 718.502(3), 718.503, 718.504 FS. History--New 11-15-77, Amended 7-22-80, 10-1-85, Formerly 7D-17.06, Amended 1-27-87, 4-1-92, 7-11-93, Formerly 7D-17.006, Amended 11-23-93,_____.

61B-17.009 Alternative Assurances.

(1) This rule governs alternative assurances provided for in section 718.202, Florida Statutes. An alternative assurance must be approved by the Division Director prior to the use by a Developer of the sales deposits intended to be assured. Pending approval, sales deposit funds to be assured by the alternative assurance must be placed in escrow.

(2) Procedure for Filing. A proposed alternative assurance filing should be submitted under cover separate from any condominium filing. The alternative assurance filing must include:

(a) A COVER LETTER explaining the details of the alternative assurance. The letter must include the name and address of the condominium for which the assurance is intended;

A COPY OF THE INSTRUMENT evidencing the proposed assurance; and

(c) A copy of the purchase deposit escrow agreement. The escrow agreement shall contain the following minimum provisions: A current sale PRICE LIST

1. The developer and escrow agent must have the Division Director's written approval of the use of an assurance prior to its use by the developer.

2. The amount of any assurance plus the amount of any sales deposits in escrow must at all times equal or exceed the amount of sales deposits required to be assured by Section 718.202, Florida Statutes. It is the developer's duty to ensure that the assurances are adequate.

3. The developer shall provide the escrow agent with a monthly report of the amount of funds currently assured. The developer shall provide the division with a quarterly report of the amount of funds currently assured.

4. The developer shall ensure that the Division Director, escrow agent and the developer receive at least a 30-day notice prior to the cancellation of any assurance.

5. At least 15 days prior to the expiration of any assurance posted in lieu of the escrow requirements of Section 718.202, Florida Statutes, the developer must place funds assured by the instrument into escrow.

~~(d) A copy of the purchase and sale agreement containing ADEQUATE NOTICE TO PURCHASERS that sales deposits may be used by developer if alternatively assured OR WRITTEN CONSENT FROM PURCHASERS to use alternatively assured sales deposits.~~

(3) Types of assurances. As provided by Section 718.202(1), Florida Statutes, the Division Director is authorized to accept the following types of assurances: Sample Forms. The Division may maintain a sample letter of credit (DBR 323) and a sample escrow agreement (DBR 324) subject to revision at any time without notice. Use of the samples is optional and does not guarantee Division approval.

(a) A surety bond issued by a company authorized and licensed to issue surety bonds in Florida;

(b) An irrevocable letter of credit issued by a financial institution as defined by section 655.005, Florida Statutes, and located in Florida; or

(c) A cash bond held by the escrow agent.

~~(4) Minimum terms and conditions. The assurance instrument shall include the following minimum terms and conditions: Criteria for Review. The Division Director will approve an alternative assurance if, in his discretion, he determines that the assurance protects sales deposits equally as well as if placed in escrow. The determination will be made on the facts of each case. The likelihood of approval of an alternative assurance in the form of a letter of credit is increased if:~~

~~(a) The escrow agent has authority to draw on the assurance and treat the drawn funds as if they were escrowed funds; The letter is irrevocable;~~

~~(b) The Division Director has authority to draw on the assurance when circumstances warrant a draw and the escrow agent fails to do so; The letter is readily convertible to cash;~~

~~(c) The original expiration date of any letter of credit or surety bond shall be not less than one year from the date of issuance; and The issuer of the letter is sufficiently sound relative to the obligations of the letter;~~

~~(d) If the assurance is automatically renewable the issuer shall give the escrow agent and the Division Director not less than 30 days notice of cancellation. The escrow agent has~~

~~authority to draw on the letter and treat the drawn funds as if they were escrowed funds under section 718.202(1), Florida Statutes;~~

~~(e) The Director has authority to draw on the letter when the escrow agent fails to do so and circumstances warrant a draw.~~

(5) Purchaser Refunds: During the period in which any letter of credit is in effect, if any purchaser is entitled to a refund as provided in Section 718.202(1), Florida Statutes, the refund must be made to the purchaser within thirty (30) days after the purchaser's request.

~~(6) Value of a Letter of Credit: The amount of any letters of credit plus the amount of any sales deposits in escrow must at all times equal or exceed the amount of sales deposits required to be assured by section 718.202, Florida Statutes. It is the developer's burden to see that the assurances are adequate.~~

~~(7) Expiration of Letters of Credit: Upon expiration of a letter of credit, the Developer must immediately place funds assured by the letter instrument into escrow.~~

Specific Authority 718.501(1)(f) FS. Law Implemented 718.202(1), 718.501(1)(d)2. FS. History--New 4-12-82, Formerly 7D-17.09, 7D-17.009, Amended _____.

61B-17.011 Delivery of Documents via Alternative Media.

(1) If the developer wishes to use alternative media (for example, CD-ROM) for delivery of documents to purchasers, the developer must give the purchaser the option of receiving paper documents or alternative media documents. The purchaser's choice of delivery method shall be set forth in writing on a form called the "alternative media disclosure statement." The form "alternative media disclosure statement" shall be filed with the division for review and approval along with other required documents. The form shall:

(a) Be separate from other documents delivered;

(b) Disclose the system requirements (for example, operating system, memory, hard drive, processor speed, printer requirements, software) necessary to view the alternative media documents;

(c) State that the purchaser should not select alternative media unless the purchaser will have the means to read the documents before the expiration of the 15-day cancellation period. The alternative media disclosure statement shall be listed on the form receipt for documents in the manner prescribed in DBPR Form CO 6000-6, Receipt for Condominium Documents, as referenced in Rule 61B-15.0012, Florida Administrative Code, and as required in subsection 61B-18.004(3), Florida Administrative Code. If a portion, but not all, of the documents are delivered through the use of alternative media, the developer shall identify in the prospectus table of contents and in the receipt for condominium documents which documents are being delivered via alternative media and which documents are being delivered in paper form.

(2) Prior to delivery of documents to a purchaser via alternative media, the developer must submit to the division a sample copy of the alternative media proposed for use by the developer together with an executed certificate, using the form prescribed in DBPR Form CO 6000-5, Certificate of Identical Documents, referenced in Rule 61B-15.0012, Florida Administrative Code, certifying that the portion of the documents delivered via alternative media is identical in form and substance to the corresponding portion of the documents reviewed and accepted by the division.

(3) In the event that the developer amends the documents and wishes to deliver the amendment to purchasers via alternative media, the provisions of this rule shall apply.

Specific Authority 718.501(1)(f), 718.501(1)(c) FS. Law Implemented 718.502, 718.503, 718.504 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glenn, Chief, Bureau of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Receipt for Condominium Documents

RULE NO.: 61B-18.004

PURPOSE AND EFFECT: The changes are part of an overall effort to update and clarify the filing rules for condominiums. The proposed rule change would remove language from the rule that should more properly be in a form and recreate the language as a form.

SUMMARY: Removes language contained in the rules that should more properly appear in a form. The language is preserved as a new form that is created in Rule 61B-17.0012, F.A.C.

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

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

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.502, 718.503, 718.504 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., October 28, 2002

PLACE: Warren Building, Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida 32301

Those persons who cannot attend in person may submit their comments in writing to: Sharon Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

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: Sharon Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Elzie, Senior Management Analyst II, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-18.004 Receipt for Condominium Documents.

(1) Every developer who enters into a contract for the sale of a residential condominium unit or for the lease of a residential condominium unit for a lease period of more than five years shall obtain from the purchaser or lessee a receipt acknowledging that he has been provided the required documents by the developer.

(2) The developer shall itemize all items which are applicable and are to be delivered to the purchaser. Those items to be delivered shall be those documents required by the Division for filing during the examination period.

(3) Said receipt shall be in substantially the following form prescribed by DBPR Form CO 6000-6, Receipt for Condominium Documents, as referenced in Rule 61B-15.0012, F.A.C., and shall include but not be limited to the items listed. A copy of the receipt form shall be submitted to the Division at the time of filing. The developer shall provide the purchaser or lessee with a copy of the signed receipt, upon request.

RECEIPT FOR CONDOMINIUM DOCUMENTS

~~The undersigned acknowledges that the documents checked below have been received or, as to plans and specifications, made available for inspection.~~

Name of Condominium _____

Address of Condominium _____

Place a check in the column by each document received or, for the plans and specifications, made available for inspection:

If an item does not apply, place "N/A" in the column.

- DOCUMENT RECEIVED
- Prospectus Text
- Declaration of Condominium
- Articles of Incorporation
- By-Laws
- Estimated Operating Budget
- Form of Agreement for Sale or Lease
- Rules and Regulations
- Covenants and Restrictions
- Ground Lease
- Management and Maintenance Contracts for More Than One Year
- Renewable Management Contracts
- Lease of Recreational and Other Facilities to be Used Exclusively by Unit
- Owners of Subject Condominiums
- Form of Unit Lease if a Leasehold
- Declaration of Servitude
- Sales Brochures
- Phase Development
- Description (see 718.503(2)(k) and 504(14))
- Lease of Recreational and Other Facilities to be Used by unit owners with other condos (See 718.503(2)(h))
- Description of Management for Single Management of Multiple Condominiums (See 718.503(2)(k))
- Conversion Inspection Report
- Conversion Termite Inspection Report
- Plot Plan
- Floor Plan
- Survey of Land and Graphic Description of Improvements
- Executed Escrow Agreement

MADE AVAILABLE

Plans and Specifications

~~THE PURCHASE AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS AFTER THE DATE OF EXECUTION OF THE PURCHASE AGREEMENT BY THE BUYER AND RECEIPT BY THE BUYER OF ALL OF THE DOCUMENTS REQUIRED TO BE DELIVERED TO HIM BY THE DEVELOPER. THE AGREEMENT IS ALSO VOIDABLE BY THE BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS AFTER THE DATE OF RECEIPT FROM THE DEVELOPER OF ANY AMENDMENT WHICH MATERIALLY ALTERS OR MODIFIES THE OFFERING IN A MANNER THAT IS ADVERSE TO THE BUYER. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO~~

~~EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS AFTER THE BUYER HAS RECEIVED ALL OF THE DOCUMENTS REQUIRED. BUYER'S RIGHT TO VOID THE PURCHASE AGREEMENT SHALL TERMINATE AT CLOSING.~~

Executed this ___ day of ___, 19__.

Purchaser or lessee

Purchaser or lessee

(4) The developer should retain a copy of the signed receipt for a period of five years after the date of closing of the transaction. Said receipt should be maintained in the official business records of the developer.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.502, 718.503, 718.504 FS. History—New 11-15-77, Amended 7-22-80, 10-1-85, Formerly 7D-18.04, 7D-18.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Laura Glenn, Chief, Bureau of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Definitions	61B-22.001
Budgets	61B-22.003
Reserves	61B-22.005

PURPOSE AND EFFECT: To clarify existing provisions, delete outdated provisions and references, streamline the review process, facilitate electronic submissions and division responses, and add provisions that address existing areas of ambiguity.

SUMMARY: Language is added to clarify that payroll and personnel records, purchase invoices, and all invoices for services provided to the association, are all included in the definition of "accounting records." Recognizes the use of a pooled account for reserves and provides that a schedule showing each reserve account is not necessary if a pooled account for reserves is used; provides an alternate disclosure method for the use of a pooled account for reserves; clarifies

the effect on a phase condominium annual budget of a change in proportionate ownership of common elements; provides an effective date for the adjusted annual budget; clarifies the method for amending a previously approved annual budget. Recognizes the concept of funding a group of assets using a pooled analysis of two or more required assets and provides requirements and direction related to the pooled account method; clarifies that the chosen reserve funding formula shall not include any type of balloon payment.

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

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

SPECIFIC AUTHORITY: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.111(12), 718.301, 718.501, 718.111(6), 718.112(2)(f), 718.112(2)(e)-(f), 718.618 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., October 28, 2002

PLACE: Warren Building, Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida 32301

Those persons who cannot attend in person may submit their comments in writing to: Sharon Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

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: Sharon Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Elzie, Senior Management Analyst II, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-22.001 Definitions.

(1) "Accounting records" include all of the books and records identified in Section 718.111(12)(a)11., Florida Statutes, and any other records that identify, measure, record, or communicate financial information whether the records are maintained electronically or otherwise, including, all payroll

and personnel records of the association all invoices for purchases made by the association, and all invoices for services provided to the association.

(2) through (4) No change.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.111(12), 718.112(2)(f), 718.301, 718.501 FS. History—New 7-11-93, Formerly 7D-22.001, Amended 12-20-95,_____.

61B-22.003 Budgets.

(1) Required elements for estimated operating budgets. The budget for each association shall:

(a) through (d) No change.

(e) Unless the association maintains a pooled account for reserves required by Section 718.112(2)(f)2., Florida Statutes, the association shall include ~~include~~ a schedule stating each reserve account for capital expenditures and deferred maintenance as a separate line item with the following minimum disclosures:

1. through 5. No change.

(f) If the association maintains a pooled account for reserves required by Section 718.112(2)(f)2., Florida Statutes, the association shall include a separate schedule of any pooled reserves with the following minimum disclosures:

1. The total estimated useful life of each asset within the pooled analysis;

2. The estimated remaining useful life of each asset within the pooled analysis;

3. The estimated replacement cost or deferred maintenance expense of each asset within the pooled analysis; and

4. The estimated fund balance of the pooled reserve account as of the beginning of the period for which the budget will be in effect.

(g)(f) Include a separate schedule of any other reserve funds to be restricted by the association as a separate line item with the following minimum disclosures:

1. The intended use of the restricted funds; and

2. The estimated fund balance of the item as of the beginning of the period for which the budget will be in effect.

(2) through (5) No change.

(6) Phase condominium budgets. By operation of law, the annual budget of a phase condominium created pursuant to Section 718.403, Florida Statutes, shall automatically be adjusted to incorporate the change in proportionate ownership of the common elements by the purchasers and to incorporate any other changes related to the addition of phases in accordance with the declaration of condominium. The adjusted annual budget shall be effective on the date that the amendment to the declaration adding a phase to a phase condominium is recorded in the official records of the county in which the condominium is located. Notwithstanding the requirements of subsection (7) of this rule, the association shall

not be required to follow the provisions of Section 718.112(2)(c), Florida Statutes, unless, as a result of the budget adjustment, the assessment per unit has changed.

(7) Budget assessment amendments. The association may amend a previously approved annual budget. In order to do so the board of administration shall follow the provisions of Section 718.112(2)(e), Florida Statutes. For example, the board shall mail a meeting notice and copies of the proposed amended annual budget to the unit owners not less than 14 days prior to the meeting at which the budget amendment will be considered.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.111(6), 718.112(2)(e),(f), 718.113, 718.501, 718.618 FS. History—New 7-11-93, Formerly 7D-22.003, Amended 12-20-95, 12-18-01.

61B-22.005 Reserves.

(1) Reserves required by statute. Reserves required by Section 718.112(2)(f), Florida Statutes, for capital expenditures and deferred maintenance including roofing, painting, paving, and any other item for which the deferred maintenance expense or replacement cost exceeds \$10,000 shall be included in the budget. For the purpose of determining whether the deferred maintenance expense or replacement cost of an item exceeds \$10,000, the association may consider each asset of the association separately. Alternatively, the association may group similar or related assets together. For example, an association responsible for the maintenance of two swimming pools, each of which will separately require \$6,000 of total deferred maintenance, may establish a pool reserve, but is not required to do so.

(2) Commingling operating and reserve funds. Associations that collect operating and reserve assessments as a single payment shall not be considered to have commingled the funds provided the reserve portion of the payment is transferred to a separate reserve account, or accounts, within 30 calendar days from the date such funds were deposited.

(3) Calculating reserves required by statute. Reserves for deferred maintenance and capital expenditures required by Section 718.112(2)(f), Florida Statutes, shall be calculated using a formula that will provide funds equal to the total estimated deferred maintenance expense or total estimated replacement cost for an asset or group of assets over the remaining useful life of the asset or group of assets. Funding formulas for reserves required by Section 718.112(2)(f), Florida Statutes, shall be based on either a separate analysis of each of the required assets or a pooled analysis of two or more of the required assets.

(a) If the association maintains separate reserve accounts for each of the required assets, the ~~The~~ amount of the current year contribution to each reserve account component shall be the sum of the following two calculations:

1. The total amount necessary, if any, to bring a negative account component balance to zero; and

~~2.(b)~~ The total estimated deferred maintenance expense or estimated replacement cost of the reserve asset component less the estimated balance of the reserve account component as of the beginning of the period for which the budget will be in effect. The remainder, if greater than zero, shall be divided by the estimated remaining useful life of the asset component. The formula may be adjusted each year for changes in estimates and deferred maintenance performed during the year and may consider factors such as inflation and earnings on invested funds.

(b) If the association maintains a pooled account of two or more of the required reserve assets, the amount of the contribution to the pooled reserve account as disclosed on the proposed budget shall be not less than that required to ensure that the balance on hand at the beginning of the period for which the budget will go into effect plus the projected annual cash inflows over the remaining estimated useful lives of all of the assets that make up the reserve pool are equal to or greater than the projected annual cash outflows over the remaining estimated useful lives of all of the assets that make up the reserve pool, based on the current reserve analysis. The projected annual cash inflows may include estimated earnings from investment of principal. The reserve funding formula shall not include any type of balloon payments.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.112(2)(f), 718.501, 718.618 FS. History—New 7-11-93, Formerly 7D-22.005, Amended 12-20-95, 1-19-97, 12-18-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Peet, Financial Supervisor, Bureau of Compliance, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Operation of the Association	61B-23.002
Regular Elections; Vacancies Caused by	

Expiration of Term, Resignations, Death	61B-23.0021
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PURPOSE AND EFFECT: To clarify existing provisions, delete outdated provisions and references, streamline the review process, facilitate electronic submissions and division responses, and add provisions that address existing areas of ambiguity.

SUMMARY: Language is deleted to clarify that payroll, personnel, purchase invoices, and invoices for services, related to association operation, are not "other records" as discussed in the rule. Corresponding language is added to Rule 61B-22.001, F.A.C., to show that such records are "accounting records." This distinction is needed due to some confusion as applied to practical scenarios in the industry.

Requires that the association mail or deliver the statutorily required second notice of election within a certain time period.

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

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

SPECIFIC AUTHORITY: 718.112(2)(d)3., 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.111(12), 718.301, 718.501, 718.111(6), 718.112(2)(f), 718.112(2)(e),(f), 718.618, 718.112(2)(b)2.,(c),(d)3.,4., 718.117, 718.501(2)(a), 718.504 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., October 28, 2002

PLACE: Warren Building, Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida 32301

Those persons who cannot attend in person may submit their comments in writing to: Sharon Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

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: Sharon Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Elzie, Senior Management Analyst II, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-23.002 Operation of the Association.

(1) through (5)(a) No change.

(b) Other records related to the operation of the association, which the association shall maintain as official records pursuant to Section 718.111(12)(a)15., Florida Statutes, or as that subparagraph may be subsequently renumbered, shall include, for example:

1. Correspondence and other written communication from the division;

~~2. All payroll and personnel records of the association;~~

~~3. All invoices for purchases made by the association;~~

~~4. All invoices for services provided to the association;~~

5. through 6. renumbered 2. through 3. No change.

(c) through (8) No change.

Specific Authority 718.112(2)(d)3., 718.501(1)(f) FS. Law implemented 718.111(12), 718.112(2)(b)2.,(c),(d)3.,4., 718.117, 718.501(2)(a), 718.504 FS. History—New 7-22-80, Amended 8-31-83, 10-1-85, Formerly 7D-23.02, Amended 1-27-87, 7-10-88, 3-21-89, 2-18-92, Formerly 7D-23.002, Amended 11-23-93, 2-20-97, 4-14-99,_____.

61B-23.0021 Regular Elections; Vacancies Caused by Expiration of Term, Resignations, Death.

(1) through (7) No change.

(8) In accordance with the requirements of Section 718.112(2)(d), Florida Statutes, the association shall mail or deliver to the eligible voters at the addresses listed in the official records a second notice of the election, together with a ballot and any information sheets timely submitted by the candidates. The association shall mail or deliver the second notice no less than 14 days and no more than 34 days prior to the election. The second notice and accompanying documents shall not contain any communication by the board ~~that~~ which endorses, disapproves, or otherwise comments on any candidate. Accompanying the ballot shall be an outer envelope addressed to the person or entity authorized to receive the ballots and a smaller inner envelope in which the ballot shall be placed. The exterior of the outer envelope shall indicate the name of the voter, and the unit or unit numbers being voted, and shall contain a signature space for the voter. Once the ballot is filled out, the voter shall place the completed ballot in the inner smaller envelope and seal the envelope. The inner envelope shall be placed within the outer larger envelope, and the outer envelope shall then be sealed. Each inner envelope shall contain only one ballot, but if a person is entitled to cast more than one ballot, the separate inner envelopes required may be enclosed within a single outer envelope. The voter shall sign the exterior of the outer envelope in the space provided for such signature. The envelope shall either be mailed or hand delivered to the association. Upon receipt by the association, no ballot may be rescinded or changed.

Specific Authority 718.112(2)(d)3., 718.501(1)(f) FS. Law Implemented 718.112, 718.301 FS. History--New 1-23-92, Amended 12-20-92, Formerly 7D-23.0021, Amended 8-24-94, 12-20-95, 1-19-97, 4-14-99, 2-19-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Laura Glenn, Chief, Bureau of Standards and Registration,
 Division of Florida Land Sales, Condominiums and Mobile
 Homes, 1940 North Monroe Street, Tallahassee, Florida
 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Kim Binkley-Seyer, Secretary,
 Department of Business and Professional Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: January 18, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile
 Homes**

RULE TITLE: Notices of Intended Conversion

RULE NO.: 61B-24.002

PURPOSE AND EFFECT: To clarify existing provisions,
 delete outdated provisions and references, streamline the
 review process, facilitate electronic submissions and division
 responses, and add provisions that address existing areas of
 ambiguity.

SUMMARY: Language is added to require that every notice
 shall state the address or location of the property to be
 converted to condominium. Phone numbers for the division are
 updated.

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

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

SPECIFIC AUTHORITY: 718.608(5), 718.501(1)(f) 718.621
 FS.

LAW IMPLEMENTED: 718.608, 718.608(5) FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., October 28, 2002

PLACE: Warren Building, Meeting Room #B03, 201 West
 Bloxham Street, Tallahassee, Florida 32301

Those persons who cannot attend in person may submit their
 comments in writing to: Sharon Elzie, Senior Management
 Analyst II, Division of Florida Land Sales, Condominiums and

Mobile Homes, 1940 North Monroe Street, Tallahassee,
 Florida 32399-1030, within 21 days of this notice. Written
 comments received after the hearing may not be considered.

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: Sharon Elzie, Senior
 Management Analyst II, (850)488-1631. If you are hearing or
 speech impaired, please contact the agency by calling
 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Sharon Elzie, Senior Management
 Analyst II, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-24.002 Notices of Intended Conversion.

(1) through (3) No change.

(4) Each notice of intended conversion shall state the
 address or specific location of the property to be converted to
 condominium, above the text set forth by Section 718.608,
 Florida Statutes.

(5)(4) For the purpose of each notice of intended
 conversion the Tallahassee address and telephone number of
 the division is:

Division of Florida Land Sales, Condominiums, and
 Mobile Homes

Northwood Centre

1940 North Monroe Street

Tallahassee, Florida 32399-~~1032~~ ~~1033~~

~~(800)226-9101~~ ~~(850)488-0740~~

(5) through (7) renumbered (6) through (8) No change.

Specific Authority 718.501(1)(f), 718.608(5), 718.621 FS. Law Implemented
 718.608, 718.608(5), FS. History--New 7/2/81, Formerly 7D-24.02, Amended
 4-1-92, Formerly 7D-24.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Laura Glenn, Chief, Bureau of Standards and Registration,
 Division of Florida Land Sales, Condominiums and Mobile
 Homes, 1940 North Monroe Street, Tallahassee, Florida
 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Kim Binkley-Seyer, Secretary,
 Department of Business and Professional Regulation.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLES: Examination for Barber Licensure
 Examination for Restricted Licensure

RULE NOS.: 61G3-16.0010
 61G3-16.007

PURPOSE AND EFFECT: The Board proposes to amend these rules to clarify what is expected from each examination, what the grading areas are and the weight given to those areas, and to clarify requirements for the practical portion of the examinations.

SUMMARY: These rules set forth the subject matter to be tested, grading areas and weight for each area and the requirements for the practical portion of the exam for licensure and restricted licensure.

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

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

SPECIFIC AUTHORITY: 455.217, 476.064(4), 476.114(2), 476.134 FS., Chapter 98-323, Laws of Florida.

LAW IMPLEMENTED: 455.217, 476.114(2), 476.134 FS., Chapter 98-323, Laws of Florida.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Baker, Executive Director, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G3-16.0010 Examination for Barber Licensure.

(1) The examination for licensure to practice barbering shall consist of two parts, a written examination and a practical examination. Applicants for a license to practice barbering must achieve a passing grade on both portions of the examination to be eligible for a license to practice barbering. An applicant who has completed all requirements for examination and paid the fee specified in Rule 61G3-20.002, F.A.C., will be admitted to the examination for licensure.

(2) The following subjects will be tested on the written examination and will be weighted approximately as designated:

Category	Weight
(a) Ethics and Hygiene	8%
(b) State Barber Laws and Rules	7%
(c) Skin and Scalp (composition, diseases, function, care)	7%
(d) Hair (structure, protein, characteristics, types, services, hairpieces)	16%
(e) Cosmetics Chemistry (emulsions, pH, types)	11%
(f) Scalp and Facial Treatments (including light therapy)	11%
(g) Haircoloring and Lightening	12%
(h) Permanent Waving, Hair Relaxing, and Soft Curl Permanents	20%
(i) Shaving, Mustache and Beard Trim	4%
(j) Implements, Tools and Equipment (including use characteristics)	4%

(3) The practical portion of the examination for licensure shall test the applicant's ability to perform the barbering services authorized by a license to practice barbering. The examination shall have a maximum time limit of 1 3/4 hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair, perform a taper haircut, and perform a permanent wave Candidates to satisfy the practical portion of the examination. The areas to be tested and the relative weights are as follows:

Grading Area	Category	Relative Weight	Possible Points
(a) Haircut			45
(b) Permanent Wave			8 40
(c) Shampoo			5 40
(d) Safety and Sanitation			42 45
(e) Technique: Razor, Shears, Clippers			10

The Bureau of Education and Testing shall be responsible for assigning point value for grading criteria. Any changes to criteria should be brought to the Board for approval prior to implementation.

(4) The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas of comment ~~shall~~ should be drawn from the following criteria:

- (a) Haircut:
 1. ~~The T~~top is even and without holes, ~~gaps or steps~~;
 2. ~~The T~~top (~~horseshoe~~) blends with the sides and back;
 3. ~~The F~~front outline is even ~~and clean shaven~~;
 4. ~~The H~~haircut is proportional ~~and sides are equal in length~~;
 5. ~~The S~~sides and the back are without holes, ~~gaps or steps~~;
 6. ~~The S~~sides blend with the back;
 7. ~~The S~~sideburns ~~and outlines~~ are equal in length; ~~even~~;
 8. The outlines are even; ~~Sideburns, outline and neckline are clean shave~~;

9. ~~The s~~Sideburns, outline, and neckline are clean shaven;
10. ~~The model's skin was not cut or nicked during the haircut;~~
- 11.9. ~~The n~~Neckline is properly tapered.
- (b) Permanent Wave:
1. ~~The b~~Blocking of the permanent wave is clean, uniform, and matches rod diameter and length;
2. ~~The bands are placed across the rods to provide Hair is wound uniformly across the rods with the proper amount of tension;~~
3. ~~The r~~Rods are placed parallel to ~~the~~ subsection parting and are on, not more than one-half off base; and are not over directed;
4. ~~The h~~Hair is spread evenly on the rods with the spread in end papers (s) and does not extending beyond the hair ends, edge of paper.
- (c) Shampoo: After the shampoo, the model's hair and scalp were clean and free of shampoo.
- (d) Safety and Sanitation:
1. The candidate used the proper ~~draping linen setup~~ for the shampoo;
2. The candidate used the proper protection on the shampoo bowl; ~~properly stored clean and dirty linen during the shampoo;~~
3. ~~The candidate properly stored clean and dirty linen during the shampoo;~~
- 4.3. The candidate washed his or her hands before beginning work on the model; ~~haircut;~~
- 5.4. The candidate used the proper ~~draping linen setup~~ for the haircut;
6. ~~The candidate properly stored clean and dirty linen during the haircut;~~
- 7.5. ~~The~~ During the haircut, the candidate placed ~~replaced~~ tools in the sanitizer before and after each use during the haircut;
6. ~~The candidate properly stored clean and dirty linen during the haircut;~~
8. The candidate used all of the tools in a safe manner and without any blood contact during the haircut;
- 9.7. The candidate washed his or her hands before beginning the permanent wave;
- 10.8. The candidate used the proper ~~draping linen/cotton wrap setup~~ for the permanent wave;
11. The candidate used the proper cotton wrap protection for the permanent wave;
12. The candidate applied protective cream for the permanent wave;
- 13.9. The candidate kept his or her tools sanitized during the permanent wave;
- 14.10. The candidate properly stored clean and dirty linen during the permanent wave.

(e) Technique:

1. ~~The candidate held and used all tools in a safe manner during the haircut;~~
2. ~~The model's skin was not cut/pinched by clippers or other tools during the haircut;~~
3. ~~Candidate used freehand technique when doing the haircut.~~
- (5) Failure of the examinee to complete the services required in a particular category tested in the practical portion of the examination shall result in the examinee losing the possible points assigned to that area.
- (6) The score necessary to achieve a passing grade shall be no less than seventy-five (75) percent out of one hundred (100) percent (based on the average of the examiners' scores) on the practical examination and seventy-five (75) percent out of one hundred (100) percent on the written examination. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.

Specific Authority 455.217(1)(b),(c), 476.064(4), 476.114(2), 476.134 FS. Law Implemented 455.217(1)(b),(c), 476.114(2), 476.134 FS. History—New 11-12-00, Amended _____.

61G3-16.007 Examination for Restricted Licensure.

- (1) The examination for restricted licensure to practice barbering shall consist of two parts, a written exam and a practical exam. Applicants for a restricted license to practice barbering must achieve a passing grade on both portions of the examination to be eligible for a restricted license to practice barbering.
- (2) The written portion of the examination for restricted licensure shall cover the laws and rules which govern the practice of barbering in Florida, and shall consist of questions on the following:
- (a) The function of the Barbers' Board, how its members are appointed, and their duties;
- (b) The laws and rules of the Board that determine where and when an individual may legally practice barbering;
- (c) The laws and rules of the Board that protect the health, safety, and welfare of the consumer;
- (d) The laws and rules of the Board which specify prohibited conduct, and the penalties for failure to follow the laws and rules;
- (e) The dates, fees, and requirements for renewal of a license to practice barbering.
- (3) The practical portion of the examination for restricted licensure shall test the applicant's ability to perform the barbering services authorized by a restricted license to practice barbering. ~~The examination for licensure; and~~ shall have a maximum time limit of 1 3/4 hours. All applicants will provide their own model for the practical exam and will be required to shampoo the model's hair, perform a taper haircut, and perform

a facial shave to satisfy the practical portion of the examination. The areas to be tested and the relative weights are as follows:

GRADING AREA CATEGORIES	RELATIVE WEIGHT POSSIBLE POINTS	
Haircut		45
Shave		8 10
Shampoo		5 10
Safety and Sanitation		42 25
Technique (Unguarded Straight Razor, Shears, Clippers)		10

The Bureau of Education and Testing shall be responsible for assigning point value for grading criteria. Any changes to criteria should be brought to the Board for approval prior to implementation. The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas for comment shall be drawn from the following grading criteria:

(a) Haircut:

1. The tTop is even and without holes; ~~gaps, or steps~~
2. The tTop (~~horseshoe~~) blends with the sides and back;
3. The fFront outline is even;
4. The hHaircut is proportional; ~~and sides are equal in length~~
5. The sSides and the back are without holes, ~~gaps, or steps;~~
6. The sSides blend with the back;
7. The sideburns are equal in length;
8. The Sideburns ~~and~~ outlines are even;
9. The sSideburns, outline, and neckline are clean shaven;
10. The model's skin was not cut or nicked during the haircut;
11. The nNeckline is properly tapered.

(b) Shave:

1. The candidate used proper the beard softening procedures;
2. After the shave, the model had ~~has~~ a clean-shaven appearance;
3. After the shave, there were no apparent cuts in the model's skin;
4. After the shave, there were no signs of razor burn on the model's skin;

(c) Shampoo: After the shampoo, the model's hair and scalp were clean and free of shampoo.

(d) Safety and Sanitation:

1. The candidate used the proper draping linen setup for the a shampoo;
2. The candidate used the proper protection on the shampoo bowl;
3. The candidate properly stored clean and dirty linen during the shampoo;

4.3. The candidate washed his or her hands before beginning work on the model; ~~the haircut~~

5.4. The candidate used the proper draping linen setup for the haircut;

6. The candidate properly stored clean and dirty linen during the haircut;

7.5. ~~During the haircut,~~ The candidate placed ~~replaced~~ tools in the sanitizer before and after each use;

8.7. The candidate used all tools in a safe manner and without any blood contact during the haircut; ~~demonstrated the proper way to sanitize tools before beginning the shave service~~

9.8. The candidate washed his or her hands before beginning the shave service;

10.9. The candidate used the proper draping linen setup for the shave service;

11. The candidate placed a protective covering on the headrest;

12. The candidate used the razor in a safe manner and without any blood contact during the shave;

13.10. The candidate kept tools sanitized during the shave service;

14.11. The candidate properly stored clean and dirty linen during the shave service.

(e) Technique:

1. ~~The candidate held and used all tools in a safe manner during the haircut.~~
2. ~~The model's skin was not cut/pinched by clippers or other tools during the haircut.~~
3. ~~Candidate used freehand technique when doing the haircut.~~

(4) Failure of the examinee to complete the services required in a particular category tested in the practical examination, e.g., shampoo, haircut, or shave, shall result in the examinee losing the possible points assigned to that area.

(5) The score necessary to achieve a passing grade on the written portion of the restricted licensure examination shall be no less than seventy-five (75) percent out of one hundred (100) percent of the total possible points on the written examination. The score necessary to achieve a passing grade on the practical portion of the restricted licensure examination shall be no less than seventy-five (75) percent (based on the average of the examiners' scores) out of one hundred (100) percent of the total possible points on the practical examination. All examiner's scores will be averaged before any percentages are rounded according to the formula stated below. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.

Specific Authority 455.217, 476.064(4), 476.134, 476.144 FS., Chapter 98-323, Laws of Florida. Law Implemented 455.217, 476.134, 476.144 FS., Chapter 98-323, Laws of Florida. History--New 11-12-87, Amended 3-22-92, 1-26-93, Formerly 21C-16.007, Amended 9-15-94, 12-9-98.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Barbers' Board
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 26, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 6, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Employee Leasing Companies

RULE TITLE: Requirements for Evidence of Workers'
Compensation Coverage

RULE NO.: 61G7-10.0014

PURPOSE AND EFFECT: The Board proposes this new rule to set forth the requirements for applicants for licensure and licensees seeking renewal to clearly set out what must be provided to show evidence of workers' compensation coverage.

SUMMARY: This rule sets the requirements for coverage and explains what will meet the requirements and what evidence is necessary to show proof that the workers' compensation is in place for each leased employee at the time of application for licensure or at the time of renewal of licensure.

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

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

SPECIFIC AUTHORITY: 468.522, 468.525, 468.529 FS.

LAW IMPLEMENTED: 468.525, 468.529 FS.

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

TIME AND DATE: 9:00 a.m., October 28, 2002

PLACE: Telephone Conference – Meet Me Conference Number (850)921-2548, SunCom 291-2548

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, FL 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-10.0014 Requirements for Evidence of Workers' Compensation Coverage.

(1) All applicants for licensure and licensees seeking renewal of their licenses are required to file with the Board evidence of workers' compensation coverage for all leased

employees in this state. In addition, all applicants for licensure and licensees seeking renewal of their licenses are required to submit evidence to the Board that all of the employee leasing company's obligations concerning payment of workers' compensation insurance premiums for leased employees have been fulfilled. This evidence is intended to confirm that the applicant for licensure will and the licensee has met its responsibility to provide workers' compensation coverage pursuant to Chapter 440, F.S.

(2) Applicants for licensure and licensees seeking renewal of their licenses will meet this reporting requirement if they submit evidence that their leased employees are covered by any one of the following methods or any combination thereof:

(a) Through a contractual relationship with an insurance carrier that is admitted in the State of Florida to provide workers' compensation coverage to leased employees;

(b) Through a lawful plan of self-insurance which provides workers' compensation coverage; or

(c) Through the clients of the employee leasing company via an insurance carrier that is admitted in the State of Florida to provide workers' compensation coverage to leased employees or through a lawful plan of self-insurance which provides workers' compensation to leased employees so long as such an arrangement is permitted by the Board approved employee leasing contract and the employee leasing company is named as a certificate holder by the client on its workers' compensation policy and; in addition, so long as the employee leasing company's notice to leased employees, required under s. 468.525(4)(f), F.S., includes notice to the leased employee that workers' compensation coverage has been provided by the client.

(3) Evidence which meets the requirements of (2) above shall consist of:

(a) A statement, initially filed with the application and thereafter filed quarterly at the same time that the statements provided for in Rule 61G7-10.001, F.A.C., are submitted, which is signed by all of the controlling persons of the applicant or licensee and which attests that all leased employees in the State are covered by methods (2)(a) or (b) above; or

(b) If the employee leasing company performs its duties regarding workers' compensation coverage utilizing method (2)(c) either alone or in combination with methods (2)(a) or (b), by

1. Submitting a written statement to the Department, initially filed with the application and thereafter filed quarterly at the same time that the statements provided for in Rule 61G7-10.001, F.A.C., are submitted, which has been executed by all of the controlling persons, the CEO, the CFO, and the Chairman of the Board of the employee leasing company. The statement shall include an attestation made under oath by the signing parties that the statement was executed after due inquiry of the employee leasing company's books and records and that, after making such an inquiry, the signing persons

have taken reasonable steps to ascertain that all leased employees have workers' compensation coverage under methods (2)(a)-(c) above. The term "Reasonable Steps" as used herein is defined as requiring those persons making the above attestation, at a minimum.

a. To receive and review a workers' compensation certificate from all clients which are maintaining their own workers' compensation policy, which certification its face provides workers' compensation coverage to such clients' leased employees and.

b. To confirm that the client has reported that it has obtained such workers' compensation coverage to the Florida Department of Insurance.

2. In addition to the foregoing, the statement shall set out the percentage of leased employees in the State which are covered by each of the methods set out in subsections (2)(a)-(c) above as of the date of the statement.

3. The information and assertions contained in the statement shall be subject to audit and verification by the Department as per s. 468.535, F.S.

Specific Authority 468.522, 468.525, 468.529 FS. Law Implemented 468.525, 468.529 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Employee Leasing Companies
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 7, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Control of Preneed Agents
RULE NO.: 61G8-28.001
PURPOSE AND EFFECT: To clarify the supervision of preneed agents.
SUMMARY: The Board proposes to add language that would clarify the supervision of preneed agents.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
SPECIFIC AUTHORITY: 470.005 FS.
LAW IMPLEMENTED: 470.005, 470.028 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: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-28.001 Control Supervision of Preneed Agents.
~~A pre-need agent shall be required to work under the supervision of a funeral director to whom he is responsible, pursuant to Section 470.028, Florida Statutes.~~

(1) The funeral director in charge of a funeral establishment shall be responsible for the control and activities of the establishment's preneed agents.

(2) The direct disposer in charge or a funeral director acting as a direct disposer in charge of a direct disposal establishment shall be responsible for the control and activities of the establishment's preneed agents.

Specific Authority 470.005 FS. Law Implemented 470.005, 470.028 FS. History--New 10-13-82, Formerly 21J-28.01, 21J-28.001, Amended 11-23-00,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF HEALTH

Division of Children's Medical Services Program

RULE TITLES: Definitions
Program Organization
Requirements of CMS Network Applicants and Participants
Methods of Service Delivery
RULE NOS.: 64C-1.001
64C-1.002
64C-1.003
64C-1.004
PURPOSE AND EFFECT: The 1998 substantial revisions to Chapter 391, F.S., include a significant use of language and information, currently contained in the Children's Medical Services (CMS) Program rule Chapter 64C-1. Therefore, CMS proposes to amend through substantial rewording rule section 64C-1.001 to eliminate the duplication of definitions; to repeal rule section 1.002 to eliminate redundancy of the Chapter 391, F.S.; to amend rule section 64C-1.003 to eliminate duplicative information; and to amend through substantial rewording rule section 64C-1.004.

SUMMARY: These rules provide updated information regarding definitions of terms, requirements of the CMS Network applicants and participants, and methods of service delivery. These rules also repeal the organization of the CMS Program.

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: 391.026(18) FS.

LAW IMPLEMENTED: 391.026 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 2002

PLACE: Division of Children's Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32399-1707

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lynn B. Ellis, Registered Nursing Consultant, Children's Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, Ext. 2222, or FAX (850)488-3813

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 64C-1.001 follows. See Florida Administrative Code for present text.)

64C-1.001 Definitions.

As used in Chapters 64C-1 through 64C-4.002:

(1) "Applicant" means an individual who:

(a) Has reached the age of majority; or

(b) Is the parent or legal representative of a minor; or

(c) Has had the disability of nonage removed, either by marriage or court order, and requests an eligibility determination for CMS sponsorship.

(2) "Case manager" or "care coordinator" means the individual designated to provide care coordination, directly with, or on behalf of, a participant.

(3) "Clinical eligibility" includes medical, developmental, behavioral, mental or emotional conditions.

(4) "CMS Program" means Children's Medical Services Program, which is comprised of the CMS Network and Related Programs and CMS Prevention and Interventions.

(5) "Florida Resident" means anyone physically residing within the State of Florida, regardless of the length of that residency. A minor's residency is tied to the residency of the minor's parent, legal custodian, or legal guardian unless the applicant is age 18 through 20 years of age. "Florida resident" does not include a child and parent, legal custodian, or legal guardian, who is in the state temporarily or transiently,

including those with student visas; is in the state not for the purpose of establishing a permanent domicile or residence; or is an out-of-state child, who is temporarily in the state for a treatment program. People residing on Federal Indian Reservations within Florida's boundaries are considered Florida residents.

(6) "Health Care Provider" is as defined in s. 391.021(5), F.S.

(7) "Participant" is as defined in s. 391.021(7), F.S.

(8) "Physician provider" is a health care provider licensed under Chapter 458 or Chapter 459, F.S.

(9) "Non-physician providers" are all other licensed or certified health care providers not licensed under Chapter 458 or Chapter 459, F.S.

Specific Authority 391.026(18)(42) FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-1.05, Amended 8-4-93, 3-28-96, Formerly 10J-1.005, Amended _____.

64C-1.002 Program Organization.

Specific Authority 391.026(18)(42) FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-1.06, Amended 8-4-93, 2-15-95, 3-28-96, Formerly 10J-1.006, Repealed _____.

(Substantial rewording of Rule 64C-1.003 follows. See Florida Administrative Code for present text.)

64C-1.003 Requirements of CMS Applicants and Participants Responsibilities of Applicants and Patients.

(1) Upon request, applicants for and participants in CMS will furnish to CMS accurate medical and financial information. Applicants and participants will also keep CMS informed of any changes in financial circumstances, which includes notifying CMS of all assets, resources and funds, including health care insurance and plans, as per s. 402.24 F.S., and funding acquired through contracts, settlements, awards and trust funds, which are available to the family for medical services.

(2) Participants are required to utilize CMS approved providers and facilities if CMS is to pay for services and provide CMS case management.

(3) Participants must be Florida residents.

Specific Authority 391.026(18)(42), 402.24(2)(h) FS. Law Implemented 391.026, 391.047, 402.24 FS. History—New 1-1-77, Formerly 10J-1.07, Amended 8-4-93, 3-28-96, Formerly 10J-1.007, Amended _____.

(Substantial rewording of Rule 64C-1.004 follows. See Florida Administrative Code for present text.)

64C-1.004 Methods of Service Delivery.

(1) In all CMS Area Offices and health care facilities, CMS staff shall maintain the confidentiality of participant and family information in accordance with state and federal law, during interview, examination, and treatment processes.

(2) All CMS Network participants will have a care plan developed within 30 days of enrollment and updated at least annually or as needed in order to ensure coordination of individualized services for the participant.

Specific Authority 391.026(18)(12) FS. Law Implemented 391.026 FS. History–New 1-1-77, Formerly 10J-6.02, Amended 7-12-93, Formerly 10J-6.002, 64C-5.001, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynn B. Ellis, Registered Nursing Consultant
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vicki Posner-Williams, Bureau Chief, CMS Network Operations
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2001
P.O. # S 6480 B01247

DEPARTMENT OF HEALTH

Division of Children’s Medical Services Program

RULE TITLES:	RULE NOS.:
Application for Services	64C-2.001
Eligibility for CMS Network Services	64C-2.002
Redetermination of CMS Network Eligibility	64C-2.003

PURPOSE AND EFFECT: The Children’s Medical Services (CMS) Program proposes the repeal of rule section 64C-2.001, since the significant 1998 revision of Chapter 391 F.S. together with Chapter 904.811 F.S. has rendered most of the information in this rule section obsolete. The remaining provisions have been included in rule section 64C-1.003. Also, the CMS Program proposes to amend through substantial rewording rule sections 64C-2.002 and 64C-2.003 to eliminate duplicative information of the 1998 version of Chapter 391 F.S.

SUMMARY: These rules provide updated information regarding requirements for determining eligibility initially and eligibility redetermination for CMS Network services. These rules also repeal the application for services section.

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: 391.026(18) FS.

LAW IMPLEMENTED: 391.026, 409.166 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 2002
PLACE: Division of Children’s Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32399-1707

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lynn B. Ellis, Registered Nursing Consultant, Children’s Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, Ext. 2222, or FAX (850)488-3813

THE FULLTEXT OF THE PROPOSED RULES IS:

64C-2.001 Application for Services.

Specific Authority 391.026 FS. Law Implemented 391.026 FS. History–New 1-1-77, Formerly 10J-2.06, Amended 3-28-96, Formerly 10J-2.006, Repealed

(Substantial rewording of Rule 64C-2.002 follows. See Florida Administrative Code for present text.)

64C-2.002 Eligibility for CMS Network Treatment Services.

(1) Families who are income eligible or potentially income eligible for Title XIX (Medicaid) or Title XXI of the Social Security Act (KidCare) must apply for Title XIX or Title XXI benefits.

(2) Children clinically eligible for the regional perinatal intensive care centers program or the early intervention program are also clinically eligible for the CMS Network, but are still subject to applicable financial eligibility requirements for the CMS Network.

Specific Authority 391.026(18) FS. Law Implemented ~~391.07~~ 391.026(2), 391.029, ~~409.166~~ FS. History–New 1-1-77, Formerly 10J-2.08, Amended 3-28-96, Formerly 10J-2.008, Amended

(Substantial rewording of Rule 64C-2.003 follows. See Florida Administrative Code for present text.)

64C-2.003 Redetermination of CMS Network Clinical Eligibility ~~Determination of Continuing Eligibility.~~
All CMS Network participants shall have their clinical eligibility for the CMS Network redetermined on an annual basis.

Specific Authority 391.026(18)~~(42)~~ FS. Law Implemented 391.026(2),~~(44)~~, ~~391.046~~, 391.029 FS. History–New 1-1-77, Amended 11-18-82, Formerly 10J-2.09, Amended 3-28-96, Formerly 10J-2.009, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynn B. Ellis, Registered Nursing Consultant, CMS Network Operations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vicki Posner-Williams, Bureau Chief, CMS Network Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2001

P.O. # S 6480 B01247

DEPARTMENT OF HEALTH

Division of Children’s Medical Services Program

RULE TITLES:	RULE NOS.:
Reimbursement for CMS Network Services	64C-3.001
Recovery of Third Party Payments	64C-3.002

PURPOSE AND EFFECT: The Children’s Medical Services (CMS) Program proposes to amend through substantial rewording rule section 64C-3.001 to eliminate the duplication

of the 1998 version of Chapter 391, F.S., which include a significant use of language and information found in this CMS rule section. Also, the CMS Program proposes to amend through substantial rewording rule section 64C-3.002 for clarification.

SUMMARY: These rules provided updated information regarding the reimbursement for CMS Network services and will clarify recovery of third party payments.

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: 391.026(18) FS.

LAW IMPLEMENTED: 391.026 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 2002

PLACE: Division of Children's Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32399-1707

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lynn B. Ellis, Registered Nursing Consultant, Children's Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, ext. 2222, or FAX (850)488-3813

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 64C-3.001 follows. See Florida Administrative Code for present text.)

64C-3.001 Reimbursement for CMS Network Services Methods of Resource Development and Allocation.

(1) CMS Network Health Care (Physician and Non-Physician) providers must accept the CMS Network payment as payment in full.

(2) Participants shall not be additionally billed a co-payment, a deductible, or other fee for covered services when the CMS Network is the primary payer.

Specific Authority 391.026(18)(+2) FS, Law Implemented 391.026 FS, History--New 1-1-77, Formerly 10J-3.06, Amended 6-22-94, 3-28-96, 12-15-96, Formerly 10J-3.006, Amended.

(Substantial rewording of Rule 64C-3.002 follows. See Florida Administrative Code for present text.)

64C-3.002 Recovery of Third Party Payments.

(1) Except as otherwise provided in section (2) below, the Department shall recover in full on its rights under Sections 381.785, 391.047, and 402.24, Florida Statutes, and this rule, for payment for funded services and medical services.

(2) Where undue financial hardship would result to the individual who received funded services or medical services as a result of the Department recovering in full on its rights under section (1) above, a request may be made to the Department to accept less than full recovery in satisfaction of its rights thereunder. Undue financial hardship does not exist where the dollar amount of such services for the relevant individual is less than 5 percent of the dollar amount of relevant judgments, settlements, or awards, net of attorney's fees, costs, and the actual amount paid or to be paid to satisfy other valid liens for medical or rehabilitation services. Such request must be based upon the following factors:

(a) The amount of relevant judgments, settlements, or awards;

(b) The lien amount of funded services and medical services;

(c) The nature of funded services and medical services;

(d) Employment status of the individual;

(e) Cost to the individual of living independently, if applicable;

(f) The amount paid or to be paid to satisfy other valid liens for medical or rehabilitation services provided to such individual;

(g) The amount by which such other lienors have reduced their liens;

(h) The amount of attorney's fees and costs to generate the relevant judgments, settlements, or awards;

(i) The amount by which the attorney's reduced their fees or absorbed their costs; and

(j) Other sources of income available to the individual.

(3) The phrase "becomes liable for" in Sections 381.785 and 402.24, means the non-speculative amount of future expenditures for funded services or medical services. "Non-speculative" includes all future expenditures for funded services or medical services that can be reasonably expected to be made on behalf of the individual based upon that individual's current and expected needs by the Department. "Non-speculative" excludes future expenditures for unexpected, emergency, or extraordinary funded services or medical services; for such future expenditures the Department retains all its rights under Sections 381.785, 391.047, and 402.24, Florida Statutes, and this rule.

(4) The Department's rights under Sections 381.785, 391.047, and 402.24, Florida Statutes, and this rule are continuing in nature and survive beyond the date of any judgment, settlement, or award, or court approval thereof. Judgments, settlements, or award amounts funded in whole or in part from claims bills or other acts of local, state, federal or foreign authorities, and amounts that constitute or become part of any fund or trust, including trusts established under 42 U.S.C. Section 1396p(d)(4), for the benefit of recipients of

funded services or medical services, remain subject to the Department's rights under Sections 381.785, 391.047, and 402.24, Florida Statutes, and this rule.

Specific Authority 402.24(2)(h) FS. Law Implemented 402.24, 391.026(9) FS. History—New 3-11-87, Amended 6-22-94, 3-28-96, Formerly 10J-3.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynn B. Ellis, Registered Nursing Consultant
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vicki Posner-Williams, Bureau Chief, CMS Network Operations
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2001
P.O. # S 6480 B01247

DEPARTMENT OF HEALTH

Division of Children's Medical Services Program

RULE TITLES: RULE NOS.:
CMS Physician and Non-Physician Providers 64C-4.001
Diagnostic and Treatment Facilities or
Services – General 64C-4.002

PURPOSE AND EFFECT: The Children's Medical Services (CMS) Program proposes to amend through substantial rewording Rule 64C-4.001, F.A.C., and to amend Rule 64C-4.002, F.A.C., in order to update and reflect the CMS standards for Physician and Non-Physician and for Diagnostic and Treatment Facilities or Services – General providing care to CMS Network participants, respectively.

SUMMARY: These rules provide updated information regarding the requirements for CMS Physician and Non-Physician providers and for diagnostic and treatment facilities or services, general.

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: 391.026(18) FS.

LAW IMPLEMENTED: 391.026 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 2002

PLACE: Division of Children's Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32399-1707

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lynn B. Ellis, Registered Nursing Consultant, Children's Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, ext. 2222, or FAX (850)488-3813

THE FULL TEXT THE PROPOSED RULES IS:

(Substantial rewording of Rule 64C-4.001 follows. See Florida Administrative Code for present text.)

64C-4.001 CMS Physician and Non-Physician Providers Health Professional Consultants.

(1) CMS Physician Providers: Participation Criteria.

The CMS physician provider approval process is not a licensure process. It is a quality assurance process to ensure that prospective and participating CMS physician providers, who are interested in providing health care services to children with special health care needs, meet minimum standards deemed necessary by the Deputy Secretary for CMS for the provision of quality medical services to CMS participants. The CMS physician provider approval process is based on National Committee for Quality Assessment (NCQA) Standards in addition to recommendations from CMS Medical Directors. Physicians interested in participating in the CMS network of providers must comply with the CMS approval and re-approval process and criteria. The approval and reapproval process requires physicians to provide current information with regard to the following:

- (a) State of Florida medical licensure status;
- (b) Board certification status in area of practice;
- (c) Drug Enforcement Agency (DEA) or Controlled Dangerous Substance (CDS) certificate of registration;
- (d) Hospital admitting privileges at a CMS approved hospital(s) or a Letter of Transfer Agreement with a CMS approved physician who has admitting privileges at a CMS approved facility;
- (e) Medical education and training;
- (f) Work history;
- (g) Active and closed professional liability claim(s); and
- (h) Existence of Medicaid and Medicare sanctions.

Exceptions: Under special circumstances and when in the best interest of the CMS participants, the Deputy Secretary for Children's Medical Services may grant, upon recommendation from the area CMS Medical Director, CMS approved provider status to any licensed physician.

(2) CMS Non-Physician Providers.

(a) CMS may secure the services of non-physician providers in any field of knowledge deemed necessary to aid in its provision of services.

(b) CMS Non-Physician providers must meet applicable licensing and certification requirements of governmental agencies and professional associations in their specialty areas.

(c) Individuals performing genetic evaluations and counseling must be under the direction of a CMS approved physician certified by the American Board of Medical Genetics or the American Osteopathic Association in the area of genetics.

(d) Exception to the non-physician provider criteria may be made by the area CMS Medical Director.

Specific Authority 391.026(18) FS. Law Implemented 391.026(10), 391.035 391.036 FS. History--New 1-1-77, Amended 2-11-85, Formerly 10J-5.07, Amended 3-28-96, Formerly 10J-5.007, Amended _____.

64C-4.002 Diagnostic and Treatment Facilities or Services – General.

(1) Each ~~all~~ chronic care hospital and skilled nursing care facility facilities approved by the Department for the provision of health CMS patient care services to CMS participants must have or meet ~~shall conform to~~ the following standards:

(a) ~~An active, valid State of Florida license licensure.~~

(b) ~~Accreditation from Approval of the Joint Commission on Accreditation of Health Organizations (JCAHO) Hospitals.~~

(c) ~~Patients receiving CMS services will be admitted to institutions with a physically definable hospital unit or ward to which only children are admitted. The entire pediatric unit or ward must maintain will have an annual average daily census of fifteen children or more, excluding normal newborns and those in neonatal intensive care units. In making the selection and designation of approved facilities patient care centers, CMS will give priority to those facilities that which demonstrate an emphasis on quality children's medical services, including the presence of an adolescent unit or ward, a neonatal (level two or level three) intermediate and intensive care unit, and a pediatric intensive care unit. In a particular district delivery area for CMS services in which only a single hospital is utilized to admit all children sponsored by the Department for CMS, but in which the population base of the area does not allow achievement of the average daily census indicated above, the District Medical Director, in consultation with the Program Office, can make arrangements that are in the best interest of the child.~~

(d) ~~All patient care facilities, programs and specialized patient care enters will at a minimum, meets Applicable national specialty standards, whenever available, commensurate with any specialty health care services provided by the facility that will be available to CMS participants including those promulgated by the American Medical~~

~~Association, the American Hospital Association, the American College of Surgeons, Board of Thoracic Surgery, the American Academy of Pediatrics, Committee on Optimal Resources for Examination of the Chest and Cardiovascular System, of the Inter-Society Commission of Heart Disease Resources, the American Heart Association, the Joint Committee on Perinatal Health and the American Osteopathic Association.~~

(2) Each primary care hospital, approved by the CMS area office for the provision of health care to CMS participants, must have or meet the following:

(a) An active, valid State of Florida license;

(b) Accreditation from the Joint Commission on Accreditation of Health Organizations (JCAHO);

(c) A separate pediatric unit which has at least five rooms available;

(d) A designated chief of pediatrics;

(e) Board certified pediatricians following the patients and available 24 hours a day;

(f) A qualified and experienced pediatric nursing staff with at least one RN on duty in the unit 24 hours a day;

(g) A pediatric code cart on the unit along with appropriate pediatric resuscitation equipment; and

(h) The capability for rapid transfer to pediatric intensive care units.

(3) When a hospital within a CMS Service area is the only facility available within that area to admit CMS participants, an exception to the designation criteria may be made by the Deputy Secretary for Children's Medical Services at the request of the area CMS Medical Director, when an exception would be in the best interest of CMS participants.

Specific Authority 391.026(18) FS. Law Implemented 391.026(10), 391.035 FS. History--New 1-1-77, Amended 2-11-85, Formerly 10J-5.08, Amended 3-28-96, Formerly 10J-5.008, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynn B. Ellis, Registered Nursing Consultant

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vicki Posner-Williams, Bureau Chief, CMS Network Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2001

P. O. # S 6480 B01247

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE NOS.:	RULE TITLES:
3D-40.001	Definitions
3D-40.100	Application Procedure for Change in Ownership or Control of Saving Clause Mortgage Lender
3D-40.200	Application Procedure for Mortgage Lender License
3D-40.220	Application Procedure for Correspondent Mortgage Lender License
3D-40.242	Principal Representative

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule as published in the Vol. 28, No. 31, August 2, 2002, issue of the Florida Administrative Weekly. The changes are in response to written material received on or before the date for a final public hearing and comments received from the Joint Administrative Procedures Committee.

The rule shall now read as follows:

3D-40.001 Definitions.

The definitions provided in Section 494.001, F.S., and the following defined terms, shall apply to this rule chapter and shall serve as the Department's interpretation unless the language of the rule indicates to the contrary:

(1) through (11) No change.

(12) For purposes of Rules 3D-40.100, 3D-40.200, 3D-40.220, and 3D-40.242, F.A.C.:

(a) "Operate" shall mean to exercise power or influence over the business operations.

(b) "Exercise" shall mean the discharge of an official duty or function.

(c) "Control" shall mean to have the influence and power to make decisions for the business.

Specific Authority 494.0011(2) FS. Law Implemented 120.695, 494.001, 494.004(1), 494.0041(2)(a),(i), 494.0043, 494.0061(2), 494.0061(8), 494.0062(2), 494.0062(11), 494.0067(5), 494.0072(2)(i) FS. History-Revised 9-23-65, Renumbered from 3-3.01 to 3D-40.01 on 9-8-75, Formerly 3D-40.01, Amended 12-7-89, 6-23-91, 8-24-92, 2-11-93, 11-17-93, 4-14-94, 9-7-94, 5-14-95, 7-25-96, 12-12-99,_____.

3D-40.100 Application Procedure for Change in Ownership or Control of Saving Clause Mortgage Lender.

(1) Each person who seeks to obtain a controlling ownership or voting interest in a mortgage lender licensed pursuant to the saving clause shall apply to the Department by submitting the following:

(a) A completed application for Change in Ownership or Control of Saving Clause Mortgage Lender, Form DBF-MLST, revised 09/02 ~~10/01~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) through (c) No change.

(d) Designate a principal representative who shall operate and exercise control over ~~of~~ the licensee's business. Beginning October 1, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and must also have passed a written test in accordance with Rule 3D-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Department and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section. Each mortgage lender applicant pursuant to the saving clause transfer shall include as part of the application a statement that the principal representative will operate and exercise control over the business as defined in Rule 3D-40.001(12), F.A.C.

(2) through (7) No change.

Specific Authority 494.0011(2), 494.0061(3), 494.0061(8), 494.0061(10) FS. Law Implemented 120.60, 494.001(29), 494.0061(1), 494.0061(3), 494.0061(8), 494.0065 FS. History-New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99, 12-9-01,_____.

3D-40.200 Application Procedure for Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a mortgage lender shall apply to the Department by submitting the following:

(a) A completed Application for Licensure as a Mortgage Lender, Form DBF-ML-222, revised 09/02 ~~10/01~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) through (d) No change.

(e) Designate a principal representative who shall operate and exercise control over ~~of~~ the licensee's business. Beginning October 2, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and must also have passed a written test in accordance with Rule 3D-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Department and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section. Each mortgage lender applicant shall include as part of the

application a statement that the principal representative will operate and exercise control over the business as defined in Rule 3D-40.001(12), F.A.C.

(2) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0061(3), 494.0061(8), 494.0061(10) FS. Law Implemented 120.60, 494.001(29), 494.0061 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01,_____.

3D-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a correspondent mortgage lender shall apply to the Department by submitting the following:

(a) A completed Application for Licensure as a Correspondent Mortgage Lender, Form DBF-CL-333, revised 09/02 ~~10/01~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) through (d) No change.

(e) Designate a principal representative who shall operate and exercise control over ~~of~~ the licensee’s business. Beginning October 2, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and must also have passed a written test in accordance with Rule 3D-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Department and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section. Each correspondent mortgage lender applicant shall include as part of the application a statement that the principal representative will operate and exercise control over the business as defined in Rule 3D-40.001(12), F.A.C.

(2) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0062 (3), 494.0062(8), 494.0062(11), 494.0062(13) FS. Law Implemented 494.0062 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01,_____.

3D-40.242 Principal Representative.

(1) Effective October 1, 2001, each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause shall designate a principal representative who operates and exercises control over the business and the individual so designated shall accept responsibility by completing the Principal Representative Designation Form DBF-ML/CL-PR, revised 09/02 ~~effective 10/01~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) Each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause shall maintain a Principal Representative Designation Form, DBF-ML/CL-PR, revised 09/02, which includes a statement notifying the licensee that the principal representative is required by statute to operate and exercise control over the business as defined in Rule 3D-40.001(12), F.A.C.

(3)~~(2)~~ Upon any change of principal representative, the licensee and the newly designated principal representative shall complete the Principal Representative Designation, Form DBF-ML/CL-PR, revised 09/02. Form DBF-ML/CL-PR, revised 09/02, shall be maintained at the principal office of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the saving clause, and a copy shall be mailed to the Department at the above address or electronically transmitted to the Department’s website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.

(4)~~(3)~~ Anyone being designated as a principal representative or any change in the principal representative after October 1, 2001, must submit evidence that he or she was originally licensed as a mortgage broker pursuant to Section 494.0033, F.S., on or after July 1, 1992, or has completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and has passed a written test in accordance with Rule 3D-40.025, F.A.C.

(5)~~(4)~~ The penalty for failure to maintain Form DBF-ML/CL-PR shall be the issuance of a “notice of noncompliance” for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a fine of \$500. In cases where the failure to maintain Form DBF-ML/CL-PR is intentional, the penalty shall be a fine of \$5,000.

(6)~~(5)~~ Each principal representative shall notify the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350 in writing, within thirty (30) days, of the termination of his or her principal representative status.

Specific Authority 494.0011(2), 494.0016(4), 494.0061(1), 494.0061(3), 494.0061(8), 494.0062(3), 494.0062(11) FS. Law Implemented 120.60, 120.695, 494.001(29), 494.0016(1), 494.0061, 494.0062, 494.0067, 494.0072 FS. History—New 1-27-02, Amended_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Department of Banking and Finance, 101 East Gaines Street, 5th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350, (850)410-9500

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER NO.: RULE CHAPTER TITLE:
5C-26 Cervidae Movement

RULE NOS.:	RULE TITLES:
5C-26.001	Definitions
5C-26.002	Adoption by Reference Code of Federal Regulations, Title 9, Part 54.7 (2002)
5C-26.003	General Requirements for Importation
5C-26.004	General Requirements for Intrastate Movement
5C-26.005	Testing Requirements and Exceptions
5C-26.006	Cervidae Herd Health Plan
5C-26.007	Quarantine and Disposition of Chronic Wasting Disease (CWD) Positive, Exposed, or Suspect Herds
5C-26.008	Exceptions
5C-26.009	Dangerous Transmissible Disease

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 5C-26, F.A.C., published in the Florida Administrative Weekly, Vol. 28, No. 33, on August 16, 2002 has been changed to reflect comments received from the Joint Administrative Procedures Committee. In all Rules 5C-26.001-.009 delete 585.004, F.S. cited as specific authority.

In Rule 5C-26.002 delete 585.11, F.S. cited as specific authority.

In Rule 5C-26.003 delete 585.17, F.S. cited as specific authority.

In subsection 5C-26.003(1), F.A.C., the first sentence has been changed so that when adopted it will read: "All cervidae for importation shall originate from a herd which participates in a surveillance/prevention program(s) established by the United States Department of Agriculture or the State Veterinarian or Chief Animal Health Officer, or equivalent, of the State in which the originating herd is located."

In subsection 5C-26.004(1), F.A.C., the first sentence has been changed so that when adopted it will read: "Animals being transported totally within the state shall be accompanied by evidence of ownership or authority for possession of the animals to transport."

In subsection 5C-26.005(2)(a), F.A.C., the first sentence has been changed so that when adopted it will read: "Cervidae from an Accredited Tuberculosis-Free Herd as defined in the United States Department of Agriculture, Uniform Methods and Rules, Bovine Tuberculosis Eradication, Effective January 22, 1999."

In subsection 5C-26.005(3)(a), F.A.C., the first sentence has been changed so that when adopted it will read: "Cervidae from an Accredited Brucellosis-Free Herd as defined in the United States Department of Agriculture, Uniform Methods and Rules, Brucellosis in Cervidae, Effective September 30, 1998."

In Rule 5C-26.007, F.A.C., delete subsections (3)(b)2 and (4)(c).

In Rule 5C-26.008, F.A.C., the second sentence has been changed so that when adopted it will read: "Cervids that are classified by the Movement Risk Assessment as Low Risk for CWD shall be considered for waiver of this rule based upon the sound scientific information that low risk cervids are from CWD monitored herds in states or prescribed physical areas where CWD has not been diagnosed but which have a surveillance/prevention program(s)."

In Rule 5C-26.009, F.A.C., delete 585.18, F.S. cited as specific authority.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-210.101	Routine Mail

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 21, May 24, 2002, and amended in Vol. 28, No. 34, August 23, 2002, issue of the Florida Administrative Weekly:

33-210.101 Routine Mail.

(1) No change.

(2) Inmates will be permitted to receive only the following types of materials through routine mail:

(a) through (b) No change.

(c) Photographs. Photographs will be counted toward the 5 3/4 page additional materials limitation. Nude photographs or photographs which reveal genitalia, buttocks, or the female breast will not be permitted. Polaroid photographs will not be permitted. Photographs will not exceed 8" x 10".

(d) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.:	RULE TITLE:
64B7-27.004	Re-examination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 22, May 31, 2002, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.:	RULE TITLE:
64B7-28.008	Display of Licenses

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 22, May 31, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (4) of the rule shall now read as follows:

(4) For the purpose of this rule conspicuously means displayed in a location within the massage establishment in such a manner that it can be open to the view of the public and is accessible to the public so that the public and the inspection personnel for the Department of Health may view the licenses.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-28.009
 RULE TITLE: Continuing Education

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 22, May 31, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1) and (3)(b) of the rule shall now read as follows:

(1) Every massage practitioner licensed pursuant to Chapter 480, F.S., shall be required for renewal to complete one continuing education hour for each month or part of a month that shall have elapsed since the issuance of the license for which renewal is sought, up to a maximum requirement of 24 hours for the renewal period. Such courses shall have been approved for continuing education credit pursuant to Rule 64B7-28.010, F.A.C., and shall have been completed within the renewal period preceding the date renewal is due. Every massage practitioner must obtain the continuing education required for biennial renewal of the massage therapist's license as set forth in Rule 64B7-28.001, F.A.C. Graduates of a Board approved massage school who received two hours of education in Chapter 480 and 456, F.S., and rule Chapter 64B7, F.A.C. and two (2) hours of professional ethics prior to initial licensure shall not be required to complete additional continuing education in the same subject matter for initial renewal of the license.

(3)(b) Two hours must cover instruction in professional ethics, two hours must be in a course relating to the prevention of medical errors, and two hours must cover instruction in Chapter 480 and 456, F.S., and Rule Chapter 64B7, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-28.010
 RULE TITLE: Requirements for Board Approval of Continuing Education Programs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 18, May 31, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (7) of the rule shall now read as follows:

(7) A Board approved provider must revise and up-date all course materials that are affected by changes occurring during the biennial renewal period. The Board will rescind approval of any provider or course that is found to be obsolete, erroneous, and/or outside the scope of practice, or if the Board determines the provider has violated the Board's Rules or Chapters 456 or 480, Florida Statutes. The revised course materials must be submitted with the biennial renewal form and renewal fee.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-29.003
 RULE TITLE: Apprenticeship Training Program

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 22, May 31, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (5) of the rule shall now read as follows:

(5) The sponsoring massage therapist shall submit to the Department, quarterly, on a form furnished by the Department, the number of hours of each subject listed above taught to his apprentice. A copy of the Massage Apprenticeship Quarterly Report Hours of Training Completed Form prepared and furnished by the Department of Health can be obtained by writing to: Department of Health, Board of Massage, 4052 Bald Cypress Way, BIN C06, Tallahassee, FL 32399-3256. If

quarterly reports are not submitted to the Department as required herein, the Board will review the apprenticeship and the apprenticeship shall be terminated.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-29.004 RULE TITLE: Termination

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 22, May 31, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (2) of the rule shall now read as follows:

(2) If any violation of Chapter 480 or 456, F.S., or rules set forth in Chapter 64B7, F.A.C., is found subsequent to department inspection of the "qualified massage establishment" as defined under Rule 64B7-29.001, F.A.C., the apprenticeship shall be tolled until such time as the violation(s) is corrected or disposition in the case is made. If the disposition of the case resulted in disciplinary action by the Board the Board will require that the "sponsor" and the "apprentice" appear before the Board for the purpose of determining compliance with the apprenticeship training program requirements of Rule 64B7-29.003, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-30.008 RULE TITLE: Probationary Conditions and Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 22, May 31, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (3)(c), (3)(d) and (4) of the rule shall now read as follows:

(3)(c) After the next meeting of the Board, the respondent shall only practice under the supervision of the supervisor/monitor. If for any reason the approved

supervisor/monitor is unwilling or unable to serve, the respondent and the supervisor/monitor shall immediately notify the Executive Director of the Board, and the respondent shall cease practice until a temporary supervisor/monitor is approved. The Chairman of the Board shall approve a temporary supervisor/monitor who shall serve in that capacity until the next meeting of the Board at which time the Board shall accept or reject a new proposed supervisor/monitor. If the Board rejects the proposed supervisor, the respondent shall cease practice until the Board approves a new supervisor/monitor.

(d) The supervisor/monitor must be a licensee under Chapter 480 Florida Statutes, in good standing and without restriction or limitation on his license. In addition, the Board may reject any proposed supervisor/monitor on the basis that he or she has previously been subject to any disciplinary action against his/her license. The supervisor/monitor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board. The Board will also reject any proposed supervisor/monitor whom the Board finds has violated the Board's Rules or Chapters 456 or 480, Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-33.001 RULE TITLE: Advertisement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 22, May 31, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (2) of the rule shall now read as follows:

(2) For purposes of this rule, "advertising medium" means: any newspaper, airwave or computer transmission, telephone directory listing other than a listing for which no additional advertising charge is made, business card, handbill, flier, sign other than a building directory listing all building tenants and their room or suite numbers, or other form of written advertising.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.002 RULE TITLE: Educational Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 46, November 16, 2001, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-2.030 RULE TITLE: Emergency Medical Services

NOTICE OF WITHDRAWAL

Notice is hereby given that a proposed amendment to the "Introduction" of the incorporation noted below as noticed in Vol. 28, No. 28, July 12, 2002, Florida Administrative Weekly has been withdrawn.

The incorporation is entitled "EMS Matching Grant Program Application Packet, June 2002".

Page 1, "Introduction", first paragraph – the term "facilities" has been withdrawn. When adopted the paragraph will read as follows:

INTRODUCTION

This grant program provides emergency medical services providers, first responder organizations, and other emergency medical service related organizations with funds for projects to acquire, repair, improve, or upgrade emergency medical services systems or equipment.

P.O. B00829

**Section IV
Emergency Rules**

DEPARTMENT OF CITRUS

RULE TITLES:	RULE NOS.:
Intent	20ER02-1
Definitions	20ER02-2
Collection	20ER02-3

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: On March 18, 2002, the Court in the Tenth Judicial Circuit, State of Florida, in and for Polk County, entered a Partial Final Declaratory Judgment in the case of Tampa Juice Service, Inc., et al v. Florida Department of Citrus, Consolidated Case Number GCG-003718. In this order the Court ruled that the exemption in section 601.155, F.S., for non-Florida, United States juice was unconstitutional. On or about April 15, 2002, the Court severed the exemption for non-Florida, United States juice from section 601.155(5), F.S.

On August 8, 2002, the Court held that the Florida Department of Citrus was required to cure the invalidity of the equalization taxing scheme.

To cure this invalidity, the Florida Department of Citrus promulgates Rule 20ER02-1, F.A.C., which will serve to implement the Court's order for a nondiscriminatory tax scheme and provide due process protections for the previously favored taxpayers. These rules are being promulgated on an emergency basis to meet time constraints associated with litigation and to establish guidelines which protect the public's and state's interest for the orderly and efficient collection and payment of the tax liability. Without these guidelines, the welfare of the citizens and the state would be adversely affected because of the immediate and widespread impact of the failure of previously favored persons to properly remit the tax.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Promulgation of these guidelines using the emergency rule procedures is the only available mechanism which adequately protects the public interests under the circumstances which require collection and payment of the tax liability. This procedure is fair to the public and to the previously favored persons. It permits promulgation of the necessary guidelines within a time frame which allows the industry to be adequately informed of their duties, responsibilities and rights with respect to the tax liability.

SUMMARY: This rule provides guidance for previously favored persons on the remittance of the equalization tax liability and cures the discrimination occasioned by the unconstitutional statutory scheme while ensuring that the tax for exercising a privilege on non-Florida, United States juice is not so harsh and oppressive as to transgress constitutional requirements.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Ken Keck, General Counsel, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE EMERGENCY RULES IS:

**EQUALIZATION TAX ON NON-FLORIDA,
UNITED STATES JUICE**

20ER02-1 Intent.

(1) The Court in Tampa Juice Service, et al v. Florida Department of Citrus in Consolidated Case Number GCG-003718 (Circuit Court in and for Polk County, Florida) severed the exemption contained in Section 601.155(5), Florida Statutes, that provided an exemption for persons who exercised one of the enumerated Equalization Tax privileges on non-Florida, United States juice. The Court had previously determined that the stricken provisions operated in a manner that violated the Commerce Clause of the United States Constitution. On August 8, 2002, the Court ordered that the

Florida Department of Citrus “take appropriate steps, consistent with existing law, to assess and collect the Equalization tax from those entities which benefitted from the unconstitutional exemption.”

(2) It is the Florida Department of Citrus’ intent by promulgating the following remedial Rule 20ER02-01 and Chapter 20-15, F.A.C., to implement a non-discriminatory tax scheme, which does not impose a significant tax burden that is so harsh and oppressive as to transgress constitutional limitations. These rules shall be applicable to those previously favored persons who received favorable tax treatment under the statutory sections cited above.

Specific Authority 601.02, 601.10, 601.15, 601.155 FS. Law Implemented 601.02, 601.10, 601.15, 601.155 FS. History—New 9-24-02.

20ER02-2 Definitions.

(1) “Previously favored persons” shall be defined as any person who exercised an enumerated Equalization Tax privilege as defined by Section 601.155, Florida Statutes, but who was exempt from payment of the Equalization Tax due to the exemption for non-Florida, United States juice set forth in the statutory provision, which was ultimately determined to be unconstitutional and severed from Section 601.155(5), Florida Statutes.

(2) The “tax period” during which the severed provisions of Section 601.155(5), Florida Statutes, were in effect shall be defined as commencing on October 6, 1997, and ending on March 14, 2002.

(3) “Tax liability” shall be defined as the total amount of taxes due to the Florida Department of Citrus during the “tax period,” at the following rates per box for each respective fiscal year:

Fiscal Year	Processed Rate	
	Orange	Grapefruit
1997-1998	.175	.30
1998-1999	.17	.30
1999-2000	.18	.325
2000-2001	.175	.30
2001-2002	.165	.18

Specific Authority 601.02, 601.10, 601.15, 601.155 FS. Law Implemented 601.02, 601.10, 601.15, 601.155 FS. History—New 9-24-02.

20ER02-3 Collection.

(1) The Florida Department of Citrus shall calculate the tax liability for each person or entity that exercised an enumerated Equalization Tax privilege outlined in section 601.155, Florida Statutes, upon non-Florida, United States juice based upon inspection records maintained by Florida Department of Agriculture and Consumer Services and the United States Department of Agriculture. Additionally, the Florida Department of Citrus will provide notice of the

calculation to the previously favored persons by certified mail. The notice of the calculation shall contain a statement including the following categories:

- (a) Tax liability;
- (b) Gallons;
- (c) Brix;
- (d) Type of product;
- (e) Total solids;
- (f) Conversion rate;
- (g) Total boxes;
- (h) Delineation of non-Florida, United States juice.

(2)(a) Contained within the notice will be the various legal options available to those persons who previously enjoyed the exemption, set forth in proposed Rule 20-15.003(2), F.A.C.

(b) Persons who previously enjoyed the exemption may petition to intervene in the case of Tampa Juice Service, Inc., et al, Consolidated Case No. GCG-003718, presently pending before the Circuit Court of the Tenth Judicial Circuit in and for Polk County.

A hearing to consider arguments made by any intervenor, the Plaintiffs and the Florida Department of Citrus is currently scheduled to be heard by The Honorable Dennis Maloney on November 12, 2002, in Bartow, Florida.

(3) The Florida Department of Citrus will not oppose the timely intervention of persons who previously enjoyed the subject exemption that wish to present a claim to the Court in the Tampa Juice Service, Inc., et al v. Florida Department of Citrus. However, the Florida Department of Citrus does not waive any argument regarding the validity of the calculation of the tax liability or that imposition of this tax is constitutional.

Specific Authority 601.02, 601.10, 601.15, 601.155 FS. Law Implemented 601.02, 601.10, 601.15, 601.155 FS. History—New 9-24-02.

THIS RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.
EFFECTIVE DATE: September 24, 2002

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN that the Department of Insurance has issued an order on the Petition for Variance or Waiver filed by ORICA USA, INC. on June 19, 2002. The Notice of Petition for Variance or Waiver was published in Vol. 28, No. 27, of the July 5, 2002, edition of the Florida Administrative Weekly.

The Department’s Order, filed on September 10, 2002, grants the Petition for Variance or Waiver, finding that the underlying purpose of the statute, Section 552.30, Florida Statutes, as

implemented by Rule 4A-2.024, Florida Administrative Code, has been met and that the Petitioner has demonstrated a substantial hardship or a violation of principles of fairness that would justify a variance or waiver for the Petitioner.

A copy of the Order may be obtained by writing to Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, or by calling (850)413-3604.

DEPARTMENT OF CITRUS

NOTICE IS HEREBY GIVEN by the Florida Department of Citrus that the petition filed July 12, 2002, by Gracewood Fruit Company, a licensed citrus fruit dealer located in Vero Beach, Florida, seeking a variance or waiver from Rule 20-39.004, F.A.C., relating to approved bags for regular use in shipping fresh Florida citrus, limited to sizes 14, 18, 23, and 27 grapefruit was considered by the Florida Citrus Commission at its July 17, 2002, meeting. Notice of the Petition was published in the FAW on July 26, 2002 and again on August 2, 2002, requesting comments from the industry. Petitioner maintains due to an export customer's request to have fruit packed in nets at source, Gracewood Fruit Company wishes to pack size 32 grapefruit in the two (2) piece net sack not approved for this size grapefruit. The Florida Citrus Commission considered the competitiveness and narrow profit margins of the fresh grapefruit market, and the substantial hardship caused by the inability to pack the fruit as requested by the export customer. As no comments were received, Order No. CIT-02-07-PO was done and ordered at a regular meeting and public hearing held in Lakeland, Florida on September 18, 2002.

For additional information or a copy of the order contact: Alice P. Wiggins, Administrative Assistant, Florida Department of Citrus at the above address, telephone (863)499-2519 or e-mail awiggins@citrus.state.fl.us.

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 2002-144 DAO-ROW), on September 12, 2002, to the Florida Department of Transportation. The petition for waiver was received by the SFWMD on April 9, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 19, on May 10, 2002. No public comment was received. This Order provides a waiver for the placement of two multi-post signs, one cantilever sign, portion of a sidewalk around a turn lane, sidewalks and barrier walls around four bus bays, signal conduit and pull box and three traffic light poles in conjunction with FDOT's State Project Number 93120-3543 for the widening of State Road 80 beginning immediately west of State Road 7 easterly to the Florida Turnpike, Sections 31 and

32, Township 44 South, Range 41, 42 East, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(5) and (6), and 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 govern the placement of permanent and/or semi-permanent above-ground facilities within forty (40) feet of the top of canal bank and within the District's designated 100 foot long 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 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 the Florida Department of Transportation 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, (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 2002-145 DAO-ROW), on September 12, 2002, to Collier County Government, Public Utilities Division. 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. 12, on March 22, 2002. No public comment was received. This Order provides a waiver for an existing pile-supported utility bridge carrying a 6" force main and a 8" water main crossing the C.R. 951 Canal to remain north of Crystal Lake Drive, Section 26, Township 48 South, Range 26 East, Collier 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 minimum low member elevation of pile-supported crossings 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 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 Collier County Government, Public Utilities Division, 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 (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 2002-146 DAO-ROW), on September 12, 2002, to Osceola Farms Company. The petition for waiver was received by the SFWMD on May 29, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 25, on June 21, 2002. No public comment was received. This Order provides a waiver for construction of a lighted entrance sign within the north right of way of L-10 between Osceola Farms Company's two existing vehicular access bridges, Section 21, Township, 42 South, Range 28 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 facilities within the District's designated 100 foot long 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 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 Osceola Farms Company 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 (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 Variance under Section 120.542, F.S. (Order), on August 15, 2002, to the Kissimmee Municipal Airport (KMA) for a project known as Kissimmee Commerce Park, Runway 15-33 Safety Area Drainage Improvements located in Orange County, Florida. Notice of filing of the Petition requesting the variance was published in the Florida Administrative Weekly on July 26, 2002. This Order provides a variance in conjunction with modification of Environmental Resource Permit No 49-00275-S (Application No. 011126-8) allowing the filling of a pond located less than 1000 feet from the end of KMA's primary runway, construction of a dry swale, expansion of an existing pond to replace the storage lost from filling the pond, and placement of rubble rip-rap within the

littoral zone of the expanded pond for the purpose of complying with the FAA Advisory regarding Hazardous Wildlife Attractants On or Near Airports. Specifically, the Order grants a variance from Section 7.4(d), "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District - January, 2001", incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C., which criterion requires that side-slopes in wet detention ponds be topsoiled and stabilized through seeding or planting from 2 feet below to 1 foot above the control elevation for the purpose of promoting vegetative growth. The Order sets forth the basis of the Governing Board decision to grant the variance, as follows: 1) the underlying purpose of Section 7.4(d) is met through reasonable assurances provided by the KMA that the use of a dry swale provides an effective level of treatment for pollutant removal prior to entering the wet pond, 2) the increase in the size of the wet pond by 0.7 acres compensates for the loss of water quality enhancement in the littoral zone devoid of vegetation, and storm water research data documents that the proposed system provides four times the water quality enhancement over that of a typical planted littoral zone. The Order granting a variance from the subject rule is necessary to prevent the KMA from suffering a substantial hardship because the FAA will not fund a proposed Instrument Landing System for the KMA to allow aircraft to land in inclement weather should the pond at the end of the runway remain a bird attractant.

A copy of the Order can be obtained from: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6320 or e-mail: pbell@sfwmd.gov, on Monday through Friday, during regular business hours.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP received on August 21, 2002, a petition from Chevron Products Company (Chevron Facility No. 368324) a waiver pursuant to Section 376.3071(12)(k)5., F.S., of certain record keeping requirements under Section 376.3071(12)(e), F.S. On September 13, 2002, the Department partially granted and partially denied this petition.

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."

DEP received on May 20, 2002, a petition from Exxon Mobil Refining and Supply (Mobil Station #01-N5E), for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. On August 9, 2002, the Department granted this petition.

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."

On September 12, 2002, the Department Denied the petition from Linda Reed a/k/a Linda Pierce, pursuant to Section 120.542, F.S. (2001), seeking a waiver of the \$500 ATRP deductible required by Rule 62-769.800, F.A.C.

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 VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
Department of Veterans' Affairs
Department of Highway Safety and Motor Vehicles
Department of Law Enforcement
Department of Revenue
Department of Education
Administration Commission
Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund

Department of Environmental Protection
DATE AND TIME: October 22, 2002, 9:00 a.m.

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

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration

will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and

orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State, Division of Historical Resources** public notice of a Historical Marker Teleconference, to which all persons are invited.

DATE AND TIME: Thursday, October 24, 2002, 10:00 a.m.

PLACE: R. A. Gray Building, Room 409, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review state Historical Marker applications.

A copy of the agenda may be obtained by writing: Florida State Historic Marker Program, Bureau of Historic Preservation, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, Florida 32399-0250.

Should any person wish to appeal any decision made with respect to the above-referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Department of State, Division of Cultural Affairs** announces the following public meetings to which all persons are invited.

COMMITTEE: Art Selection Committee

DATE AND TIME: Wednesday, October 23, 2002, 1:00 p.m.

PLACE: DOT, District Four Office, Third Floor, Executive Conference Room, 3400 West Commercial Boulevard, Ft. Lauderdale, FL 33309-3421, (954)777-4203

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Proposal Meeting to review and discuss final proposals for Art in State Buildings Project No. DOT 232-858, FDOT Fort Lauderdale District Office Auditorium, Broward County.

COMMITTEE: Art Selection Committee

DATE AND TIME: Monday, October 28, 2002, 1:00 p.m.

PLACE: South Walton County Health Department, Conference Room, 493 North 9th Street, DeFuniak Springs, FL 32433-9401, (850)892-8027

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Proposal Meeting to review and discuss final proposals for Art in State Buildings Project No. DOH 9966/7050, Walton County Health Department, South Walton.

COMMITTEE: Art Selection Committee

DATE AND TIME: Wednesday, October 30, 2002, 2:00 p.m.

PLACE: Office of Division Construction, Building 3, Room 202, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)413-6776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Proposal Meeting to review and discuss final proposals for Art in State Buildings Project No. DCF 0024/0250, District Two Program Office in Tallahassee.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least

48 hours before the meeting by contacting Valerie Ohlsson, (850)487-2980, Ext 117. If you are hearing or speech impaired, please contact the agency by calling TT: (850)488-5779.

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, October 8, 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.

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

DATE AND TIME: Wednesday, October 9, 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 LCSW Task Force Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Wednesday, October 9, 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.

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

DATE AND TIME: Thursday, October 10, 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 Executive Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Thursday, October 17, 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.

DEPARTMENT OF INSURANCE

The **Department of Insurance** announces a public hearing to which all persons are invited.

DATE AND TIME: October 14, 2002, 9:00 a.m. – Conclusion

PLACE: Senate Office Building, Room LL-37 (Committee Room A), Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider a Workers' Compensation filing made by the National Council on Compensation Insurance by which the Council requests an overall average increase in premium levels of 21.5% for the voluntary market for all new and renewal Workers' Compensation Insurance policies written in the State of Florida, effective January 1, 2003.

A copy of the agenda may be obtained by writing: Department of Insurance, attention James Watford, Actuary, Room 212-F, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

The **Department of Insurance** announces a public meeting to which all persons are invited.

DATE AND TIME: October 18, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: The Florida Department of Insurance, Room 116, 200 East Gaines Street, Tallahassee, Florida 32399-0328

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Small Group Standard and Basic Benefit Plan Review.

A copy of agenda may be obtained by contacting: Rich Robleto, Chief, Florida Department of Insurance, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5110.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Tropical Fruit Advisory Council.

DATE AND TIME: Thursday, October 10, 2002, 1:30 p.m.
PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – the purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call: Louise King, (305)246-8460.

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Viticulture Advisory Council.

DATE AND TIME: Tuesday, October 15, 2002, 5:00 p.m.
PLACE: Hampton Inn Adel, 1500 West 4th Street, Adel, GA 31620, (229)896-3099

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Viticulture Advisory Council.

A copy of the agenda can be obtained by contacting: George Demetree, Mayo Building, Room 423, 407 S. Calhoun Street, Tallahassee, FL 32399-0800 or calling (850)488-4131.

If special accommodations are needed to attend this meeting, because of a disability, please contact George Demetree as soon as possible.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Pesticide Review Council to which all persons are invited.

DATE AND TIME: Thursday, October 17, 2002, 9:00 a.m.
PLACE: Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Auditorium, 1911 Southwest 34th Street, Gainesville, Florida 32608-1201

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the council during which there will be a review of pertinent pesticide issues impacting on human health and environment.

A copy of agenda may be obtained by contacting: Bureau of Pesticides, 3125 Conner Boulevard, Mail Station L-29, Tallahassee, Florida 32399-1650. Please contact Donna C. Hartsfield, (850)410-0797, if you have any questions.

DEPARTMENT OF EDUCATION

The **Commissioner of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2002, 10:00 a.m. – 2:00 p.m.
PLACE: Florida Atlantic University, University Center, Live Oaks D, 777 Glades Road, Boca Raton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Task Force on Holocaust Education.

A copy of the agenda may be obtained by contacting: Ava Byrne, Florida Department of Education, Bureau of Educator Recruitment and Professional Development, 325 West Gaines Street, Room 124, Tallahassee, Florida 32399, Ava.Byrne@fldoe.org.

The **Florida Atlantic University**, Presidential Search Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 15, 2002, 10:00 a.m.
PLACE: Boca Raton Campus, Kenneth R. Williams Administration Building, Board of Trustees Room 305, 777 Glades Road, Boca Raton, Florida 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of Candidates.

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: Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD No. (561)297-2130.

The **Florida Atlantic University**, Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 16, 2002, 10:00 a.m.
PLACE: Boca Raton Campus, University Center, Majestic Palm Room, 777 Glades Road, Boca Raton, Florida 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: University/Trustees Business.

A copy of the agenda and further information may be obtained by contacting: Dr. Anthony Lombardo, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431 or by calling (561)297-3450.

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: Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD No. (561)297-2130.

The Florida **Higher Education Facilities Financing Authority** will hold a meeting on:

DATE AND TIME: October 16, 2002, 11:00 a.m. – 4:00 p.m.

PLACE: Barry University, LaVoie Hall, Room 113, 11300 Northeast 2nd Avenue, Miami Shores, Florida 33161

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of bond documentation concerning Saint Leo University bond project, Series 2002, and to conduct regular board business.

For more information or to obtain a copy of the agenda, please contact: Mary Goldsmith, Independent Colleges and Universities of Florida, 111 South Monroe St., Ste. 2000A, Tallahassee, Florida 32310, (850)681-3188.

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 Mary Goldsmith, (850)681-3188.

The **Education Commissioner Charlie Crist** announces the fall adoption meeting of the State Instructional Materials Committee. The meeting is open to the public.

SAFETY AND DRIVER EDUCATION, 9-12

DATE AND TIME: October 15, 2002, 8:30 a.m.

PLACE: Adams Mark Hotel, 100 North Atlantic Avenue, Daytona Beach, Florida 32118

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committees will evaluate instructional materials that were submitted for consideration by publishers in June of 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.

A copy of the agenda and committee rosters, and further information about the meeting may be obtained by contacting: Department of Education, Instructional Materials Office, (850)487-8791.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Communities Trust** announces a public meeting of the Governing Body to which all persons are invited.

DATE AND TIME: October 23, 2002, 1:00 p.m. – until conclusion

PLACE: Jacksonville City Hall, Renaissance Room, 117 West Duval Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Extend grant contracts for certain funded projects; approve project plans for certain funded projects; other business that the governing board deems necessary.

ACTION TO BE TAKEN: Consideration of above-stated business. To obtain a copy of the agenda, contact the Trust, (850)922-2207.

If any person desires to appeal any decision with respect to any matter considered at the meeting, such person will need a record of the proceeding and may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

Persons requiring a special accommodation for a disability or physical impairment should contact Florida Communities Trust, (904)922-2207 or Suncom 292-2207, at least five days prior to the meeting. If hearing or speech impaired, contact Florida Communities Trust using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District 5 announces a public hearing to which all persons are invited.

DATE AND TIME: October 29, 2002, 7:00 p.m.

PLACE: Oxford Assembly of God, 12114 North US Highway 301, Oxford, Florida 34484

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the change in access classification for Federal Project Identification Number 411257-1-21-01 and 411256-1-21-01, Federal Aid Number 3113-091 and 3113-092, otherwise known as US 301 (SR 35). The limits of the proposed access classification changes are from Jarrell Street in Wildwood, Sumter County, Florida to Southeast 145th Street, Summerfield, Marion County, Florida. A separate public hearing will be held in the future to consider improvements to US 301 (SR 35) from Florida's Turnpike (SR 91), Wildwood, Sumter County, Florida to US 27/441 (SR 500), Belleview, Marion County, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call (386)943-5404. Special accommodation requests under the Americans With Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Tom Percival, P.E., Florida Department of Transportation District 5, 719 South Woodland Boulevard, DeLand, Florida 32720.

Tentative Program of Work For Fiscal Years July 1, 2004 Through June 30, 2008

The Florida **Department of Transportation**, District 3 hereby announces public hearings to which all persons are invited. Specific notice is provided to the Pensacola Metropolitan Planning Organization and the County Commissioners for Escambia and Santa Rosa Counties serving as MPO for their respective counties; the Tallahassee Metropolitan Planning Organization and the County Commissioners for Leon, Gadsden, Liberty, Wakulla, Franklin and Jefferson Counties

serving as MPO for their respective counties; the Fort Walton Beach Metropolitan Planning Organization and the County Commissioners for Okaloosa and Walton Counties serving as MPO for their respective counties; and the Panama City Metropolitan Planning Organization and the County Commissioners for Bay, Gulf, Washington, Jackson, Holmes, and Calhoun Counties serving as MPO for their respective counties. The public hearings are scheduled as follows:

1. Bay, Gulf, Washington, Jackson, Holmes and Calhoun Counties

DISTRICT THREE WORK PROGRAM

DATE AND TIME: November 15, 2002, 2:30 p.m. – 3:30 p.m. (CST)

PLACE: Panama City Hall, Commission Chamber Room, 9 Harrison Avenue, Panama City, Florida

2. Escambia and Santa Rosa Counties

DISTRICT THREE WORK PROGRAM

DATE AND TIME: November 7, 2002, 2:30 p.m. – 3:30 p.m. (CST)

PLACE: Pensacola City Hall, Haggler Mason Room, 180 Governmental Center, Pensacola, Florida

3. Okaloosa and Walton Counties

DISTRICT THREE WORK PROGRAM

DATE AND TIME: November 19, 2002, 2:00 p.m. – 3:00 p.m. (CST)

PLACE: Niceville Community Center, 204 North Partin Drive, Niceville, Florida

4. Leon, Gadsden, Liberty, Wakulla, Franklin, and Jefferson Counties

DISTRICT THREE WORK PROGRAM

DATE AND TIME: November 12, 2002, 3:00 p.m. – 4:00 p.m. (EST)

PLACE: Tallahassee City Hall, Commission Chamber Room, 300 South Adams Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: These Public Hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes. The hearings serve two purposes. The purpose of the public hearings is to consider the Department's Improved Tentative Work Program for District Three, for the period 2003/2004 through 2007/2008, and to consider the necessity of making any changes to the Program.

Any comments or input are welcome from all local and regional interest groups, governmental entities, business enterprises, and the general public. These Hearings are held in conformance with Public Law 101-336, the Americans with Disabilities Act (ADA). Assistance for disabled persons may be arranged by contacting the Title VI/VII Coordinator, (850)638-0250, Extension 511, at least 10 working days in advance of the public hearing.

Written comments from MPOs and other interested parties will be received by the Department at the public hearings and within 10 days after the Public Hearings. Comments should be

addressed to: Mr. H. E. Prescott, District Secretary, Department of Transportation, District Three, Post Office Box 607, Chipley, Florida 32428.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces the following public meeting of the Advertising Review Committee to which all persons are invited.

DATE AND TIME: October 29, 2002, 3:00 p.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advertising Committee will meet to discuss the progress on the advertising review project. The Committee will also discuss any other issues that may properly come before the Committee.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson by telephone, (863)499-2510.

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, October 30, 2002, 9:00 a.m.

The Commission will convene for the purposes of standing committee meetings and for the regular monthly meeting of the Florida Citrus Commission.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balance scorecards, licensing, rulemaking, modifying the Department's symbol program and other matters that are addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Equalization Tax litigation, Graves Brothers Company et. al. vs. Florida Department of Citrus and GBS Groves, et. al. vs. Florida Department of Citrus. The parties attending the closed session will be John R. Alexander, Walter L. Brewer, Tristan G. Chapman, Harry H. Falk, Christopher W. Gargano, Raymond A. Jackson, William E. Kemper, W. Lindsay Raley, Jr., Daniel R. Richey, Nancy J. Schafer, Ray Smith, Andrew R. Taylor, Bob Crawford, Hank B. Campbell, Esq., Monterey Campbell, Esq., Eric Taylor, Esq. and Kenneth O. Keck, Esq.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 16, 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, 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

NOTICE OF CANCELLATION – The Florida **Public Service Commission** announces the cancellation of a Commission hearing noticed in:

Docket No.: 992015-WU – Application for limited proceeding to recover costs of water system improvements in Marion County by Sunshine Utilities of Central Florida, Inc.

DATES AND TIME: October 9-10, 2002, 10:00 a.m.

PLACE: Yankee's Ramada Inn and Conference Center, Belmont Room, 3810 N. W. Bonnie Heath Blvd., Ocala, FL

NOTICE OF CANCELLATION – The Florida **Public Service Commission** announces the cancellation of a Commission hearing noticed in:

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: October 16, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room, 4075 Esplanade Way, Tallahassee, Florida

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 020233-EI – Review of GridFlorida Regional Transmission Organization (RTO) Proposal.

DATE AND TIME: October 25, 2002, 9:30 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).

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

Docket No.: 020406-WU – Application for staff-assisted rate case in Polk County by Pinecrest Ranches, Inc.

DATE AND TIME: Thursday, November 7, 2002, 6:00 p.m.

PLACE: Chain of Lakes Complex, Poolside Room, 210 Cypress Gardens Blvd., Winter Haven, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this Customer Meeting is to explain the utility's rate case filing and to obtain input from customers concerning the quality of service that they receive.

A copy of the agenda for any meeting may be obtained by writing: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this Customer 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 Customer Meeting. Any person who is hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the Customer Meeting.

NOTICE OF RESCHEDULING – The Florida **Public Service Commission** announces the rescheduling of a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 020953-EI – Petition to Determine Need for Hines Unit 3 in Polk County by Florida Power Corporation.

DATE AND TIME: November 18, 2002, 1:30 p.m.

PLACE: The Betty Easley Conference Center, Hearing Room 148, 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 **Study Committee on Public Records** will hold the following public meeting to which all persons are invited.

DATE AND TIME: Monday, October 14, 2002, 10:00 a.m. – 4:00 p.m.

PLACE: 412 Knott Building, 111 St. Augustine Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To complete unfinished business of the September 25, 2002 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; to convene the Advisory Member Subcommittee, and to hear public testimony.

For more information or to obtain a copy of the agenda, please contact: Brenda Williams, Senate Judiciary Committee, 515 Knott Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100, (850)487-5198 or via e-mail at williams.brenda@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.

The **Governor's Select Task Force on Healthcare Professional Liability Insurance** announces a Conference to which all persons are invited.

DATE AND TIME: Monday, October 21, 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.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited.

Comprehensive Economic Development Strategy Committee

DATE AND TIME: Wednesday, October 23, 2002, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and Recommendation of the Comprehensive Economic Development Strategy.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Ginny Montgomery, (904)279-0880, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Economic Development Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 21, 2002, 10:00 a.m.

PLACE: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bi-monthly meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Ginny Montgomery, (904)279-0880, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 18, 2002, 9:30 a.m.

PLACE: Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

REGIONAL TRANSPORTATION AUTHORITIES

The **Hillsborough Area Regional Transit Authority (HART)** announces the following public meetings of the Governing Board of the Authority to which all persons are invited.

PUBLIC HEARING

DATE AND TIME: October 7, 2002, 8:30 a.m.

PLACE: County Center, 18th Floor, Planning Commission Board Room, 601 E. Kennedy Boulevard, Tampa, FL

PURPOSE: Regularly Scheduled Board Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to order.
2. Approval of Minutes.
3. Introductions, Recognition and Awards.
4. Consumer Advisory Committee Report.
5. Public Comment on Action Items.
6. Consent Action Items.
7. Other Action Items.
8. Chairman's Report.
9. Reports from HART Representatives.
10. HART Committee Reports.
11. Other Board Member's Report.
12. Executive Director's Report.
13. Employee Comment.
14. General Public Comment.
15. Discussion and Presentations.
16. Monthly Information Reports.
17. Other Information Items.
18. Other Business.

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 900, Tampa, FL 33602, (813)223-6831, Ext. 2111.

Section 286.0105, Florida Statutes, states that if a person decided to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Lauren Skiver, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

DEPARTMENT OF CORRECTIONS

The **Florida Corrections Commission** announces the following public meeting to which all interested persons are invited.

DATE AND TIME: Friday, October 18, 2002, 9:00 a.m. – 3:00 p.m.

PLACE: Florida Corrections Commission, William D. Bloxham Building, Room 109, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will meet to discuss issues to be included in the 2002 Annual Report.

A copy of the agenda may be obtained by writing: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or call (850)413-9330.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a telephone conference call meeting to which all interested persons are invited.

DATE AND TIME: Friday, October 18, 2002, 9:00 a.m.

PLACE: Suite 101, 2822 Remington Green Circle, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. to 5:00 p.m., Monday through Friday at 2822 Remington Green Circle, Suite 101, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

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 Commission at least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: October 8, 2002, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters. Public hearing in accordance with Section 373.139(3)(a), F.S., concerning the proposed purchase of the Meeks/Manatee Springs Addition Tract, 376 Acres +/-, Levy County, Florida; also the Mann/Manatee Springs Addition Tract, 592 Acres +/-, Levy County; also the Drummond/Manatee Springs Addition Tract, 536 Acres +/-, Levy County; all using funds from the Florida Forever Trust Fund.

DATE AND TIME: October 8, 2002, following Board Meeting

PLACE: Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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 **Southwest Florida Water Management District** announces the following public meeting to which all interested persons are invited.

WELL DRILLERS ADVISORY COMMITTEE

DATE AND TIME: Wednesday, October 16, 2002, 1:30 p.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee Business.

Some members of the District’s Governing and Basin Boards may attend the meeting.

A copy of the agenda for the above meeting may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida) or (352)796-7211, Extension 4604, Fax (352)754-6874, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited.

DATE AND TIME: October 17, 2002, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, 4th Floor, Conference Room, 4980 Bayline Drive, North Fort Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by writing: Mr. David Burr, 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.

All Council Subcommittee meetings will immediately follow the Council meeting.

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).

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: October 16, 2002, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District, Headquarters, Building B-1, Room 3B, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD Budget and finance-related matters.

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)686-8800, 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 public meeting to which all interested parties are invited.

DATE AND TIME: November 14, 2002, 8:50 a.m.

PLACE: The South Florida Water Management, 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 and Management Plan which lands are further described as follows:

Part of the Water Conservation Areas comprised of six parcels referred to as SFWMD Tract Nos. 27-100-050, 27-100-051, 27-100-052, 27-100-053, 27-100-054 and 27-100-055 consisting of approximately 445 acres, and lying in Sections 01, 03 and 32, Townships 50, 52 and 53 South, Ranges 35, 37 and 39 East, Miami-Dade and Broward Counties, Florida.

Part of the East Coast Buffer referred to as SFWMD Tract No. W9-311-967, consisting of 12.06 acres, more or less, and lying in Sections 33 and 34, Township 53 South, Range 39 East, Section 3, Township 54 South, Range 39 East, and Hiatus Lot 3 between Townships 53 South and 54 South, Range 39 East, Miami-Dade County, Florida.

Part of the Cypress Creek/Loxahatchee Project referred to as SFWMD Tract No. HB-100-003 consisting of 617.0 acres, more or less, and lying in Section 36, Township 40 South, Range 41 East, Palm Beach County, Florida; SFWMD Tract Nos. HB-100-004, HB-100-005, HB-100-019 and HB-100-020, consisting of 3010.0 acres, more or less, and lying in Sections 24, 25 and 26, Township 40 South, Range 41 East, and Sections 19, 20, 29 and 30, Township 40 South, Range 42 East, Martin County, Florida.

Part of the Pal-Mar Project referred to as SFWMD Tract Nos. 23-117-001 and 23-117-002 consisting of 414.0 acres, more or less, and lying in Section 13, Township 40 South, Range 41 East, and Section 18, Township 40 South, Range 42 East, Martin County, Florida.

Part of the Kissimmee River Project referred to as SFWMD Tract Nos. 19-103-554, 19-103-555, 19-103-559, 19-103-560, 19-103-561, 19-103-562, 19-103-563, 19-103-564, 19-103-565, 19-103-566 and 19-103-567 consisting of 14.0 acres, more or less, and lying in Section 21, 22 and 27, Township 36 South, Range 33 East, in Okeechobee County, Florida.

Part of the Indian River Lagoon C-23/24 Storage Reservoir project comprised of lands referred to as SFWMD Tract No. KE-100-005, KE-100-006, KE-100-010, KE-100-021 and KE-100-022, consisting of approximately 1,972.64 acres, and lying in Sections 26, 34 and 35, Township 35 South, Range 38 East, and Sections 7 and 18, Township 36 South, Range 38 East, St. Lucie County, Florida.

Part of the CRITICAL CREW (Southern Corkscrew Regional Ecosystem Watershed) project comprised of twelve parcels referred to as SFWMD Tract Nos. 09-005-051, 09-005-119, 09-005-126, 09-005-132, 09-005-141, 09-005-147, 09-005-149, 09-005-183, 09-005-194, 09-005-200, 09-005-230 and 09-005-271 consisting of approximately 140.25 acres and lying in Sections 32, 33 and 34, Township 47 South, Range 26 East within Lee County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of two parcels referred to as SFWMD Tract No. 405-002 and 402-003 consisting of approximately 7.92 acres and lying in Section 17 and Section 5 respectively, Township 30 South, Range 30 East, Polk County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract No. 19-103-648, consisting of approximately 0.21 acres and 19-103-486, consisting of approximately 1.83 acres, in Sections 8 and 17, Township 36 South, Range 33 East in Highlands County, Florida.

Surplus of part of the Kissimmee River project comprised of one parcel referred to as SFWMD Tract No. 19-103-656, consisting of approximately 0.30 acres, in Section 8, Township 36 South, Range 33 East in Highlands County, Florida.

Part of the Atlantic Ridge Ecosystem project comprised of one parcel referred to as SFWMD Tract No. X1-100-003 consisting of approximately 40 acres plus access easement and lying in Section 24, Township 39 South, Range 41 East in Martin 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 and 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 and 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 and in Highlands County, Florida.

Part of the Kissimmee River project comprised of seventeen parcels referred to as SFWMD Tract Nos. 19-103-501 through 19-103-514, 19-103-517, 19-103-518, 19-103-641, consisting of a total of approximately 6 acres, all in Section 17, Township 36 South, Range 33 East and in Highlands County, Florida.

A copy of the agenda may be obtained at the (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, 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.

The **South Florida Water Management District** announces a Project Delivery Team meeting to which all interested parties are invited.

DATE AND TIME: October 17, 2002, 10:00 a.m. – 3:30 p.m.

PLACE: The Palm Beach Community College – Belle Glade, Building 2, Room 122, 1977 College Drive, Belle Glade, Florida 33430-3699

GENERAL SUBJECT MATTER TO BE CONSIDERED: Everglades Agricultural Area (EAA) Reservoir, Phase 1, Project Delivery Team Meeting.

Those who want more information, please contact: Angela Prymas, Project Manager, Northern District Restoration Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6629 or Brad Clark, U.S. Army Corps of Engineers, 400 West Bay Street, Jacksonville, Florida, (904)232-3302.

Persons with disabilities who need assistance may contact Ms. Paula Moree, Assistant District Clerk, (561)682-6744, at least five business days in advance of the meeting to make appropriate arrangements.

The Big Cypress Basin, **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 persons are invited.

DATE AND TIME: October 18, 2002, 9:00 a.m.

PLACE: Collier County Government Center, Building F, Commission Chambers, 3301 East Tamiami Trail, Naples, Florida. The above address shall be the designated access point for public attendance of the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Basin Business.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, or by calling Ann Christian, (239)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings 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 Ann Christian, (239)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. If you are hearing or speech impaired, please contact the Big Cypress Basin by calling (561)697-2574.

Those persons who desire more information, or those wishing to submit written or physical evidence may contact: Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (239)597-1505.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: October 18, 2002, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Transportation Office, 3400 Commercial Boulevard, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of Everglades Water Quality Issues and State Mandates in Broward County.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 4260, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the Deputy 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: Damon Meiers, Environmental Resource Regulation Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4260, West Palm Beach, FL 33406, (561)682-6876.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: October 29, 2002, 6:30 p.m.

PLACE: The 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: A Public Workshop for the North Palm Beach County Project, Part 1, a part of the Comprehensive Everglades Restoration Plan (CERP).

This meeting is being held during the planning period of the Project Implementation Report (PIR) and input from the public and interested parties is encouraged.

Persons with disabilities who need assistance may contact Ms. Paula Moree, Assistant District Clerk, (561)682-6447, at least five business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Mike Voich, Project Manager, South Florida Water Management District (SFWMD), Headquarters, 3301 Gun Club Road, Mail Stop 3420, West Palm Beach, Florida 33406, (561)682-6754 or Paul Moczynski, Project Manager, U.S. Army Corps of Engineers, 400 Bay Street, Jacksonville, Florida, (904)232-3846.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Competitive Procurement subcommittee to which all persons are invited.

DATE AND TIME: Monday, October 14, 2002, 10:00 a.m. – 2:00 p.m.

PLACE: 2201 Eisenhower Street, Tallahassee, FL, (850)575-6266

GENERAL SUBJECT MATTER TO BE CONSIDERED: To develop a standard competitive procurement document.

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 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a meeting of the Finance, Auditing and Program Performance (FAPP) Committee to which all persons are invited to participate.

DATE AND TIME: Wednesday, October 23, 2002, 10:00 a.m. – until completion

PLACE: Rhyne Building, Room 330, 2740 Centerview Drive, Tallahassee, Florida or via Conference Call – to access call (850)922-2903 or Suncom 292-2903 or toll free 1(800)416-4254

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive an update on the rate structure methodology study and the non-payment study, review the annual performance report,

review the proposed scope of the funding formula review, receive progress reports, review the legislative platform, review of the transportation alternative procedure and conduct other business.

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 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a meeting via conference call of the Rate Review Committee to which all persons are invited.

DATE AND TIME: Thursday, October 24, 2002, 10:00 a.m. – until completion

PLACE: Conference Call: (850)414-5775 or Suncom 994-5775 or toll free 1(888)461-8118 or Rhyne Building, Room 330, 2740 Centerview Drive, Tallahassee, Florida, (850)410-5700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and act upon pending rate increases for community transportation coordinators.

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 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Regular Board Meeting to which all persons are invited.

DATE AND TIME: Monday, October 21, 2002, 10:00 a.m.

PLACE: Tampa Bay Water, Suite 211-A, 2535 Landmark Drive, Clearwater, Florida 33761

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: 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.

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular monthly board meeting as scheduled. This is a public meeting to which all persons are invited.

DATE AND TIME: October 16, 2002, 4:30 p.m.

PLACE: Citrus County Board Room, Third Floor, 111 W. Main Street, Inverness, FL 34450

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Drug Utilization Review Board and Prescribing Pattern Review Panel to which all interested parties are invited.

DATE AND TIME: Saturday, October 26, 2002, 9:30 a.m. – 2:00 p.m.

PLACE: Marriott Hotel, Tampa International Airport, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review prescribing patterns and drug utilization in Medicaid prescription program.

Any attendee requiring special accommodation because of a disability or physical impairment should contact the Marriott, (813)879-5151, at least five days prior to the meeting.

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited to call in.

DATE AND TIME: Friday, October 11, 2002, 10:30 a.m. – 11:30 a.m.

PLACE: To access the "Meet-Me" Number Call: (850)488-5776 or Suncom 278-5776 at the above date/time

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hospice Subcommittee of the Certificate of Need (CON) Workgroup, as authorized by Chapter 2000-318, Laws of Florida.

For additional information contact: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308 or call (850)922-0791 or via e-mail at colvinl@fdhc.state.fl.us.

The **Agency for Health Care Administration** announces a public meeting of the task force for the regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: October 23, 2002, 1:30 p.m.

PLACE: Conference Call: (850)410-0960, Suncom 210-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with House Bill 27E, General Appropriations Act for FY 2002-03, Specific Appropriation 199, The Medicaid Disproportionate Share Task Force created in Specific Appropriation 196 of the FY 2000-01 General Appropriations Act, has been authorized to continue to convene in FY 2002-03 for the purpose of monitoring the implementation of enhanced Medicaid funding through the Special Medicaid Payment program. The task force will review the federal status of the upper payment limit funding option and recommend how this option may be further used to promote local primary care networks to uninsured citizens in the state, to increase the accessibility of trauma centers to Floridians and to ensure the financial viability of the state's graduate medical education programs and other health care policies determined by the task force to be state health care priorities.

The agenda has not been set. Contact: Edwin Stephens, (850)413-8067 or Suncom 294-8067, with any questions or to obtain an agenda when it is set.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces a public meeting of the financial managers of the department along with the departments Senior Management and a variety of interested individuals, organizations and other state government staff, to which all persons are invited to participate.

DATE AND TIME: Monday, October 14, 2002, 9:00 a.m. – 2:00 p.m.

PLACE: Knott Building, 111 St. Augustine Road (building South of Capitol), Tallahassee, Florida 32399-1111

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial briefing – Focus: Financial Operations and Allocation Methodologies of the department.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical

State Concern 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 Mobile Home Relocation Corporation** announces a meeting of its Board of Directors and a rules workshop to adopt a draft of its permanent rules.

DATE AND TIME: Thursday, October 10, 2002, 11:00 a.m.

PLACE: Harborview Center, Ballroom D, 300 Cleveland Street, Clearwater, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation including operational procedures, approval and payment of claims, a workshop to adopt a draft of the Corporation's permanent rules and such other business as may come before the board. A schedule for the next meeting will also be determined.

Additional information may be obtained by contacting: Robert S. Cohen, General Counsel, Florida Mobile Home Relocation Corporation, Post Office Box 14125, Tallahassee, Florida 32317-4125, 1(888)862-7010.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robert S. Cohen, General Counsel, 1(888)862-7010, at least five calendar days prior to the meeting.

The **Department of Business and Professional Regulation** announces a public meeting of the Florida **Board of Cosmetology** to which are persons are invited to participate.

DATE AND TIME: Sunday, October 20, 2002, 9:00 a.m.

PLACE: Adams Mark Hotel at the Florida Mall, 1500 Sand Lake Road, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record 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 Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern 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 Business and Professional Regulation, Board of Employee Leasing Companies** announces an official committee and general business meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 15, 2002, 8:30 a.m. or shortly thereafter

PLACE: Hawthorn Suites, 7601 Canada Avenue, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee and General Business Meetings of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling the Board Office, (850)487-1395.

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 Board Office, (850)921-6347. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: October 15, 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: October 16, 2002, 8:30 a.m.

PLACE: Division of Real Estate, North Tower, Commission Meeting Room 901, 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 **Department of Environmental Protection** announces a “Waste Cleanup Forum for Non-program Sites” meeting to which all persons are invited.

DATE AND TIME: October 24, 2002, 10:00 a.m. – 4:00 p.m.

PLACE: The Harry P. Leu Gardens, 1920 N. Forest Avenue, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Central District Office and Bureau of Waste Cleanup will host a second forum to exchange information and ideas with engineering and environmental consultants engaged in contaminated site cleanup in Florida. The forum will focus on ways to improve communications, reduce iterative processes and increase the pace of cleanups of “non-program” sites – those not being addressed by the petroleum, drycleaning solvent or Brownfields programs.

The full text of this notice will be published on October 11, 2002 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 HEALTH

The Florida **Department of Health**, Bureau of Statewide Pharmaceutical Services announces a public meeting of the Ad Hoc Committee on Pedigree Papers to which all interested persons are invited.

DATE AND TIME: Wednesday, October 16, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: Department of Health, Prather Bldg., Room 310, 2585 Merchant's Row, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be to finalize the committee's issues and recommendations to be presented to the Secretary of the Department of Health. Please check the Bureau of Statewide Pharmaceutical Services' website or call (850)922-5190, should you have any questions.

If special accommodations are needed to attend this meeting because of a disability, please contact Maxine Wenzinger, (850)922-5190.

The **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: November 21, 2002, 9:00 a.m.

PLACE: Florida Association of Realtors, 7025 Augusta National Drive, Orlando, FL 32822, (407)438-1400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1713.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

The **Department of Health, Board of Dentistry** announces a schedule of official Board meetings to be held via telephone conference call. All interested parties are invited to participate in the telephone conference calls, which are open to the public. It is anticipated that the Board will not hold meetings on each and every date, but only on those dates when there is a need for discussion.

DATES AND TIME: Friday, October 11, 2002; Friday, October 18, 2002; Friday, October 25, 2002, 12:00 Noon

PLACE: Call the Board Office at (850)245-4474 to obtain the phone number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposals for the outsourcing and/or privatization of the Board of Dentistry and other general business matters.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/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 made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster.

The **Department of Health, Board of Dentistry** announces a meeting of the Anesthesia Committee to be held via telephone conference call. All interested parties are invited to participate in the telephone conference call, which is open to the public.

DATE AND TIME: Tuesday, October 15, 2002, 12:00 Noon

PLACE: Call the Board Office at (850)245-4474 to obtain the phone number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed changes to Rule 64B5-14, F.A.C.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/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 made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster.

The **Department of Health, Board of Hearing Aid Specialists** announces an official board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: November 22, 2002, 9:00 a.m.

PLACE: Department of Health, Division of Medical Quality Assurance, Room 301 Conference Room, 4052 Bald Cypress Way, Tallahassee, Florida, (850) 245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/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 made. Those who are hearing impaired, using TDD equipment, can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, by November 15, 2002.

The Florida **Board of Massage Therapy** will hold the following meeting to which all persons are invited.

DATES AND TIMES: PCP, October 23, 2002, 6:00 p.m. or soon thereafter; General Business Meeting, October 24-25, 2002, 9:00 a.m. or shortly thereafter

PLACE: The Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel – Review of those cases previously heard by the panel. General Business Meeting – To review and discuss regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Massage Therapy, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact the Board of Massage Therapy 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 Health, Division of Medical Quality Assurance**, Florida **Board of Medicine**, Probationers Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 25, 2002, 10:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Timothy Callaghan, Compliance Officer, Department of Health, Division of Medical Quality Assurance, Client Services Unit, 4052 Bald Cypress Way, BIN #C01, Tallahassee, FL 32399-3251.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, he will need a record of the proceeding, and for such purpose, he may need to ensure that a verbatim 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 Timothy Callaghan, (850)245-4444, Ext. 3547, at least 10 calendar days prior to the meeting. If you are hearing or speech impaired, please call Mr. Callaghan 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 Health, Board of Nursing Home Administrators** announces an Application Review Committee meeting to which all interested persons are invited.

DATE AND TIME: November 7, 2002, 3:00 p.m.

PLACE: The Crowne Plaza, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review exam applications for the 01/2003 NHA exam.

A copy of the agenda may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)245-4444, Ext. 3602, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Department of Health, Board of Nursing Home Administrators** announces a General Board Meeting to which all interested persons are invited.

DATE AND TIME: November 8, 2002, 9:00 a.m.

PLACE: The Crowne Plaza, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approve applications, conduct disciplinary proceedings and general business of the Board.

A copy of the agenda may be obtained by writing: Board of Nursing Home Administrators, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Daisy King, Board of Nursing Home Administrators, (850)245-4444, Ext. 3602, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Department of Health, Board of Physical Therapy Practice** announces a meeting to which all persons are invited.

PLACE: Wyndham Miami Airport Hotel, 3900 N. W. 21st Street, Miami, FL 33142, (305)871-3800

DATES AND TIME: November 1-2, 2002, 8:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting/Public Rule Hearing.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Tallahassee, FL 32399-3255 or by calling (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Speech-Language Pathology and Audiology** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Monday, October 14, 2002, 9:00 a.m. or soon thereafter

PLACE: Embassy Suites Hotel, 555 North Westshore Blvd., Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech-Language Pathology and Audiology, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Office of Public Health Preparedness** will conduct a meeting on:

DATE AND TIME: Thursday, October 17, 2002, 8:00 a.m. – 5:00 p.m.

PLACE: Park Plaza Tampa Airport Westshore, 5303 West Kennedy Boulevard, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss issues with the Hospital Bioterrorism Preparedness Planning Committee and the CDC Advisory Committee that relate to their specific cooperative agreements managed by the Office of Public Health Preparedness. This is a public meeting, not a public hearing. Testimony will not be taken at this meeting. Persons wishing to provide input should send their material to: Office of Public Health Preparedness, Florida Department of Health, 4052 Bald Cypress Way, BIN #A23, Tallahassee, FL 32399-1748.

Persons seeking additional information may call: Laura Holden, (850)245-4128.

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: October 2, 4, 9, 11, 16, 18, 23, 30, 31, 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, 337 North 4th St., Suite A, Ft. Pierce, FL 34950, (772)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special Accommodation for this meeting because of a disability or physical Impairment should contact Pearlie Clark, ADA Coordinator, (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 Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

ALLIANCE MEETING

DATE AND TIME: October 25, 2002, 8:30 a.m. – 10:30 a.m.

PLACE: Village Green Retail Center, Workforce Development Board Room, 9350 S. US 1, Port St. Lucie, FL

For more information, please contact: Betty Robinson, CBC Liaison, 337 N. 4th St., Suite A, Ft. Pierce, FL 34950, (772)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Pearlie Clark, ADA Coordinator, (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 at 1(800)95508770 (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: October 15, 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 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 **Department of Children and Family Services**, District 12, Community Alliance CBC Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2002, 12:30 p.m.

PLACE: Daytona Beach Service Center, Conference Room 148, 210 N. Palmetto Avenue, Daytona Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss CBC issues.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284 (Attn: Denise Kelly).

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (386)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The **Department of Children and Family Services**, District 14, Health and Human Services Board announces the following meetings to which all persons are invited.

CEO Roundtable of Central Florida

DATES AND TIMES: Wednesday, October 16, 2002, 3:00 p.m.; Wednesday, January 15, 2003, 3:00 p.m.

PLACE: Polk County Board of County Commissioners 4th Floor, Board Members Conference Room, 330 West Church Street, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the CEO Roundtable of Central Florida.

For copies of the agenda, further information or persons needing accommodation to participate in this meeting please contact, Patty Harrison, (863)619-4157, 1(800)342-0825 or TDD (863)648-3337.

The Family Care Council, Developmental Disabilities, District 14, **Department of Children and Family Services** announces the following meetings to which all persons are invited.

Meeting of the Family Care Council, Hardee, Highlands and Polk Counties

DATES AND TIME: Monday, October 21, 2002; Monday, November 18, 2002; Monday, January 27, 2002, 6:00 p.m. – 9:00 p.m.

PLACE: Bartow Midtown Service Center, 1055 Highway 17, North, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Family Care Council Meeting.

For copies of the agenda, further information or persons needing accommodation to participate in this meeting please contact: Eric Olsen, (863)619-4228.

The **Department of Children and Family Services**, Community Alliance of Northeast Florida, representing Baker, Clay, Duval and St. Johns counties announces public meetings to which all persons are invited.

MEETING: Task Force for Foster Care, a committee of the alliance

DATE AND TIME: Tuesday, October 8, 2002, 10:00 a.m. – 12:00 Noon

PLACE: District 4, Department of Children and Family Services, 5920 Arlington Expressway, Jacksonville, FL, (904)723-2032

GENERAL SUBJECT MATTER TO BE CONSIDERED: Emergency shelter needs, school placements and comprehensive assessments.

MEETING: Full Alliance

DATE AND TIME: Wednesday, October 16, 2002, 2:30 p.m. – 4:30 p.m.

PLACE: District 4, Department of Children and Family Services, 5920 Arlington Expressway, Jacksonville, FL, (904)723-2032

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Invitation to Negotiate for Community-based Care Lead Agency Rollout to Baker, Clay, St. Johns Counties. Update from priority committee, Task Force for Foster Care. Update from Duval County lead agency, Family Support Services of North Florida, Inc.

MEETING: Full Alliance

DATES AND TIME: Wednesday, November 20, 2002; Wednesday, December 18, 2002, 2:30 p.m. – 4:30 p.m.

PLACE: Southside Regional Library, Room 136 B, 10599 Deerwood Park, FL 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community-Based Care, report from Task Force for Foster Care, Annual review of accomplishments and challenges and future goals.

The **Nassau County Community Alliance** announces public meetings to which all persons are invited.

MEETING: Improved Access to Services Committee

DATE AND TIME: Thursday, October 17, 2002, 10:00 a.m. – 12:00 Noon

PLACE: Nassau County Council on Aging, 1367 South 18th Street, Fernandina Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Transportation Services.

MEETING: Full Alliance

DATES AND TIME: Monday, October 21, 2002; November 18, 2002; December 16, 2002, 2:00 p.m. – 4:00 p.m.

PLACE: Children and Family Services, Education Center, 479 Felmore Road, Yulee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Fill vacant Alliance member positions; Community-based Care Invitation to Negotiate for Lead Agency to provide child welfare services. Reports from priority committees: Improved Foster Care and Access to Human Services for all citizens.

The **Community-Based Care Invitation To Negotiate** (ITN) for Lead Agency to serve Baker, Clay, Nassau and St. Johns Counties announces a meeting to which all persons are invited.

DATE AND TIME: October 17, 2002, 10:00 a.m. – 12:00 Noon

PLACE: Department of Children and Family Services, Roberts Building, Auditorium, 5920 Arlington Expressway, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Responding to the ITN to serve multiple counties versus individual counties. Discussion will address collaboration and available funding.

If an accommodation is needed for a disability or physical impairment, please contact Debbi Thomas, (904)723-2032.

The **Council on Homelessness** announces the following meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 3, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: Department of Children and Family Services, Building 8, Room 232, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700. Conference Call-In Number: (850)921-6623 or Suncom 291-6623

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will review and approve the recommendations and content of its 2002 report to the Secretary of Children and Families, the Governor, and Legislature. The Council will receive reports from its committees and conduct other business needed.

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 attend this meeting in order to request any needed special assistance should contact the office at least 48 hours in advance of the meeting.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend.

DATE AND TIME: Thursday, October 24, 2002, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 6th Floor, Rick Seltzer Conference Room, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluation of responses submitted for Florida Housing Finance Corporation's Request for Proposals #2002/07 for Investment Manager services.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Laurie Camp, Human Resources Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired,

please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

MIAMI-DADE LAND ACQUISITION AND FACILITIES MAINTENANCE OPERATIONS

The **Miami-Dade Land Acquisition and Facilities Maintenance Operations**, Advisory Board announces a meeting to which all persons are invited.

DATE AND TIME: October 10, 2002, 1:00 p.m. – 4:00 p.m.

PLACE: Miami-Dade School Board Administration Building, Room 559, 1450 N. E. 2nd Ave., Miami, FL

GENERAL SUBJECT MATTERS TO BE CONSIDERED: The Advisory Board will consider matters relating to Miami-Dade Land Acquisition and Facilities Maintenance Operations. These matters may include: discussion relating to release of the funds held; discussion relating to the district's construction program, procurement program, facilities program, and other programs, and district recommendations for improving the efficiency of school maintenance services. The advisory board may also consider information regarding any recommendations it may make to the school district and the Commissioner of Education, as well as other information pertaining to district operations.

A copy of the agenda can be obtained by contacting: Melissa Crawford, Office of Program Policy Analysis and Government Accountability, 111 West Madison Street, Suite 312, Tallahassee, FL 32399-1475, (850)487-9256.

If special accommodations are needed to attend this meeting because of a disability, please contact the above-mentioned individual in advance of the meeting.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council**, Inc. announces the following meetings:

MEETING: Standards Task Force

DATES AND TIME: Monday, October 14, 2002; Tuesday, October 15, 2002, 9:00 a.m. – 5:00 p.m. (EST)

PLACE: Department of Vocational Rehabilitation, Building A, 2002 Old St. Augustine Road, Tallahassee, Florida 32301-4862

MEETING: Planning Committee Meeting

DATE AND TIME: Wednesday, October 16, 2002 9:00 a.m. (EST)

PLACE: Department of Vocational Rehabilitation, Building A, 2002 Old St. Augustine Road, Tallahassee, Florida 32301-4862

MEETING: Advocacy Committee Meeting

DATE AND TIME: Wednesday, October 16, 2002 1:00 p.m. (EST)

PLACE: Department of Vocational Rehabilitation, Building A, 2002 Old St. Augustine Road, Tallahassee, Florida 32301-4862

MEETING: Executive Committee Meeting

DATE AND TIME: Wednesday, October 23, 2002, 3:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, Suite 100A, 1018 Thomasville Road, Tallahassee, Florida 32303-6271

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living 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 meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

CANCER CONTROL RESEARCH ADVISORY BOARD

The **Cancer Control Research Advisory Board (C-CRAB)** announces a meeting to which all persons are invited.

DATE AND TIME: October 14, 2002, 1:00 p.m. – 4:00 p.m.

PLACE: Tampa Airport Marriott, Tampa, FL

A copy of the agenda may be obtained from: Brian J. Calkins, Moffitt Cancer Center, (813)632-1309 or calkinbj@moffitt.usf.edu.

FLORIDA TELECOMMUNICATIONS RELAY

The **Florida Telecommunications Relay**, Inc. announces a regular meeting of the Board of Directors.

DATE AND TIME: Monday, October 14, 2002, 1:30 p.m.

PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Board of Directors.

A copy of the agenda may be obtained by writing: Mr. James Forstall, Executive Director, 1820 E. Park Avenue, Suite 101, Tallahassee, Florida 32301.

The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation** announces a meeting of its Board of Governors.

DATE AND TIME: Tuesday, October 15, 2002, 9:00 a.m., (EDT)

PLACE: Hyatt Regency Orlando International Airport Hotel, 9300 Airport Boulevard, Orlando, Florida, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, agent appeals and cost allocation procedures.

For additional information, please call: 1(800)807-7647, Extension 3702.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces a public meeting to which all persons are invited and a Board of Governors "Shade" meeting, attendees are listed below.

FAJUA Selection Committee Meeting

DATE AND TIME: Wednesday, October 16, 2002, 10:00 a.m.

PLACE: Miami Airport Marriott, 1201 Lejeune Road, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review applications for General Manager position and any other matters that may come before the committee.

FAJUA Board of Governors Meeting (Shade)

DATE AND TIME: Wednesday, October 16, 2002, 10:15 a.m.

PLACE: Miami Airport Marriott, 1201 Lejeune Road, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Private attorney-client session to discuss pending litigation.

ATTENDEES: FAJUA Board of Governors, Bill Graham, FAJUA Trial Counsel, Spencer L. Cullen, Jr. and Court Reporter.

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.

CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION

The Region XV, Training Advisory Council of the Florida **Criminal Justice Standards and Training Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: October 23, 2002, 8:30 a.m.

PLACE: Pat Thomas Law Enforcement Training Academy, U.S. Highway 90, 14 miles west, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Region XV, Training Advisory Council of the Florida Criminal Justice Standards and Training Commission. The primary business will be to discuss training issues.

A copy of the agenda for the above meeting may be obtained by writing: Robert Anderson, Officer of the Attorney General, Medicaid Fraud Control Unit, PL-01, The Capitol, Tallahassee, FL 32399-1050.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF BANKING AND FINANCE

NOTICE IS HEREBY GIVEN THAT the Florida Department of Banking and Finance received a Petition for Declaratory Statement on September 20, 2002, from Nelly Castillo de Quezada regarding whether Nelly Castillo de Quezada is required to be registered under Chapter 560, F.S., in order to transport foreign currency owned by her into the United States for the purpose of exchange into currency of the United States pursuant to contract with a registered currency exchanger.

A copy of the request for declaratory statement may be obtained by writing: Agency Clerk, Office of the Comptroller, Department of Banking and Finance, Suite 526, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has received a petition for a declaratory statement from C. Hamilton Boone, P.A.C. The petition seeks the agency's opinion as to the applicability of Section 627.419(6) (1999), Florida Statutes, as it applies to the petitioner.

A copy of the petition may be obtained by contacting: Mechele R. McBride, Senior Attorney, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4114.

NOTICE IS HEREBY GIVEN THAT the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by Miami-Dade County Fire Department, Fire Prevention Division, on August 4, 2002. The following is a summary of the agency's disposition of the petition:

QUESTION: Is it the intent of the Florida Fire Prevention Code that existing, multiple unit (more than 11), apartment buildings that share a common, garden style, open balcony exit access and are three stories or less be required to install a fire alarm system?

RESPONSE: Yes. It is the intent of the Florida Fire Prevention Code, based upon legislative changes to Section 633.025, Florida Statutes (2002), and the adoption of NFPA 101 in the Florida Fire Prevention Code, effective January 1, 2002, as mandated by Sections 633.0215 and 633.025, Florida Statutes, that existing, multiple (more than 11) unit apartment buildings that share a common, garden style, open balcony exit access and are three or fewer stories be required to install a fire alarm system.

A copy of the order may be obtained from: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, or you may fax your request to fax number (850)922-1235.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a request for Declaratory Statement on September 18, 2002, from the City of Oviedo with regards to whether section 424.2.22, Florida Building Code, Building Volume, requires mechanical equipment for a swimming pool to be fastened to the concrete slab. It has been assigned the number DCA02-DEC-256.

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.

DEPARTMENT OF REVENUE

NOTICE IS HEREBY GIVEN THAT the Florida Department of Revenue has issued an Order Denying Petition for Declaratory Statement to Electronet Intermedia Consulting, Inc. Section 120.565, F.S., limits the availability of declaratory statements to matters that apply to a petitioner's particular set of circumstances. The Department determined that Electronet Intermedia Consulting, Inc., which provides digital subscriber line ("DSL") Internet access services to residential and business customers through the purchase of unbundled network elements ("UNE"), has requested a policy statement of general applicability from the Department.

A copy of the Declaratory Statement may be obtained by contacting: Judy Langston, Agency Clerk, Office of General Counsel, Florida Department of Revenue, P. O. Box 6668, Tallahassee, FL 32314-6668.

NOTICE IS HEREBY GIVEN THAT the Florida Department of Revenue has received a Petition for a Declaratory Statement from The Miami Herald Publishing Company.

Petitioner, The Miami Herald Publishing Company, publishes two daily newspapers and sells newspapers through various means, including subscriptions, whereby subscribers are given three delivery options. Subscribers may elect to have the newspapers 1) delivered by independent contract carriers, 2) mailed to them, or 3) made available for pick-up at a neighborhood distribution center operated by the Petitioner. When renewing or initially subscribing, subscribers are sent a confirming invoice, which states the price of the newspaper and separately states the charge for delivery or mailing. Sales tax (including local option taxes where applicable) is charged on the sales price of the newspapers, which are delivered, or picked-up, but sales tax is not applied to the separate charge for delivery by a carrier. Sales tax is not imposed on the sales price of the newspapers when the subscriber elects to receive the newspapers by mail. Petitioner requests that the Department of Revenue issue a declaratory statement as to whether the Petitioner is required to collect sales tax on the charge for delivery by independent carriers, where the charge is separately stated on the invoice and the charge can be avoided by an election of the subscriber to either pick-up the newspapers at a distribution center or to receive the newspapers by mail.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Judy Langston, Agency Clerk, Office of General Counsel, P. O. Box 6668, Tallahassee, Florida 32314-6668, (850)488-0712.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued a declaratory statement in response to an amended petition from Tampa Bay Downs, Inc., Petitioner, in DBPR Case No. DS 2002-007. The Petition listed Sections 550.6305(9)(g)1. and 550.615(3), Florida Statutes, and Rule 61D-9.001, Florida Administrative Code, as the statutory and rule provisions upon which a declaratory statement was sought. The declaratory statement finds:

1. If Tampa Bay Downs, as a host track, receives and accepts wagers on the broadcast of races conducted at out-of-state racetracks, it is obligated to make the simulcast signal of the out-of-state races available to Florida Jai-Alai as a guest track;
2. Florida Jai-Alai has the right to receive such a simulcast transmission to accept wagers disseminated from Tampa Bay Downs; and,
3. An agreement that designates a permitholder as the exclusive disseminator of simulcast signals for certain out-of-state racetracks would a violation of Sections 550.6305(9)(g)1. and 550.615(3), Florida Statutes, and Rule 61D-9.001, Florida Administrative Code.

A copy of the declaratory statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Acupuncture has received a Petition for Declaratory Statement from Holly G. Didden, Acupuncture Physician. The Petition seeks action from the Board of Acupuncture to issue a declaratory statement as to whether the Petitioner, a licensed acupuncturist, may enter a referral arrangement with a Florida Medical Doctor (M.D.) licensed under Chapter 458, Florida Statutes, without violating Section 456.053, Florida Statutes, where the Petitioner will, as an independent contractor, practice Acupuncture on the M.D.'s patients referred by the M.D., at the M.D.'s facility while paying the M.D. a portion of fees billed and collected by the M.D.'s staff, for use of the facility, staff and for overhead.

A copy of the Petition for Declaratory Statement may be obtained by writing: Pamela King, Board Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN THAT the Board of Acupuncture has received a Petition for Declaratory Statement from George Forster, Acupuncture Physician. The Petition seeks action from the Board of Acupuncture to issue a declaratory statement as to whether the Petitioner, an Acupuncturist licensed pursuant to Chapter 457, Florida Statutes, is authorized by Section 457.102(7), Florida Statutes and paragraph 64B1-3.001(5)(b), Rule 64B1-4.008, Florida Administrative Code, to recommend breathing exercises and therapeutic techniques to his patients who are in a hyperbaric oxygen chamber, including prescribing and administering the use of oxygen within a hyperbaric chamber.

A copy of the Petition for Declaratory Statement may be obtained by writing: Pamela King, Board Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

City of Marathon vs. Florida Administration Commission;
 Case No.: 02-1075RP; Rule No.: 28-18; Dismissed

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

NOTICE TO PROFESSIONAL CONSULTANTS

The State of Florida, Department of Education, Office of Educational Facilities announces that professional services in the disciplines of Architecture and Engineering are required for plan review services of Contract Documents. The project consists of reviewing for code compliance, in the disciplines of Architecture, Civil/Structural, Mechanical and Electrical Engineering, certain Contract Documents for school facilities submitted to the Office of Educational Facilities. All reviewers shall hold a Professional Florida Architectural/Engineering License for the discipline they are reviewing and shall carry Professional Liability Insurance. The contract will be for a one-year period and may be renewable, at the option of the Department of Education, for successive one-year terms. Services shall be on an "as needed" basis within the contract period and each project requested to be reviewed may include one or more of the review disciplines.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit the following:

1. Letter of interest which indicates the firm's qualifications, related experience and the firm's ability to do the work.

2. Current Professional Qualifications Supplement (PQS) Form DBC5112 Revised February 1999. Obtainable from the Department of Management Services, Division of Building Construction.
3. A copy of each reviewer's Florida Professional Registration License from the appropriate governing board.
4. If the firm is a corporation, it must be chartered by the Florida Department of State to operate in Florida. A copy of the current Florida Corporate Charter shall be provided in the application.
5. Completed Form SF-254 Architect-Engineer and Related Services Questionnaire. If the form is needed, please call Pat Anweiler, (850)488-7580.
6. Completed Form SF-255 Architect-Engineer and Related Services Questionnaire for Specific Project also for the firm and each reviewer. If the form is needed, please call Pat Anweiler. (850)488-7580.

Submit four (4) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions may be disqualified. Application information and other submitted data will not be returned. Include a self-addressed stamped envelope for notice of selection results.

Preference will be given for those who have construction document code review experience in public education construction.

All reviewers shall verify that they are in compliance with Section 287.133, Florida Statutes (Public Entity Crime).

Submittals must be received in the Office of Educational Facilities, Room 1054, 325 West Gaines Street, Tallahassee, Florida 32399-0400 by November 1, 2002, 4:00 p.m. (Eastern Standard Time). Facsimile (fax) and electronic submittals are not acceptable and will not be considered. Posting of the short list shall be November 15, 2002, 12:00 Noon at <http://www.myflorida.com> and <http://www.firn.edu/doe/edfacil/>. Any protest of the selection must be made within 72 hours of posting the selection results. If no protests are received within the 72-hour period, arrangements for the interview of the selected firms will be made.

CANCELLATION

Call for Bids made by the University of North Florida Board of Trustees, a public body corporate, Partial Build Out 400 Meter Track/Soccer Stadium has been cancelled. This Call for Bids was advertised in the September 20, 2002, issue of the Florida Administrative Weekly (Confirmation No Bid 161) and is being cancelled, this project will be readvertised at a later date.

CERTIFIED CONTRACTORS AND PROFESSIONAL CONSULTANTS FOR DESIGN-BUILD SERVICES

PROJECT NUMBER: FSDB 20030003

PROJECT NAME: Construction of Covered Walkways Phase I

PROJECT LOCATION: The Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

PROJECT DESCRIPTION: The Florida School for the Deaf and the Blind (FSDB) requests qualifications from certified contracting and professional consulting firms to provide Design-Build Services for the construction of approximately 2,200 linear feet of a covered walkway system for the protection of blind students from inclement weather. This advertisement is issued to give advance notice of the school's design-build intentions; to allow interested parties to form design-build teams; and to submit letters of interest for this advertised design-build project.

CONSTRUCTION BUDGET: \$1,250,000

FSDB PROJECT MANAGER: Wally Dennis

PHONE NUMBER: (904)827-2363

RESPONSE DUE DATE: October 30, 2002, 3:00 p.m.

Firms must be properly licensed to practice their profession in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The short-list selection will be made in accordance with Rule 60D-13.007, F.A.C. Determination of ability shall be based on related building experience, financial capability, scheduling, cost control, office and on-site staff training and experience, information systems, location, past performance, experience and ability of consultants, current workload. Each of these finalists will be eligible for consideration in accordance with Rule 60D-13.009, F.A.C.

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. Letter of interest as one single entity responsible for design and construction under one contract detailing the entity's qualification.
2. Completed Experience Questionnaire and Contractor's Financial Statement – Form DBC-5085 (revised 3/00). This form may be obtained by calling the Department of Management Services, Division of Building Construction, (850)487-2824.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, and cost reports.
5. The firm's experience demonstrating performance of similar type of work of similar size complexity.
6. Current State General or Building Contractor License Certification as required under Florida Statutes.
7. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations.
8. A description of the applicant's plan of Minority Business Enterprise and Women-Owned Business Enterprises.

9. References from prior clients received within the last five years.
10. Department of Management Services edition of the Professional Qualifications Supplement (PQS), Form DBC 5112 (revised 2/99).
11. Current Florida Professional Registration License Renewal.
12. For Corporations only, current corporate Certification showing validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
13. Completed SF-254.
14. Completed SF-255.

Applications are to be sent or delivered to the: Florida School for the Deaf and the Blind, Attn: Mr. Wally Dennis, 207 N. San Marco Ave., Building 27, St. Augustine, FL 32084-2799.

Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions, or those that do not include the requested data, may not be considered. All information received will be maintained with the project file and will not be returned. Applicants will be short-listed on November 8, 2002. Following the short-list selection, a pre-interview workshop will be held on November 18, 2002, for all short-listed firms. Interviews will be conducted on December 3, 2002. A final selection will be made after the interviews have taken place. Selections will be made in accordance with Chapter 60D-2, Florida Administrative Code.

The selected firm will be given official notice of selection results by FAX and/or mail.

The results of the short-list and final selection will be posted at FSDB, 207 N. San Marco Ave., Building 27, St. Augustine, FL, and can be viewed during regular working days between the hours of 7:00 a.m. through 4:00 p.m., beginning 24 hours after the selection. Any protests of the selection must be made within 72 hours of the posting. Failure to file a protest within 72 hours (not including Saturday, Sunday or a legal holiday) after posting shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Final selection results will also be posted in the Florida Administrative Weekly.

NOTICE TO PROFESSIONAL CONSULTANTS

Request for Proposal (RFP) Professional Services

For Annual Contract for Structural Engineering Services

The Office of Facilities Planning and Construction announces that professional services are required for an annual contract for Structural Engineering Services for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$500,000 (construction) and \$25,000 (study fees) respectively,

provided for in Section 287.055 Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to be sent to: Duval County Public Schools
 Facilities Planning and
 Construction
 1701 Prudential Drive
 5th Floor
 Jacksonville, FL 32207-8182

PROJECT MANAGER: James Womack
 PHONE NO.: (904)390-2279
 RESPONSE DUE DATE: 4:30 p.m., November 5, 2002
 MBE GOALS: 15% Overall

INSTRUCTIONS:

Submit an original, and (4) copies of the following:

1. Letter of Interest indicating the firm's qualifications, related experience, ability to perform the work and other pertinent data.
2. Completed SF-254.
3. Completed SF-255.
4. Current completed Professional Qualifications Supplement (PQS) OFPC FORM 105-E.
5. Firm's current Florida Professional Registration Certificates.
6. Business Structure (Corporation, Joint Venture, Partnership).
7. FOR CORPORATIONS ONLY: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
8. Completed MBE Form 1, MBE Form 2A, MBE Form 4, as appropriate, and a description of the applicant's plan for Minority Business Enterprise participation.
9. Firms are required to demonstrate evidence of or the ability to secure Professional Liability Insurance for errors and omissions coverage in the amount of \$500,000 annual aggregate, not decreased by Attorney fees and cost.

Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Facsimile (FAX) submittals are not acceptable and will not be considered. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Selections will be made in accordance with Florida Statutes.

Applicants are advised that plans and specifications for this project may be reused as a prototype within the District. An appropriate contractual agreement will be made with the selected firm should this be necessary.

The selected firms will be posted in the First Floor, Lobby, Duval County School Board Building, 1701 Prudential Drive, Jacksonville, FL 32207, during regular business hours.

The selection documents can be downloaded at www.educationcentral.org/facilities under Forms and Standards, Selection Documents, Selection of the Architect/Engineer.

REGIONAL TRANSPORTATION AUTHORITIES

INVITATION TO BID NO. 02-189 LOCOMOTIVE FUELING SERVICES

Tri-County Commuter Rail Authority (TCRA), an agency of the State of Florida, operates a 71 mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward and Palm Beach Counties.

THE PURPOSE of this Invitation to Bid (ITB) is to obtain the services of a Contractor to procure and deliver an estimated 1,900,000 to 2,000,000 gallons of fuel annually for Tri-Rail's commuter rail service. The majority of fuel shall be delivered to a fuel storage tank located at TCRA's Hialeah Maintenance Facility, 9400 N. W. 37th Avenue, Miami, Florida. The Contractor shall also be required to deliver on demand up to twenty percent (20%) of the fuel directly to TCRA locomotives at TCRA's West Palm Beach Maintenance Facility at 435 S. Tamarind Avenue, West Palm Beach, Florida. In addition, on an emergency basis only, the Contractor may be required to deliver fuel at accessible locations along Tri-Rail's operating rail corridor. The selected Contractor shall provide metered fuel logs indicating the exact quantity deposited in each locomotive and the fuel storage tank.

A REQUEST FOR DOCUMENTS should be directed to: Mr. Robert Becker, Tri-Rail, 800 N. W. 33 Street, Suite 100, Pompano Beach, Florida 33064, (954)788-7909. The cost of the solicitation document is One Hundred Dollars (\$100.00) non-refundable. Checks or money orders made payable to Tri-Rail should be forwarded to Mr. Becker at the address above. Solicitation documents will be available on or about October 7, 2002.

A PRE-BID CONFERENCE will be held in the Tri-Rail Board Room at the address above on October 15, 2002, 2:00 p.m. The purpose of the meeting will be for Tri-Rail to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is recommended.

RECEIPT OF SEALED BIDS: All Bids must be received in a sealed envelope no later than 4:00 p.m., October 31, 2002 at the TCRA office in Pompano Beach. All envelopes must bear the Tri-Rail provided label that clearly indicates the Bidder's Name, ITB Number and Title, and Bid Opening Date.

TCRA reserves the right to postpone, to accept, or reject any and all Bids in whole or in part. All Bidders must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All Bids must remain in effect for One Hundred Eighty (180) days from the date of Bid Opening.

TERM: The term of the Agreement shall be for three (3) years with TCRA's option to renew for two (2) additional one (1) year periods.

DBE PARTICIPATION: TCRA solicits and encourages Disadvantaged Business Enterprise (DBE) participation. DBEs will be afforded full consideration of their responses and will not be subject to discrimination. The Disadvantaged Business Enterprise participation goal for this solicitation is 12%.

WATER MANAGEMENT DISTRICTS

REQUEST FOR PROPOSALS #02/03-001WR

Mapping and Monitoring Submerged Aquatic Vegetation (SAV) in the Ichetucknee River and Manatee Springs

The Suwannee River Water Management District (DISTRICT) is accepting proposals to provide consulting services to map and monitor submerged plant beds in the Ichetucknee Springs/River system and Manatee Spring.

Prospective respondents to this RFP should be aware that award of a contract for this work will be contingent upon DISTRICT completing current ongoing negotiations for a funding agreement with the Florida Department of Environmental Protection (FDEP).

The DISTRICT is conducting a series of projects in five-priority, first-magnitude springs in the Suwannee Basin. This work is being funded by and conducted under FDEP's Florida Springs Initiative. Current ongoing work in the springs involves hydrologic, hydrogeologic, and chemical studies, which will provide the data to delineate the contributing area of the springs.

The ongoing collection of physical/chemical data provides the opportunity to collect concurrent biological data, which would be useful in better understanding spring ecology. This biological information will be useful to evaluate trends in ecological conditions in the springs and lead toward the better management of these aquatic ecosystems. The District and FDEP have identified the Ichetucknee Springs/River system and Manatee Spring for biological study.

A copy of the RFP will be available on October 4, 2002, at:
www.srwmd.state.fl.us

Or, requests for the RFP document (RFP #02/03-001WR) should be directed to:

Suzanne Richardson, Administrative Assistant
Suwannee River Water Management District
9225 CR 49
Live Oak, FL 32060
(386)362-1001 or 1(800)226-1066 (Florida only)

If you have questions regarding the project, please direct them to: Rob Mattson, (386)362-1001 or toll free (Florida only) 1(800)226-1066, FAX (386)362-1056.

INVITATION TO BID**WASTEWATER AND RECLAIMED WATER**

IMPROVEMENTS, PHASE II OF II RFB NO. 02/03-002RM
PROJECT TITLE: Alachua Wastewater and Reclaimed Water Improvements, Phase II of II.

PROJECT SCOPE: The work involves furnishing all labor, materials, equipment, tools, transportation, services and incidentals and performing all construction activities necessary to provide the Owner with infrastructure improvements to the City of Alachua's public sewer and reclaimed water transmission systems. Estimated project cost is \$800,000 to \$900,000.

PROJECT LOCATION: Alachua County, Florida

BID DOCUMENTS: Any individual or firm desiring to bid on this project may obtain a copy of the plans, specifications, contracts, and bid requirements for a fee of \$150 (non-refundable) by contacting:

John Horvath
 Jones, Edmunds & Associates, Inc. (JEA)
 730 N. E. Waldo Road, Bldg. A
 Gainesville, Florida 32641
 (352)377-5821

BID DATE AND TIME: Sealed bids will be received until 2:00 p.m., Friday, November 8, 2002, at the City of Alachua, City Hall, 15001 N. W. 144th Street, Alachua, Florida 32615. Clearly label all bids, "RFB No. 02/03-002RM, City of Alachua Wastewater and Reclaimed Water Improvements, Phase II of II." Facsimile transmissions will not be accepted.

BID REQUIREMENTS: Bids must be submitted in full accordance with the requirements of the drawings, specifications, and bid documents. All contractors interested in bidding this project must attend a mandatory pre-bid conference to be held on Friday, October 18, 2002, 11:00 a.m., at the Alachua City Hall, Alachua, Florida. Prior to the pre-bid conference, contractors are required to inspect the work site and review the "Instructions to Bidders" information contained in the "Bidding and Contract Documents and Technical Specifications."

For additional assistance, interested parties may contact: Oren Paulson, City of Alachua (352)418-4079, John Horvath, P.E., JEA, (352)377-5821 or Jerry Bowden, P.E., Suwannee River Water Management District, (368)362-1001.

EXPRESSWAY AUTHORITIES**NOTICE OF INVITATION TO BID****MDX PROJECT NO. 000-020**

The Miami-Dade Expressway Authority ("MDX") is seeking the services of a general building contractor ("Bidder") for the renovation/reconstruction of the State Road 112 Toll Administration Building (the "Project"). The Work for the Project consists of, but is not limited to, providing all labor, Materials, Equipment and incidentals necessary for the

renovation/reconstruction of interior walls, ceiling, floors, placement of telecommunications infrastructure, installation of a new security system, electrical components, addition of a trailer with an employee break room, and miscellaneous exterior improvements. The Bidder should be aware that portions of the Work associated with the Project shall be done during off-peak hours (9:30 a.m. to 3:30 p.m. and 9:00 p.m. to 6:00 a.m.).

Sealed Bids will be received at the MDX Headquarters Building, located at 3790 N. W. 21st Street, Miami, Florida 33142 ("MDX Headquarters Building), until 2:00 p.m., Monday, November 4, 2002. A Bidder must be prequalified by the State of Florida Department of Transportation in accordance with Rule Chapter 14-22, Florida Administrative Code or certified with Miami-Dade County to provide general contractor services on the submittal date for the Bids in order to submit a Bid. A Bidder that is not prequalified in accordance with Rule Chapter 14-22 or certified with Miami-Dade County on the date of the Bids submittal, shall be declared "NON RESPONSIVE" and the Bid will be REJECTED.

Copies of the Plans, Specifications and the Bid Blank book will be available on Friday, October 11, 2002 after 12:00 Noon at the MDX Headquarters Building located at 3790 N. W. 21st Street, Miami. The cost of these documents is \$25.00 per set. Make checks payable to the Miami-Dade Expressway Authority. No refunds will be made for the above charges for any of the documents.

The construction cost estimate for the Project is \$85,000.00 (Eighty-Five Thousand Dollars) and Contract time for this Project is set for forty-five (45) calendar days from the date a Notice to Proceed is issued.

MDX has scheduled a Mandatory Pre-Bid Conference to discuss the Project with interested Bidders on Thursday, October 25, 2002, 2:00 p.m., at the MDX Headquarters Building located at 3790 N. W. 21st Street, Miami. Please be advised that attendance at this meeting is Mandatory. Any Bidder not attending the Mandatory Pre-Bid Conference will be declared "Non-Responsive".

If you have any questions regarding this notice, or would like additional information, please contact:

Ms. Helen M. Cordero
 MDX Procurement Officer
 Ph. (305)637-3277
 Fax (305)637-3298

E-mail: Hcordero@mdx-way.com

All sealed Bids must be received by MDX at 3790 N. W. 21st Street, Miami, Florida 33142, no later than 2:00 p.m., Monday, November 4, 2002.

EQUAL EMPLOYMENT OPPORTUNITIES AND SMALL BUSINESS ENTERPRISES PROGRAM: MDX, in accordance with the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §200c et seq., the Florida Civil Rights Act of 1992, as amended, §760.10 et. seq., Fla.

Stat. (1996) and other federal and state discrimination statutes, prohibits discrimination on the basis of race, color, sex, age, national origin, religion and disability or handicap. MDX notifies all bidders and individuals that it requires and encourages equal employment opportunities for minorities and women as employees in the work force.

MDX strongly encourages small, minority and women-owned business to have full opportunity to submit bids and proposals in response to solicitation documents issued by MDX, and commits that bidders and proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain an M/WBE participation of twenty-five percent (25%) for the aggregate of its projects. However, compliance with MDX's overall goal is not a pre-requisite for bidders or proposers on MDX projects. Please be advised that MDX has adopted a Small Business Enterprise Policy, and a 10% Small Business Goal shall be required for the Project.

MDX RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS RECEIVED

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.

RE-ADVERTISEMENT – MECHANICAL, ELECTRICAL AND PLUMBING CONSULTING SERVICES

The Department of Management Services, Division of Facilities Management and Building Construction, announces that professional services are required for the project(s) listed below.

PROJECT NUMBER: N/A

PROJECT NAME: CONTINUING AREA CONTRACTS, MECHANICAL, ELECTRICAL AND PLUMBING CONSULTING SERVICES, AREA 1

PROJECT LOCATION: Area 1 Counties of Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington: and other are counties as may be determined necessary by the owner.

SERVICES TO BE PROVIDED: Engineering design, estimating, bidding, inspections and construction administration.

The Department of Management Services may enter into a contract with up to two firms responsible for assigned projects having estimated construction costs not exceeding \$500,000

and study fees not exceeding \$25,000. This contract is for an initial period of two years with an option to renew for two additional, one-year periods.

RESPONSE DUE DATE: Thursday, October 31, 2002, 4:00 p.m. (Local Time)

Applications are to be sent to: Mrs. Carole Nichols, Department of Management Services, Division of Facilities Management and Building Construction, 4050 Esplanade Way, Building 4030, Suite 360B, Tallahassee, Florida 32399-0950, (850)487-2824, E-mail: nicholc@dms.state.fl.us

DATE AND LOCATION OF SHORTLIST: Tuesday, November 5, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4050 Esplanade Way, Building 4030, Suite 360L, Tallahassee, Florida 32399-0950

DATE AND LOCATION FOR INTERVIEWS: Tuesday, November 19, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4050 Esplanade Way, Building 4030, Suite 360L, Tallahassee, Florida 32399-0950.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any changes to the above dates will be published on our web site, <http://fcn.state.fl.us/dms/dbc/opportun/index.html>

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112 revised 2/99.
3. A copy of the firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Please include one stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply

with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Applicants are advised that plans and specifications for A/E projects may be reused.

Selections will be made in accordance with Section 287.055, Florida Statutes. The selected firms will be given official notice of selection results by Fax and/or mail. Any protests of the selection must be made within 72 hours of the date of receipt. The selection results will also be published in the Florida Administrative Weekly and on our web site.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BID NO. BDRS 25-02/03

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the construction of a wood crossover boardwalk and associated ramps, steps and overlooks at Deer Lake State Park in Point Washington, Florida. Sealed bids will be received until 3:00 p.m., Tuesday, October 29, 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."

BID NO. BDRS 26-02/03

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the construction of a concrete block bathhouse and associated utilities, and the demolition of the existing bathhouse and concrete sidewalks at Florida Caverns State Park in Marianna, Florida. Sealed bids will be received until 4:00 p.m., Tuesday, October 29, 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."

BID NO. BDRS 24-02/03

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the construction of day use facilities at Lake Louisa State Park in Clermont, Florida. Facilities include, but are not limited to access road and parking lot paving, boardwalks, walkways, sidewalks, composting toilet, 3 picnic pavilions, and 2 canoe

launches. Sealed bids will be received until 3:30 p.m., Tuesday, November 5, 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."

BID NO. BDRS 27-02/03

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the construction of a concrete block bathhouse and associated utilities at Hillsborough River State Park in Thonotosassa, Florida. Sealed bids will be received until 4:30 p.m., Tuesday, October 29, 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."

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE TO PROFESSIONAL CONSULTANTS FOR ARCHITECTURE-ENGINEERING CONTINUING CONTRACTS

The State of Florida, Department of Children and Family Services, Physical Assets, announces that professional services are required for the project listed below. Applications are to be sent to: Margaret Nicolosi, Architect, Office of Facility Support and Safety, Department of Children and Family Services, Building 3, Room 205, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, (850)413-6776.

PROJECT NUMBERS: DCF 03245000

PROJECT: Architectural/Engineering
Continuing Contract, District 3 and 4
Areas

SERVICES TO BE PROVIDED: Architectural/Engineering Services

ESTIMATED CONSTRUCTION BUDGET: Multiple projects as required by the Department with individual project construction budgets not to exceed \$500,000. Depending on development of projects and funding, the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities (satellite units, support structures, etc.), repair and renovations to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces,

replacement of finishes, and minor studies (Study fee not to exceed \$25,000). The District 3 and 4 area shall include Nassau, Duval, St. Johns, Clay, Putnam, Baker, Union, Bradford, Alachua, Hamilton, Columbia, Gilchrist, Levy, Suwannee, Lafayette and Dixie Counties. For selection purposes, Macclenney will be the point used to calculate distance from Firm to site for each contract. Continuing Area Contract selection is for a contract period of one year, renewable yearly for up to two years.

RESPONSE DUE DATE: By close-of-business, October 21, 2002.

INSTRUCTIONS: Submit three (3) copies of the following bound in loose leaf three-ring binders:

1. Letter of Interest specifying the project and location for which the firm wishes to be considered.
2. A current Professional Qualifications Supplement (PQS) from the Department of Management Services, modifying section 5a. to reflect current contracts with any and all state agencies.
3. A copy of the firm's Florida Professional Registration License Renewal. (Proper registration at the time of application is required.)
4. Corporations only: Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard A.I.A. Form 254.
6. Completed Standard A.I.A. Form 255.
7. A stamped self-addressed envelope for notice of selection results.

For applicant to receive credit as State Certified Minority Business Enterprise either the Prime Consultant or Sub-consultant shall include copy of the state of Florida Minority Rectification or Certification Letter in the proposal. All proposal information submitted becomes the property of DCF, will be placed on file, and shall not be returned. Applications not complying with the instructions set forth above and/or do not include the qualifications data required shall not be considered. Selections will be made in accordance with Chapter 60-2, Florida Administrative Code and Section 287.055, Florida Statutes.

SELECTION PROCESS: From the proposals received, the Department shall shortlist a minimum of three (3) firms.

SELECTION RESULTS: All applicants will be notified by the department of the three firms shortlisted by November 4, 2002, by close-of-business. Those shortlisted firms will be advised of the interview date and any further requirements. Any protests of the selection must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

**NOTICE TO PROFESSIONAL CONSULTANTS
FOR ARCHITECTURE-ENGINEERING
CONTINUING CONTRACTS**

The State of Florida, Department of Children and Family Services, Physical Assets, announces that professional services are required for the project listed below. Applications are to be sent to: Margaret Nicolosi, Architect, Office of Facility Support and Safety, Department of Children and Family Services, Building 3, Room 205, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, (850)413-6776.

PROJECT NUMBERS: DCF 03246000

PROJECT: Architectural/Engineering
Continuing Contract, District 7 Area

SERVICES TO BE PROVIDED: Architectural/Engineering Services

ESTIMATED CONSTRUCTION BUDGET: Multiple projects as required by the Department with individual project construction budgets not to exceed \$500,000. Depending on development of projects and funding, the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities (satellite units, support structures, etc.), repair and renovations to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, and minor studies (Study fee not to exceed \$25,000). The District 7 area shall include Brevard, Seminole, Orange and Osceola Counties. For selection purposes, Cocoa will be the point used to calculate distance from Firm to site for each contract. Continuing Area Contract selection is for a contract period of one year, renewable yearly for up to two years.

RESPONSE DUE DATE: By close-of-business, October 23, 2002.

INSTRUCTIONS: Submit three (3) copies of the following bound in loose leaf three-ring binders:

1. Letter of Interest specifying the project and location for which the firm wishes to be considered.
2. A current Professional Qualifications Supplement (PQS) from the Department of Management Services, modifying section 5a. to reflect current contracts with any and all state agencies.
3. A copy of the firm's Florida Professional Registration License Renewal. (Proper registration at the time of application is required.)
4. Corporations only: Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard A.I.A. Form 254.
6. Completed Standard A.I.A. Form 255.
7. A stamped self-addressed envelope for notice of selection results.

For applicant to receive credit as State Certified Minority Business Enterprise either the Prime Consultant or Sub-consultant shall include copy of the state of Florida Minority Rectification or Certification Letter in the proposal. All proposal information submitted becomes the property of DCF, will be placed on file, and shall not be returned. Applications not complying with the instructions set forth above and/or do not include the qualifications data required shall not be considered. Selections will be made in accordance with Chapter 60-2, Florida Administrative Code and Section 287.055, Florida Statutes.

SELECTION PROCESS: From the proposals received, the Department shall shortlist a minimum of three (3) firms.

SELECTION RESULTS: All applicants will be notified by the department of the three firms shortlisted by November 6, 2002, by close-of-business. Those shortlisted firms will be advised of the interview date and any further requirements. Any protests of the selection must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

**PROFESSIONAL CONSULTANTS
FOR ARCHITECTURE-ENGINEERING
CONTINUING CONTRACTS**

The State of Florida, Department of Children and Family Services, Physical Assets, announces that professional services are required for the project listed below. Applications are to be sent to: Margaret Nicolosi, Architect, Office of Facility Support and Safety, Department of Children and Family Services, Building 3, Room 205, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, (850)413-6776.

PROJECT NUMBERS: DCF 03247000

PROJECT: Architectural/Engineering
Continuing Contract, District 8 and 9
Areas

SERVICES TO BE PROVIDED: Architectural/Engineering Services

ESTIMATED CONSTRUCTION BUDGET: Multiple projects as required by the Department with individual project construction budgets not to exceed \$500,000. Depending on development of projects and funding, the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities (satellite units, support structures, etc.), repair and renovations to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, and minor studies (Study fee not to exceed \$25,000). The District 8 and 9 area shall include

Sarasota, DeSoto, Charlotte, Lee, Glades, Hendry and Palm Beach Counties. For selection purposes, Ft. Myers, Arcadia and Belle Glades will be the points used to calculate distance from Firm to site for each contract. Continuing Area Contract selection is for a contract period of one year, renewable yearly for up to two years.

RESPONSE DUE DATE: By close-of-business, October 25, 2002.

INSTRUCTIONS: Submit three (3) copies of the following bound in loose leaf three-ring binders:

1. Letter of Interest specifying the project and location for which the firm wishes to be considered.
2. A current Professional Qualifications Supplement (PQS) from the Department of Management Services, modifying section 5a. to reflect current contracts with any and all state agencies.
3. A copy of the firm's Florida Professional Registration License Renewal. (Proper registration at the time of application is required.)
4. Corporations only: Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard A.I.A. Form 254.
6. Completed Standard A.I.A. Form 255.
7. A stamped self-addressed envelope for notice of selection results.

For applicant to receive credit as State Certified Minority Business Enterprise either the Prime Consultant or Sub-consultant shall include copy of the state of Florida Minority Rectification or Certification Letter in the proposal. All proposal information submitted becomes the property of DCF, will be placed on file, and shall not be returned. Applications not complying with the instructions set forth above and/or do not include the qualifications data required shall not be considered. Selections will be made in accordance with Chapter 60-2, Florida Administrative Code and Section 287.055, Florida Statutes.

SELECTION PROCESS: From the proposals received, the Department shall shortlist a minimum of three (3) firms.

SELECTION RESULTS: All applicants will be notified by the department of the three firms shortlisted by November 8, 2002, by close-of-business. Those shortlisted firms will be advised of the interview date and any further requirements. Any protests of the selection must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

FISH AND WILDLIFE CONSERVATION COMMISSION

INVITATION TO BID

Bids are requested from qualified contractors by the Florida Fish and Wildlife Conservation Commission for:

PROJECT NO: FWC 02/03-25

PROJECT NAME: Construction of Four Boat Ramps in Central and South Florida

LOCATION:

One boat ramp each is located in Indian River County (near Yeehaw Junction), Palm Beach County (near West Palm Beach), Polk County (near the City of Lake Alfred), and Highlands County (near the city of Lake Placid). Directions to each ramp will be found in the Project Manual, pages 5 and 6.

SCOPE OF WORK:

1. Blue Cypress Lake, Indian River County
Work on this proposed single lane boat ramp is comprised of constructing an 8" thick x 16' wide x 76' long reinforced concrete slab and 4' wide x 60' long erosion control revetments on each side of the ramp.
2. C-18 Canal, Palm Beach County
Work on this proposed single lane boat ramp is comprised of constructing an 8" thick x 16' wide x 71' long reinforced concrete slab along with 4' wide x 55' long erosion control revetments on each side of the ramp, one 17' wide x 45' long reinforced concrete slab for handicapped parking, and a 5' x 25' reinforced concrete sidewalk.
3. Lake June in Winter-H.L. BISHOP PARK, HIGHLANDS COUNTY
Work on this proposed double lane boat ramp is comprised of constructing an 8" thick x 16' wide x 72' long reinforced concrete slab in each lane along with 4' wide x 56' long erosion control revetments on each side of each ramp.
4. Lake Swoope, Polk County
Work on this proposed single boat ramp is comprised of constructing an 8" thick x 16' wide x 90.50' long reinforced concrete slab along with 4' wide x 74.50' long erosion control revetments on each side of the ramp, one 17' wide x 45' long reinforced concrete slab for handicapped parking, and a 5' wide x 10' long reinforced concrete slab sidewalk.

PRE-BID CONFERENCE:

A non-mandatory pre-bid conference has been scheduled for 10:00 a.m. (EDT), October 17, 2002, at the H. L. Bishop Park Site on Lake June in Winter, in Highlands County.

BID DOCUMENTS:

May be examined and obtained from the Florida Fish and Wildlife Conservation Commission Engineering Construction Section, 600 N. Thacker Ave., Suite A-1, Kissimmee, Florida 34741. Telephone (407)846-5300, upon payment of \$25, non-refundable, for one set. Check must be made payable to Florida Fish and Wildlife Conservation Commission.

BIDS:

Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions. Sealed bids will be received, publicly opened and read aloud on November 15, 2002, 2:00 p.m. (EDT), at the above mentioned Purchasing Office.

REQUIRED BONDS:

After award of Contract, a 100% Performance Bond and a 100% Labor And Material Payment Bond Will be required.

CONTACT PERSON:

Jim Palmer, Engineer II
Tel. (407)846-5300

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO CONTRACTORS

The Hillsborough County Aviation Authority hereby requests Letters of Interest from Contractors desiring to render services for the following project at Tampa International Airport, Tampa, Florida:

DEMOLITION CONTRACTORS FOR PROPERTY ACQUISITION PROGRAM (PREQUALIFICATION) HCAA PROJECT NO. 6000

Services to be furnished shall include, but not be limited: to demolition of structures, pavements, and septic tanks; leveling and grading; locating and securing utilities; seeding and mulching; asbestos abatement (different types); and removal, transportation, and disposal of aboveground and underground fuel storage tanks and hazardous materials. This is a multi-year contract. A more detailed scope of services will be included in the formal Request for Qualifications.

It is the Authority's intent to qualify a minimum of three Contractors for these services. After the acquisition of a particular property or group of properties, pre-qualified Contractors would be invited to submit a price proposal to perform the demolition and a Contractor (from the pre-qualified group) would be selected to perform the work.

Qualified Contractors desiring consideration for this Project must give written notification in the form of a Letter of Interest to:

William J. Connors, Jr.
Senior Director of Planning and Development
Hillsborough County Aviation Authority
Post Office Box 22287
Tampa, Florida 33622

Interested parties may inquire as to project descriptions, details, and required data submissions to: William J. Connors, Jr., Senior Director of Planning and Development, (813)870-8704. **ONLY A LETTER EXPRESSING INTEREST IN RECEIVING THE FORMAL REQUEST FOR QUALIFICATIONS IS REQUIRED AT THIS TIME.**

The Letters of Interest (Only) must be received at or before 5:00 p.m. (Local Time), Monday, October 14, 2002. Subsequent to receiving Letters of Interest, a Request for Qualifications will be sent to all respondents and adequate response time set forth in that package.

A MANDATORY Pre-Qualifications Conference will be held on Friday, November 1, 2002, 10:00 a.m. (Local Time), in the Hillsborough County Aviation Authority Board Room located in the Landside Terminal Building, Third Floor, Blue Side at Tampa International Airport. All interested Contractors must be present for the entire Pre-Qualification Conference. Details of this conference will be included in the Request for Qualifications.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

By: /s/ Louis E. Miller

Louis E. Miller, Executive Director

MEL FISHER MARITIME HERITAGE SOCIETY

NOTICE TO CONSTRUCTION MANAGERS

The Mel Fisher Maritime Heritage Society, Inc., Board of Trustees announces that construction management services will be required for the Mel Fisher Maritime Heritage Museum (MFMHM) in Key West, Florida. The project is a multi-phase restoration/renovation of an approximately 36,000 SF historic building. The work includes new stair and elevator, electrical, HVAC, plumbing, fire protection for exhibit galleries, conservation lab, exhibit support and administrative offices. The successful construction manager must have experience with museum projects of similar scale and complexity. The construction manager must also be able to work successfully with MFMHM and its consultants in a multi-year commitment due to the anticipated intermittent funding sources.

The contract for construction management services will consist of several phases. Phase One is pre-construction services, for which the construction manager will be paid a fixed fee. Phase One services include value/constructability analyses, development of a cost model, estimating and the development of a Guaranteed Maximum Price (GMP) at 90% Construction Document phase. In Phase Two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for Phase One of the contract or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Phase I will include the following elements which are funded by separate grants:

1. Roof Replacement
2. Windows and Clerestory Replacement
3. Front Entrance/Wheelchair Access Installation

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability; critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the Architect, a description of the final interview requirements and a copy of the Owner-Construction Manager Agreement. The Selection Committee may reject all proposals and stop the selection process at any time.

Firms desiring to provide construction management services for the project shall submit a letter of application. Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Five (5) bound copies of the required proposal must be received in the Director's office by 3:00 p.m. (Local Time), October 18, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

ADDITIONAL INFORMATION CAN BE FOUND ON OUR WEBSITE AT: www.melfisher.org/RFQ

Madeleine H. Burnside, Ph.D.

Executive Director

Mel Fisher Maritime Heritage Museum

200 Greene Street

Key West, Florida 33040

**Section XII
Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.dbf.state.fl.us/banking.html>. Comments may be submitted to: Director, Division of Banking, 101 East Gaines Street, Suite 636, 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, 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., October 25, 2002):

Name and Address of Applicant: Jackson County Teachers Credit Union, Post Office Box 954, Marianna, Florida 32447
Expansion Includes: Employees of Wal-Mart, Marianna, Florida.

Received: September 20, 2002

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, Subaru of America, Inc., intends to allow the establishment of Eddie Accardi Subaru of Coconut Creek, Inc., as a dealership for the sale of Subaru vehicles, at the southeast corner of state road 7 (US441) and Alexandria Blvd., Coconut Creek, on property which is more particularly described as follows: Tract "E" of Wiles/Butler, Plat One, Plat Book 160, Page 18 of the Public Records consisting of 1.9 acres more or less, (Broward County), Florida 33312, on or after June 1, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Eddie Accardi Subaru of Coconut Creek, Inc. are dealer operator(s): Edmund Accardi, 909 South Federal Highway, Pompano Beach, FL 33062; principal investor(s): Edmund Accardi and Robert Harpest, 909 South Federal Highway, Pompano Beach, FL 33062.

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 Thamert, Regional Business Management Manager, Subaru of America, Inc., 220 The Bluffs, Austell, GA 30168.

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 the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that Kia Motors America, Inc., intends to allow the relocation of Southside Dodge Kissimmee, Inc. d/b/a Southside Kia, as a dealership for the sale of Kia motor vehicles, from its present location at 2880 N. Orange Blossom Trail, Kissimmee, FL 34474, to a proposed location at a location on South Orange Blossom Trail, approximately 200 feet south of the intersection of Taft-Vineland and South Orange Blossom Trail as detailed on the enclosed legal description in Orlando (Orange County), Florida 32819, on or after June 30, 2003.

Legal Description:

A portion of lot 3, southcenter according to the plat thereof as recorded in plat book 46, page 129 of the public records of Orange County, Florida being described as follows:

Commence at the southeast corner of lot 8, southcenter as the point of beginning; thence run S 00° 01' 40" E, along the west right of way line of Orange Blossom Trail as shown on said plat of southcenter, 550.00 feet; thence run S 89° 58' 20" W, 400.00 Feet; thence run N 00° 01' 40" W, parallel with said west right of way line of Orange Blossom Trail, 550.19 feet to the westerly extension of the south line of aforesaid lot 8; thence run S 90° 00' 00" E, along said south line and westerly extension thereof, 400.00 feet to the point of beginning.

The above described parcel of land contains 5.051 acres more or less.

The name and address of the dealer operator(s) and principal investor(s) of Southside Dodge Kissimmee, Inc. d/b/a Southside Kia are dealer operator(s) and principal investor(s): Jasvinder S. Lally, 9208 Hidden Bay Lane, Orlando, FL 32819.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: D. Richard Maxfield, Dealer Development Manager, Kia Motors America, Inc., 100 Galleria Suite 1550, Atlanta, GA 30339-5959.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Dade	District: 11
ID #: 0200014A	Decision: A Issue Date: 9/18/2002
Facility/Project: Larkin Community Hospital	
Applicant: Larkin Community Hospital, Inc.	
Project Description: Add 8 adult psychiatric beds	
Proposed Project Cost: \$45,000	
County: Pinellas	District: 3
ID #: 0200017	Decision: A Issue Date: 9/18/2002
Facility/Project: North Florida Regional Medical Center	
Applicant: North Florida Regional Medical Center, Inc.	
Project Description: Convert 24 hospital-based skilled nursing beds to 24 acute care beds	
Proposed Project Cost: \$0	

County: Pinellas	District: 3
ID #: 0200018	Decision: A Issue Date: 9/18/2002
Facility/Project: Parkway Regional Medical Center	
Applicant: North Miami Medical Center, Ltd.	
Project Description: Convert 22 hospital-based skilled nursing beds to 22 acute care beds	
Proposed Project Cost: \$25,000	

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**NOTICE OF INTENT TO ISSUE MODIFICATION
OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection ("Department") hereby provides notice of an intent to modify power plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, et seq., Florida Statutes ("F.S."). A proposed Order Modifying Conditions of Certification has been prepared in accordance with subsection 62-17.211(4), Florida Administrative Code ("F.A.C."), concerning the Gainesville Regional Utilities, Deerhaven Unit 2 facility in Alachua County, Florida.

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."

**NOTICE OF RECEIPT OF APPLICATION FOR
POWER PLANT CERTIFICATION**

The Department of Environmental Protection has received a supplemental application for a Power Plant Certification pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501 et seq., Florida Statutes, concerning Florida Power Corporation's Hines Energy Complex, Power Plant Siting Application No. 93-32SA2. The Department is reviewing the application to allow construction and operation of Power Block 3, a 530 MW, natural gas fired power plant at the proposed power plant site located at the existing Hines Energy Complex northwest of Fort Meade in Polk County.

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."

**RECREATIONAL TRAILS PROGRAM
GRANT APPLICATION SUBMISSION PERIOD**

The Department of Environmental Protection has announced that grant applications for the Recreational Trails Program will be accepted January 2 through January 31, 2003. This is a competitive matching grant program which provides financial assistance to agencies of city, county, state or federal governments, state and federal recognized Indian tribal

governments, and nonprofit organizations approved by the State for the acquisition and development of recreational trails. The State of Florida currently has approximately \$1,000,000 available, additional funds are dependent upon an appropriation from the U.S. Congress. One hundred percent (100%) of the funds must be used for motorized recreation. The maximum grant award for motorized projects is \$250,000.

The Department will conduct a Grant Application Workshop on October 19, 2002 at Mayor Carl T. Langford Park in Orlando; and on November 20, 2002 at Wakulla Springs State Park in Wakulla Springs.

Application packets and workshop information may be obtained from: Office of Greenways and Trails, Department of Environmental Protection, Mail Station #795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)245-2052. Applications must be post marked no later than January 31, 2003.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)245-2511 or 1(800)955-8771 (TDD), at least seven days before the workshop.

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 has posted the following revised policy for review and comment on MyFlorida.com at: <http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>. The department-wide policy (type B) addresses the following issue: Offender Admission, Orientation and Notification in Residential Commitment Program. This policy governs the admission of offenders to residential commitment programs including the required admission, notification, intake and orientation activities and procedures. This is the second 20 working day review and comment periods for this policy. Please submit comments to the contact person identified on the above website. The closure date for submission of comments is October 18, 2002. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of a review period at the above website.

The Florida Department of Juvenile Justice has posted the following second draft of the Property Management and Control Policy for review and comment on MyFlorida.com at: <http://www.djj.state.fl.us/reference/policiesandprocedures/policyreview.html>. The department-wide policy (type B) revises formal procedures for the management, control and inspection of State-owned, tangible personal property, providing accountability for property through inventory and records management. This is the second of two – 20 working day review and comment periods. Please submit comments to the contact person identified on the above Website. The closure date for submission of comments is October 23, 2002. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period at the above Website.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE OF DEADLINE FOR SUBMITTAL OF APPLICATIONS FOR MARINE TURTLE GRANTS

Notice is hereby given that the Florida Fish and Wildlife Conservation Commission (FWC) will be accepting applications for Marine Turtle Grants for the 2003-2004 fiscal year October 1 through 5:00 p.m., November 15, 2002. Applications received after this deadline will not be considered for funding during the 2003-2004 fiscal year. Application forms may be obtained from the FWC web site www.floridaconservation.org or from the contact person listed below.

ELIGIBLE ACTIVITIES: Marine turtle research, conservation and educational activities within Florida.

ELIGIBLE ENTITIES: Coastal local governments, educational institutions and Florida-based nonprofit organizations.

CONTACT PERSON: Kelly Donnelly, Florida Marine Research Institute, 100 8th Avenue, S. E., St. Petersburg, FL 33701, kelly.donnelly@fwc.state.fl.us, (727)896-8626, Fax (727)823-0166.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN September 16, 2002
 and September 20, 2002

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF EDUCATION
University of Florida

6C1-4.038	9/20/02	10/10/02	Newspaper	
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AGENCY FOR HEALTH CARE ADMINISTRATION
Office of Licensure and Certification

59A-25.001	9/16/02	10/6/02	28/17	28/34
59A-25.002	9/16/02	10/6/02	28/17	28/24
59A-25.003	9/16/02	10/6/02	28/17	28/24
59A-25.004	9/16/02	10/6/02	28/17	
59A-25.005	9/16/02	10/6/02	28/17	28/24

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Medicaid Program Office

59G-4.250	9/16/02	10/6/02	28/8	28/22
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-730.150	9/20/02	10/10/02	28/30	
62-730.900	9/20/02	10/10/02	28/30	

DEPARTMENT OF HEALTH
Board of Chiropractic

64B2-16.0075	9/17/02	10/7/02	28/18	28/32
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Board of Clinical Laboratory Personnel

64B3-12.001	9/16/02	10/6/02	28/25	28/32
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Board of Hearing Aid Specialists

64B6-2.002	9/18/02	10/8/02	27/45	28/33
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Board of Massage

64B7-30.002	9/17/02	10/7/02	27/49	28/34
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Board of Medicine

64B8-55.001	9/18/02	10/8/02	28/17	28/34
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Board of Physical Therapy Practice

64B17-8.002	9/18/02	10/8/02	28/28	28/34
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Division of Environmental Health and Statewide Program

64E-8.002	9/17/02	10/7/02	28/26
64E-8.003	9/17/02	10/7/02	28/26
64E-8.004	9/17/02	10/7/02	28/26
64E-8.005	9/17/02	10/7/02	28/26
64E-8.008	9/17/02	10/7/02	28/26

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

65-19.002	9/18/02	10/8/02	28/25
65-19.004	9/18/02	10/8/02	28/25
65-19.006	9/18/02	10/8/02	28/25
65-19.007	9/18/02	10/8/02	28/25
65-19.008	9/18/02	10/8/02	28/25
65-19.009	9/18/02	10/8/02	28/25

FLORIDA HOUSING FINANCE CORPORATION

67-21.0035	9/18/02	10/8/02	28/22	28/34
67-48.005	9/18/02	10/8/02	28/22	28/34

Section XIV
List of Rules Affected

				Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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.				4-128.024	28/34		
w – Signifies Withdrawal of Proposed Rule(s)				4-128.030	28/40		
c – Rule Challenge Filed				4-128.031	28/40		
v – Rule Declared Valid				4-128.032	28/40		
x – Rule Declared Invalid				4-128.033	28/40		
d – Rule Challenge Dismissed				4-128.034	28/40		
dw – Dismissed Upon Withdrawal				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		
				4-137.001	28/24		28/33
Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	4-138.001	28/24		28/33
				4-141.0016	21/2c		
				4-144.002	27/35	28/7	
						28/35	
						28/7	
						28/35	
				4-144.005	27/35		
				4-144.005(4)(e)	27/43c		28/35d
1A-35.005	28/18			4-144.010	27/35	28/7	
1A-35.007	28/18					28/35	
1A-36.001	28/10						
1A-36.002	28/10						
1A-36.003	28/10			4-149	24/3c		
1A-36.004	28/10				24/3c		
1A-36.005	28/10	28/23		4-149.001	28/33		
1A-36.006	28/10	28/23		4-149.002	28/33		
1A-36.007	28/10			4-149.003	28/33		
1A-36.008	28/10	28/23		4-149.005	28/35		
1A-36.009	28/10			4-149.006	28/35		
1A-36.010	28/10	28/23		4-149.007	28/35		
1A-36.011	28/10			4-149.101	24/3c		
1A-46.001	28/7	28/25	28/33		24/3c		
1B-2.011	28/37			4-149.102	24/3c		
1B-24.002	26/43				24/3c		
1SER02-1			28/33	4-149.103	24/3c		
1SER02-2			28/37		24/3c		
1S-2.032	28/29	28/31	28/36	4-149.104	24/3c		
IT-1.001	28/34				24/3c		
				4-149.105	24/3c		
					24/3c		
				4-149.106	24/3c		
3-1	28/23c				24/3c		
3D-40.001	28/31	28/40		4-149.107	24/3c		
3D-40.100	28/31	28/40			24/3c		
3D-40.200	28/31	28/40		4-149.108	24/3c		
3D-40.220	28/31	28/40			24/3c		
3D-40.242	28/31	28/40		4-149.109	24/3c		
3E-600.0132	28/40				24/3c		
3F-5.005	28/35			4-149.110	24/3c		
3F-5.007	28/35				24/3c		
				4-149.1105	24/3c		
				4-149.111	24/3c		
					24/3c		
4-1	27/16c			4-149.112	24/3c		
	28/23c				24/3c		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-149.113	24/3c			4-154.5181	28/33		
	24/3c			4-156.011	28/40		
4-149.114	24/3c			4-157.001	28/36		
4-149.115	24/3c			4-157.002	28/36		
4-149.116	24/3c			4-157.004	28/36		
4-149.117	24/3c			4-157.010	28/36		
4-149.118	24/3c			4-157.023	28/36		
4-149.119	24/3c			4-157.101	28/36		
4-149.120	24/3c			4-157.102	28/36		
	24/3c			4-157.103	28/36		
4-149.121	24/3c			4-157.104	28/36		
	24/3c			4-157.105	28/36		
4-149.122	24/3c			4-157.106	28/36		
	24/3c			4-157.107	28/36		
4-149.123	24/3c			4-157.108	28/36		
	24/3c			4-157.109	28/36		
4-149.124	24/3c			4-157.110	28/36		
4-149.125	24/3c			4-157.111	28/36		
4-149.126	24/3c			4-157.112	28/36		
4-149.127	24/3c			4-157.113	28/36		
4-149.128	24/3c			4-157.114	28/36		
4-149.129	24/3c			4-157.115	28/36		
4-149.130	24/3c			4-157.116	28/36		
	24/3c			4-157.117	28/36		
4-149.131	24/3c			4-157.118	28/36		
	24/3c			4-157.119	28/36		
4-149.132	24/3c			4-157.120	28/36		
	24/3c			4-157.121	28/36		
4-149.133	24/3c			4-157.122	28/36		
	24/3c			4-167.002	27/14		
4-149.190	24/3c			4-170.135(5)	27/49c		
4-154.402	28/33			4-189.003	28/35		
4-154.403	28/33			4-193.065	27/27		
4-154.404	28/33			4-203.042	28/22	28/32	28/38
4-154.405	28/33			4-203.045	28/22	28/32	28/38
4-154.406	28/33			4-203.100	28/22	28/32	28/37w
4-154.407	28/33			4-204.001	27/45	28/12	
4-154.4071	28/33					28/39	
4-154.408	28/33			4-204.002	27/45	28/12	
4-154.411	28/33					28/39	
4-154.412	28/33			4-204.004	27/45	28/12	
4-154.502	28/33					28/33	
4-154.503	28/33					28/39	
4-154.504	28/33			4-204.006	27/45	28/12	
4-154.506	28/33					28/33	
4-154.507	28/33					28/39	
4-154.508	28/33			4-204.010	27/45	28/12	
4-154.511	28/33					28/33	
4-154.512	28/33					28/39	
4-154.513	28/33			4-204.012	27/45	28/33	
4-154.514	28/33					28/39	
4-154.515	28/33			4-204.022	27/45	28/12	
4-154.516	28/33					28/33	
4-154.517	28/33					28/39	
4-154.518	28/33			4-204.0225	28/33	28/39	

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-204.025	27/45	28/12 28/33 28/39		5C-26.001	28/33	28/40	
				5C-26.002	28/33	28/40	
				5C-26.003	28/33	28/40	
4-211.029	27/44			5C-26.004	28/33	28/40	
4-211.030	27/44			5C-26.005	28/33	28/40	
4-211.031	27/44			5C-26.006	28/33	28/40	
4-211.040	27/44	28/30		5C-26.007	28/33	28/40	
4-211.041	27/44	28/30		5C-26.008	28/33	28/40	
4-211.042	27/44	28/30		5C-26.009	28/33	28/40	
4-211.043	28/16	28/16		5E-1.023	28/31		
4-220.001	28/21	28/29		5E-14.102(5)	27/37c		
4-221.003	28/30			5F-6.001	28/39		
4-221.051	28/30			5F-8.005	28/32	28/37	
4-221.055	28/30			5F-10.001	28/38		
4-221.060	28/30			5F-11.002	28/25		28/35
4-221.070	28/30			5F-11.012	28/25		28/35
4-221.095	28/30			5F-11.028	28/25		28/35
4-221.100	28/30			5F-11.043	28/25		28/35
4-221.110	28/30			5F-11.045	28/25		28/35
4-221.115	28/30			5F-11.047(1)	28/22c		
4-221.120	28/30			5K-4.020	28/32	28/37	
4-221.140	28/30			5L-3.004	28/32		28/33w
4-221.145	28/30				28/40		
4-221.150	28/30						
4-228.055	26/35						
EDUCATION							
4-231.010	27/44		28/38	6-1	28/35c		
4-231.020	27/44		28/38	6A-1.044	28/38		
4-231.030	27/44		28/38	6A-4.00821	28/32		
4-231.080	27/44		28/38	6A-4.014	28/38		
4-231.150	27/44	28/32	28/38	6A-4.015	28/38		
4-235.003	28/40			6A-4.0171	28/38		
4AER02-1			28/28	6A-4.0173	28/38		
4A-3.002	27/12			6A-4.0174	28/38		
4A-43.019	28/27		28/37	6A-4.0175	28/38		
4A-50.005	28/23			6A-4.0177	28/38		
4A-58.001	28/35			6A-6.080	16/30		
4A-58.002	28/35			6A-20.001	28/32		
4A-58.003	28/35			6A-20.007	28/32		
4A-58.004	28/35			6A-20.012	28/32		
4A-58.005	28/35			6A-20.013	28/32		
4A-58.006	28/35			6A-20.019	28/32	28/38	
4A-58.007	28/35			6A-20.020	28/32		
4A-58.008	28/35			6A-20.023	28/32		
4A-58.009	28/35			6A-20.025	28/32		
4A-60.006	28/17	28/27	28/36	6A-20.027	28/32		
4A-62.005	28/18	28/30	28/37	6A-20.029	28/32		
4E-3.008	28/31		28/38	6A-20.031	28/32		
4J-1.001	27/49c			6A-20.032	28/32	28/38	
4L-6.020	28/34c		28/35d	6A-20.033	28/32	28/38	
4L-6.021	28/33			6A-20.0371	28/32		
AGRICULTURE AND CONSUMER SERVICES				6A-20.038	28/32		
				6A-20.039	28/32		
5B-58.001	27/29			6A-20.040	28/32		
	27/42	27/49		6A-20.041	28/32		
5B-58.001(16)	27/50c			6A-20.042	28/32		

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6A-20.043	28/32			HEALTH AND REHABILITATIVE SERVICES			
6C1ER02-1			28/27	10-5.011(1)(v)	15/46c		
6C1-3.0375	Newspaper		28/36	10M-9.026	22/1		
6C1-4.038	Newspaper		28/40	10M-9.045	22/1		
6C2-2.024	Newspaper		28/35	LAW ENFORCEMENT			
6C5-8.001	Newspaper		28/39	11-2.004	28/30		
6C7-9.001	Newspaper		28/38	11B-14.001	28/30		
6C10-8.001	Newspaper		28/35	11B-14.002	28/30		
6C10-8.004	Newspaper		28/35	11B-14.003	28/30		
6F-2.006	28/34	28/39		11B-14.005	28/30		
6L-1.001	28/12			11B-18.003	28/30		
6L-1.002	28/12			11B-18.004	28/30		
6L-1.004	28/12			11B-18.005	28/30		
6L-1.005	28/12			11B-18.0051	28/30		
6L-1.006	28/12			11B-18.0052	28/30		
6L-1.007	28/12			11B-18.0053	28/30		
6L-1.008	28/12			11B-18.007	28/30		
6L-1.009	28/12			11B-18.0071	28/30		
6L-1.010	28/12			11B-18.008	28/30		
6L-1.011	28/12			11B-18.009	28/30		
6L-1.012	28/12			11B-18.010	28/30		
6L-1.013	28/12			11B-20.001	28/30		
COMMUNITY AFFAIRS				11B-20.0012	28/30		
9B-3.047	28/22c			11B-20.0013	28/30		
	28/33c			11B-20.0014	28/30		
9G-19.002	28/32			11B-20.0015	28/30		
9G-19.007	28/32			11B-20.0016	28/30		
9G-19.008	28/32			11B-20.0017	28/30		
9G-19.009	28/32			11B-20.0018	28/30		
9J-5.0055	18/40			11B-21.001	28/30		
9J-11.001	28/30			11B-21.002	28/30		
9J-11.004	28/30			11B-21.004	28/30		
9J-11.006	28/30	28/39		11B-21.005	28/30		
9J-11.009	28/30	28/39		11B-21.0051	28/30		
9J-11.010	28/30			11B-21.017	28/30		
9J-11.011	28/30			11B-21.018	28/30		
9J-11.012	28/30			11B-21.019	28/30		
9J-11.0131	28/30			11B-27.0011	28/30		
9J-11.018	28/30			11B-27.002	28/30		
9J-11.019	28/30	28/39		11B-27.0021	28/30		
9J-11.020	28/30			11B-27.00211	28/30		
9J-11.022	28/30			11B-27.00212	28/30		
9J-35.001	28/39			11B-27.00213	28/30		
9J-35.002	28/39			11B-27.0022	28/30		
9J-35.003	28/39			11B-27.00225	28/30		
9J-35.004	28/39			11B-27.0023	28/30		
9J-35.005	28/39			11B-27.0026	28/30		
9J-35.006	28/39			11B-27.003	28/30		
9J-35.007	28/39			11B-27.004	28/30		
9K-8.011	28/13						

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11B-27.005	28/30			11I-1.002	28/30		
11B-27.006	27/17			11I-1.003	28/30		
11B-27.013	28/30			11I-1.004	28/30		
11B-30.006	28/30			11I-1.005	28/30		
11B-30.0061	28/30			11I-1.006	28/30		
11B-30.0062	28/30			11I-1.010	28/30		
11B-30.0063	28/30			11N-1.002	28/30		
11B-30.007	28/30			11N-1.0021	28/30		
11B-30.0071	28/30			11N-1.0022	28/30		
11B-30.008	28/30						
11B-30.009	28/30						
11B-30.010	28/30						
11B-30.011	28/30			12-24.022	28/4		
11B-30.012	28/30			12-25.031	28/27		
11B-30.014	19/40			12-25.033	28/27		
11B-35.001	28/30			12-25.035	28/27		
11B-35.0011	28/30			12-25.037	28/27		
11B-35.002	28/30			12-25.042	28/27		
11B-35.0021	28/30			12-25.047	28/27		
11B-35.0022	28/30			12-25.048	28/27		
11B-35.0023	28/30			12-25.049	28/27		
11B-35.0024	28/30			12-28.001	28/19		28/33
11B-35.003	28/30			12-28.002	28/19		28/33
11B-35.004	28/30			12-28.003	28/19	28/27	28/33
11B-35.005	28/30			12-28.004	28/19		28/33
11B-35.006	28/30			12-28.005	28/19		28/33
11B-35.007	28/30			12-28.006	28/19		28/33
11B-35.008	28/30			12-28.007	28/19		28/33
11B-35.0085	28/30			12-28.008	28/19		28/33
11B-35.009	28/30			12-28.009	28/19		28/33
11B-35.010	28/30			12A-1.038	28/27		
11C-6.009	28/30			12A-1.094	28/27		
11C-7.009	28/30			12A-1.094(1)-(4)	28/35c		
11D-6.001	28/30			12BER02-5			28/39
11D-6.003	28/30			12BER02-6			28/39
11D-8.002	28/30			12BER02-7			28/39
11D-8.003	28/30			12BER02-8			28/39
11D-8.0036	28/30			12B-8	23/8c		
11D-8.004	28/30			12D-1.009	28/40		
11D-8.006	28/30			12D-7.003	28/40		
11D-8.007	28/30			12D-7.0143	28/40		
11D-8.0075	28/30			12D-8.006	28/40		
11D-8.008	28/30			12D-8.008	28/40		
11D-8.010	28/30			12D-8.011	28/40		
11D-8.013	28/30			12D-10.004	28/40		
11D-8.014	28/30			12D-10.0044	28/40		
11D-8.015	28/30			12D-13.009	28/40		
11D-8.017	28/30			12D-13.011	28/40		
11D-9.001	28/30			12D-13.024	28/40		
11D-9.002	28/30			12D-13.052	28/40		
11D-9.003	28/30			12D-16.002	28/40		
11D-9.004	28/30			12D-51.003	28/40		
11D-9.005	28/30			12E-1.011	28/39		
11D-9.006	28/30			12E-1.014	28/39		
				12E-1.029	28/39		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
TRANSPORTATION				BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST			
14-15.002	28/13			18-21.004	25/48	25/50	
14-15.003	26/46			18-23.002	28/22		28/34w
14-15.0081	28/34			18-23.007	28/22		28/34w
14-75.0022	28/23			18-23.010	28/22		28/34w
14-75.003	28/23			STATE BOARD OF ADMINISTRATION			
14-75.004	28/23			19ER02-1			28/26
14-75.0051	28/23			19ER02-2			28/26
14-75.0052	28/23			19-8.010	28/34		
14-96.001	28/40			19-8.029	28/34		
14-96.0011	28/40			19-10.002	28/34		
14-96.002	28/40			19-10.003	28/34		
14-96.003	28/40			19-11.001	28/34		
14-96.004	28/40			19-12.001	28/34		
14-96.005	28/40			19-12.006	28/34		
14-96.007	28/40			19-12.007	28/34		
14-96.008	28/40			19B-4.001	28/39		
14-96.009	28/40			19B-4.003	28/39		
14-96.011	28/40			19B-4.005	28/39		
14-96.012	28/40			19B-5.001	28/25		28/34
14-96.0121	28/40			19B-5.003	28/25		28/34
14-96.015	28/40			19B-5.004	28/39		
14-96.016	28/40			19B-6.001	28/39		
14-99.001	28/40			19B-7.001	28/39		
14-103.004	28/35			19B-15.001	28/8		
14-106.001	28/30		28/37	19B-15.002	28/8		
14-106.002	28/30		28/37	19B-15.003	28/8		
14-106.003	28/30		28/37	19B-15.004	28/8		
14-106.004	28/30		28/37	19B-15.005	28/8		
14-106.005	28/30		28/37	19B-15.006	28/8		
14-106.006	28/30		28/37	19B-15.007	28/8		
14-106.007	28/30		28/37	19B-15.008	28/8		
14-106.008	28/30		28/37	19B-15.009	28/8		
14B-1.001	27/32			19B-15.010	28/8		
14B-1.002	27/32			19B-15.011	28/8		
14B-1.003	27/32			19B-16.001	28/39		
14B-1.004	27/32			19B-16.004	28/40		
14B-1.005	27/32			19B-16.005	28/39		
14B-1.006	27/32			19B-16.008	28/40		
14B-1.007	27/32			19B-16.010	28/39		
				19B-16.012	28/39		
HIGHWAY SAFETY AND MOTOR VEHICLES							
15C-7.003	28/30						
ENVIRONMENTAL REGULATION				CITRUS			
17-503.420	16/15			20ER02-1			28/40
17-503.430	16/15			20ER02-2			28/40
17-503.500	16/15			20ER02-3			28/40
17-660.300	15/50	16/8		20-13.007	28/36		
17-671.100	15/32			20-13.008	28/36		
17-671.200	15/32			20-40.001	28/36		
17-671.300	15/32			20-71.005	28/15	28/27	
17-671.310	15/32				28/33c		

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20-71.006	28/15 28/33c	28/27		29G-1.004	28/35		
20-72.009	28/15 28/33c	28/27		29G-1.005	28/35		
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21M-49.002	19/6c			29G-1.007	28/35		
21M-50.002	19/6c			29G-1.008	28/35		
21M-50.003	19/6c			29G-1.009	28/35		
21M-50.007	19/6c			29G-1.010	28/35		
21M-50.009	19/6c			29G-1.011	28/35		
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23-25.002	28/31	28/36		33-3.0081	25/35	25/43	
23-25.003	28/31	28/36		33-3.0082	25/35	25/43	
23-25.004	28/31	28/36		33-3.0084	25/35	25/43	
23-25.005	28/31	28/36		33-3.0085	25/35	25/43	
PUBLIC SERVICE COMMISSION				33-3.015	21/43		
25-6.044	28/35			33-3.018	17/14		
25-6.0455	28/35			33-8.0142	19/43		
25-17.0832	27/38			33-22.003	17/12		
25-30.432	28/30			33-22.009	17/12		
EXECUTIVE OFFICE OF THE GOVERNOR				33-22.011	17/12		
27E-4.001	20/11			33-32.021	19/5		
27E-4.002	20/11			33-32.022	19/5		
27E-4.003	20/11			33-38.001	25/35	25/43	
27E-4.004	20/11			33-38.003	25/35	25/43	
27E-4.005	20/11			33-38.005	25/35	25/43	
27E-4.006	20/11			33-38.006	25/35	25/43	
27E-4.007	20/11			33-38.009	25/35	25/43	
27E-4.008	20/11			33-38.010	25/35	25/43	
ADMINISTRATION COMMISSION				33-38.011	25/35	25/43	
28-18	27/52c 28/22c			33-38.012	25/35	25/43	
28-18.100	27/44			33-104.101	28/33		
28-18.200	27/44	28/8 28/19 28/33		33-203.101	28/38		
28-20	27/52c			33-204.111	27/29		
28-20.100	27/44	28/8 28/33		33-208.101	28/35		
28-106.201	28/33c			33-208.507	26/16		
REGIONAL PLANNING COUNCILS				33-210.101	28/21	28/34 28/40 28/34	
29C-9.001	28/25		28/38w	33-210.102	28/21	28/34	
29G-1.001	28/35			33-210.103	28/21	28/34	
29G-1.002	28/35			33-302.109	28/29		28/37
29G-1.003	28/35			33-501.401		26/3	28/39
					28/30		28/39
				33-508.101	28/13		
				33-601.101(1)(a)5., (2),(7)	28/39c		
				33-601.217	28/29		28/37
				33-601.236	28/32		28/39
				33-601.606	28/38		
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				33-601.738	26/48	27/38	

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34-7.010	28/38			40D-2.801	20/48	21/44 24/7 28/5	
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38E-106.401	24/1			40D-4.021	28/29		28/38
38F-8.055	22/4			40D-4.041	28/29		28/38
38I-60.200	20/7			40D-4.091	22/48		
38K-1.0045	23/27				25/3		
WATER MANAGEMENT DISTRICTS				40D-4.201	21/22		
				40D-4.301		21/36	28/38
40B-4.1090	28/39				28/29		28/38
40C-1.101	27/52			40D-4.302	28/29		28/38
40C-1.181	20/18			40D-6.521	24/50		
40C-4.091	28/16	28/34	28/38	40D-8.624	23/38	24/48	
	28/16			40D-8.6240	23/38	24/48	
40C-41.011	28/16			40D-40.011	28/29		28/38
40C-41.023	28/16			40D-40.040	28/29		28/38
40C-41.033	28/16			40D-40.044	28/29		28/38
40C-41.043	28/16			40D-40.112	28/29		28/38
40C-41.051	28/1			40D-40.301	28/29		28/38
40C-41.063	28/16			40D-40.302	28/29		28/38
40C-42.023	28/16			40D-40.321	28/29		28/38
40C-44.065	28/16			40D-40.331	28/29		28/38
40C-44.091	28/16			40D-40.381	28/29		28/38
40C-400.201	21/48	21/48		40D-45.341	19/42	20/3	
40D-0.201	20/3			40E-1	28/22c		
40D-1.002	28/27		28/38	40E-1.510	20/18	21/36	
40D-1.202	19/36	19/42		40E-1.603	19/4c		
40D-1.600	28/29		28/38	40E-1.606	19/4c		
40D-1.602	28/29		28/38	40E-1.607	19/43		
40D-1.603	28/29		28/38	40E-1.612	20/18	21/36	
40D-1.607	28/29		28/38	40E-1.614	20/18	21/36	
40D-1.6105	28/16	28/25	28/34	40E-1.659	25/18		
40D-1.659	28/16		28/34	40E-1.669	19/4c		
	28/27	28/30		40E-2.041	27/26	27/31	
40D-2.031	20/48			40E-3.011	28/5		
40D-2.041	20/48			40E-3.021	28/5		
40D-2.091	20/48	20/52		40E-3.031	28/5		
		21/13	28/38	40E-3.032	28/5		
		21/15	28/38	40E-3.035	28/5		
		21/17	28/38	40E-3.037	28/5		
		21/44	28/38	40E-3.038	28/5		
		24/7	28/38	40E-3.039	28/5		
		28/5	28/38	40E-3.0391	28/5		
	22/48			40E-3.040	28/5		
		26/10	28/38	40E-3.041	28/5		
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40D-2.101	20/48			40E-3.0511	28/5		
40D-2.301	22/48			40E-3.101	28/5		
40D-2.321	20/48			40E-3.301	28/5		
40D-2.331	20/48			40E-3.321	28/5		
40D-2.381	20/48			40E-3.341	28/5		
40D-2.601	20/48			40E-3.411	28/5		
				40E-3.451	28/5		

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40E-3.501	28/5			46-24.003	21/27		
40E-3.502	28/5			46-37.001	20/18		
40E-3.504	28/5			46-37.002	20/18	20/25	
40E-3.507	28/5			46-37.003	20/18		
40E-3.512	28/5			46-37.004	20/18	20/25	
40E-3.517	28/5			46-37.005	20/18		
40E-3.521	28/5			46-37.006	20/18	20/25	
40E-3.525	28/5			46-42.003	20/35		
40E-3.529	28/5			46-47.007	22/27		
40E-3.531	28/5			LOTTERY			
40E-4.091	25/18			53ER02-29			28/24
40E-7.511	28/39			53ER02-30			28/24
40E-7.520	28/39			53ER02-31			28/24
40E-7.521	28/39			53ER02-32			28/26
40E-7.523	28/39			53ER02-33			28/25
	28/39c			53ER02-34			28/26
40E-7.525	28/39			53ER02-35			28/28
40E-7.526	28/39			53ER02-36			28/28
40E-7.527	28/39			53ER02-37			28/30
40E-7.529	28/39			53ER02-38			28/30
40E-7.532	28/39			53ER02-39			28/33
40E-7.534	28/39			53ER02-40			28/33
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40E-7.538	28/39			53ER02-42			28/34
40E-7.539	28/39			53ER02-43			28/34
40E-7.639	22/23	22/37		53ER02-44			28/35
40E-8.021	28/32			53ER02-45			28/34
40E-8.341	28/32			53ER02-46			28/37
40E-8.421	28/32			53ER02-47			28/37
40E-63.223	27/2	27/9		53ER02-48			28/39
40E-601.314	26/9			53ER02-49			28/39
COMMISSION FOR THE TRANSPORTATION DISADVANTAGED				53ER02-50			28/39
41-2.012	28/23			53ER02-51			28/39
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION				53-19.0035	25/43		
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42-196.010	26/42			58A-1.001(45)	28/22c		
42F-1.002	28/37			58A-1.007(3)(f)	28/22c		
42HH-1.001	28/29		28/37	AGENCY FOR HEALTH CARE ADMINISTRATION			
42HH-1.002	28/29		28/37	59-1	28/22c		
42HH-1.003	28/29		28/37		28/33c		
42S-1.002	28/30		28/39		28/39c		
45A-2.001	21/49			59A-2.024	20/1		
				59A-3.170	21/20		
				59A-3.180	21/3		
				59A-3.2055	22/52	23/10	

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59A-5.022	26/39	27/10		59G-8.200(6)(b),			
59A-7.020	20/25			(10)(c)	28/22c		
59A-12.020	26/32	26/36		59G-11.001	28/38		
59A-12.030	28/37			59G-11.002	28/38		
59A-18.003	26/25			59G-11.003	28/38		
59A-25.001	28/17	28/34	28/40	59G-11.004	28/38		
59A-25.002	28/17	28/24	28/40	59G-12.001	28/33		
59A-25.003	28/17	28/24	28/40	59G-12.002	28/33		
59A-25.004	28/17		28/40	59G-12.003	28/33		
59A-25.005	28/17	28/24	28/40	59G-12.004	28/33		
		28/34	28/40	59G-12.005	28/33		
59AA-17.004	21/46			59G-208.101	27/4	27/16	
59B-7.020	19/30			59H-1.00352	26/3	26/17	
59B-7.021	19/30			59M-3.005	21/25		
59B-7.022	19/30			59O-2.002	22/34	24/49	
59B-7.023	19/30			59O-2.003	22/34	24/49	
59B-7.024	19/30			59O-3.002	22/34	24/49	
59B-7.025	19/30			59O-9.003	22/34	24/48	
59B-7.026	19/30			59Q-9.002	20/39		
59B-7.027	19/30			59R-62.010	21/5		
59B-7.028	19/30			59R-62.040	21/5		
59B-7.029	19/30			59T-11.013	23/22	23/35	
59B-13.001	28/30			59T-14.004	23/22	23/35	
59B-13.003	28/30			59T-15.002	23/22	23/35	
59B-13.006	28/30			59T-16.001	23/22	23/35	
59C-1.0355(4)(d)	27/49c			59T-16.002	23/22	23/35	
59C-1.045	28/35			59U-11.019	20/51	21/7	
59E-1.001	20/27			59U-14.002	23/24	23/35	
59E-1.002	20/27			59V-3.007	20/34	20/48	
59E-1.003	20/27			59Y-5.001	23/11		
59E-1.004	20/27						
59E-1.005	20/27						
59E-1.006	20/27						
59E-1.007	20/27						
59F-1.002	20/33						
59GER02-1			28/29				
59GER02-2			28/29				
59GER02-3			28/29				
59GER02-4			28/29				
59GER02-5			28/29				
59G-4.035	28/31			60-8.001	28/34		
59G-4.055	21/39	21/45		60-8.002	28/34		
59G-4.070	27/6	27/18		60-8.003	28/34		
59G-4.150	28/34c			60-8.004	28/34		
59G-4.160	28/34c			60-8.005	28/34		
59G-4.230	28/34c			60-8.006	28/34		
59G-4.250	28/8	28/22	28/40	60-8.007	28/34		
		28/31	28/40	60BB-2.022	28/7		
59G-6.010	28/30			60BB-2.023	28/7		
59G-6.020	28/30			60BB-2.024	28/7		
59G-6.030	28/30			60BB-2.025	28/7		
59G-8.200	28/18	28/36		60BB-2.026	28/7		
	28/18	28/37		60BB-2.027	28/7		
	28/24c			60BB-2.028	28/7		
				60BB-2.031	28/7		
				60BB-2.032	28/7		
				60BB-2.035	28/7		
				60BB-2.037	28/7		
				60BB-4.100	28/34		
				60BB-4.200	28/34		
				60BB-4.201	28/34		
				60BB-4.202	28/34		
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60BB-4.206	28/34			61F9-6.0035	19/36		
60BB-4.207	28/34			61F9-6.011	19/36		
60BB-4.208	28/34			61F9-6.013	19/36		
60BB-4.209	28/34			61F14-3.016	19/36		
60BB-4.210	28/34			61G-3.5082	27/4		
60BB-4.300	28/34			61G1-11.005	28/21		28/36w
60G8-24.001	27/50			61G1-23.010	28/21		
60G8-24.002	27/50			61G2-3.005	21/33		
60G8-24.0425	27/50			61G2-3.0055	23/38	24/6	
60T-25.001	18/41	18/44		61G2-4.001	21/29		
60T-25.002	18/41	18/44		61G3-16.0010	28/40		
60Y-5.004	26/34			61G3-16.007	28/40		
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61-6.0015	28/17		28/33w	61G3-20.009	27/11		
61-11.007	28/26		28/35	61G3-30.001	28/2		
61A-3.047	28/20	28/27	28/33	61G4-12.0065	28/32		28/38w
61A-3.048	28/20	28/27	28/33	61G4-15.002	27/23		
61A-4.0271	22/47			61G4-17.001	19/29		
61B-15.0001	28/40			61G4-18.011	19/38		
61B-15.0011	28/40			61G4-18.012	19/38		
61B-15.0012	28/40			61G7-10.0014	28/40		
61B-15.007	28/40			61G7-10.011	26/13		
61B-17.001	28/40			61G8-28.001	26/39		
61B-17.002	28/40				28/40		
61B-17.003	28/40			61G10-12.001	26/24		
61B-17.005	28/40			61G10-18.001	28/18		
61B-17.006	28/40			61G11-25.001	20/22		
61B-17.009	28/40			61G14-15.001	27/43		
61B-17.011	28/40			61G15-18.011	28/34		
61B-18.004	28/40			61G15-21.001	28/34		
61B-22.001	28/40			61G15-21.004	28/30		
61B-22.003	28/40			61G15-21.007	28/30		
61B-22.005	28/40			61G15-22.010	28/20	28/29	28/35
61B-23.002	28/40			61G15-22.011	28/20	28/29	28/35
61B-23.0021	28/40			61G15-24.001	28/30		28/37
61B-24.002	28/40			61G15-37.001	28/38		
61B-30.004	20/19			61G16-1.011	28/37		
61B-30.006	22/45			61G16-2.001	23/12		
61B-31.001	23/2			61G16-5.003	21/43	21/50	
61B-31.002	23/2			61G17-1.006	21/6		
61B-32.001	21/30			61G17-3.003	28/34		
61B-39.001	22/33			61G17-3.0031	28/34		
61B-39.002	22/33			61G17-7.001	28/34		
61C-1.002	22/23	22/36		61G18-16.002	26/29		
61C-3.002	22/23	22/36		61G18-16.003	26/29		
61C-5.001	26/24			61G18-16.0035	26/29		
61C-76.0061	21/35			61G19-7.0010	26/41		
61C-76.0062	21/35			61G19-9.004	28/30		
61D-3.003	23/36	23/44		61G19-9.004	28/30		
61D-3.004	23/36	23/44		61H-20.0053	26/28		
61D-7.020	28/29			61H1-20.007	28/24		28/39
61D-11.010	24/3			61H1-20.008	28/24		28/39
61F3-8.002	20/27	20/32		61H1-20.009	28/24		28/39
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				61H1-20.0093	28/24		28/39

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61H1-20.0095	28/24		28/39	62-524.400	20/45		
61H1-20.0096	28/24		28/39	62-550.310	20/47		
61H1-20.0097	28/24		28/39	62-550.730	20/19		
61H1-20.0098	28/24		28/39	62-561.100	24/52		
61H1-20.0099	28/24		28/39	62-610.814	24/52		
61H1-54.002	21/29			62-621.200	21/52		
61J1-4.240	27/45			62-701	22/42c		
61J2-2.027	28/22			62-707.500	22/30		
61J2-2.031	28/22			62-712.100	21/34		
61J2-3.008	28/38			62-712.200	21/34		
61J2-3.009	28/38			62-712.300	21/34		
61J2-3.015	28/22	28/29		62-712.400	21/34		
61J2-3.020	28/38			62-712.410	21/34		
61J2-5.016	28/22			62-712.420	21/34		
61J2-10.035	28/29		28/39	62-712.430	21/34		
61J2-17.012	28/3	28/17		62-712.440	21/34		
	28/25		28/39	62-712.450	21/34		
61J2-24.001	27/34			62-712.460	21/34		
61J2-24.006	28/38			62-712.500	21/34		
61SS-6.003	28/38			62-712.800	21/34		
				62-712.810	21/34		
				62-712.900	21/34		
				62-730.020	28/24		28/33
				62-730.021	28/24		28/33
				62-730.030	28/24		28/33
				62-730.050	23/7		
				62-730.150		20/51	28/40
					28/30		28/40
				62-730.160	28/24		28/33
				62-730.170	28/24		28/33
				62-730.180	28/24		28/33
				62-730.181	28/24		28/33
				62-730.183	28/24		28/33
				62-730.184	28/24		28/33
				62-730.185	28/24		28/33
				62-730.220	28/24		
				62-730.900	28/30		28/40
				62-761.891	24/14		
				62-771.300	21/52		
				62-775.500	21/52	22/15	
				62-788.400	25/5		
				62B-2	28/8		
				62D-2.014	21/52	22/13	
				62N-3.002	21/43		
				62N-36.004	21/43		
				62R-7.002	21/17		
				62R-7.010	23/34		
				62R-7.020	21/17		
				62R-7.022	21/17		
				62R-7.025	21/17		
				62R-7.026	21/17		
				62R-7.028	21/17		
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				62R-7.032	21/17		
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62-4.050	20/21	21/22					
	28/30						
62-17.151	24/45	24/45					
62-17.161	24/45	24/45					
62-33.0051	27/11						
62-204.800	28/33						
62-210.340	28/33						
62-210.900	28/32						
62-210.990	20/36						
62-213.430	20/52	21/7					
62-296.401	22/32	22/38					
62-297.440	28/33						
62-302.540	27/52						
62-312.122	24/18						
62-330.2001	26/9						
62-341.201	28/39						
62-341.476	28/39						
62-341.602	21/22	21/22					
62-343.010	21/22						
62-343.020	21/22						
62-343.030	21/22						
62-343.040	21/22						
62-343.050	21/22						
62-343.060	21/22						
62-343.070	21/22						
62-343.080	21/22						
62-343.090	21/22						
62-343.100	21/22						
62-343.110	21/22						
62-343.120	21/22						
62-343.130	21/22						
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64-2.001	28/37			64B4-4.015	28/33		
64-2.002	28/37			64B4-4.017	25/32		
64B-8.001	28/27		28/34	64B4-4.018	25/32		
64B-8.002	28/27		28/34	64B4-5.001	28/33		
64B-8.003	28/27		28/34	64B4-5.007	25/32		
64B-8.004	28/27		28/34	64B4-6.0013	25/32		
64B-8.005	28/27		28/34	64B4-6.003	28/33		
64B-8.006	28/27		28/34	64B4-6.0045	25/32		
64B-8.009	28/27		28/34	64B4-6.009	28/33		
64B-8.013	28/27		28/34	64B4-22.110	28/33		
64B-8.014	28/27		28/34	64B5-4.002	28/24		
64B-8.015	28/27		28/34	64B5-14.001	28/24		
64B-8.016	28/27		28/34	64B5-14.002	28/24	28/37	
64B-8.017	28/27		28/34	64B5-14.003	28/24	28/37	
64B-8.018	28/27		28/34	64B5-14.004	28/24	28/37	
64B-21.0015	27/39			64B5-14.005	28/24	28/37	
64B-21.004	27/39			64B5-14.006	28/24	28/37	
64B-21.006	27/39			64B5-14.007	28/24	28/37	
64B1-2.016	28/35			64B5-14.009	28/24	28/37	
64B1-6.005	28/39			64B5-15.010	27/30		
64B1-7.001	28/39			64B5-17.014	27/48	28/5	
64B1-7.0015	28/13	28/39			28/29		
64B1-31.001	27/51	28/6		64B6-2.002	27/45	28/33	28/40
64B2-16.0075	28/18	28/32	28/40	64B6-4.010	28/38		
64B3-1.006	28/29	28/37		64B6-5.002	28/39		
64B3-1.008	28/29		28/39	64B6-7.002	28/34	28/39	
64B3-1.015	28/29	28/37		64B6-8.001	28/18		
64B3-2.001	23/51			64B6-55.004	27/41		
64B3-2.002	22/34	24/49		64B7-26.001	28/22		
	28/28		28/36	64B7-27.004	28/22		28/40w
64B3-2.003	22/34	24/49		64B7-27.012	24/12		
	28/37			64B7-28.008	28/22	28/40	
64B3-3.001	28/29		28/39	64B7-28.009	28/22	28/40	
64B3-3.003	23/51			64B7-28.010	28/18	28/40	
	28/37			64B7-29.003	28/22	28/40	
64B3-3.004	23/51			64B7-29.004	28/22	28/40	
64B3-5.002	28/33			64B7-30.002	27/49	28/34	28/40
64B3-5.003	28/33	28/37		64B7-30.008	28/22	28/40	
64B3-5.004	28/33	28/37		64B7-32.001	26/6		
64B3-5.007	28/33			64B7-32.003	28/31		
64B3-6.001	27/5	27/17			28/39c		
64B3-6.002	28/34			64B7-33.001	28/22	28/40	
64B3-7.002	28/25		28/38w	64B8-1.007	28/38		
64B3-7.003	28/25		28/33	64B8-2.001	28/22c		
64B3-7.004	28/25		28/33		28/38		
64B3-7.005	28/25		28/38w	64B8-3.004	28/38		
64B3-7.006	28/25		28/33	64B8-4.022	28/22c		28/34x
64B3-7.007	28/25		28/33	64B8-5.001	28/26		28/33
64B3-10.005	28/29			64B8-8.001	28/20		
64B3-11.001	28/29				28/27		28/36
64B3-12.001	28/25	28/32	28/40	64B8-9.003	28/26		28/33
64B3-12.002	28/28		28/36	64B8-9.008	27/49c		
64B4-3.001	25/22			64B8-9.013	28/38		
64B4-3.003	28/33			64B8-11.001	28/20		28/35
				64B8-12.007	28/34		

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64B8-44.003	28/17			64B17-4.003	28/38		
64B8-52.004	28/38			64B17-7.001	28/34		
64B8-54.004	27/41			64B17-8.002	28/28	28/34	28/40
64B8-55.001	28/17	28/34	28/40	64B18-13.006	28/26		28/33
64B8-55.002	28/38			64B18-13.007	28/26		28/33
64B8-55.004	28/38			64B18-13.008	28/26		28/33
64B9-3.007	25/9			64B19-17.007	28/33		
64B9-5.010	28/27			64B19-18.0025	28/33		
64B9-15.009	28/27	28/36		64B20-2.002	25/45 27/46	26/30 28/35	28/40w
64B10-11.001	28/37			64B21-500.001	28/34		
64B10-11.002	28/37			64B21-500.002	28/38		
64B10-11.003	28/37			64B21-500.003	28/34		
64B10-11.004	28/32		28/39	64B21-500.009	28/38		
64B10-11.012	28/37			64B21-500.013	28/34		
64B10-12.002	28/37			64B21-502.001	28/31		
64B10-12.0105	28/37			64B21-503.003	28/32		28/39
64B10-15.001	28/37			64B23-2.001	28/20	28/27	28/33
64B10-15.002	28/37		28/39w	64B23-4.001	28/20	28/27	28/33
64B11-2.005	28/15	28/31	28/38	64B23-5.001	28/20		28/34
64B11-2.012	28/35			64B23-6.003	28/20		28/34
64B11-3.009	28/35			64B24-1.004	28/24		28/36w
64B11-6.001	28/35				28/39		
64B12-8.023	28/13		28/34w	64B24-1.005	28/24		28/38
64B12-9.0015	28/36			64B24-2.001	28/24	28/37	
64B12-11.017	28/36			64B24-2.002	28/24		28/38
64B12-12.009	28/13	28/33	28/39	64B24-2.003	28/24	28/36	
64B12-15.003	28/36			64B24-2.004	28/24	28/36	
64B12-19.002	27/11			64B24-3.015	28/24		28/36
64B13-6.001	28/20	28/30	28/36	64B24-4.006	28/24		28/36
64B13-11.001	28/35	28/38		64B24-4.007	28/24		28/36
64B13-11.004	28/35	28/38		64B24-5.001	28/24		
64B13-16.002	28/20			64B24-5.002	28/24		28/38
64B13-16.004	28/20			64B24-5.003	28/24		28/38
64B14-1.003	28/19	28/35		64B24-6.001	28/24		28/36
64B14-2.001	28/36			64B24-6.002	28/24		28/36
64B14-4.003	28/38			64B24-6.004	28/24		28/36
64B14-5.001	28/38			64B24-6.005	28/24		28/36
64B14-5.002	28/38			64B24-7.001	28/24		28/36
64B14-5.003	28/38			64B24-7.002	28/24		28/36
64B15-14.004	28/8	28/29	28/37	64B24-7.004	28/24		28/36
64B15-14.008	28/26c			64B24-7.005	28/24		28/36
64B16-27.105	27/4	27/21		64B24-7.006	28/24		28/36
64B16-27.831	28/19	28/27	28/34	64B24-7.007	28/24		28/36
64B16-27.832	28/27			64B24-7.008	28/24		28/36
64B16-28.140	24/38			64B24-7.009	28/24		28/36
64B16-30.002	28/27		28/34	64B24-7.010	28/24		28/36
64B16-30.003	28/27		28/34	64B24-7.011	28/24		28/36
64B17-3.001	28/22 28/35c 28/36		28/35w	64B24-7.012	28/24		28/36
64B17-3.003	28/38			64B24-7.013	28/24		28/36
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				64B24-7.017	28/24		28/36

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64B33-1.005	26/25	28/31	28/37	64E-16.013	28/29		
		28/32	28/37	64E-17.006	27/50		
64B33-5.001	28/35			64E-25.001	28/29	28/34	
64C-1.001	28/40			64E-25.002	28/29		
64C-1.002	28/40			64E-25.003	28/29		
64C-1.003	28/40			64F-12.015	28/26	28/35	
64C-1.004	28/40			CHILDREN AND FAMILY SERVICES			
64C-2.001	28/40			65-19.002	28/25		28/40
64C-2.002	28/40			65-19.004	28/25		28/40
64C-2.003	28/40			65-19.006	28/25		28/40
64C-3.001	28/40			65-19.007	28/25		28/40
64C-3.002	28/40			65-19.008	28/25		28/40
64C-4.001	28/40			65-19.009	28/25		28/40
64C-4.002	28/40			65A-1.400	25/21c		
64C-4.003(1)(b),(7)	27/25c			65A-1.601	28/11	28/23	
64C-13.018	24/22					28/31	
64C-23.002	27/17			65A-1.602	28/36		
64C-27.001	27/17			65A-1.603	28/20		28/34w
64C-27.002	27/17			65A-1.711(4)(f)	28/22c		
64D-3.002	28/37			65A-1.714	28/33c		
64D-3.013	28/37			65A-4.213	25/32		
64D-3.015	28/37			65A-4.216	25/32		
64D-3.016	28/37			65A-15.0095	26/4		
64D-3.017	28/37			65C-21.001	23/20		
64D-3.018	28/37			65C-22.011	28/25		
64D-3.019	28/37			65C-22.013	28/25		
64D-3.024	28/32			65C-22.014	28/25		
64D-3.026	28/32			65C-22.015	28/25		
64E-2.001	28/28	28/38		65C-22.026	28/25		
	28/35			65E-2.003	26/20	26/28	
64E-2.008	28/28	28/38		FLORIDA HOUSING FINANCE CORPORATION			
64E-2.009	28/28	28/38		67-1	27/44c		
64E-2.0094	28/28	28/38		67-21.0035	28/22	28/34	28/40
64E-2.010	28/28			67-21.019	24/46	24/46	
64E-2.013	28/28	28/38		67-32.009	24/28		
64E-2.015	28/28			67-37.011	25/37		
	28/35			67-44.001	28/33		
64E-2.016	28/35			67-44.002	28/33		
64E-2.019	28/35			67-44.003	28/33		
64E-2.020	28/35			67-44.004	28/33		
64E-2.021	28/35			67-44.005	28/33		
64E-2.030	28/28		28/40w	67-44.006	28/33		
64E-2.031	28/28			67-44.007	28/33		
64E-2.033	28/28	28/38		67-44.008	28/33		
64E-2.036	28/28	28/38		67-44.009	28/33		
64E-2.037	28/35			67-44.010	28/33		
64E-2.039	28/28	28/38		67-44.011	28/33		
64E-6.007	25/48			67-46.001	28/33		
64E-8.002	28/26		28/40	67-46.002	28/33		
64E-8.003	28/26		28/40	67-46.003	28/33		
64E-8.004	28/26		28/40	67-46.004	28/33		
64E-8.005	28/26		28/40				
64E-8.008	28/26		28/40				
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67-46.006	28/33			68AER02-2			28/29
67-46.007	28/33			68AER02-3			28/29
67-47.010	28/33			68AER02-4			28/29
67-47.020	28/33			68AER02-5			28/29
67-47.030	28/33			68AER02-6			28/29
67-47.035	28/33			68AER02-7			28/29
67-47.040	28/33			68A-4.0051	28/31		
67-47.050	28/33			68A-12.010	28/31	28/38	
67-47.060	28/33			68A-13.004	28/31		
67-47.070	28/33			68A-15.005	28/31		
67-47.080	28/33			68A-15.062	28/31		
67-47.090	28/33			68A-24.003	28/17		
67-47.100	28/33			68A-24.004	28/17		
67-47.110	28/33			68A-24.006	28/17		
67-47.115	28/33			68B-3.008	28/31		
67-47.120	28/33			68B-13.008	27/31	26/13	
67-47.130	28/33			68B-33.001	28/33		
67-47.140	28/33			68B-33.002	28/33		
67-47.150	28/33			68B-33.0035	28/33		
67-47.160	28/33			68B-33.004	28/33		
67-47.170	28/33			68B19-18.0025	28/33		
67-48.005	27/45c			68C-22.007	28/26		
	28/22	28/34	28/40	68C-22.011	28/25	28/39	
67-50.001	28/22	28/30	28/35	68C-22.013	28/25		
67-50.005	28/22		28/35	68C-22.014	28/25		
67-50.010	28/22	28/30	28/35	68C-22.015	28/25		
67-50.020	28/22		28/35	68C-22.026	28/25		
67-50.030	28/22		28/35	68D-1.001	27/4		
67-50.040	28/22		28/35	68D-23.003	27/4	27/19	
67-50.050	28/22	28/30	28/35	68D-23.101	27/4		
67-50.060	28/22	28/30	28/35	68D-23.102	27/4		
67-50.070	28/22	28/30	28/35	68D-23.103	27/4	27/19	
67-50.080	28/22	28/30	28/35	68D-23.104	27/4	27/19	
67-50.090	28/22		28/35	68D-23.105	27/4	27/19	
67-50.100	28/22		28/35	68D-23.106	27/4	27/19	
				68D-23.107	27/4		
				68D-23.108	27/4		
				68D-23.109	27/4		
				68D-23.110	27/4		
				68D-23.111	27/4		
				68D-23.112	27/4	27/19	