

provider and client will be advised of the need to obtain prior approval from the Home Care Counselor for any expenditures which fall into the category of special supplemental subsidy. Paid receipts must be submitted to the Home Care Counselor, by the provider, in accordance with Home Care for Disabled Adults ~~and the Elderly~~ standards set forth in rule, manual and policy directive.

~~(4)~~(5) The Provider Agreement shall be regarded as a binding agreement between the provider and the Department. The Home Care for Disabled Adults ~~and the Elderly~~ Counselor will advise the provider of policy guidelines relating to the approval and receipt of all subsidy payments and will process all requests received from the provider in keeping with Departmental guidelines established by the state office and implemented at the district office.

~~(5)~~(6) Applicants/clients shall be advised in writing upon completion of application review of the right to and the process of obtaining a hearing, under the provisions of Chapter 120, F.S.; challenges may be initiated to present to the agency or hearing officer written or oral evidence in opposition to the action of the Department or of its refusal to act, or a written statement challenging the grounds upon which the Department has chosen to justify its action or inaction.

Specific Authority 410.033 FS. Law Implemented 410.035 FS. History--New 5-3-81, Amended 2-11-82, Formerly 10A-9.05, Amended 6-11-91, Formerly 10A-9.005, Amended _____.

65C-1.006 Provider Requirements.

A provider in the Home Care for Disabled Adults ~~and the Elderly~~ Program shall meet, at minimum, the eligibility criteria outlined herein. Each provider shall be:

(1) A mature, responsible adult willing to and capable of accepting responsibility for the social, physical and emotional needs of the home care client in a family-type living arrangement:

(2) An individual, relative or non-relative, who has a positive personal relationship with the client and who is accepted by the client as surrogate family; or a responsible adult, who maintains a positive personal relationship with the client and is an individual with whom the client has made a financial arrangement for the provision of home care services;

(3) Physically present in the home to provide services, supervision, and assistance with the arrangement of services for the client and shall be responsible, when temporarily absent from the home, for making alternative arrangements for care to be assumed by another responsible adult, in keeping with the standards set forth for the Home Care for Disabled Adults ~~and the Elderly~~ Program;

(4) Responsible for maintaining of the residential dwelling free of conditions that pose an immediate threat to the life, safety, health or well-being of the home care client;

(5) Without record of conviction of abuse, neglect or exploitation of an older person, adult or child; shall not have been the perpetrator in a confirmed report of abuse, neglect or exploitation of another person by the Abuse Registry or other

investigative process; and shall grant written authorization for a background check through the Florida Protective Service System of the Florida Abuse Registry. The Department shall grant an exemption from this disqualification if the Department has clear and convincing evidence to support a reasonable belief that the individual is of good moral character as to justify the exemption; and

(6) Without evidence of holding themselves out to the public as a home or home-type facility, group living home, half-way house, adult ~~congregate~~ living facility or other similar facility offering room, board and personal services but not including adult family care ~~foster~~ homes.

Specific Authority 410.033 FS. Law Implemented 410.033, 410.034 FS. History--New 5-3-81, Amended 2-11-82, Formerly 10A-9.06, Amended 6-11-91, Formerly 10A-9.006, Amended _____.

65C-1.014 Confidentiality of Information

Specific Authority 410.033 FS. Law Implemented 410.037 FS. History--New 6-11-91, Formerly 10A-9.014, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Twila Sisk, Adult Services Office, 1317 Winewood Boulevard, Building 7, Room 330, Tallahassee, Florida 32399-0700, Phone (850)922-2758 or SunCom 292-2758

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE IS: Jane Bridges, Adult Services Office, 1317 Winewood Boulevard, Building 7, Room 328, Tallahassee, Florida 32399-0700, Phone (850)922-6805 or SunCom 292-6805

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 1999

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-18.001	Authorization for Compensation
12-18.002	Eligibility to File Claim for Compensation
12-18.003	Amount and Payment of Compensation
12-18.008	Compensation for Vending Machine Violations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in response to comments received by the Department in response to comments received from the Joint Administrative Procedures Committee. These changes are in accordance with subparagraph 120.54(3)(d)1., F.S., 1998

Supplement, published in the Vol. 24, No. 50, pp. 6739-6745, December 11, 1998, issue of the Florida Administrative Weekly.

Rule 12-18.001, F.A.C., Authorization for Compensation, have been changed to read as follows:

(1) ~~The Section 213.30, F.S., authorizes the Executive Director of the Department of Revenue or the Executive Director's his designee is authorized to compensate persons who provide information leading to the punishment of, or collection of taxes, penalties, or interest from, any person with respect to the taxes enumerated in s. 213.05, F.S. No person is authorized under these rules to make any offer, or promise, or otherwise to bind the Executive Director or the Executive Director's designee with respect to the payment of any compensation or the amount thereof. A payment of \$100 is also authorized for any person who provides information to the Department which results in the identification and registration of a taxpayer who is not in compliance with the registration requirements of taxes administered by the Department when:~~

(2) ~~A payment of \$100 is also authorized for any person who provides information to the Department which results in the identification and registration of a taxpayer who is not in compliance with the registration requirements for taxes administered by the Department, and who conducts business from a permanent fixed location, is engaged in a bona fide taxable activity, and is found by the Department to have an unpaid tax liability.~~

(a) ~~The noncompliant taxpayer conducts business from a permanent, fixed location (for purposes of these rules, "permanent, fixed location" shall mean a place which is owned, leased, or rented by the taxpayer);~~

(b) ~~The noncompliant taxpayer is engaged in a bona fide taxable activity; and~~

(c) ~~The noncompliant taxpayer is found by the Department to have an unpaid tax liability. These rules shall be used by the Department of Revenue in the administration of this authority.~~

(2)(a) ~~Claims for compensation which were filed prior to July 1, 1991, will be eligible for compensation only if the information leads to the conviction of a person committing a crime with respect to the revenue laws of this state.~~

(b) ~~Claims for compensation which are filed on or after July 1, 1991, will be eligible for compensation if the information leads to the collection of taxes enumerated in s. 213.05, F.S., and penalties or interest thereon, regardless of whether it leads to such conviction.~~

(c) ~~Claims for compensation which are filed on or after January 1, 1993 will be eligible for the \$100 reward.~~

(3) ~~The Department of Revenue reserves the right to use its discretion as to whether commitment of limited resources to follow up on investigative leads is a wise use of public funds under particular circumstances. The receipt of information~~

~~pursuant to s. 213.30, F.S., places the Department under no obligation to investigate or audit based on information received.~~

Subsections (3), (4), (5), and (6) of Rule 12-18.002, F.A.C., Eligibility to File Claim for Compensation, have been changed and consolidated to read as follows:

(3) ~~No compensation will be due if the information furnished to the Department at the time of application has previously been discovered by the Department during its administration of the revenue laws pursuant to s. 213.05, F.S. No person is eligible for compensation when the information furnished is in the possession of the Department at the time the information is presented.~~

(4) ~~No compensation will be due for information leading to the registration of a taxpayer whose registration was canceled by the Department in error, unless the taxpayer continues to collect but fails to remit tax, or when a taxpayer has relocated or reorganized its business (e.g., a proprietorship, partnership, or corporation) and is remitting tax payments under a previously issued registration number.~~

(5) ~~The Executive Director, or the Executive Director's designee, will refuse to compensate an applicant for information leading to the recovery of uncollected taxes, or the registration of a noncompliant taxpayer, if the applicant shared significant responsibility for, or was substantially at fault with regard to, or caused, the reported failure, or would be liable for the penalty imposed and described in s. 213.29, F.S.~~

Subsections (2) through (13) of Rule 12-18.003, F.A.C., Amount and Payment of Compensation, have been changed to read as follows:

(2) ~~The amount of compensation due for providing information resulting in the collection of taxes, penalties, and interest, except for the collection of unpaid taxes derived from the operation of vending machines, will take into account the value of the information in relation to the facts developed in the investigation or inspection of records, reward shall be determined as follows:~~

(a) ~~The amount of compensation will for specific and responsible information which caused the investigation and resulted in the recovery, the reward shall be 10 percent of the first \$75,000 in taxes, penalties, and interest collected recovered, 5 percent of the next \$25,000 in taxes, penalties, and interest collected, and 1 percent of any additional taxes, penalties, and interest collected when: recovery with the total reward not exceeding \$100,000:~~

~~1. the information is provided in the form of detailed and specific documentary or testimonial evidence;~~

~~2. the information directly caused an investigation or inspection of records;~~

3. the information directly resulted in the recovery of taxes, penalties, or interest due that included taxes, penalties, and interest due on a specific infraction of the revenue laws administered by the Department pursuant to s. 213.05, F.S.; and

4. the detailed and specific documentary or testimonial evidence provided by the applicant significantly reduced the time and resources expended in establishing the facts necessary to determine that an infraction of those revenue laws existed.

~~(b) The amount of compensation will for information which caused the examination and which was of value in the determination of tax liabilities although not specific, and for information which was a direct factor in the recovery, the reward shall be 5 percent of the first \$75,000 in taxes, penalties, and interest collected recovered, 2 1/2 percent of the next \$25,000 in taxes, penalties, and interest collected, and 1/2 percent of any additional taxes, penalties, and interest collected when: recovery, with the total reward not exceeding \$100,000.~~

1. the information provided directly caused an investigation or inspection of records; and

2. the information, although not of sufficient detail or specificity to constitute evidence, was a significant factor in establishing that an infraction occurred and in the recovery of taxes, penalties, and interest due that included taxes, penalties, and interest due on a specific infraction of the revenue laws administered by the Department pursuant to s. 213.05, F.S.

~~(c) The amount of compensation will for information which caused the investigation but which was of no value in the determination of the tax liability, the reward shall be 1 percent of the first \$75,000 in taxes, penalties, and interest collected, recovered and 1/2 percent of any additional taxes, penalties, and interest collected when: recovery, with the total reward not to exceed \$100,000.~~

1. the information caused an investigation or inspection of records; and

2. the information provided was of no value in determining the specific liability for taxes, penalties, or interest due.

(3) The Executive Director, or the Executive Director's his designee, will pay shall have discretionary authority to reward an applicant informant an amount greater than the amounts allowed in subsection (2) of this rule when if all of the following criteria are met:

~~(a) the payment for compensation The reward as calculated in subsection (2) of this rule is insufficient to compensate the applicant for monetary damages reward the informant for damages caused by his or her disclosure of information;~~

~~(b) the applicant reasonably fears for his or her safety in light of the totality of the circumstances; and The informant is unwilling to provide information for the amount of reward allowed under subsection (2) of this rule;~~

~~(e) The Department determines that the information to be disclosed by the informant is significant;~~

~~(c)(d) there There is no other way for the Department to secure the proffered such information; and~~

~~(e) It is in the best interest of the State for the Department to reward an informant an amount greater than allowed in subsection (2) of this rule.~~

(4) Where an applicant informant furnishes only the a name and address of a taxpayer with no additional information of a material nature, the applicant informant will not be entitled to compensation.

(5) In instances where the applicant informant provides information that leads to the registration of a noncompliant taxpayer who meets the conditions specified in paragraphs (a) through (e) of 12-18.001(1), F.A.C., the applicant may also informant shall be eligible for the \$100 payment authorized under s. 213.30(1)(b), F.S. reward. Additional compensation, if any. Any additional compensation will be based on the collection of taxes, penalties, tax, penalty or interest as provided in subsections (1) and (2) of this rule Rule 12-18.003(1) and (2), F.A.C.

~~(6) If an informant provides information regarding a registered taxpayer which, upon the Department's investigation, leads to the punishment of, or collection of taxes, penalties, or interest with respect to the taxes enumerated under s. 213.05, F.S., the informant shall be eligible for up to 10 percent of any tax, penalty, or interest recovered as a result of such information.~~

~~(7) Where an informant provides information regarding an unregistered out-of-state corporation which, upon the Department's investigation, leads to the registration and punishment of, or collection of taxes, penalties, and interest with respect to the taxes enumerated under s. 213.05, F.S., the informant shall be eligible for the \$100 reward plus up to 10 percent of any tax, penalty, and interest recovered as a result of such information.~~

~~(8) No compensation shall be paid for information leading to the registration of a taxpayer who was canceled in error, based on information provided to the Department, or where a relocated business or reorganized business (e.g., a proprietorship, partnership or corporation) is remitting tax payments under a previously issued registration number.~~

~~(9) No compensation will be paid if the recovery was so small as to call for payment of less than \$25.00.~~

~~(10) The Executive Director, or his designee, is authorized to refuse to compensate an informant for information leading to the registration of a noncompliant taxpayer or recovery of uncollected taxes, penalties, and interest, if it is determined that the informant was responsible for, or substantially at fault with regard to the reported failure of a person to comply with the revenue laws of this state.~~

~~(11) Under no circumstances shall the reward paid exceed 10 percent of the total tax, penalty, and interest collected.~~

~~(6)(12) Where an applicant informant is paid compensation a reward for providing information which resulted in the recovery of taxes, penalties, or interest from a person, as provided in s. 213.30, F.S., and these rules, compensation will shall be limited to the tax liability that which was initially determined and collected as a result of the information provided. The informant shall not be entitled to compensation on any collections subsequent to the informant's receipt of compensation.~~

(7) The provisions of Rule 12-18.008, F.A.C., will govern the amount of compensation paid for information leading to the recovery of unpaid taxes derived from the operation of vending machines.

~~(13) The Department will pay only one reward for information submitted for taxes owed by an entity or business entities with common ownership or common management. The reward may not be increased by submitting separate reward applications which are based on multiple business locations or the different taxes owed by such businesses.~~

Paragraph (a) of subsection (3) of Rule 12-18.008, F.A.C., Compensation for Vending Machine Violations, has been changed to read as follows:

(3)(a) If the reported violation leads to the recovery of unpaid taxes derived from the operation of vending machines, the applicant will be eligible for a payment of 10 percent of all taxes recovered from the operator on the operation of all vending machines of the reported violator.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:
14-51 Signing for Supplemental Guide Signs and Motorist Services on Limited and Non-Limited Access Highways

RULE NO.: RULE TITLE:
14-51.004 Signing for Supplemental Guide Signs and Motorist Services on Limited and Non-Limited Access Highways

NOTICE OF CHANGE

SUMMARY OF CHANGES:

1. Rule Changes:

a. Revision date for the incorporated document is changed to September 1999.

b. Section 335.14, Florida Statutes, is deleted under Specific Authority and added under Law Implemented.

2. The Florida Department of Transportation's Traffic Engineering Manual, Chapter 2, Section 2.16, Signing for Supplemental Guide Signs and Motorist Services on Limited and Non-Limited Access Highways, July 1999, is revised as summarized below:

a. Change the definition of Limited Access Highway in Section 2.16.3 (Page 2-16-1) to read:

"Limited Access Highway: A roadway street or highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air, or view."

b. Change the definition of Non-Limited Access Highway in Section 2.16.3 (Page 2-16-2) to read:

"Non-Limited Access Highway: A roadway street or highway designed with access to abutting land, characterized by at-grade intersections, cross streets, and assigned right of way. These roadways can function as an arterial, collector, or local functional classification, as reflected by trip characteristics and the level of property access."

c. Change the definition of Rural Interchange in Section 2.16.3 (Page 2-16-2) to read:

"Rural Interchange: A grade separated intersection between streets or roadways an interchange outside the limits of any urban or urbanized area as defined both in Section 334.03 (32) and (36), Florida Statutes. Where either the immediate right of way of a limited access roadway or the right of way of an intersecting roadway is within constitutes the boundary of an urban or urbanized area, the interchange or intersection shall be considered urban."

d. Change the definition of Supplemental Guide Sign in Section 2.16.3 (Page 2-16-2) to read:

"Supplemental Guide Sign: A sign placed or erected so as to that provides information regarding destinations accessible from an interchange, other than places shown on the standard interchange signing. The standard guide signs are called "exit direction" signs. These signs usually contain information about the rout number, nearest cities, and sometimes the local street name. The purpose of a supplemental guide sign is to provide direction to destinations for motorists unfamiliar with the local area."

e. Change the definition of Tourist Attraction in Section 2.16.3 (Page 2-16-2) to read:

"Tourist Attraction: ~~Florida tourist attractions are f~~Facilities that principally provide recreation, amusement, or leisure activities to the general public, with the majority of its visitors which do not residing reside in the immediate area of the attraction, and traveling over 100 miles to enjoy what the facility offers. Tourist attractions may be publicly or privately owned, but derive the major portion of their income from these non-resident visitors."

f. Change 2.16.4.1 (2) and (3) (Page 2-16-3) to read:

"(2) Signing for a destination with a limited period of operation should be displayed only during those periods of operation, and only if the generator meets the suggested annual attendance criteria referenced in Table 2.16-1, ~~Criteria Guidelines~~ for Signing Destinations on Limited Access Highways. If occasional off-season usage exceeds 25 percent of the annual attendance rate for most of the year, the signs may be displayed permanently. Pari-mutuels exhibit distinct

seasons and may be signed for ~~by at the discretion of the~~ District Traffic Operations Engineer based on the criteria established in the Sign Evaluation Process, Section 2.16.9.

The purpose of displaying these signs only during periods of operation is to aid the unfamiliar motorist who would not be aware of when the seasonally operated destination is open. This would prevent unnecessary trips to the closed facility.

(3) Signing for major short term events, e.g., golf and tennis tournaments, boat and auto shows, that will attract a significant number of non-residents, shall be permitted based on the criteria established in the Sign Evaluation Process, Section 2.16.9. ~~Either may be erected, by permit, with approval of the District Traffic Operations Engineer. Static or Changeable Message Signs (CMS) signs~~ may be erected no more than three days before nor should remain more than three days after the signed event. Sign costs which include, but are not limited to, design, installation, maintenance, and removal of the signing should be paid by the requestor. ~~At the discretion of the District Traffic Operations Engineer, either Changeable Message Signs (CMS) or static signs may be used.~~ Both the static or CMS signing will be installed through the Department's permit process. CMS devices must only be used for traffic control, devoid of advertisements. CMS devices must be certified by the Department for use on the State Highway System, and only used during the time of the event with a generic message. All applicable Department clear recovery zone requirements must be met, and short-term event signing cannot interfere with visibility/effectiveness of existing traffic control devices.

The purpose ~~of in~~ allowing signs for special events is to facilitate the management of traffic for the event. Also, a facility may hold multiple events during the year, and motorists will be looking for information with the special event's name."

g. Change 2.16.4.1 (4) Table 2.16-1 Table Heading/Title (Page 2-16-4) to read:

"TABLE 2.16-1. CRITERIA GUIDELINES FOR SIGNING DESTINATIONS ON LIMITED ACCESS HIGHWAYS"

h. Change 2.16.4.1 (5) and (6) (Pages 2-16-4 and 2-16-5) to read:

"(5) When there are more qualified destinations than can be signed for, local government may specify the facilities to be signed, ~~with the approval of the District Traffic Operations Engineer.~~ If local government has no preference, the ones that create the greatest traffic demand shall be shown, subject to standards specified in the following sections.

(6) No supplemental guide signs for destinations may be erected prior to permit approval ~~by the District Traffic Operations Engineer.~~"

i. Change 2.16.4.1 (9) (Page 2-16-5) to read:

~~"(9) The District Traffic Operations Engineer may approve~~ Signing for regional malls or shopping centers (1,000,000 square feet or more) will be approved when ~~the route to the facility is not obvious to the motorist or safety or~~

operational problems can be attributed to unclear directions and when the criteria established in the Sign Evaluation Process, Section 2.16.9 are met. The safety and operational problems must be documented and affect both site destined and other traffic."

j. Change 2.16.4.1 (11) (Page 2-16-5) to read:

"(11) Signs may be provided for any state-funded community college, vocational/technical center, or university main campus. Signing may be provided for satellite campuses if the curriculum allows students to obtain an Associate of Arts (AA) degree or higher without attending the main campus. Additional ~~suggested~~ criteria for private colleges and universities are referenced in Table 2.16-1."

k. Change 2.16.4.1 (17) (Page 2-16-6) to read:

"(17) The ~~suggested~~ criteria referenced for destinations listed in *Table 2.16-1* are used to determine which destination will be signed for on Limited Access Highways. A more detailed explanation is shown in the Sign Evaluation Process, Section 2.16.9."

l. Change 2.16.4.3 (3) (Page 2-16-8) to read:

"(3) Recreational, historical, or cultural attractions must ~~should~~ meet the following specific criteria in order to be considered for signing:

(a) The recreational, historical, or cultural attraction must ~~should~~ be identified by name on either the current Florida Department of Transportation Map or other state published/sponsored guides or books, and/or other State Historic Signing Programs, e.g., Wildlife Signing Program. Identification on local city maps does not qualify an attraction for interstate signing.

(b) Cultural or historical attractions must be located within 15 miles of the limited access highway and provide easy access for motorists and ample all-weather (surface treated) parking. The attraction may be publicly or privately owned, but must be operated on a non-profit basis and be open to the general public year-round for sign consideration. Examples include forts, battlegrounds, plantations, archeological or geological sites, art galleries, and museums.

(c) Historic attractions must be listed in the National Register of Historic Places.

(d) Recreational attractions are major facilities located within 15 miles ~~of to~~ the limited access highway corridor which provide easy access for motorists, ample all-weather parking areas, and several recreational activities such as picnicking, camping, hiking, swimming, fishing, or boating. Examples include public recreational facilities and wildlife refuges. Recreational attractions in this category must be operated on a non-profit basis.

The above requirements are necessary due to the fact that a high number of destinations may qualify for signing."

m. Change 2.16.4.3 (4) (Page 2-16-9) to read:

“(4) The ~~suggested~~ criteria referenced in Table 2.16-1 may be used as a guide to determine which destination to sign for on new interchanges, or to determine which destination to add to an existing supplemental guide sign, with an existing destination.”

n. Change 2.16.4.3 (6), (7), (8), and (9) (Page 2-16-9) to read:

“(6) Airports shall qualify for signing on Limited Access Highways when:

Air Carrier airports are those which are served regularly by scheduled airlines. (List and revisions compiled and available from the Department's Aviation Office). The airport symbol shall also be used with the airport name.

(7) The following seaports shall qualify for signing on Limited Access Highways:

Deep water public cargo, or passenger ports (for Port Authority Locations).

(8) Rail Terminals shall qualify for signing on Limited Access Highways when they are:

Intercity Rail (Amtrak, Commuters, etc.). They should be ICC, PSC Certified, or FDOT approved, and provide regularly scheduled passenger service and have parking spaces for patron use.

(9) Park and Ride areas shall qualify for signing on Limited Access Highways when they are:

Governmentally owned and operated as part of a car pool, van pool, or other public transportation program. The facility must have parking spaces for patron use.”

o. Change 2.16.5.1 (5) (Page 2-16-11) to read:

“(5) Symbol signs for Hospital, Airport, Amtrak, Greyhound, Cruise-based Seaports, and Commuter Rail may be used in urban or rural areas, by at the discretion of the District Traffic Operations Engineer based on criteria established in the Sign Evaluation Process, Section 2.16.9.”

p. Change 2.16.5.1 (5) (Page 2-16-11) to read:

“(9) Tourist Information Center signs may be erected on the State Highway System for such centers which:

(a) Give continuous service for a minimum of eight hours a day, seven days a week; and

(b) ~~are~~ operated exclusively by a non-profit ~~making~~ organization; but

(c) ~~if~~ the Tourist Information Center is operated on a seasonal basis, the signs shall be removed during the off season.”

q. Change 2.16.5.2 (2) (Page 2-16-12) to read:

“(2) Except as otherwise specified in Rule Chapter 14-85, FAC, Logo Sign Program, only symbol signs will be used to advise the availability of Gas, Food, Lodging, Camping, Hospital, and Phone on rural limited access highways. Symbol signs for Hospital may be used in urban areas by at the

~~discretion of the District Traffic Operations Engineer based on criteria established in the Sign Evaluation Process, Section 2.16.9.~~”

r. In 2.16.5.3 (Page 2-16-12), add the following statement after the Section Heading “Limited Access Highways – Motorist Services Guidelines:

“Each motorist services sign has its own set of criteria that must be met in order for signing to be provided on Limited Access Highways:”

s. Change 2.16.6.1 (2) and (3) (Page 2-16-14) to read:

“(2) Signing for a destination with a limited period of operation should be displayed only during those periods of operation, and only if the generator meets the suggested annual attendance criteria referenced in Table 2.16-4, Criteria Guidelines for Signing Destinations on Non-Limited Access Highways. If occasional off-season usage exceeds 25 percent of the annual attendance rate for most of the year, the signs may be displayed permanently. Pari-mutuels exhibit distinct seasons and may be signed for by at the discretion of the District Traffic Operations Engineer based on the criteria established in the Sign Evaluation Process, Section 2.16.9.

The purpose of displaying these signs only during periods of operation is to aid the unfamiliar motorist who would not be aware of when the seasonally operated destination is open. This would prevent unnecessary trips to the closed facility.

(3) Signing for major short term events, e.g., golf and tennis tournaments, boat and auto shows, that will attract a significant number of non-residents, shall be permitted based on the criteria established in the Sign Evaluation Process, Section 2.16.9. ~~may be erected, by permit, with approval of the District Traffic Operations Engineer. Either Static or Changeable Message Signs (CMS) signs~~ may be erected no more than three days before nor should remain more than three days after the signed event. Sign costs which include, but are not limited to, design, installation, maintenance, and removal of the signing should be paid by the requestor. ~~At the discretion of the District Traffic Operations Engineer, either Changeable Message Signs (CMS) or static signs may be used.~~ Both the static or CMS signing will be installed through the Department's permit process. CMS devices must only be used for traffic control, devoid of advertisements. CMS devices must be certified by the Department for use on the State Highway System, and only used during the time of the event with a generic message. All applicable Department clear recovery zone requirements must be met, and short-term event signing cannot interfere with visibility/effectiveness of existing traffic control devices.

The purpose of ~~is~~ allowing signs for special events is to facilitate the management of traffic for the event. Also, a facility may hold multiple events during the year, and motorists will be looking for information with the special event's name.

(4) In no case shall information relating to destinations, motorist services, and multi-modal facilities be displayed on a supplemental guide sign until trailblazer signing has been installed to direct motorists from the intersection to the destination, service, or facility.”

t. Change Table 2.16.6-4 Title (Page 2-16-15) to read:

“TABLE 2.16-4. CRITERIA GUIDELINES FOR SIGNING DESTINATIONS ON NON-LIMITED ACCESS HIGHWAYS”

u. Change 2.16.6.1 (5) (Page 2-16-16) to read:

“(5) When there are more qualified destinations than can be signed for, local government may specify the facilities to be signed, ~~with the approval of the District Traffic Operations Engineer~~. If local government has no preference, the ones that create the greatest traffic demand shall be shown, subject to standards specified in the following sections.”

v. Change 2.16.6.1 (9) (Page 2-16-16) to read:

“(9) ~~The District Traffic Operations Engineer may approve~~ signing for regional malls or shopping centers (1,000,000 square feet or more) will be approved when ~~the route to the facility is not obvious to the motorist or safety or operational problems can be attributed to unclear directions and when the criteria established in the Sign Evaluation Process, Section 2.16.9 are met~~. The safety and operational problems must be documented and affect both site destined and other traffic.”

w. Change 2.16.6.1 (10) and (11) (Page 2-16-17) to read:

“(10) A periodic review ~~shall~~ should be established by District Traffic Operations Engineers to determine if supplemental destinations are still in business.

(11) Signs may be provided for any state-funded community college, vocational/technical center, or university main campus. Signing may be provided for satellite campuses if the curriculum allows students to obtain an Associate of Arts (AA) degree or higher without attending the main campus. ~~Additional suggested~~ criteria for private colleges and universities are referenced in Table 2.16-4.

Private universities with existing signs may retain such signs so long as they remain active, as they were signed for before these criteria was developed. It is not our intent to delete those universities from signing as there are a large number of motorists looking for the university, who are unfamiliar with the area.”

x. Change 2.16.6.1 (17) (Page 2-16-17) to read:

“(17) ~~The suggested~~ criteria referenced for destinations listed in Table 2.16-4 are used to determine which destination will be signed for on Non-Limited Access Highways. A more detailed explanation is shown in the Sign Evaluation Process, Section 2.16.9.”

y. Change 2.16.6.3 (3) (Page 2-16-18) to read:

“(3) ~~The suggested~~ criteria referenced in Table 2.16-4 may be used ~~as a guide~~ to determine which destination to add to an existing supplemental guide sign, with an existing destination.”

z. Change 2.16.6.3 (7) through (13) (Pages 2-16-19 through 2-16-21) to read:

“(7) Requests for destination signing by local government agencies must be approved ~~by the District Traffic Operations Engineer~~ through the Department's permit process. ~~The Department shall District Traffic Operations Engineer may~~ allow local government to fabricate and install these supplemental guide signs. Signs for the following facilities may be erected at the intersection nearest the facility based on suitable locations for these signs that do not interfere with official traffic control devices.

- Post Offices
- Libraries
- Recycling Drop-Off Centers
- Courthouses
- Publicly-owned Vocational/Technical Schools. (Shall ~~Should~~ meet criteria established in Table 2.16-4.)

- Parks
- High Schools
- Tax Collectors
- Chamber of Commerce
- Animal Shelters
- City/Town Halls
- Landfills
- Bus and Rail Stations
- National Veterans Cemetery

(8) Parking Lots and Garages shall qualify for signing if they are ~~G~~governmentally owned and ~~operated~~ (open to the public), with non-reserved parking spaces (open to public), and not more than one mile from the intersection. ~~These signs shall be white on green in color~~. The green and white “P” parking symbol sign shall be used without the name of the parking facility.

(9) Rail Terminals shall qualify for signing when they meet the following criteria:

- (a) Intercity rail (Amtrak, Commuters, etc.) should be ICC, PSC Certified, or FDOT approved, and provide regularly scheduled passenger service and have parking spaces for patron use.
- (b) Intra-urban rail should be approved by DOT, provide regularly scheduled service, have parking spaces for patron use.

(10) Signing for an intercity bus service, shall consist of the standard use of local bus stop signs.

(11) Signing for an intracity bus service, shall only include the Greyhound bus station and bus stop. The purpose of the Greyhound sign is to assist motorists who are trying to locate a bus station which is inside of a building.

(12) Seaports, deep water public cargo, or passenger ports (for Port Authority Locations) qualify for signing on Non-Limited Access Highways.

(13) Airports qualify for signing when the following criteria are met:

(a) Air carrier airports are those which are served regularly by scheduled airlines. (List and revisions compiled and available from the Department's Aviation Office). The airport symbol should also be used with the airport name.

(b) General Aviation (open to public use) signs may be provided in each direction along the State Highway System in advance of an intersecting roadway which provides direct access to the airport property. Signing should be limited to an intersection within three miles of the airport."

aa. Change 2.16.7.1 (5) (Page 2-16-22) to read:

"(5) Symbol signs for Hospital, Airport, Amtrak, Greyhound, Cruise-based Seaports, and Commuter Rail may be used in urban or rural areas, by at the discretion of the District Traffic Operations Engineer based on criteria established in the Sign Evaluation Process, Section 2.16.9."

bb. Change 2.16.7.1 (8) and (9) (Page 2-16-22) to read:

"(8) Signs for a Hospital may be erected on the State Highway System in advance of the intersection which provides the most practical route to that facility when:

(a) The hospital facility has an emergency room open 24 hours each day, 7 days a week. Where more than one hospital meeting the criteria is available from any one intersection, only the hospital located closest to the exit point shall be signed or trailblazed, and;

(b) the Meets suggested criteria referenced in Table 2.16-4 are met.

The purpose of the hospital sign is to provide direction to motorists who suddenly find themselves in need of immediate medical services.

(9) Tourist Information Center signs may be erected on the State Highway System for such centers which:

(a) Give continuous service for a minimum of eight hours a day, seven days a week; and

(b) are operated exclusively by a non-profit making organization; but

(c) if the Tourist Information Center is operated on a seasonal basis, the signs shall be removed during the off season."

cc. Change 2.16.9 (1) and (2) (Page 2-16-24) to read:

"(1) Sign requests ~~must should generally~~ be evaluated according to the following a series of criteria. Requests may originate from city or county resolution, official representatives of schools or universities, and representatives of tourist attractions or businesses.

(2) Upon receiving a written request, districts should:

(a) Determine if the written request concerns an eligible destination or service.

(b) Ascertain whether the trip generation meets or exceeds the criteria. Are there seasonal considerations or is there significant rapid growth projected?

(c) Does existing guide and supplemental guide signing contain adequate space for additional sign legend? Can a supplemental guide sign be added?

(d) Does the proposed design, location, materials, and support structure fully comply with Department Design Standards?

(e) Finally, will the addition of the sign for the subject destination or service provide a benefit to the motoring public?"

dd. Add New 2.16.9(3)(Page 2-16-24), to read:

"(3) The written request must provide data to support the trip generation of the proposed destination. It must also provide data to support the function of the facility (e.g., tourist attraction, shopping center) to determine which set of criteria from Tables 2.16-1 and 2.16-4 will apply. If support data is not supplied, the Department will require an engineering study to validate the written request.

ee. Renumber the former 2.16.9(3) to 4 (Page 2-16-24), and change to read:

(4)(3) If the written request complies with these criteria ~~and has the support of~~ the District Traffic Operations Engineer, ~~the request shall may be~~ approved the sign installation subject to space availability.

ff. Add New 2.16.9(5) (Page 2-16-25), to read:

(5) If a request for supplemental guide signing is received, but the interchange has the maximum number of destinations, then the request must be denied. As long as the signed destination is in business, the Department will not replace them with a new destination, even if it has a higher number of annual trips."

gg. Renumber the former 2.16.9(4) to (6) (Page 2-16-25), and change to read:

"(6)(4) Occasionally, there may be simultaneous applications for guide signing, situations where available space ~~precludes signing for all desired destinations or a new destination generates more trips than a destination already shown on a sign.~~ Recalling that the intent of guide signing is to provide guidance for drivers who are not familiar with the route or area, the following suggestions must should be considered:

(a) Highest preference must should be given to destinations that would attract a larger number of trips from distances longer than 100 miles.

(b) Consideration must should be given to the likelihood that the destination will continue to generate a high number of trips or if there are seasonal characteristics.

(c) Local government participation may be helpful in reaching a decision.

(d) Consideration must be given to the development of a regional signing plan with the cooperation of local government, and the tourism industry organizations."

hh. Renumber the former 2.16.9(5) to (7) (Page 2-16-25) with no changes to text.

ii. Renumber the former 2.16.9(6) to (8) (Page 2-16-25), and change to read:

“(8) Tables 2.16-1 and 2.16-4 are to be considered used as guidelines and not as mandatory criteria. The suggested criteria will assist the District Traffic Operations Engineer when determining which destination will be signed for on both Limited and Non-Limited Access Highways.”

Notice of rulemaking was published in Florida Administrative Weekly, Vol. 24, No. 49, dated December 4, 1998. The rulemaking process was tolled under the provisions of Section 120.54(3)6.e., Florida Statutes, pending the resolution of changes based upon review and comments provided by the Joint Administrative Procedures Committee staff attorney.

STATE BOARD OF ADMINISTRATION

RULE NO.: RULE TITLE:
19-7.013 Reporting Procedures
NOTICE OF CHANGE

The above proposed rule revision published in the Florida Administrative Weekly, Vol. 25, No. 29, July 23, 1999, should have read:

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

TIME AND DATE: 10:00 a.m., Tuesday, September 14, 1999
PLACE: State Board of Administration, 1801 Hermitage Blvd., Manatee Room, Tallahassee, Florida 32308

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NOS.:	RULE TITLES:
58A-1.001	Definitions
58A-1.004	Responsibilities of the Department of Elder Affairs as the State Agency on Aging
58A-1.006	The Area Agency on Aging's Area Plan
58A-1.007	Area Agency on Aging Functions and Responsibilities
58A-1.008	Service Providers Under an Area Plan

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendments relating to DOEA manual revisions, as noticed in Vol. 24, No. 30, July 24, 1998, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF ELDER AFFAIRS

Community Care for the Elderly

RULE NOS.:	RULE TITLES:
58C-1.003	Administration
58C-1.004	Application Procedures
58C-1.005	Provider Requirements

58C-1.007 Contributions and Donations
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendments relating to DOEA manual revisions, as noticed in Vol. 24, No. 30, July 24, 1998, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF ELDER AFFAIRS

Alzheimer's Disease Initiative

RULE NOS.:	RULE TITLES:
58D-1.002	Definitions
58D-1.005	Program Administration
58D-1.006	Service Provider Responsibilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendments relating to DOEA manual revisions, as noticed in Vol. 24, No. 30, July 24, 1998, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF ELDER AFFAIRS

Emergency Home Energy Assistance

RULE NO.:	RULE TITLE:
58E-1.008	Program Administration

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendments relating to DOEA manual revisions, as noticed in Vol. 24, No. 30, July 24, 1998, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF ELDER AFFAIRS

Home Care For The Elderly

RULE NOS.:	RULE TITLES:
58H-1.003	Administration
58H-1.004	Access to the Program
58H-1.006	Caregiver Requirements
58H-1.007	Dwelling Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendments relating to DOEA manual revisions, as noticed in Vol. 24, No. 30, July 24, 1998, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

State Retirement Commission

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60R-1	Practice and Procedure Before the State Retirement Commission
RULE NOS.:	RULE TITLES:
60R-1.003	Initiating a Hearing
60R-1.00481	Medical Evidence

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule published in the Florida Administrative Weekly, Vol. 24, No. 51, on December 18, 1998, in accordance with subparagraph 120.54(3)(d)1., F.S., and in response to comments by the Joint Administrative Procedures Committee. The proposed amendments to rule 60R-1.003 have been withdrawn and the rule will be repealed instead.

60R-1.003 Initiating a Hearing.

Specific Authority 120.53(1), 120.57(1) FS. Law Implemented 120.53(1), 121.0515, 121.23, 121.24 FS. History--New 3-30-76, Amended 1-12-78, 1-8-79, 10-24-79, 8-23-84, Formerly 22J-1.03, Repealed.

60R-1.00481 Medical Evidence.

(4) Medical records ~~alone may be admitted as hearsay, but shall be insufficient to support~~ for a finding of disability retirement eligibility.

(5) ~~Evidence of~~ Determinations of disability in proceedings before other tribunals are not binding on the Commission shall be excluded.

The remainder of the rule will read as previously published.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors Licensing Board

RULE NO.: 61G6-8.001 RULE TITLE: Fees

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. 25, No. 24, June 18, 1999, issue of the Florida Administrative Weekly. The Board, at a regularly scheduled meeting, held July 21-22, 1999, decided to make these changes following receipt of comments received from the Joint Administrative Procedures Committee. Subsection (14), previously noticed as "No Change" will now read as follows:

(14) Pursuant to 455.2281, F.S., in addition to all other fees collected from each licensee, there shall be a \$5.00 fee collected at the request of the Department, both upon initial licensure and license renewal for the purpose of combatting unlicensed activity.

In addition to the above change, the law implemented has been amended to include Section 455.2281.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors Licensing Board

RULE NO.: 61G6-10.002 RULE TITLE: Violations and Penalties
NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 24, June 18, 1999, issue of the Florida Administrative Weekly. The Board, at a regularly scheduled meeting, held July 21-22, 1999, reviewed this rule and determined that a sentence that was previously published in Subsection (15)(e) should have been omitted from the rule. The Board, therefore, voted to change Subsection (15)(e) to read as follows:

(15)(e) Failure to respond to request to submit any proof of continuing education, liability or workers' compensation insurance.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-4.213 RULE TITLE: Learnfare

NOTICE OF CHANGE

Notice is hereby given that changes are being made to the rule identified above as published in Vol. 25, No. 3, Florida Administrative Weekly, on January 22, 1999 and in Vol. 25, No. 15, Florida Administrative Weekly, on April 16, 1999. These changes are the result of discussion and comments at a noticed public hearing on July 26, 1999.

The entire text of the proposed amendment is as follows:

65A-4.213 Learnfare.

(1) Learnfare Requirements.

Participants will be notified of Learnfare requirements by CF-ES 2606, Notice of Learnfare Requirements, Apr 99 (incorporated by reference).

(2) School Age.

School age is defined as the age for required school attendance pursuant to section 232.01, F.S.

(3) Grading Period.

A grading period is defined as a semester.

(4)(+) Jeopardized Academic Progress.

Jeopardized academic progress is defined as a failing report card grade that results from the student's unexcused absences. The local school board policies on attendance will determine the number of allowable unexcused absences during any grading period and whether such unexcused absences resulted in a failing report card grade.

(5) Verification of School Conference.

Participation in a required school conference must be verified. This verification may be made on CF-ES Form 2098, Learnfare – School Conference Verification, Nov 98 (incorporated by reference). This verification may also be provided by a written statement from a school official or by department staff’s direct contact with a school official.

(6) Forms and Verification for Learnfare Requirement.

Copies of forms CF-ES 2098 and CF-ES 2606 may be obtained from the Economic Self-Sufficiency Services, Policy Bureau, Bldg. 3 Rm. 412B, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700.

Specific Authority 414.45 FS. Law Implemented 414.125 FS. History–New 4-13-98, Amended.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE NO.: 65A-4.216
 RULE TITLE: Immunization Program

NOTICE OF CHANGE

Notice is hereby given that changes are being made to the rule identified above as published in Vol. 25, No. 6, Florida Administrative Weekly, on February 12, 1999. These changes are the result of potential objections by the Joint Administrative Procedures Committee as presented in a letter dated March 22, 1999.

The specific changes are as follows:

In paragraph (2), the beginning of the fifth sentence, is changed to “~~DH CF~~ Form 681, 5/99 6/94”. In the “Specific Authority” citation, s. 120.54(1), FS, is deleted.

FLORIDA HOUSING FINANCE CORPORATION

RULE CHAPTER NO.: 67-47
 RULE CHAPTER TITLE: Home Investment Partnership Program (HOME) Home Construction Loan Program

NOTICE OF CORRECTION

The above Notice of Proposed Rulemaking published in Vol. 25, No. 30, July 30, 1999, issue of the Florida Administrative Weekly, pages 3372 through 3381, was inadvertently placed in the wrong section. It should have been listed under Section III, Proposed Rules.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly B. Cliett, Deputy Development Officer, Florida Housing Finance Corporation 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1239, (850)488-4197

**Section IV
 Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 76 Specifics
 RULE NO.: 53ER99-33

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 76, "FIRST & TEN" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-33 Instant Game 76 Specifics.

(1) Name of Game. Instant Game Number 76 "FIRST & TEN."

(2) Price. FIRST & TEN tickets sell for \$1.00 per ticket.

(3) FIRST & TEN Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning FIRST & TEN Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any FIRST & TEN Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions in FIRST & TEN are as follows:

INSERT CHART