

## Section I

### Notices of Development of Proposed Rules and Negotiated Rulemaking

#### DEPARTMENT OF INSURANCE

##### Division of Insurer Services

RULE TITLE: RULE NO.:  
Definitions for the Purposes of These Rules 4-191.024  
Standards for Subscriber Contracts 4-191.033

PURPOSE AND EFFECT: Requires Health Maintenance organizations whose policies or contracts provide coverage, benefits, or services as described in section 463.002(5), F.S., to offer subscribers the services of an optometrist licensed pursuant to Chapter 463, F.S.

SUBJECT AREA TO BE ADDRESSED: The requirements of section 641.31(19), F.S., which mandates access to an optometrist licensed under Chapter 463, F.S., if an HMO offers Optometric services as part of its policy or contract.

SPECIFIC AUTHORITY: 641.36 FS.

LAW IMPLEMENTED: 641.31(19) 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 27, 1999

PLACE: Room 142, Room Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Grumberg, Division of Legal Services, Department of Insurance

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: Yvonne White, (850)922-3110, Ext. 4214.

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

#### DEPARTMENT OF COMMUNITY AFFAIRS

##### Division of Housing and Community Development

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
Urban Infill and Redevelopment

Assistance Grant Program 9B-69

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish review criteria by which the Department shall administer the Urban Infill and Redevelopment Assistance Program. Planning grants are made available to local governments to develop a collaborative and

holistic urban infill and redevelopment plan Implementation grants are available to local governments to implement projects located within designated urban infill and redevelopment areas.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed at public workshops involves technical and administrative program requirements, grant review scoring criteria, application instructions, developing a holistic and collaborative urban infill and redevelopment plan, designating an urban infill and redevelopment area, and implementing projects located within designated areas. Other topics of interest may include any subject matter addressed in Chapter 163.2511-163.2526, Florida Statutes.

SPECIFIC AUTHORITY: 163.2523 FS.

LAW IMPLEMENTED: 163.2523 FS.

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

TIME AND DATE: 11:00 a.m., October 25, 1999

PLACE: Embassy Suites Hotel, 1100 Southeast 17th Street, Ft. Lauderdale, FL 33316

TIME AND DATE: 10:00 a.m., October 26, 1999

PLACE: Sheraton Suites Hotel – Tampa Airport, 4400 W. Cypress Street, Tampa, FL 33607

TIME AND DATE: 10:00 a.m., October 29, 1999

PLACE: Department of Community Affairs, Randall Kelley Training Center, 3rd Floor, Room 305, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Farnita Saunders, Planning Manager, Urban Infill and Redevelopment Assistance Grant Program, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399, whose telephone number is (850)488-3581

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodation to participate in this hearing should advise the Department at least five calendar days before the hearing by contacting: Farnita Saunders, (850)488-3581.

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

#### DEPARTMENT OF REVENUE

RULE TITLE: RULE NO.:  
Registration Information Sharing and

Exchange Program 12-22.007

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-22.007, F.A.C., is to remove redundant language as mandated by s. 120.74(1), F.S., and to delete specifications regarding the formatting of tax information

diskettes and tape cartridges submitted to the Department. An administrative rule regarding the formatting of diskettes and tape cartridges is unnecessary.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this rule development workshop is the guidelines utilized by the Department in administering the Registration Information Sharing and Exchange Program.

**SPECIFIC AUTHORITY:** 213.0535(4), 213.06(1) FS.

**LAW IMPLEMENTED:** 213.053, 213.0535 FS.

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

**TIME AND DATE:** 10:00 a.m., November 1, 1999

**PLACE:** Conference Room, Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone(850)922-9407

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

12-22.007 Registration Information Sharing and Exchange Program.

(1)(a) Scope of Rule. This rule section prescribes the data elements to be shared in the Registration Information Sharing and Exchange Program and the frequency of sharing those data elements sets forth guidelines and requirements to be used by the Department of Revenue in the implementation of ss. 213.053 and 213.0535, F.S., as amended and created by s. 32, Ch. 92-319 and ss. 31 and 36, Ch. 92-320, L.O.F., which creates the Registration Information Sharing and Exchange Program to be coordinated by the Department. This exchange of registration information between the Department, other state agencies, and units of local government is designed to improve the enforcement of specific state and local taxes, licenses, and permits.

(b) General information regarding the Registration Information Sharing and Exchange ("RISE") Program may be obtained by contracting the Director of Industry and Intergovernmental Relations, Florida Department of Revenue, 501 S. Calhoun Street, Room 104, Tallahassee, Florida 32399-0100 or by telephone, (850)921-4418.

(c) Specific questions regarding the status of any data supplied by the Department of Revenue should be directed to the Program Director, Information Services Program, Florida Department of Revenue, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100 or by telephone, (850)921-4444.

~~(2) Definitions. For purposes of this rule section, the terms and phrases used in these rules shall have the meanings prescribed in this section, unless a different meaning is clearly indicated by the context in which the term or phrase is used.~~

~~(a) "Department" means the Florida Department of Revenue.~~

~~(b) "Agency" means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or another unit of government.~~

~~(c) "Unit of Local Government" means a county, municipality, or consolidated City County government.~~

~~(d) "County" means a political sub division of the state established pursuant to s. 1, Article VIII of the State Constitution.~~

~~(e) "Municipality" means a municipality created pursuant to s. 2 or s. 16, Article VIII of the State Constitution.~~

~~(f) "Eligible Participant" means any state agency or unit of local government which collects and administers taxes enumerated under subsection (5) of this rule.~~

~~(g) "Due Date" means 20 days after the close of the reporting period. For example, the monthly exchange of sales tax registration information shared between Level one participants for the month of December, 1992, will be due on January 20, 1993. For Level two participants, the quarterly report for January through March of 1993 will be due on April 20, 1993. For the purpose of these rules, either Departmental receipt or postmark on the 20th day after the close of the reporting period shall constitute a timely filing.~~

~~(h) "Reporting Period" means calendar month or calendar quarter.~~

~~(i) "RISE" means Registration Information Sharing and Exchange Program.~~

~~(3) Program Participants.~~

~~(a) The Florida Department of Revenue. Section 213.0535, F.S., designates the Department as the coordinator of the RISE Program. In addition to participating in the RISE program as a Level two participant, the Department is authorized to prescribe the following elements of the program:~~

~~1. Format in which tax information will be shared by RISE participants;~~

2. Methods by which information may be shared;
3. Tax registration information as authorized under s. 213.0535(2), F.S., which is subject to sharing; and
4. The data elements to be shared and the frequency of sharing required of Level-two participants.

(b) ~~Level-one Participants. Participants in this category include units of state and local government which are responsible for administering and enforcing sales and use tax imposed under Ch. 212, F.S.; tourist development tax imposed under s. 125.0104, F.S.; tourist impact tax imposed under s. 125.0108, F.S.; local occupational license taxes imposed under Ch. 205, F.S.; convention development taxes imposed under s. 212.0305, F.S.; public lodging and food service establishment licenses imposed under Ch. 509, F.S.; and beverage law licenses imposed under Ch. 561, F.S.~~

(c) ~~Level two Participants. Participants in this category include the Department of Revenue and local officials who are responsible for collecting the tourist development tax imposed under s. 125.0104, F.S.; the tourist impact tax imposed under s. 125.0108, F.S., or a convention development tax imposed under s. 212.0305, F.S. In addition to the data shared by Level-one participants, Level-two participants are also responsible for sharing and exchanging tax payment history; audit assessments; and registration cancellations of dealers engaging in transient rentals. Such data exchange shall be limited to sales and use tax, tourist development taxes, and convention development taxes.~~

(4) ~~Execution of Information Sharing Agreements.~~

(a) ~~Prior to the exchange of any information authorized pursuant to s. 213.0535, F.S., the Department will provide all eligible Level one and Level two participants with an Agreement for Sharing Information. This information sharing agreement, entered into between the Executive Director of the Department and the specified participant in the RISE program, will set forth requirements with regard to confidentiality and penalties for the unauthorized disclosure of state tax information; establish minimum procedures prior to the receipt of state tax information; establish the data elements to be exchanged and time frames for this exchange; provide for the confidentiality of federal tax information; and provide a clause for further modifications or terminations.~~

(b) ~~Upon receipt of the Agreement for Sharing Information, the eligible unit of state or local government or local official as described in subsection (3) shall execute the document and return it to the Intergovernmental Relations Administrator, Florida Department of Revenue, P. O. Box 37372, Tallahassee, Florida 32315-9998. Failure to properly complete and return the Agreement for Sharing Information will prevent the unit of state or local government from obtaining confidential state tax information authorized under the RISE program.~~

(e) ~~For the purpose of these rules, the Department adopts by reference the Agreement for Sharing Information For Level one Participants, and the Agreement for Sharing Information For Level two Participants, dated 3/93, for purposes of entering into information sharing agreements under the RISE program. These forms may be obtained by written request to the Intergovernmental Relations Administrator, Florida Department of Revenue, P. O. Box 37372, Tallahassee, Florida 32315-9998.~~

(2)(5) ~~Information Subject to Sharing.~~

(a) ~~Level-one Participants. With regard to the taxes, licenses, and permits enumerated in s. 213.0535(4)(a), F.S. paragraph (b) of subsection (3) of this rule, participants in this category shall exchange and share data, on a monthly basis, regarding new registrants, new filers, or initial reporters, permittees, or licensees. The information subject to such exchange shall include:~~

1. Registrant's, licensee's, or taxpayer's name (name of business and owner);
2. Business mailing address, including zip code;
3. Business location address, including zip code;
4. Federal employer identification number or Social Security number (where authorized under the Federal Privacy and Confidentiality Act);
5. Business kind code;
6. County code;
7. Applicable state or local license or registration number;
8. Business opening date; and
9. Telephone number, if available.

(b) ~~Level-two Participants. With regard to the taxes enumerated in s. 213.0535(4)(b), F.S. paragraph (c) of subsection (3), participants in this category shall share and exchange data as specified in paragraph (a). In addition to the data shared by Level-one participants, Level-two participants shall exchange data relating to tax payment history, audit assessments, and registration cancellations of dealers engaging in transient rentals. Such data shall be related only to sales and use taxes, tourist development taxes, and convention development taxes.~~

(c) ~~Information shared pursuant to the RISE program shall be used only to administer and enforce the taxes, licenses, and permits enumerated in paragraphs (b) and (c) of subsection (3) of this rule.~~

(3)(6) ~~Methods for Transmitting Data. The Department shall provide three methods for the transmission of data between eligible participants of the RISE program. They include magnetic tape, floppy disk, cartridge, or, upon prior approval by the Information Services Program Director Department, manually generated reports.~~

(a) ~~Eligible participants are required to share information to the fullest extent practicable on a computer-processable medium. Manually generated reports or other non-machine~~

readable data may be used as a method of data transmission only if prior approval is granted by the Information Services Program Director Department.

(b) Eligible participants in the RISE program are required to shall indicate their proposed method of data transmission on an attachment to the Agreement for Sharing Information. Subsequent to review and approval by the Program Director, Information Services Program Director, the participant will be notified of the approved method of transmission, when the first information exchange will be due, and a current list of all approved participants.

~~(c) The method of transmitting information does not change the prescribed due dates for receipt of shared information. In the event that the participant fails to fulfill its obligations for participating in the RISE program in accordance with s. 213.0535, F.S., the Department of Revenue is authorized to suspend the routine providing of tax information to the participant and, in its role as coordinator of the RISE program, is also authorized to recommend that other participants in the RISE program suspend any information exchange activity with the participant.~~

~~(c)(d)~~ Eligible participants who are required to transmit information under the RISE program and who are unable to make a timely exchange, because of system failure, incomplete data, or other reasons that which are beyond the participant's participants control, should shall contact the Program Director, Information Services Program, at (850)921-4444 or Fax (850)922-2448.

~~(e) The Department of Revenue may suspend the routine providing of tax information to the participant and, in its role as coordinator of the RISE program, may recommend that other participants in the RISE program suspend any information exchange activity with the participant in instances where the participant does not consistently transmit timely information or repeatedly fails to share information with other participants.~~

~~(7) Format Requirements. The following describes the format of files to be sent to Florida Department of Revenue, Sales Tax License Registration, G-3 Carlton Building, Tape Library, Tallahassee, Florida 32399-0100, for Sales Tax License Registration information. The file is to be submitted on tape (this is preferred) or diskette by the 20th of each month for the previous month's new registrations.~~

~~(a) Tape Requirements:~~

- ~~1. Type of tape—1/2 inch mylar base, oxide-coated~~
- ~~2. Recording density—1600 or 6250 bytes per inch~~
- ~~3. Character set—EBCDIC, UPPERCASE LETTERS ONLY~~
- ~~4. Number of tracks—9~~
- ~~5. Parity—Odd~~
- ~~6. Recording mode—fixed length~~
- ~~7. Labeling Internal Requirements:~~

~~a. Unlabeled~~

~~b. Only 1 tape mark at the beginning of tape reel~~

~~c. 2 tape marks at the end of tape reel~~

~~8. Blocking Factor:~~

~~a. Depending on record length, not to exceed 1792 characters per block.~~

~~(b) Diskette Requirements:~~

~~1. 5 1/4" Diskette:~~

~~a. Recording density~~

~~I. High density, 1.2M or~~

~~H. Double density, 360K~~

~~b. IBM PC Compatible format~~

~~c. ASCII text format—no embedded decimals or signs~~

~~2. 3 1/2" Diskette:~~

~~a. Recording density~~

~~I. High density, 1.44M or~~

~~H. Double density, 720K~~

~~b. IBM PC Compatible Format~~

~~c. ASCII text format—no embedded decimals or signs.~~

~~3. The DOS command backup may be used when file will take multiple diskettes. If used, the providing agency will physically indicate on the diskettes.~~

~~(c) Cartridge Requirements:~~

~~1. Standard 3480 cartridge~~

~~2. Densities up to 38K~~

~~3. Number of tracks—18~~

~~(d) 1. Labeling~~

~~2. External Requirements:~~

~~a. Name and address of sender~~

~~b. Recording industry~~

~~c. Number of reel, series beginning with No. 1 and showing total number of reels~~

~~Example: Reel 1 of 2, Reel 2 of 2~~

~~d. Registration applicable period~~

~~(e) 1. Data Record Explanation:~~

~~2. Registration Record—information related to new registrations. Fixed length of 512 bytes.~~

~~(f) General Information:~~

~~1. All numeric fields are in unpacked format, preceded with zeroes, right justified and zero filled when not used.~~

~~2. All alpha numeric fields are to be left justified and space filled when not used.~~

~~3. The attached Magnetic Media Transmittal should be completed and returned with the tape or diskette.~~

~~4. It will be the policy of the Florida Department of Revenue to erase all data from the magnetic media prior to returning, unless otherwise requested in writing.~~

~~(g) Magnetic Tape/Diskette File Description of Registration Record:~~

Position	Field	Length
1—40	Registrant Name	A40
41—80	Registrant Address	A40
81—107	Registrant City	A26
108—108	Filler	A1
109—110	Registrant State	A2
111—112	Filler	A2
113—121	Registrant Zip Code	N9
122—131	Registrant Phone Number	N10
132—171	Business Location Name	A40
172—211	Business Location Address	A40
212—238	Business Location City	A26
239—239	Filler	A1
240—241	Business Location State	A2
242—243	FillerA2	
244—252	Business Location Zip Code	N9
253—262	Business Location Phone Number	N10
263—271	Federal Employer Identification or Social Security Number	N9
272—272	FEI SS Indicator	N1
	1—Social Security Number	
	3—Federal Employer Id.	
273—276	SIC code	N4
277—278	County Code	N2
	(by Department Standard)	
279—280	City Code	N2
	(by Department Standard)	
281—282	Kind Code	A22
	(by Department Standard)	
283—294	Sales Tax Registration Number	N12
295—300	Business Open Date	N6
	(YYMMDD Format)	
301—301	New or Re-issueA1	
	N—New Registration	
	R—Re-issue Registration	
	A—Address Change	
302—401	Local Registration Numbers	A100
	Registration number and individual business codes separated by commas with format provided by the local government)	
402—512	Filler	A111

## (4)(8) Frequency of Exchange.

(a) Units of state and local government ~~that which~~ are Level-one participants are required to ~~shall~~ exchange, on a monthly basis, the data enumerated in paragraph (2)(5)(a) of this rule for each new registrant, new filer, or initial reporter, permittee, or licensee with respect to the taxes, licenses, or permits specified in s. 213.0535(4), F.S. Each RISE participant

is required to select either a monthly or quarterly reporting period, and to notify the Department of its selection ~~paragraph (3)(b) of this rule.~~

(b) The Department of Revenue and local officials who are Level-two participants are required to ~~shall~~ comply with the monthly or quarterly exchange requirements imposed on Level-one participants. Additionally, Level-two participants are required to ~~shall~~ exchange, on a quarterly basis, information as provided in paragraph (2)(5)(b) of this rule. Audit assessments and registration cancellation information will be exchanged ~~shall be provided~~ on a quarterly basis. Tax ~~while tax~~ payment history information will ~~shall~~ be exchanged only upon a written request ~~provided on a request-only basis.~~

(c) Any requests for tax information outside of the monthly or quarterly exchange provided in this rule should ~~shall~~ be addressed ~~made~~ to the Program Director, Information Services Program, Florida Department of Revenue, Carlton Building, 501 S. Calhoun, Tallahassee, Florida 32399-0100.

(9) ~~Due Dates; General Provisions.~~ Eligible participants who share the tax administration information specified in this section shall transmit such data within 20 days after the close of the reporting period.

(a) ~~General information concerning the Registration Information Sharing and Exchange Program should be obtained by written request to the Intergovernmental Relations Administrator, Florida Department of Revenue, P. O. Box 37372, Tallahassee, Florida 32315-9998 or telephone (850)921-4418.~~

(b) ~~All specific questions regarding the status of any data supplied by the Department of Revenue should be directed to the Intergovernmental Relations Administrator, Florida Department of Revenue, Carlton Building, Tallahassee, Florida 32399-0100.~~

(10) Confidentiality of Information. Under the provisions of s. 213.0535, F.S., the Department is authorized to share specified state tax information with Level one and Level two participants of the RISE program. Each state agency or local government and its employees who receive state tax information as provided in s. 213.0535, F.S., shall be bound by the same requirements of confidentiality as the Department of Revenue, pursuant to s. 213.053, F.S., and Rule Chapter 12-22, F.A.C., and are subject to the same penalties and exemptions provided in the Open Government Sunset Review Act in accordance with s. 119.14, F.S.

Specific Authority 213.0535(4), 213.06(1) FS. Law Implemented 213.053, 213.0535 FS. History—New 3-17-93, Amended \_\_\_\_\_.

## DEPARTMENT OF CORRECTIONS

RULE TITLE:

RULE NO.:

Inmate Grievances – Forms

33-103.019

PURPOSE AND EFFECT: The proposed rule is needed in order to reflect changes in forms related to inmate grievances.

SUBJECT AREA TO BE ADDRESSED: Inmate grievances.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

TIME AND DATE: 2:00 p.m., October 27, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.019 Inmate Grievances – Forms.

The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If the forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.

(1) Form DC1-303, Request for Administrative Remedy or Appeal, effective 4-10-95;

(2) Form DC3-005, Request for Interview, effective 9-22-89.

(3) Form DC1-306, Grievance Approval Action Form (GAAP), effective \_\_\_\_\_.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History-- New 10-12-89, 4-10-95, 12-7-97, Formerly 33-29.018, Amended.

## DEPARTMENT OF CORRECTIONS

RULE TITLE:

Inmate Bank Trust Fund

RULE NO.:

33-203.201

PURPOSE AND EFFECT: The proposed rule is needed in order to require that monthly inmate bank account statements be provided to inmates to enable them to track their account balances.

SUBJECT AREA TO BE ADDRESSED: Inmate bank trust fund.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.516 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., October 27, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, FL 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.201 Inmate Bank Trust Fund.

(1) through (11) No change.

(12) Inmates shall be provided with monthly statements detailing the activity in their inmate bank trust fund accounts.

(13)(12) No change.

Specific Authority 944.09 FS. Law Implemented 944.09, 944.516 FS. History-- New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended.

## DEPARTMENT OF CORRECTIONS

RULE TITLE:

Employee Grooming, Uniform and Clothing

RULE NO.:

Requirements

33-208.101

PURPOSE AND EFFECT: The proposed rule is needed in order to clarify the department's policy regarding cleaning of employee clothing items. The proposed rule prohibits the cleaning of employee uniforms and clothing at department institutions.

SUBJECT AREA TO BE ADDRESSED: Employee uniforms and clothing.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

TIME AND DATE: 2:00 p.m., November 1, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) through (2) No change.

(3) The following are conditions and requirements for wearing department uniforms:

(a) through (c) No change.

(d) Employees are solely responsible for alterations to and the care of uniforms and clothing issued by the department. Instructions for care which are attached to each item of clothing should be followed. The laundering and cleaning of correctional officer class A and B uniforms is the responsibility of the employee; however, the laundering and cleaning of clothing items issued to other employees is the responsibility of the department. The department shall be responsible for the cleaning of the class C or battle dress utility uniforms issued to correctional emergency response teams, confrontation control force, shotgun and chemical agent teams, and for the cleaning of other required items of clothing furnished by the department, but the cleaning shall not be performed at the institution. Employees shall bear the cost of replacements of items lost or damaged due to improper use, care or maintenance of the item. Instructions for care which are attached to each item of clothing should be followed. Restitution is to be in the amount equal to the cost of the articles of clothing lost or damaged, or equal to the cost of replacement, whichever is less.

(e) No change.

(4) through (13) No change.

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

## DEPARTMENT OF CORRECTIONS

### RULE TITLE:

Inmate Telephone Use

### RULE NO.:

33-602.205

PURPOSE AND EFFECT: The proposed rule is necessary in order to reflect changes in form numbers and position titles and to prohibit possession and use of telephone calling cards by inmates.

SUBJECT AREA TO BE ADDRESSED: Inmate telephone use.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

TIME AND DATE: 9:00 a.m., October 26, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

## THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.205 Inmate Telephone Use.

(1) No change.

(2) Inmate telephone procedures will be conducted as follows:

(a) To initiate telephone privileges, inmates shall complete Form DC6-223 ~~DC3-302~~, Inmate Telephone Agreement and Number List. Each inmate is limited to no more than 10 names and numbers of persons he or she wishes to access. Inmates shall not be allowed to telephone any person not on this list except as outlined in (3)(a) and (4) of this rule. Inmates shall not make three-way telephone calls nor make calls to numbers on the list which are then transferred to other telephone numbers not on the list.

(b) The reception center classification staff shall compile the inmate calling list, Form DC6-223 ~~DC3-302~~, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 ~~DC3-302~~ shall become part of the inmate's permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 ~~DC3-302~~ is hereby incorporated by reference. Copies of this form are available from the Office of Security and Institutional Operations Management, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is December 21, 1998.

(c) through (j) No change.

(k) Tape recordings of monitored calls shall be kept in an area where staff access is controlled. Records and tapes of monitored calls shall be retained for a minimum of one year. Access to records shall be limited to the following persons:

1. Secretary or Deputy Secretary;
2. Assistant Secretary for the Office of Security and Institutional Operations Management;
3. Regional Directors;
- ~~4. Regional Security and Institutional Management Directors;~~
- ~~4.5.~~ Inspector General ~~or designee~~;
- ~~5.6.~~ The warden of each institution ~~or his or her designee~~;
- ~~6.7.~~ Senior prison inspectors;
- ~~7.8.~~ The correctional officer ~~institutional~~ inspector of each institution.

(l) No change.

(3) through (12) No change.

(13) Inmates will not be allowed to possess or use telephone calling cards.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE:

RULE NO.:

Holding Cells

33-602.224

PURPOSE AND EFFECT: The proposed rule is necessary in order to set forth guidelines for the utilization of temporary holding cells.

SUBJECT AREA TO BE ADDRESSED: Holding cells.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

TIME AND DATE: 9:00 a.m., October 28, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, FL 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.224 Holding Cells.

(1) A holding cell is a secure environment utilized for the temporary detainment of an inmate.

(2) Holding cells may be constructed in medical areas, security buildings, confinement areas, dormitories and other areas that the Warden determines will enhance the physical security of the institution. All holding cells must be in compliance with the following design requirements:

(a) Have sufficient seating affixed to the floor or wall for each occupant of the cell;

(b) Be sheltered;

(c) Have artificial or natural lighting levels sufficient to provide monitoring of the inmate's activities;

(d) Have a securable handcuff port;

(e) Be constructed of materials sufficient to contain the inmate and prevent escape; and

(f) Be in compliance with the State Fire Marshall's code.

(3) Holding cells are designed to aid staff in daily operations and are not to be used for discipline. Holding cells are to be used only as temporary detention areas for the following purposes:

(a) Transfer

(b) Medical appointments

(c) Interviews

(d) Separation of combatant inmates

(e) Other reasons determined by the Warden or Duty Warden which are necessary for orderly facility operation and maintenance of security.

(4) A holding cell log will be initiated any time an inmate is placed in the holding cell for a period exceeding one hour. Each institution will be responsible for using the Holding Cell Log, Form DC6-208, to record the reasons for placement in the cell, the length of time held in cell, and the record of frequent checks. Form DC6-208 is hereby incorporated by reference. A copy of this form is available from the Office of Security and Institutional Operations, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_.

(5) The inmate will not remain in the cell for longer than four continuous hours or six cumulative hours in a twenty-four hour period without the approval of the Warden or Duty Warden.

(6) A physical check shall be made of the inmate at least once every thirty minutes by a correctional officer. Checks will be documented on the holding cell log. If a log has not been initiated, the checks will be documented on the housing unit log.

(7) Access to personal needs will be provided as follows:

(a) Access to toilet facilities will be provided upon request for inmates in cells that have no facilities.

(b) Drinking water will be provided to the inmates in holding cells at all times, unless this presents a security concern. If water is withheld, it will be documented on the log.

(c) Meals will be served in conjunction with confinement meals.

(8) Inmates will not be placed in holding cells for the purpose of administering chemical agents.

(9) Inmates declaring a medical or psychological emergency while in a holding cell shall not be left unattended at any time. Medical personnel shall be notified immediately. Medical personnel attending to an inmate in a holding cell will sign the holding cell log. If no log has been initiated, the information will be documented on the housing unit log. If the holding cell is in an area that does not have a housing unit log, a notation will be made on the control room log.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—  
New \_\_\_\_\_.



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

RULE CHAPTER TITLE: RULE CHAPTER NO.:

General and Procedural 40A-1

RULE TITLES: RULE NOS.:

**PART I – GENERAL**

Agreements 40A-1.004

**PART II – PERMITTING**

Fees 40A-1.2025

Permit Application Procedure 40A-1.203

Administrative Enforcement Action 40A-1.208

**PART V – DECISIONS DETERMINING****SUBSTANTIAL INTERESTS**

Point of Entry into Proceedings 40A-1.511

**PART X – EXCEPTIONS TO THE****ADMINISTRATION COMMISSION'S****UNIFORM RULES OF PROCEDURES**

Variance and Emergency Variance or

Authorization Procedures 40A-1.1003

Point of Entry into Proceedings 40A-1.1010

General Procedures for Permit Applications 40A-1.1020

**PURPOSE AND EFFECT:** The purpose of the District's proposed rule development is to address the comments raised by the Legislature's Joint Administrative Procedure Committee. These comments concerned the use of the words such as "may" in rule where it might have given unbridled discretion to the District. The proposed changes include using more definite wording such as "shall". Other examples of wording proposed to be changed include "within a reasonable time thereafter" and "unforeseen circumstances". The effect of the proposed changes will be to limit discretion in the permit processing procedure.

**SUBJECT AREA TO BE ADDRESSED:** Variance and emergency variance authorization procedures and permit application processing procedures.

**SPECIFIC AUTHORITY:** 120.54(5), 373.044, 373.085(1), 373.113, 373.118, 373.171, 373.246, 373.308, 373.309, 373.4136 FS.

**LAW IMPLEMENTED:** 120.53, 120.54(5), 120.569, 120.57, 120.60, 218.075, 373.084, 373.085, 373.109, 373.118, 373.119, 373.171, 373.175, 373.216, 373.219, 373.229, 373.246, 373.308, 373.309, 373.313, 373.316, 373.323, 373.326, 373.342, 373.406, 373.413, 373.416, 373.418, 373.423, 373.426, 373.427, 373.439 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ADVERTISED 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:** Lance

Laird, P. E., Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32303, (850)539-5999, (850)539-4380 (fax)

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.**

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

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Regulation of Wells 40A-3

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule development is to amend the existing rule to remove the use of the word "may" and replace it with the word "shall." This addresses the Legislature's Joint Administrative Procedures Committee's concerns that using the word "may" in this instance vested unbridled discretion to the District.

**SUBJECT AREA TO BE ADDRESSED:** The proposed amendment will address the actions necessary when a violation of the standards of this rule has been discovered as a result of an inspection under Chapter 40A-3, F.A.C.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.171, 373.309, 373.337 FS.

**LAW IMPLEMENTED:** 373.119, 373.308, 373.309, 373.319, 373.333 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ADVERTISED 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:** Lance Laird, P. E., Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32303, (850)539-5999, (850)539-4380 (fax)

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.**

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

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Management and Storage of  
Surface Waters 40A-4

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule development is to amend the existing rule to remove the use of the word "may" and replace it with the word "shall." This addresses the Legislature's Joint Administrative Procedures Committee's concerns that using the word "may" in this instance vested unbridled discretion to the District.

**SUBJECT AREA TO BE ADDRESSED:** The proposed amendment will address the information requirements necessary to properly evaluate applications filed under Chapter 40A-4, FAC.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.406, 373.418 FS.

LAW IMPLEMENTED: 373.406, 373.413, 373.416, 373.426, 373.427 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ADVERTISED 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: Lance Laird, P. E., Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32303, (850)539-5999, (850)539-4380 Fax

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

## WATER MANAGEMENT DISTRICTS

### Northwest Florida Water Management District

RULE CHAPTER TITLE: Works of the District  
RULE CHAPTER NO.: 40A-6

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to amend the existing rule to remove unnecessary language in the rule. This reduction is undertaken pursuant to the requirements of 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment will remove language about Ch. 120, F.S. hearings and the procedures used when an application has been re-submitted, that is unnecessary.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.084, 373.085, 373.086, 373.087, 373.103, 373.139 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ADVERTISED 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: Lance Laird, P. E., Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32303, (850)539-5999, (850)539-4380 Fax

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Division of Medicaid

RULE TITLE: Nursing Facility Services  
RULE NO.: 59G-4.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Nursing Facility Services Coverage and Limitations Handbook, November 1999 and the Medicaid Provider Reimbursement Handbook, Institutional 021, November 1999.

SUBJECT AREA TO BE ADDRESSED: Nursing Facility Services.

SPECIFIC AUTHORITY: 395.602, 409.919 FS.

LAW IMPLEMENTED: 395.602, 400 Part II, 409.905, 409.908 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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. – 12:00 noon, October 27, 1999  
PLACE: 2728 Ft. Knox Blvd., Bldg. 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elsa Kellberg, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7353

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.200 Nursing Facility Services.

(2) All participating nursing facility providers must comply with the provisions of the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, November 1999 ~~January 1997~~ and the corresponding Florida Medicaid Provider Reimbursement Handbook, Institutional 021, November 1999 ~~September 1996~~, which are incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 395.602, 409.919 FS. Law Implemented 400 Part II, 409.905, 409.908, 395.602 FS. History--New 1-1-77, Amended 6-13-77, 10-1-77, 1-1-78, 12-28-78, 2-14-80, 4-5-83, 1-1-84, 8-29-84, 9-1-84, 9-5-84, Formerly 10C-7.48, Amended 8-19-86, 6-1-89, 7-2-90, 6-4-92, 8-5-92, 11-2-92, 7-20-93, Formerly 10C-7.048, Amended 11-28-95, 5-9-99, \_\_\_\_\_.

## DEPARTMENT OF MANAGEMENT SERVICES

### Selected Exempt Service

RULE CHAPTER TITLE: Selected Exempt Service  
RULE CHAPTER NO.: 60M-1

RULE TITLE: Insurance Benefits  
RULE NO.: 60M-1.009

PURPOSE AND EFFECT: Implements the changes to s. 110.205(2)(k), Florida Statutes, made by the 1999 Legislature.

SUBJECT AREA TO BE ADDRESSED: Provides dental insurance benefits to employees in the Selected Exempt Service if funds are available and provides for the retirement class of these employees.

SPECIFIC AUTHORITY: 110.605(1) FS.

LAW IMPLEMENTED: 110.603, 110.205(2)(k) 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., October 27, 1999

PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anna B. Gray, Human Resource Consultant, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60M-1.009 Insurance Benefits.

(1) Employees in the Selected Exempt Service shall be enrolled in the Regular Class of the Florida Retirement System, unless approved for membership in the Special Risk Class, as provided in Chapter 121, Florida Statutes.

(2) Subject to appropriation of funds, the State shall pay for the following insurance coverage for each full-time Selected Exempt Service employee member:

(a)1- 100% of the premium for the state individual life insurance policy;

(b)2- 100% of the premium for the individual or family state group health insurance plan; or up to an equal dollar amount for a health maintenance organization premium; and-

(c)3- 100% of the premium for the state individual disability insurance policy.

(3) In addition, the State may pay 100% of the premium for an individual or family dental insurance plan, provided that premiums are funded by the Legislature through the appropriations act or otherwise absorbed within the existing budget authority of the employing agency.

Specific Authority 110.605(1) FS. Law Implemented 110.603, 110.205(2)(k) FS. History--New 2-1-87, Formerly 22SE-1.009, Amended \_\_\_\_\_.

## DEPARTMENT OF MANAGEMENT SERVICES

### Senior Management Service

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Senior Management Service 60N-1

RULE TITLE: RULE NO.:

Benefits 60N-1.008

PURPOSE AND EFFECT: Implements the changes to s. 110.205(2)(k), Florida Statutes, made by the 1999 Legislature.

SUBJECT AREA TO BE ADDRESSED: Provides dental insurance benefits to employees in the Senior Management Service if funds are available.

SPECIFIC AUTHORITY: 110.403 FS.

LAW IMPLEMENTED: 110.402, 110.403, 110.205(2)(k) 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., October 27, 1999

PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anna B. Gray, Human Resource Consultant, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60N-1.008 Benefits.

(1) Employees in the Senior Management Service member shall be eligible for membership in the Senior Management Service class of the Florida Retirement System, or the Senior Management Service Optional Annuity Program, as provided in Chapter 121, Florida Statutes, however, elected state officers who are compulsory members of the elected state officers class are not eligible for this benefit.

(2) Subject to appropriation of funds the State shall pay for the following insurance coverage for each full-time member:

(a) 100% of the premium for the state individual life insurance policy;

(b) 100% of the premium for the individual or family, state group health insurance plan; or up to an equal dollar amount for a health maintenance organization premium; and-

(c) 100% of the premium for the state individual disability insurance policy.

(3) In addition, the State may pay 100% of the premium for an individual or family dental insurance plan, provided that premiums are funded by the Legislature through the appropriations act or otherwise absorbed within the existing budget authority of the employing agency.

Specific Authority 110.403 FS. Law Implemented 110.402, 110.403, 110.205(2)(k) FS. History--New 5-29-86, Amended 2-1-87, Formerly 22SM-3.008, Amended \_\_\_\_\_.

## DEPARTMENT OF HEALTH

### Board of Nursing

RULE TITLE: RULE NO.:

Remedial Courses for Reexamination 64B9-3.0025

PURPOSE AND EFFECT: The purpose of the rule development is to implement the new statutory provisions in Laws of Florida Chapter 99-397, Section 116, requiring that

persons who fail the licensing examination three consecutive times must complete a board-approved remedial course before the applicant may be approved for reexamination.

SUBJECT AREA TO BE ADDRESSED: Remedial courses for reexamination.

SPECIFIC AUTHORITY: 464.008(3) FS.

LAW IMPLEMENTED: 464.008(3) 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: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-3.0025 Remedial Courses for reexamination.

To meet the requirements of s. 464.008(3), F.S., remedial courses must be approved by the board, and must meet the following requirements:

(1) The education objectives, faculty qualifications, administrative procedures and clinical training shall comply with the standards in Rules 64B9-2.004, 2.005, 2.007 and 2.008.

(2) The curriculum shall:

(a) comply with the guidelines in Rule 64B9-2.006(1)(a)(b)(c)(d) and (e);

(b) meet the content requirements in Rule 64B9-2.006(2)(b)3. and Rule 64B9-2.006(3)3.;

(c) include a minimum of 80 hours didactic education and 96 hours clinical experience in a medical-surgical setting;

1. Content for professional nurse remedial course must include medical, surgical, obstetric, pediatric, geriatric and psychiatric nursing

2. Content of practical nurse remedial course must include medical, surgical, obstetric, pediatric and geriatric nursing

Specific Authority 464.008(3) FS. Law Implemented 464.008(3) FS. History—New

## DEPARTMENT OF HEALTH

### Board of Nursing

#### RULE TITLES:

Definitions

Requirements for Certification

Provisional Certification

Program Guidelines

Requirements for Documentation

Certification in More Than One Category

#### RULE NOS.:

64B9-4.001

64B9-4.002

64B9-4.0025

64B9-4.003

64B9-4.004

64B9-4.006

Recertification; Inactive Status 64B9-4.013

Reactivation of ARNP Certificate 64B9-4.014

PURPOSE AND EFFECT: The purpose of the amendments is to clarify requirements for ARNP certification, clarify that ARNP students in Florida must be licensed as RNs in Florida, correct the name of the national certifying body for nurse midwives, clarify that provisional ARNP certification expires if qualification requirements are not met, establish a minimum number of hours of clinical experience in ARNP program, clarify the circumstances under which an ARNP does not require proof of financial responsibility and establish the requirement for reactivation of an inactive ARNP certification.

SUBJECT AREA TO BE ADDRESSED: Definitions; Requirements for Certification; Provisional Certification; Program Guidelines; Requirements for Documentation; Certification in More Than One Category; Renewal of Certification; Inactive Status; Reactivation of ARNP Certificate.

SPECIFIC AUTHORITY: 464.006, 464.012, 455.694, 464.014 FS.

LAW IMPLEMENTED: 455.694, 464.012, 464.014, 455.711(5) 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: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-4.001 Definitions.

(1) Advanced Registered Nurse Practitioner (“ARNP”) – a Registered Nurse licensed under s. 464.008 or 464.009, F.S., and duly certified by the Board pursuant to Section 464.012, F.S.

(2) No change.

(3) Appropriate Specialty Board – a professional or national organization recognized by the Board which certifies or issues credentials to an advanced practice nurse in a specialty area.

(4) through (5) No change.

(6) Category – one of the three statutorily defined types of ARNP certification, which are nurse practitioner, certified nurse midwife, and certified nurse anesthetist.

(7)(6) Clinical Experience – practice under the supervision of a qualified preceptor in the actual care of a consumer of health services.

~~(7) Clinical Nurse Specialist/Psychology Mental Health— a registered nurse who holds a minimum of a master's degree in a nursing clinical specialty area.~~

(8) through (11) No change.

(12) Preceptorship/supervised clinical experience – clinical experience and practice under the supervision of a qualified preceptor for a specified length of time in the actual care and management of a consumer of health care services.

(13) Qualified Preceptor – a certified practicing advanced registered nurse practitioner, ~~clinical—nurse specialist/psychology mental health~~, or a duly licensed medical doctor ~~or~~ doctor of osteopathy, or doctor of dental medicine who is responsible for the supervision, teaching and evaluation in the clinical setting of a student enrolled in a nurse practitioner formal post basic educational program. If the clinical setting is in Florida, the qualified preceptor must be licensed in this state under Chapter 458, 459, 464, or 466, F.S., and the student must be a Registered Nurse licensed under Chapter 464, F.S.

(14) through (15) No change.

Specific Authority 464.006, 464.012 FS. Law Implemented 464.012 FS. History—New 8-31-80, Amended 3-16-81, 6-18-85, Formerly 21O-11.20, 21O-11.020, 61F7-4.001, Amended 5-29-96, Formerly 59S-4.001, Amended \_\_\_\_\_.

64B9-4.002 Requirements for Certification.

(1) In accordance with the provisions of Section 464.012, F.S., any person who wishes to be certified as an Advanced Registered Nurse Practitioner shall submit an application to the Agency, on forms prescribed by it, demonstrating that the applicant ~~she~~ holds a current unencumbered license to practice professional nursing in Florida.

(2) Applicant shall submit proof of national advanced practice certification from a nursing specialty board as required.

(3)(2) Professional or national nursing specialty boards recognized by the Board include, but are not limited to:

(a) through (c) No change.

(d) National Certification Corporation for OB/GYN, Neonatal Nursing Specialties (nurse practitioner level examination only), Nurses Association of the American College of Obstetricians and Gynecologists (Nurse Practitioner level examinations only).

(e) No change.

(4)(3) Those nursing specialty boards seeking recognition by the Board shall meet the following standard:

(a) through (e) No change.

(5)(4) Pursuant to Section 455.694 ~~455.2456~~, Florida Statutes, all ARNPs shall carry malpractice insurance or demonstrate proof of financial responsibility. Any applicant for certification shall submit proof of compliance with Section 455.694 or exemption 455.2456 to the Board office within sixty days of certification or be in violation of this rule. All

certificateholders shall submit such proof as a condition of biennial renewal or reactivation. Acceptable coverage shall include:

(a) through (b) No change.

(c) Any person claiming exemption from the financial responsibility law pursuant to Section 455.694(2) must timely document such exemption at initial certification, biennial renewal, and reactivation.

Specific Authority 455.694, 464.006, 464.012 FS. Law Implemented 455.694, 464.012 FS. History—New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 21O-11.23, Amended 3-19-87, 4-6-92, Formerly 21O-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, \_\_\_\_\_.

64B9-4.0025 Provisional Certification.

(1) through (2) No change.

(3) The provisional ARNP certification ~~license~~ shall be valid for a period of 12 ~~24~~ months.

(4) The provisional ARNP certification will expire if no specialty board certification is submitted within 12 months of the date granting provisional ARNP certification.

Specific Authority 464.006, 464.012(1)(b) FS. Law Implemented 464.012(1)(b) FS. History—New 2-12-97, Formerly 59S-4.0025, Amended \_\_\_\_\_.

64B9-4.003 Program Guidelines.

(1) The nurse practitioner certificate ~~formal post basic educational~~ program which prepares the registered nurse for advanced or specialized nursing practice as an Advanced Registered Nurse Practitioner shall meet the following criteria:

(a) through (c) No change.

(d) The program shall reflect the following administrative policies:

1. Admission criteria shall be clearly stated and available in written form. In Florida, admission criteria shall include that the student holds a current unencumbered Registered Nurse license under s. 464.008, or 464.009, F.S.

2. through 5. No change.

(e) through (f) No change.

(g) The program shall provide a minimum of 500 hours of supervised clinical experience in the performance of the specialized diagnostic procedures that are essential to practice in that specialty area.

(h) through (i) No change.

(2) Graduation from a program leading to a master's or a post-Masters degree ~~in a nursing clinical specialty area~~ which prepares the nurse for advanced or specialized nursing practice as an Advanced Registered Nurse Practitioner shall meet the following criteria:

(a) The program shall prepare nurses as nurse practitioners, certified registered nurse anesthetists ~~or clinical nurse specialists/psychology mental health~~ or nurse midwives.

(b) through (c) No change.

(d) The curriculum shall include, but not be limited to the following practitioner skills:

1. through 7. No change.

8. Management of selected diseases and illnesses.

~~9.8. Professional socialization/role realignment.~~

~~10.9. Legal implications of the advanced nursing practice/nurse practitioner role.~~

~~11.40. Health delivery systems, including assessment of community resources and referrals to appropriate professionals or agencies.~~

~~12.44. Providing emergency treatments.~~

13. A minimum of 500 hours of preceptorship/supervised clinical experience in the performance of the specialized diagnostic procedures that are essential to practice in that specialty area.

(e) through (f) No change.

~~(3) A master's degree program required for initial certification as a nurse practitioner for applicants graduating on or after October 1, 1998 shall meet the requirements of this rule.~~

~~(4) A master's degree program required for initial certification as a certified registered nurse anesthetist for applicants graduating on or after October 1, 2001 shall meet the requirements of this rule.~~

Specific Authority 464.006, 464.012 FS. Law Implemented 464.012 FS. History—New 8-31-80, Amended 3-16-81, 2-28-82, 6-18-85, Formerly 21O-11.24, 21O-11.024, 61F7-4.003, Amended 5-29-96, 2-12-97, Formerly 59S-4.003, Amended \_\_\_\_\_.

#### 64B9-4.004 Requirements for Documentation.

(1) A Registered Nurse applying for initial certification as an Advanced Registered Nurse Practitioner ~~in the categories of certified registered nurse anesthetist or nurse practitioner~~ shall file with the Department an Initial Application for Certification As An Advanced Registered Nurse Practitioner, effective 9/97, incorporated herein by reference, and available from the Board office, ~~the appropriate application form with the Department~~ and provide the Board with the following:

(a) No change.

(b) Proof acceptable to the Board of satisfactory completion of the educational program which shall consist of ~~one of the following~~:

1. through 3. No change.

(c) If the applicant is required to be nationally certified, one of the following shall also be submitted:

1. A notarized true and correct copy of the original or recertification specialty board certificate.

2. Such other documentary proof which evidences certification by an appropriate specialty board.

3. Verification from the specialty association of certification.

(2) No change.

Specific Authority 464.006, 464.012 FS. Law Implemented 464.012 FS. History—New 8-31-80, Amended 10-6-82, Formerly 21O-11.25, Amended 3-19-87, Formerly 21O-11.025, 61F7-4.004, Amended 5-29-96, 2-12-97, Formerly 59S-4.004, Amended \_\_\_\_\_.

#### 64B9-4.006 Certification in More Than One Category.

(1) No change.

(2) An applicant who wishes to be certified in a second category must be able to document eligibility for certification in that category. Such eligibility may be determined by meeting at least one of the following criteria:

(a) Content appropriate to the second category was addressed in the initial ARNP educational program and the applicant has passed a national certification examination in the second category, if required.

(b) Content appropriate to the second category was addressed in a formal educational program undertaken after completion of initial ARNP education and the applicant has passed a national certification examination in the second category, if required.

~~(c) The applicant has passed a national certification examination in the second category.~~

(3) No change.

Specific Authority 464.006, 464.012 FS. Law Implemented 464.012 FS. History—New 8-31-80, Amended 6-18-85, Formerly 21O-11.29, Amended 3-19-87, Formerly 21O-11.029, 61F7-4.006, 59S-4.006, Amended \_\_\_\_\_.

#### 64B9-4.013 Recertification ~~Renewal of Certification;~~ Inactive Status.

(1) Upon initial certification, an ARNP shall be issued a certificate in the appropriate category. At the next first renewal and subsequent recertifications ~~renewals~~ thereafter, the licensee shall, upon payment of the renewal fee provided in Rule 64B9-7.001(6), receive a dual RN/ARNP license/certificate.

(2) For each recertification cycle, the ARNP shall submit all of the following to the Board

(a) Proof of malpractice insurance or exemption.

(b) Protocols or exemption.

(c) Proof of current national certification if required.

~~(3)(2) Failure to recertify renew certification~~ as an Advanced Registered Nurse Practitioner within the time period prescribed by the Department will result in the certificate being placed on delinquent status.

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

Specific Authority 464.006, 464.014 FS. Law Implemented 464.012, 464.014, 455.711(5) FS. History—New 8-31-80, Formerly 21O-11.27, Amended 3-19-87, Formerly 21O-11.027, 61F7-4.013, 59S-4.013, Amended 2-18-98, \_\_\_\_\_.

#### 64B9-4.014 Reactivation of ARNP Certificate.

(1) No inactive certificate may be reactivated ~~renewed~~ unless the applicant holds a current, active license to practice as a Registered Nurse in this State, and meets the requirements of 64B9-4.002(7), if applicable.

(2) No change.

(3) Documentation of active practice as a nurse practitioner within the past 5 years or documentation of an ARNP refresher course to include both theoretical and clinical components must be submitted. A current Registered Nurse license under s. 464.008, 464.009, F.S. is required for the clinical component of a refresher course.

Specific Authority 464.006, 464.012, 464.014 FS. Law Implemented 464.012, 464.014 FS. History--New 8-31-80, Amended 3-16-81, 6-18-85, Formerly 21O-11.28, Amended 3-19-87, 10-21-87, Formerly 21O-11.028, Amended 12-27-93, Formerly 61F7-4.014, 59S-4.014, Amended \_\_\_\_\_.

## DEPARTMENT OF HEALTH

### Board of Nursing

**RULE TITLE:** Procedure Relating to the Provider  
**RULE NO.:** 64B9-5.005  
**PURPOSE AND EFFECT:** The purpose is to set a time limit for continuing education providers to notify the Board office of changes.  
**SUBJECT AREA TO BE ADDRESSED:** Procedure Relating to the Provider.  
**SPECIFIC AUTHORITY:** 464.013, 464.014 FS.  
**LAW IMPLEMENTED:** 464.013(3) 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:** Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

64B9-5.005 Procedure Relating to the Provider.

Provider seeking approval shall:

- (1) through (3) No change.
- (4) Notify the Board of change of contact person and any significant alterations or changes which may affect the maintenance of standards within 30 days.
- (5) through (9) No change.

Specific Authority 464.013(3), 464.014 FS. Law Implemented 464.013(3) FS. History--New 9-12-79, Amended 10-6-82, Formerly 21O-13.11, 21O-13.011, Amended 9-28-93, Formerly 61F7-5.005, 59S-5.005, Amended \_\_\_\_\_.

## DEPARTMENT OF HEALTH

### Board of Nursing

**RULE TITLES:** Citations  
**RULE NOS.:** 64B9-8.003  
Disciplinary Proceedings 64B9-8.005  
Disciplinary Guidelines; Range of Penalties;  
Aggravating and Mitigating Circumstances 64B9-8.006  
**PURPOSE AND EFFECT:** The purpose of the amendment to rule 64B9-8.003 is to implement 455.624(3), F.S. The purpose of the amendment to Rule 64B9-8.005 is to include all drug tests without a valid prescription as unprofessional conduct. The purpose of 64B9-8.006 is to implement disciplinary guidelines for a new grounds for discipline added to 455.624.  
**SUBJECT AREA TO BE ADDRESSED:** Citations; Disciplinary Proceedings; Disciplinary Guidelines.  
**SPECIFIC AUTHORITY:** 464.006, 455.224, 455.627 FS.  
**LAW IMPLEMENTED:** 455.224, 464.018 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:** Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

64B9-8.003 Citations.

(1) through (2) No change.

(3) The Board designates the following as citation violations, which shall result in a penalty of ~~one hundred dollars~~ (\$100.00):

(a) through (g) No change.

(4) The Board designates the following a citation violations, which shall result in a penalty of \$250.00: (a) First-time failure to complete continuing education hours within the biennium. In addition to the fine, the license will be required to complete the number of hours necessary to meet the biennial requirements not completed within 6 months of the issuance of the citation.

Specific Authority 464.006, 455.617 455.224 FS. Law Implemented 455.617 455.224 FS. History--New 1-1-92, Amended 7-6-92, Formerly 21O-10.015, Amended 12-5-93, 5-24-94, Formerly 61F7-8.003, 59S-8.003, Amended 2-18-98, \_\_\_\_\_.

## 64B9-8.005 Disciplinary Proceedings.

Unprofessional conduct shall include:

(1) through (17) No change.

(18) Testing positive for any drugs under Chapter 893 on any ~~pre-employment or employer-ordered~~ drug screen when the nurse does not have a prescription and legitimate medical reason for using such drug.

(19) through (20) No change.

Specific Authority 464.006 FS. Law Implemented 464.018 FS. History—New 11-28-79, Amended 3-16-81, 10-8-81, 9-11-83, Formerly 21O-10.05, Amended 4-21-86, 2-5-87, 8-2-90, 3-12-91, 9-16-91, 4-18-92, 9-29-92, Formerly 21O-10.005, Amended 9-7-93, Formerly 61F7-8.005, Amended 11-6-94, 5-1-95, 11-16-95, Formerly 59S-8.005, Amended 2-18-98,\_\_\_\_\_.

## 64B9-8.006 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (2) No change.

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

(3)(u) Failing to report to the Board in writing within 30 days after the license has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction (455.624(1)(w), F.S.) Reprimand and a fine of \$250.00

(v) Failing to report to the Board in writing on or before October 1, 1999 any conviction, finding of guilt or plea of nolo contendere that occurred prior to July 1, 1999 (455.624(1)(w), F.S.) Reprimand and a fine of \$250.00

(4) No change.

Specific Authority 455.6247 FS. Law Implemented 455.6247, 464.018 FS. History—New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 21O-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-18-98, 7-1-99,\_\_\_\_\_.

**DEPARTMENT OF HEALTH****Division of Environmental Health and Statewide Programs**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rural Hospital Capital Improvement 64E-19

PURPOSE AND EFFECT: Rural Hospital Capital Improvement: To establish rules to award grants for funding in accordance with criteria established in 395.6061, F.S.

SUBJECT AREAS TO BE ADDRESSED: Rural Hospital Capital Improvement.

SPECIFIC AUTHORITY: 395.6061 FS.

LAW IMPLEMENTED: 395.6061 FS.

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

TIME AND DATE: 10:00 a.m., October 26, 1999

PLACE: University of South Florida, College of Public Health, 13201 Bruce B. Downs, Classroom 2004, Tampa, Florida

TIME AND DATE: 10:00 a.m., October 28, 1999

PLACE: Alexander Building, Room 3430, 2020 Capital Circle, S. E., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mike Walsh, Health Services and Facilities Consultant, Office of Rural Health, Department of Health, 2002 Old St. Augustine Road, Building D, Tallahassee, Florida 32301, (850)487-2044

DRAFT MATERIALS SHALL BE AVAILABLE UPON REQUEST ONE WEEK PRIOR TO THE RESPECTIVE WORKSHOPS BY CONTACTING THE FOLLOWING INDIVIDUALS: Rural Hospital Capital Improvement, Mike Walsh

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Office of Rural Health, (850)487-2044, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Office of Rural Health using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF HEALTH****Division of Family Health Services**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Eligibility and Fee Assessment for Services

Offered by County Public Health Units 64F-16

RULE TITLES: RULE NOS.:

Vaccine Charges and Administrative, Gate,

Flat and Minimum Fees 64F-16.004

Fee Exemption 64F-16.005

Sliding Fee Scale 64F-16.006

PURPOSE AND EFFECT: The purpose of these proposed rule changes are to grant Department of Health County Health Departments the authority to charge clients a \$5.00 copayment for non-emergency acute care; physical examinations and health risk assessments; chronic disease prevention, detection, counseling, and management; and dental services if offered in the county. Exemptions are granted to Medicaid clients for services that are reimbursable by Medicaid. Services will not be denied to a client below 100% of the OMB poverty guidelines if the client is unable to pay the requested copayment.

SUBJECT AREA TO BE ADDRESSED: The authorization for County Health Departments to charge a copayment for certain services.

SPECIFIC AUTHORITY: 154.011(5), 154.06(1) FS.

LAW IMPLEMENTED: 154.011(5), 154.06(1) FS.

FOR PERSONS WISHING TO PROVIDE INPUT OR COMMENTS; RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

WORKSHOP 1:

TIME AND DATE: 3:00 p.m. – 5:00 p.m., November 5, 1999

PLACE: Broward County Health Department, 2nd Floor Auditorium, 2421 S. W. 6th Avenue, Ft. Lauderdale, FL

WORKSHOP 2:



TIME AND DATE: 11:00 a.m. – 1:00 p.m., November 9, 1999  
PLACE: Orange County Health Department, 4th Floor Auditorium, 832 West Central Boulevard, Orlando, FL  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bob Peck, Family Health Services, HSFFM Bin A13, 2020 Capitol Circle, S. W., Tallahassee, FL 32399-1723, or at telephone number (850)488-2834

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-16.004 Vaccine Charges and Administrative, Gate, Flat and Minimum Fees.

(1) No charge for the cost of vaccines shall be assessed for ~~any~~ vaccines purchased under federal contracts, regardless of the funding source.

(2) ~~The administration of Services with~~ vaccines purchased through federal contracts shall not be denied if the client is unable to pay the fee for this service.

(3) Except as provided in rules 64F-16.005, 64F-16.006, and 64F-16.007, aAdministrative, gate, flat and minimum fees are not to be charged to any client receiving services from a CHD or its subcontractors.

Specific Authority 154.011(5), 154.06(1) FS. Law Implemented 154.011(5), 154.06(1) FS. History-New 10-14-93, Amended 8-2-94, 4-29-96, Formerly 10D-121.005, Amended.

64F-16.005 Fee Exemption.

(1) Except for the copayment fee further described in this section, clients of CHDs and their subcontractors shall not be charged any fee for communicable disease control or integrated family health services as defined in this ~~chapter rule~~ if they have a net family income below 100 percent of the poverty guidelines published by the Federal Office of Management and Budget (OMB).

(2) CHDs and their subcontractors shall charge a copayment fee of \$5.00 for each integrated family health services visit, up to a maximum of \$15.00 for any calendar month, for any service described in section 64F-16.010(5) (non-emergency acute care), (7) (physical examinations and health risk assessment), (8) (chronic disease prevention, detection, counseling, and management), and (10) (dental services). This copayment fee shall be charged to all clients for these services, including those clients subject to a sliding fee under this chapter, except to any Medicaid client if the service is reimbursable by Medicaid. None of the services for which a copayment fee is required under this section shall be denied to a client below 100 percent of the OMB poverty guidelines if the client cannot pay the requested copayment. By applying rule 64F-16.007(3) CHDs and their subcontractors shall determine whether a client cannot pay the copayment.

Specific Authority 154.011(5), 154.06(1) FS. Law Implemented 154.011, 154.06(1) FS. History-New 10-14-93, Formerly 10D-121.006, Amended.

64F-16.006 Sliding Fee Scale.

(1) In addition to the copayment fee required by rule 64F-16.005(2) and except as provided in this chapter, p Persons with net family income between 100 and 200 percent of the Federal Office of Management and Budget nonfarm poverty guidelines shall be charged a fee on a sliding scale based on the following increments:

(a) Persons with income below 100 percent of the OMB nonfarm poverty guidelines shall not pay a sliding scale ~~no~~ fee.

(b) through (g) No changes.

(2) The sliding fee scale in subsection (1) applies per clinic visit to recipients of integrated family health and communicable disease control services. Laboratory, pharmacy, and radiology charges may be added separately to the clinic visit charge, but must be charged on the sliding fee scale.

(3) Laboratory, pharmacy, and radiology charges may be added separately to the fee for a clinic visit, but such charges must be assessed in accordance with the sliding fee scale in subsection (1). This sliding fee scale applies to recipients of integrated family health and communicable disease control services, with the following exceptions:

(a) through (g) renumbered (4) through (10) No change.

~~(11)(4)~~ No change.

Specific Authority 154.011(5), 154.06(1) FS. Law Implemented 154.011, 154.06(1) FS. History-New 10-14-93, Amended 8-2-94, 4-29-96, Formerly 10D-121.007, Amended.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Rules of Practice and Procedure	65-2
RULE TITLES:	RULE NOS.:
Applicant/Recipient Fair Hearings	65-2.042
Hearings Request and Notification of	
Right to Hearings	65-2.043
Rejection of Hearing Request	65-2.047
Evidence	65-2.060

PURPOSE AND EFFECT: These rule amendments are to update the Department's procedural rules to comply with requirements of section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Proposed rule amendment to 65-2.042 includes a statement that the hearings are held under the Uniform Rules of Procedure and identifies the exceptions to complying with specific uniform rules granted by the Administration commission. This rule amendment also clarifies the term Department as used in the rule. Proposed rule amendment to 65-2.043 is to remove obsolete or no longer used rules requirements. Proposed rule amendment to 65-2.047 is to remove obsolete or no longer used rule requirements. Proposed rule amendment to 65-2.060 is to remove language that is redundant of statutes.

SPECIFIC AUTHORITY: 409.285 FS.

LAW IMPLEMENTED: 409.285 FS.

IF REQUESTED IN WRITING AND DEEMED NECESSARY 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., October 25, 1999

PLACE: 1317 Winewood Boulevard, Building 1, Room 201 A Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Pritchard, Administrator, Office of Appeal Hearings, 1317 Winewood Blvd., Bldg. 1, Room 309, Tallahassee, Florida 32399-0700

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

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

### Economic Self Sufficiency Program

RULE CHAPTER TITLE: PUBLIC ASSISTANCE PROGRAMS  
RULE CHAPTER NO.: 65A-1

RULE TITLE: PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS  
RULE NO.: 65A-1.521

PURPOSE AND EFFECT: This rule amendment will reflect the shift of responsibility for WAGES work requirements from DLES to the local WAGES coalitions. Additionally, this rule amendment will reflect imposition of federally mandated work penalties in the food stamp program for failure to comply with WAGES work requirements.

SUBJECT AREA TO BE ADDRESSED: This amendment includes statements to reflect local WAGES coalitions assuming responsibility for WAGES work activities. Additionally, it will address imposition of joint penalties with the food stamp program for failure to comply with WAGES work requirements.

SPECIFIC AUTHORITY: 414.065(4), 414.45 FS.

LAW IMPLEMENTED: 414.065(4) FS.

IF REQUESTED IN WRITING AND DEEMED NECESSARY 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., October 22, 1999

PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 412D, Tallahassee, Florida 32399-0700

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

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

### Family Safety and Preservation

RULE TITLES: FOSTER HOME LICENSING  
RULE NOS.: 65C-15.023

MONITORING AND ANNUAL LICENSING STUDY  
65C-15.025

PURPOSE AND EFFECT: These changes to 65C-15 require agencies to provide specified documentation to the department for licensing and relicensing of foster homes; establishes time lines for conducting annual relicensing evaluations and submission of documentation to the department; sets a time limit for the department to approve or deny a license.

SUBJECT AREA TO BE ADDRESSED: Child Placing Agencies.

SPECIFIC AUTHORITY: 409.175 FS.

LAW IMPLEMENTED: 409.175 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., October 29, 1999

PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amy West, Specialist, 1317 Winewood Blvd., Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-15.023 Foster Home Licensing.

(1) The agency shall conduct a thorough licensing study to determine the substitute care applicant's ability to comply with the licensing standards set forth in ~~this rule~~ Florida Administrative Code 65C-13.

(2) The licensing study shall include at least one home visit in addition to office contacts. Face-to-face interviews shall be conducted with each member of the applicant's household. All contacts shall be documented in writing.

(3) An agency, which provides adoption services, shall have foster homes available in the event that an adoptive placement disrupts and the child needs a temporary placement.

(4) The foster parents and members of their household 18 years of age or older must meet the screening requirements of s. 409.175, F.S., ~~F.A.C. 10-20~~.

(5) The agency shall recommend to the department that the license application should be granted or denied. The agency shall submit copies of the following supportive documentation to the department:

- (a) Licensing Standard Checklist.
  - (b) Application.
  - (c) Letter of recommendation.
  - (d) Copy of the home study and floor plan of the home.
  - (e) Florida Abuse Hotline Information System (FAHIS) report clearances.
  - (f) Local law enforcement checks.
  - (g) Personal and school references.
  - (h) Medical information.
  - (i) Sanitation and fire inspection documentation.
  - (j) Federal Bureau of Investigation screening clearance letter, and
  - (k) Initial pre-service training or the annual in-services training documentation.
- (6) The department will notify the agency, in writing, within 10 working days of the approval or denial of the license. If the license is approved, the department will issue a license.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New 12-19-90, Formerly 10M-24.036, Amended \_\_\_\_\_.

65C-15.025 Monitoring and Annual Licensing Study.

(1) A staff member of the agency shall conduct ~~an~~ the annual relicensing evaluation of the agency's licensed foster homes, at a minimum of 60 days prior to the expiration of the license, in order to make a ~~timely~~ recommendation to the department in regard to renewal of the family's license.

(2) The agency shall submit copies of the following supportive documentation to the department 30 days prior to the expiration date of the license:

- (a) Licensing Standard Checklist.
  - (b) Application.
  - (c) Letter of recommendation.
  - (d) Copy of the home study and floor plan of the home.
  - (e) Florida Abuse Hotline Information System (FAHIS) report clearances.
  - (f) Local law enforcement checks.
  - (g) Personal and school references.
  - (h) Medical information.
  - (i) Sanitation and fire inspection documentation.
  - (j) Federal Bureau of Investigation screening clearance letter, and
  - (k) Initial pre-service training or the annual in-services training documentation.
- (3) The department will notify the agency, in writing, within 10 working days of the approval or denial of the license. If the license is approved, the department will issue a license.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New 12-19-90, Formerly 10M-24.038, Amended \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Animal Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Humane Euthanasia of Livestock	5C-25
RULE TITLES:	RULE NOS.:
Definitions	5C-25.001
Humane Killing of Livestock	5C-25.002
Development of a Training Program	5C-25.003
Penalties for Violation	5C-25.004

**PURPOSE AND EFFECT:** The purpose and effect of these rules are to define animals addressed by the rule; define guidelines for euthanasia, incorporated by reference; define rule governees, training requirements of euthanasia activities; and penalties for violation.

**SUMMARY:** This rule proposes definitions, guidelines, training, and penalties for violation in the matter of livestock euthanasia.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** 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 within 21 days of this notice.

**SPECIFIC AUTHORITY:** 585.007, 828.25(1),(2) FS.

**LAW IMPLEMENTED:** 828.22(1),(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:**

**TIME AND DATE:** 9:00 a.m., November 5, 1999

**PLACE:** Department of Agriculture and Consumer Services, Conference Room, Room 316, 407 S. Calhoun Street, Tallahassee, Florida 32399-0800

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Joe W. Kight, Assistant Division Director, Division of Animal Industry, 407 S. Calhoun Street, Room 321, Tallahassee, Florida 32399-0800, (850)488-0709, Fax (850)487-3641

**THE FULL TEXT OF THE PROPOSED RULES IS:**

#### 5C-25.001 Definitions.

Definitions for the purpose of this section:

(1) Euthanasia is a humane, proficient acceptable method for the destruction of livestock.

(2) Humane Methods means a method whereby the animal is rapidly and effectively rendered insensitive to pain by use of:

(a) a penetrating captive bolt;

(b) a gunshot of appropriate caliber and placement;

(c) the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument causing loss of consciousness by anemia;

(d) electrical means, or

(e) chemical means.

Specific Authority 828.25(1) FS. Law Implemented 828.22(1),(2) FS. History—New \_\_\_\_\_.

#### 5C-25.002 Humane Killing of Livestock.

No person shall kill livestock except by humane methods.

Specific Authority 828.25(1),(2) FS. Law Implemented 828.22(1),(2) FS. History—New \_\_\_\_\_.

#### 5C-25.003 Development of a Training Program.

The Department shall in conjunction with the University Extension Service develop and distribute a training program demonstrating the use of acceptable humane euthanasia methods.

Specific Authority 828.25(1),(2) FS. Law Implemented 828.22(1),(2) FS. History—New \_\_\_\_\_.

#### 5C-25.004 Penalties for Violation.

(1) Any person who violates the provisions of this chapter or any rule of the department shall be subject to the imposition of an administrative fine of up to \$10,000.00 for each offense. Upon repeated violation, the department may seek enforcement pursuant to s. 120.69.

(2) Unless otherwise provided, any person violating the provisions of this chapter is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Nothing in this rule precludes the enforcement of s. 828.12.

Specific Authority 828.25(1),(2), 585.007 FS. Law Implemented 828.22(1),(2) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Joe W. Kight, Assistant Director, Division of Animal Industry,  
407 S. Calhoun St. Rm 321, Tallahassee, FL 32399-0800,  
(850)488-7079, Fax (850)487-3641

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Dr. Leroy M. Coffman, Dir., Div. of  
Animal Industry, 407 S. Calhoun St., Rm 330, Tallahassee, FL  
32399-0800, (850)488-7747, Fax (850)922-8969

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 2, 1999, Vol. 25, No. 26

## DEPARTMENT OF REVENUE

### Sales and Use Tax

RULE TITLES: RULE NOS.:

Sale of Agricultural Products, Including

Poultry and Livestock 12A-1.048

Sales of Animals 12A-1.049

Food for Animals 12A-1.050

Partial Exemption for Farm Equipment 12A-1.087

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.048, FAC, Sale of Agricultural Products, Including Poultry and Livestock, is to incorporate statutory amendments regarding the exemptions for flower seeds and for plants that produce food for human consumption. The proposed amendments also remove the obsolete definition of the term “livestock” from Rule 12A-1.048, FAC, and provide grammatical corrections.

The purpose of the proposed amendments to Rule 12A-1.049, FAC, Sales of Animals, is to define the term “livestock” and to remove the exemption provided for chinchillas sold for breeding purposes. The statutory provisions that exempt the sale of livestock sold by a producer do not include the sale of chinchillas, an animal that is not included in the statutory definition of the term “livestock.” The proposed amendments remove unnecessary provisions regarding the tax imposed on the sale of animals and the recitation of the statutory exemption provided in s. 212.08(7)(h), F.S., for the sale or rental of guide dogs for the blind.

The purpose of the proposed repeal of Rule 12A-1.050, FAC, Food for Animals, is to remove the unnecessary recitation of the statutory exemptions for the sale of feeds for poultry, ostriches, and livestock and for the sale or rental of guide dogs for the blind. The proposed repeal also removes unnecessary provisions regarding the sale of feeds for animals, other than livestock, and charges for boarding animals.

The purpose of the proposed substantial rewording of Rule 12A-1.087, FAC, Partial Exemption for Farm Equipment, is to provide current guidelines to the public regarding the partial exemption provided for the sale of certain farm equipment under s. 212.08(3), F.S., as amended, and for certain items used for agricultural purposes under s. 212.08(5)(a), F.S., as amended.

SUMMARY: The proposed amendments to Rule 12A-1.048, FAC, Sale of Agricultural Products, Including Poultry and Livestock, incorporate statutory amendments regarding the exemptions for flower seeds and for plants that produce food for human consumption. The proposed amendments also remove the obsolete definition of the term “livestock” from this rule and provide grammatical corrections.

The proposed amendments to Rule 12A-1.049, FAC, Sales of Animals, define the term “livestock” and remove the exemption provided for chinchillas sold for breeding purposes. The statutory provisions that exempt the sale of livestock sold by a producer do not include the sale of chinchillas, an animal

that is not included in the statutory definition of the term "livestock." The proposed amendments remove unnecessary provisions regarding the tax imposed on the sale of animals and the recitation of the statutory exemption provided in s. 212.08(7)(h), F.S., for the sale or rental of guide dogs for the blind.

The proposed repeal of Rule 12A-1.050, FAC, Food for Animals, removes the unnecessary recitation of the exemption provided in s. 212.08(7)(c), F.S., for feeds for poultry, ostriches, and livestock, including racehorses and dairy cows, and the unnecessary recitation of the statutory exemption provided in s. 212.08(7)(h), F.S., for the sale or rental of guide dogs for the blind. The proposed repeal also removes unnecessary provisions regarding the sale of feed and charges for animal boarding.

The proposed substantial rewording of Rule 12A-1.087, FAC, Partial Exemption for Farm Equipment, provides that the sale, rental, lease, use, consumption, or storage of self-propelled, power-drawn, or power-driven farm equipment is taxable at the rate of 3 percent under certain conditions. To qualify for the partial exemption, the equipment must be used exclusively on a farm or in a forest in plowing, planting, cultivating, or harvesting crops or products produced by agricultural industries included in s. 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products. This exemption is not forfeited when qualifying equipment is moved between farms or forests. However, the partial exemption does not apply to equipment used for processing agricultural crops or products, to charges for repairs to farm equipment, or to purchases of replacement parts.

The provisions of Rule 12A-1.087, FAC, as proposed, provide that persons engaged in planting, cultivating, and harvesting aquaculture products qualify for the partial exemption when such person is registered with the Department of Agriculture and Consumer Services under s. 597.004, F.S., as a person engaged in aquaculture. The partial exemption applies to the purchase of a boat or boat motor to be used exclusively for aquacultural purposes. A farm, for purposes of this rule, includes submerged sites leased from the state under the authority of s. 253.68, F.S., by such persons.

The proposed substantial rewording of Rule 12A-1.087, F.A.C., requires the purchaser to furnish the seller with a written certificate stating that the purchased items qualify for the exemption provided in s. 212.08(3), F.S., to qualify for this partial exemption. A suggested certificate is contained in Rule 12A-1.039, FAC. The proposed amendments provide that a dealer who accepts such a certificate in good faith from the purchaser will not be assessed any additional sales tax due on such sales and that the Department will look solely to the purchaser for any additional tax due on the purchase of non-qualifying farm equipment.

Rule 12A-1.087, FAC, as proposed, defines the terms "self-propelled farm equipment," "power-drawn farm equipment," "power-driven farm equipment," "agricultural industries," "aquacultural products," "forests," "cultivating," "harvesting," and "processing." Examples of self-propelled, power-drawn, and power-driven farm equipment and qualifying uses of such equipment are provided.

The proposed substantial rewording of Rule 12A-1.087, FAC, provides that generators, excluding those purchased for use on poultry farms, do not qualify as power-drawn farm equipment and are taxable at the rate of 6 percent. Generators purchased or leased for use on a poultry farm are exempt from tax under s. 212.08(5)(a), F.S. Examples are provided. The purchaser of a qualifying generator is required to furnish the seller with a written certificate stating that the generator is purchased, rented, or leased exclusively for use on a poultry farm and that the generator qualifies for the exemption provided in s. 212.08(5)(a), F.S. A suggested certificate is provided in Rule 12A-1.039, F.A.C. The proposed amendments provide that a dealer who accepts such a certificate in good faith from the purchaser will not be assessed any additional sales tax due on such sales and that the Department will look solely to the purchaser for any additional tax due on the purchase of non-qualifying farm equipment.

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

LAW IMPLEMENTED: 212.02(14)(c), (29), (30), (31), (32), (33), 212.05(1), 212.06(1), 212.07(1), (5), (6), (7), 212.08(3), (5)(a), (7)(d), (h), (vv), 212.18(2), 320.51, 570.02(1), 597.0015(1), (3), 597.004 FS.

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

TIME AND DATE: November 19, 1999, 1:00 p.m.

PLACE: Farm Bureau Building, Room 239A, 5700 South West 34th Street, Gainesville, Florida 32608

NOTICE UNDER THE AMERICANS WITH DISABILITIES

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Richard Parsons, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838

## THE FULL TEXT OF THE PROPOSED RULES IS:

## 12A-1.048 Sale of Agricultural Products, Including Poultry and Livestock.

(1) The ~~sale sales~~ of agricultural products, poultry, and livestock direct from the farm when made directly by the producers ~~is are~~ exempt. ~~This; provided, however, that the exemption does not apply to the sale of ornamental nursery stock. For the purpose of this rule, livestock means domestic animals kept for agricultural purposes. Agricultural~~ Neither does the tax apply when such agricultural products ~~that~~ are produced by the farmer and used by him and members of his family or employees on his farm are not subject to tax.

(2)(a) The term "ornamental nursery stock" applies to all plants, shrubs, and trees customarily sold by nurseries for landscaping purposes, excluding plants used to produce food for human consumption and includes plants, shrubs, and trees that may bear edible nuts, fruits, and berries provided, however, that such term shall not include plants, trees, or shrubs sold to a commercial farmer use on his own farm in producing a crop for sale.

(b) No change.

(c) A landscape contractor who purchases ornamental nursery stock to fulfill a lump sum, cost plus, fixed fee, or guaranteed price contract for the improvement of realty is construed to be the consumer of such nursery stock and ~~he~~ is liable for the sales tax at the time of purchase. A person who fulfills a contract as above described should not collect the tax ~~as such~~ from his or her customers, because the tax should be paid by the landscaper on all materials used in fulfilling the contract. A landscaper who produces his or her own ornamental nursery stock or who obtains stock that ~~was he~~ acquired without cost, such as by digging up wild plants in the woods, is not liable for the tax on such stock which he or she uses in fulfilling the aforesaid types of contracts.

(d) A person who agrees by contract to sell specifically described and itemized materials and supplies at an agreed price or at the regular retail price and to complete the work either for an additional agreed price or on the basis of time consumed is deemed to be selling tangible personal property (ornamental nursery stock) at an agreed retail price. The contractor is required to and shall collect sales tax from the his purchaser based on upon the price amount of the materials and supplies receipts from such sales, excluding any separately stated installation charges if separately stated. Sales tax applies even though all or part of the ornamental nursery stock is grown or obtained from its natural habitat for no consideration by the person completing the contract.

(e) Plants, shrubs, trees, and other items of tangible personal property that a nurseryman donates in the course of his business to any person or organization ~~is shall be~~ taxed based on the at its cost price. No tax is due on any items donated ~~that which~~ the nurseryman produces or acquires from its natural habitat without cost.

(3) No change.

(4) A sale of such agricultural products or any part thereof, when sold by any person other than the producer as a marketable or finished product to the ultimate consumer (except in the form of general groceries, including food and food products) is taxable. Example ~~For example:~~ Marketable products, such as nursery stock, ~~etc.,~~ and finished products, such as hides, bones, hooves, and feathers, ~~etc.,~~ are taxable. For the sale of ornamental nursery stock by the producer, see subsection refer to Paragraph (1) of this rule Rule.

(5) Topsoil, peat moss, compost, and manure are exempt as agricultural products when sold by the producer but are taxable when sold by anyone other than the producer. The sale of sod and ferns is taxable as the sale of ornamental nursery stock.

(6) No change.

(7) Plants used to produce food for human consumption ~~such as tomato, cabbage and other food plants~~ are exempt.

(8) through (14) No change.

(15) Nursery stock, plants, shrubs, and trees, ~~etc.,~~ purchased by one nurseryman from another for stock are exempt. Nursery stock purchased for direct resale and sold at retail is required to should be purchased with on a resale certificate and is subject to tax-taxable when sold to the ultimate consumer.

(16) No change.

(17) The sale of field and garden seeds, including flower seeds, is exempt ~~Flower seeds are taxable except when sold to commercial nurserymen or by the producer as an agricultural product.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(29), 212.07(5), (6), (7), ~~(8)~~, 212.08(5)(a), 212.18(2) FS. History—Revised 10-7-68, 6-16-72, 12-11-74, Amended 7-20-82, Formerly 12A-1.48, Amended \_\_\_\_\_.

## 12A-1.049 Sales of Animals.

(1) No change.

(2) For purposes of this rule, livestock includes all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches and other ratite species, and other grazing animals raised for commercial purposes. The term "livestock" also includes fish raised for commercial purposes.

~~(3)(2)~~ The sale of a race horse or a racing dog by its owner is exempt if the owner is also the breeder of the animal, even if the owner though he does not reside in this state. When the owner is not the breeder, such sales are subject to tax taxable and the owner is required to he should register as a dealer and collect the applicable tax thereon.

~~(4)(3)~~ The sale of race horses in this the State of Florida is subject to tax. Tax is due taxable and the tax is also to be paid on the claiming price of any horse that is horses which are claimed at any racing meet held in this State Florida.

~~(5)(4)~~ Sales tax is required to ~~should~~ be collected on the maximum amount for which a horse is sold at a claiming race one time only during the entire racing season that extends, i.e., from the opening of the first track in this State the state in the fall through the closing of the last track in this State the state in the spring. To avoid a duplication of tax duplications, officials of the various race tracks ~~have agreed to~~ collect tax as required on such sales and ~~to~~ furnish other tracks with accurate, detailed lists of the sales. The following example is intended to show how this works out in practice. A horse is sold in a claiming race for \$5,000 and later is sold in a claiming race for \$6,000. The tax would be collected on the first sale of \$5,000 and on the ~~second sale of \$1,000, the difference between the first and second sale only.~~ This track would forward a detailed list showing these sales to the next track. At another track, during the same racing season, the same horse is sold for \$6,000 at a claiming race and then at still another claiming race ~~it~~ he is sold for \$7,000. No tax would be collected on the latter \$6,000, because tax had already been collected on that amount during the current season. ~~However, tax is, but on the \$7,000 sale, tax would be due on the additional \$1,000 realized from the sale at \$7,000.~~

~~(6)(5)~~ The sale of livestock for breeding purposes is exempt.

~~(6)~~ The sale of chinchillas for breeding purposes or for the future processing of their furs is exempt. The sale of chinchillas for any other purposes is taxable.

~~(7)(a)~~ The sale of pets such as dogs, cats, parakeets, canaries, monkeys, etc., is taxable.

~~(b)~~ The sale or rental of guide dogs for the blind, commonly referred to as "seeing eye dogs," is exempt. (See Rule 12A-1.001(17), F.A.C.)

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(29), 212.07(5)(a),(b),(6),(7),(8); 212.08(7)(vv)(h) FS. History-Revised 10-7-68, 6-16-72, Amended 9-28-78, 7-20-82, Formerly 12A-1.49, Amended \_\_\_\_\_.

#### 12A-1.050 Food for Animals.

~~(1)~~ Feeds for poultry and livestock, including race horses and dairy cattle, are specifically exempt. Effective October 1, 1992, the sale of ostrich feed is exempt. For purposes of this rule the Department of Revenue adopts the following definitions:

~~(a)~~ "Poultry" shall include all domesticated birds which serve man as a source of food, either eggs or meat.

~~(b)~~ "Livestock" shall include all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals. In addition, "livestock" shall also include, but not be limited to, other commercial agricultural endeavors, such as breeding and raising chinchillas or fish, other than goldfish or tropical fish.

~~(2)~~ Feed, including so-called "prescription diets", even upon advice of veterinarians, for dogs (except "seeing eye" dogs), cats, birds, fish, circus and zoo animals, is taxable.

~~(3)~~ The sale of food for guide dogs, commonly known as "seeing eye" dogs, is exempt. (See Rule 12A-1.001, F.A.C.)

~~(4)~~ Charges for boarding animals at stables, kennels, etc., are exempt.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(a), 212.08(7)(d),(h),(v) FS. History-Revised 10-7-68, 6-16-72, Amended 10-18-78, 4-12-84, Formerly 12A-1.50, Amended 9-14-93, Repealed \_\_\_\_\_.

(Substantial Rewording of Rule 12A-1.087 follows. See Florida Administrative Code for present text.)

#### 12A-1.087 Partial Exemption for Farm Equipment Sales to Farmers.

(1)(a) The sale, rental, lease, use, consumption, or storage of self-propelled, power-drawn, or power-driven farm equipment is taxable at the rate of 3 percent. To qualify for the partial exemption, such equipment must be used exclusively on a farm or in a forest in plowing, planting, cultivating, or harvesting crops or products as produced by those agricultural industries included in s. 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products. Self-propelled, power-drawn, or power-driven farm equipment that is not purchased, leased, or rented for exclusive use in planting, plowing, cultivating, or harvesting agricultural products, or for fire prevention or suppression work with respect to such crops or products, does not qualify for this partial exemption. This partial exemption is not forfeited by moving qualifying farm equipment between farms or forests.

(b) The exemption will not be allowed unless the purchaser furnishes the seller a written certificate that the purchased items qualify for the limitation under s. 212.08(3), F.S. Although the Department does not furnish the printed form to be executed by farmers when purchasing or leasing qualifying equipment, a suggested certificate is contained in Rule 12A-1.039, F.A.C.

(c) Dealers who accept in good faith the required certificate from the purchaser will not be assessed sales tax in excess of 3 percent on sales of qualifying equipment purchased for a nonexempt use. In such instances, the Department will look solely to the purchaser for any additional sales tax due.

(2) For purposes of this rule, the following definitions will apply:

(a) Agricultural industries, as defined in s. 570.02(1), F.S., include aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(b) Aquaculture products, as defined in s. 212.02(33), F.S., means aquatic organisms and any product derived from aquatic organisms that are owned and propagated, grown, or produced under controlled conditions. Such products do not include organisms harvested from the wild for depuration, wet storage, or relay for purification.

(c) Cultivating means the nurturing or the fostering of growth of an agricultural crop or product. Examples of cultivating include, but are not limited to: feeding, fertilizing, pruning, and spraying agriculture crops or products.

(d) Forest, as defined in s. 212.02(33), F.S., means the land stocked by trees of any size used in the production of forest products, or formerly having such tree cover, and not currently developed for nonforest use.

(e) Harvesting means the act or process of cutting, reaping, digging up, or gathering an agricultural product or crop from a place where grown.

(f) Processing means the act of changing or converting the nature of a product after it has been harvested.

(3) Self-propelled farm equipment, as defined in s. 212.02(30), F.S., means equipment that contains within itself the means for its own propulsion, including, but not limited to tractors. In addition to tractors, qualifying self-propelled farm equipment also includes but is not limited to:

(a) All-terrain vehicles.

(b) Backhoes.

(c) Boats and boat motors, purchased together or separately, for use in planting, cultivating, or harvesting aquaculture products on a farm. See subsection (4) of this rule regarding specific guidelines for persons engaging in aquaculture activities.

(d) Bulldozers.

(e) Combines.

(f) Feller bunchers.

(g) Forest fertilizer spreaders.

(h) Irrigation equipment (traveling "gun-type" and center pivot irrigation systems), excluding replacement hoses and pipes that are not an integral part of the moving system.

(i) Skid steer loaders.

(j) Skidders.

(4) Persons engaged in planting, cultivating, and harvesting aquaculture products qualify for the partial exemption on their purchase or lease of a boat or boat motor to be used exclusively for aquacultural purposes. To qualify for exemption, such person must be registered with the Department of Agriculture and Consumer Services under s. 597.004, F.S., as a person engaged in aquaculture. For purposes of this rule, a farm includes submerged sites leased from the state under the authority of s. 253.68, F.S., by a person engaged in aquaculture activities.

(b) Example: A clam farmer leases a submerged site from the state pursuant to s. 253.68, F.S., and is certified under s. 597.004, F.S., with the Department of Agriculture and Consumer Services. The clam farmer qualifies for the partial exemption on the purchase or lease of a boat used exclusively for planting, cultivating, or harvesting clams on the leased site. The exemption is not forfeited by moving boats between farms.

(5) Power-drawn farm equipment, as defined in s. 212.02(31), F.S., means farm equipment that is pulled, dragged, or otherwise attached to self-propelled equipment, including, but not limited to, disks, harrows, hay balers, and mowers. In addition to the equipment included in the statutory definition, power-drawn farm equipment also includes, but is not limited to:

(a) Bale shredders.

(b) Corn, cotton, grain, and bean heads for use on combines.

(c) Cultivators.

(d) Feed mills (portable).

(e) Field trailers, wagons, and carts.

(f) Front-end loaders.

(g) Livestock feeders.

(h) Log loaders.

(i) Planters.

(j) Plows.

(k) Scalpers.

(l) Scrapers, graders, grade boxes.

(m) Sprayers.

(n) Spreaders.

(o) Tree bedders.

(p) Wood chippers (field type).

(6) Power-driven farm equipment, as defined in s. 212.02(32), F.S., means moving or stationary equipment that is dependent upon an external power source to perform its function, including, but not limited to, conveyors, augers, feeding systems, and pumps. In addition to the equipment included in the statutory definition, power-driven farm equipment also includes, but is not limited to:

(a) Aerators.

(b) Automated potting, transplanting, seeding, soil mixing, and flat filling equipment.

(c) Chain saws.

(d) Milking machines.

(7)(a) Self-propelled and power-drawn farm equipment does not include vehicles (including vehicles without motive power such as cattle trailers and log trailers) that are required to be licensed as a motor vehicle under Chapter 320, F.S.

(b) Self-propelled and power-drawn farm equipment does not include equipment used for processing agricultural crops or products.

(8)(a) Generators (excluding generators purchased for use on poultry farms), motors, and similar types of equipment used to supply power to power-driven farm equipment do not qualify as power-driven farm equipment and are taxable at the 6 percent rate. Generators that are attached to and are sold as an integral part of the qualifying farm equipment qualify for the partial exemption.



1. Example: A diesel-powered generator used to supply power to an irrigation pump does not qualify, since it is the external power source that runs the qualifying equipment. The qualifying equipment in this example is the irrigation pump.

2. Example: A diesel-powered irrigation pump that pumps water from a supply source qualifies as power-driven farm equipment. In some instances, a generator is attached to and is powered by the irrigation pump, and the generator supplies power to the moving irrigation system. In this example, since the generator is an integral part of the irrigation pump, it qualifies as power-driven farm equipment when sold as part of the pump.

(b)1. Generators purchased, rented, or leased for use on a poultry farm are exempt from sales tax under s. 212.08(5)(a), F.S. The exemption will not be allowed unless the purchaser or lessee issues to the seller a signed certificate stating the generator is purchased or leased for exclusive use on a poultry farm. Although the Department does not furnish the printed form to be executed by farmers when purchasing qualifying generators, a suggested certificate is contained in Rule 12A-1.039, F.A.C.

2. Dealers who accept in good faith the required certificate from the purchaser will not be assessed sales tax on sales of qualifying generators purchased for a non-exempt use. In such instances, the Department will look solely to the purchaser for any additional sales tax due.

(9) The partial exemption does not apply to charges for repairs to farm equipment or to purchases of replacement parts for such equipment.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), (30), (31), (32), (33), 212.05(1), 212.06(1), 212.07(5), 212.08(3), (5)(a), 320.51, 570.02(1), 597.0015(1), (3), 597.004 FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 10-18-78, 7-20-82, 4-12-84, Formerly 12A-1.87, Amended 12-13-88, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Parsons, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12A-1.048, FAC, Sales of Agricultural Products, Including Poultry and Livestock, and to Rule 12A-1.049, FAC, Sales of Animals, and the substantial rewording of Rule 12A-1.087, FAC, Partial Exemption for Farm Equipment, were noticed for a Rule Development Workshop in the Florida Administrative Weekly on February 5, 1999 (Vol. 25, No. 5, pp. 420-425). A rule development workshop was held on February 24, 1999, in

room 239A, Farm Bureau Building, 5700 South West 34th Street, Gainesville, Florida 32608. Comments received at the workshop are incorporated into the proposed rule amendments. Under the provisions of s. 120.54(2), F.S., the Department did not conduct a rule development workshop on the proposed repeal of Rule 12A-1.050, FAC.

## DEPARTMENT OF REVENUE

### Division of Ad Valorem Tax

RULE TITLES:	RULE NOS:
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
Educational Exemption	12D-7.015
Enterprise Zone Exemption for Child Care Facilities	12D-7.0155
Exemption of Homes for the Aged	12D-7.017
Fraternal and Benevolent Organizations	12D-7.018

PURPOSE AND EFFECT: The purpose of proposed Rule 12D-7.0143, FAC, is to implement the provisions of Chapter 99-341, L.O.F., which provide for an additional homestead exemption for persons 65 and older.

The purpose of the proposed amendment to Rule 12D-7.015, FAC, is to implement section 4 of Chapter 99-304, Laws of Florida, which exempts from ad valorem property tax child care facilities that achieve Gold Seal Quality status.

The purpose of proposed Rule 12D-7.0155, FAC, is to implement section 2 of Chapter 99-304, Laws of Florida, which created an ad valorem property tax exemption for child care facilities located in an enterprise zone.

The purpose of proposed amendment to Rule 12D-7.017, FAC, is to implement section 2 of Chapter 99-208, Laws of Florida, which created an ad valorem property tax exemption for certain non-profit homes for the aged.

The purpose of proposed amendment to Rule 12D-7.018, FAC, is to clarify the application of the ad valorem property tax exemption to property of fraternal and benevolent organizations.

SUMMARY: Proposed Rule 12D-7.0143, FAC, provides that counties and municipalities may, by ordinance, grant an additional homestead exemption of up to \$25,000 for persons 65 and older whose household income does not exceed \$20,000.

Proposed amendment to Rule 12D-7.015, FAC, exempts from ad valorem tax a child care facility that achieves Gold Seal Quality status under section 402.281, Florida Statutes.

Proposed Rule 12D-7.0155, FAC, provides for an exemption from ad valorem tax for child care facilities located in an enterprise zone.

Proposed amendment to Rule 12D-7.017, FAC, provides for an exemption from ad valorem tax for homes for the aged organized as a Florida limited partnership.

Proposed amendment to Rule 12D-7.018, FAC, provides examples of commercial uses of property of fraternal and benevolent organizations that are not exempt from ad valorem property tax and taxable only to the extent provided by law.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 193.074, 196.012, 196.075, 196.095, 196.192, 196.195, 196.196, 196.197, 196.1975, 196.198, 213.05, 402.26 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 1999

PLACE: Carlton Building, Room B-12, 501 S. Calhoun St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: For Rules 12D-7.0143, 12D-7.015, and 12D-7.0155, contact Jane Nobles, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6104

For Rules 12D-7.017 and 12D-7.018, contact Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

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) The following procedures shall apply in counties and municipalities that have granted an additional homestead exemption up to \$25,000 for persons 65 and older on January 1, whose household adjusted gross income for the prior year does not exceed \$20,000 per year.

(2) Beginning January 1, 2001, the \$20,000 household income limitation shall be adjusted annually on January 1 by the percentage change in the average cost-of-living index.

(3) A taxpayer claiming the additional exemption is required to submit a sworn statement of adjusted gross income of the household 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 to 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 wage earnings 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.

(4) Proof of age shall be prima facie established for persons 65 and older by submission of one of the following: certified copy of birth certificate; drivers license or Florida identification card; passport; life insurance policy in effect for more than two years; marriage certificate; Permanent Resident Card (formerly known as Alien Registration Card); certified school records; or certified census record. In the absence of one of these forms of identification, the property appraiser may rely on appropriate proof.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.074, 196.075, 213.05 FS. History—New \_\_\_\_\_.

12D-7.015 Educational Exemption.

(1) through (2) No change.

(3) A child care facility that achieves Gold Seal Quality status under section 402.281, Florida Statutes, and that is either licensed under section 402.305, Florida Statutes, or exempt from licensing under section 402.316, Florida Statutes, is considered an educational institution for the education exemption from ad valorem tax.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.012, 196.198, 213.05, 402.26 FS. History—New 10-12-76, Formerly 12D-7.15, Amended 12-30-97, \_\_\_\_\_.

12D-7.0155 Enterprise Zone Exemption for Child Care Facilities.

The production by the operator of a child care facility, as defined in section 402.302, Florida Statutes, of a current license by the Department of Children and Family Services or local licensing authority and certification of the child care facility's application by the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the child care facility is located, is prima facie evidence that the facility owner is entitled to exemption. To receive such certification, the facility must file an application under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the child care center is located. Form DR-418E, (incorporated by reference in Rule 12D-16.002, F.A.C.) shall be used for this purpose.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.095 FS. History—New \_\_\_\_\_.

12D-7.017 Exemption of Homes for the Aged.

(4) Before an exemption may be granted to an applicant as a home for the aged, the following requirements must be satisfied as of January 1 of the tax year for which the request for exemption from ad valorem taxation is sought:

(1)(a) No change.

(2)(b) The home for the aged is non-profit under the criteria of section 196.195, Florida Statutes. The home for the aged may be a corporation not for profit or a Florida limited partnership, the sole general partner of which is a corporation not for profit;

(3)(c) No change.

(2) ~~If the home for the aged existed or was under construction on or before April 1, 1995, the lease of the subject property by the applicant nonprofit corporation to a Florida limited partnership in which the sole general partner is the nonprofit corporation, for the purpose of allocating tax credits under section 42(h)(5) of the Internal Revenue Code of 1986, will not disqualify the applicant from receiving the exemption.~~

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.197, 196.195, 213.05 FS. History--New 10-12-76, Amended 10-11-77, Formerly 12D-7.17, Amended 12-28-95, \_\_\_\_\_.

12D-7.018 Fraternal and Benevolent Organizations.

(1) through (2) No change.

(3) Any part or portion of the real or personal property of a fraternal or benevolent organization leased or rented for commercial or other non-exempt purposes, or used by such organization for commercial purposes, ~~or for uses~~ such as a bar, restaurant, or swimming pool, shall not be exempt from ad valorem taxes but shall be taxable to the extent specified in sections 196.192 and 196.012(3), Florida Statutes. In determining commercial purposes, pursuant to sections 196.195(2)(e) and 196.196(1)(b), Florida Statutes, the reasonableness of the charges in relation to the value of the services shall be considered as well as whether the excess is used to pay maintenance and operational expenses in furthering the exempt purposes or to provide services to persons unable to pay for the services.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.012, 196.192, 196.195, 196.196, 213.05 FS. History--New 10-12-76, Formerly 12D-7.18, Amended 11-21-91, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
For rules 12D-7.0143, 12D-7.015, and 12D-7.0155, FAC, Jane Nobles, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6104  
For rules 12D-7.017 and 12D-7.018, FAC, Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT/RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: July 30, 1999, Vol. 25, No. 30. A rule development workshop was held on August 17, 1999. Written and verbal comments were received at the workshop on proposed rule 12D-7.0143, FAC. No written or verbal comments were received on proposed amendments to rules 12D-7.015, 12D-7.017, or 12D-7.018, FAC, or to proposed rule 12D-7.0155, F.A.C.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE:

RULE NO.:

Assessing Property Not Returned as Required  
by Law and Penalties Thereon

12D-8.005

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-8.005, FAC, is to conform the rule to section 2, Chapter 99-239, Laws of Florida, which provides for a mandatory 30 day and additional optional 15 day extension of time to file tangible personal property tax returns upon request by a taxpayer.

SUMMARY: The proposed amendment to Rule 12D-8.005, FAC, requires the property appraiser to grant a 30-day extension for filing a tangible personal property return; authorizes an additional discretionary extension for up to 15 days; prohibits the property appraiser from requiring that a request for extension be made more than 10 days prior to the due date of the return; and provides that a request for extension shall, at the option of the property appraiser, include certain information.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 192.011, 193.063, 193.072, 193.073, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 1999

PLACE: Carlton Building, Room B-12, 501 S. Calhoun St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Felton, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)414-6106

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

**THE FULL TEXT OF THE PROPOSED RULES IS:**

12D-8.005 Assessing Property Not Returned as Required by Law and Penalties Thereon.

(1) Beginning with tax year 2000, the property appraiser is required to grant an extension of 30 days for the filing of a tangible personal property tax return upon written request of the taxpayer and may, at his or her discretion, grant an additional extension for the filing of a tangible personal property tax return for up to 15 additional days. Such request for extension must be made in time for the property appraiser to consider the request and act on it before the regular due date of the return. However, a property appraiser may not require that a request for extension be made more than 10 days prior to the due date of the return. A request for extension, at the option of the property appraiser, shall include any or all of the following: the name of the taxable entity, the tax identification number of the taxable entity, and the reason a discretionary extension should be granted. The property appraiser may grant up to 45 days extension (to May 16) to file a tangible personal property return. The due date without extension is April 1.

(a) through (8) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 192.011, 193.063, 193.072, 193.073, 213.05 FS. History—New 12-7-76, Formerly 12D-8.05, Amended 12-27-94, 12-28-95, 12-31-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Felton, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6106

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 1999, Vol. 25, No. 30. A rule development workshop was held on August 17, 1999. No written or oral comments were received at the workshop.

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

**RULE TITLES:**

**RULE NOS.:**

When Taxes Are Due; Notice of Publication;

Discounts if Taxes Are Paid Before

Certain Times

12D-13.002

Refunds

12D-13.009

Lands Available for Taxes

12D-13.064

**PURPOSE AND EFFECT:** The purpose of proposed amendment to Rule 12D-13.002, FAC, is to conform the rule to section 2, Chapter 98-139, Laws of Florida, which provides for discounts on corrected tax notices.

The purpose of proposed amendment to Rule 12D-13.009, FAC, is to clarify that the date of a refund claim relates back to the date a certificate of correction is delivered to and received by the tax collector where the date of the certificate of correction predates the date of the taxpayer's refund application.

The purpose of proposed amendment to Rule 12D-13.064, FAC, is to implement 1999 legislative changes to section 197.502, F.S., under the provisions of sections 3 and 4, Chapter 99-190, Laws of Florida, which provide for cancellation of omitted ad valorem property taxes on purchases by a county or other governmental unit from the list of lands available for taxes; and that land on the list escheats to the county three years after the property was offered for tax deed sale.

**SUMMARY:** The proposed amendment to Rule 12D-13.002, FAC, provides that early payment discounts for corrected tax notices are at the rate applicable at the time a taxpayer requests a corrected tax notice and that rate applies for 30 days after the corrected notice is mailed.

The proposed amendment to Rule 12D-13.009, FAC, provides that the date a certificate of correction from the property appraiser is delivered to the tax collector is controlling if that date predates the refund claim of the taxpayer.

The proposed amendment to Rule 12D-13.064, FAC, provides that omitted years' taxes may be canceled on property purchased from the list of lands available for taxes by a county or other governmental unit; and, land on the list of lands as a result of tax certificates sold on or after July 1, 1999, escheats to the county 3 years after the property was offered for sale.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** 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: 125.411, 193.092, 193.1145, 196.295, 197.122, 197.123, 197.131, 197.162, 197.182, 197.2301, 197.322, 197.323, 197.332, 197.333, 197.343, 197.344, 197.3632, 197.3635, 197.432, 197.443, 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: 10:00 a.m., November 1, 1999

PLACE: Carlton Building, Room B-12, 501 S. Calhoun St., Tallahassee, Florida

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-13.002 When Taxes Are Due; Notice of Publication; Discounts if Taxes Are Paid Before Certain Times.

(1) through (4) No change.

(5) The four-percent discount shall commence running the day after the mailing of the original tax notices. Where the tax collector makes a correction to a tax notice not requested by a taxpayer, the corrected tax notice is considered to be the original tax notice. When a taxpayer makes a request within 30 days of mailing of the initial tax notice to have the original tax notice corrected and it is subsequently corrected, the discount rate for early payment applicable at the time the request for correction is made will apply for 30 days after the shall run from the day after mailing of the corrected tax notice. It shall be the property owner's responsibility to make a timely request, but this shall not preclude the tax collector or property appraiser from making such corrections and mailing corrected tax notices.

(6) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.092, 197.122, 197.162, 197.322, 197.332, 197.333, 197.343, 197.344, 197.3635, 213.05 FS. History--New 6-18-85, Formerly 12D-13.02, Amended 12-13-92, 12-25-96, \_\_\_\_\_.

12D-13.009 Refunds.

(1) This rule shall apply to all ad valorem tax refunds. A claim for refund not processed in accordance with this rule section shall not constitute exhaustion of administrative remedies.

(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 (10) No change.

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 6-18-95, Formerly 12D-13.09, Amended 12-10-92, 12-31-98, \_\_\_\_\_.

12D-13.064 Lands Available for Taxes.

(1) If the tax deed application was made by the county and there are no other bidders, the clerk shall enter the land on a "List of Lands Available for Taxes". If all outstanding tax sale certificates from the land were issued after July 1, 1999, the county shall then have 90 days after the land is placed on the list of sale to purchase the land for the opening bid. If any tax sale certificates were sold on or before July 1, 1999, the 90 days shall run from the sale date. After 90 days, any person or governmental unit may purchase the land for the opening bid. Where property is purchased from the list by the county or other governmental unit for its own use, omitted years' taxes may be canceled in the manner prescribed under the provisions of section 197.447, Florida Statutes.

(2) No change.

(3) If not purchased, lands contained on the list with any certificates issued on them on or before July 1, 1999, shall escheat to the county seven years after the date on which the property was offered for tax deed sale. If not purchased, lands contained on the list on which all certificates on them were issued after July 1, 1999, shall escheat to the county three years after the date on which the property was offered for tax deed sale.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 125.411, 197.502, 213.05 FS. History--New 6-18-85, Formerly 12D-13.64, Amended \_\_\_\_\_.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT/RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: July 30, 1999, Vol. 25, No. 30. A rule development workshop was held on August 17, 1999. No comments were received on the proposed amendments.

## DEPARTMENT OF REVENUE

### Division of Ad Valorem Tax

RULE TITLE: INDEX TO FORMS  
 RULE NO.: 12D-16.002

PURPOSE AND EFFECT: The proposed amendments to Rule 12D-16.002, FAC, implement forms revisions created in Chapters 99-208, 99-251, 99-341 and 99-378, Laws of Florida; delete obsolete forms; and incorporate other technical changes made to forms.

SUMMARY: The proposed amendments to Rule 12D-16.002, F.A.C., incorporate forms revisions as a result of 1999 legislative changes and other technical changes, and deletes obsolete forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.075, 196.101, 196.121, 196.193, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 1999

PLACE: Carlton Building, Room B-12, 501 S. Calhoun St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Tax Law Specialist, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6108

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

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	Effective Form Title	Date
(2) through (10) No change.		
(11)(a) <del>DR-414</del>	<del>Individual Consultant Eligibility Questionnaire</del>	<del>7/76</del>
(b) <del>DR-415</del>	<del>Application for Department of Revenue Approved Bidder's List (r. 7/97)</del>	<del>12/97</del>
(12) No change.		
(13)(a) <del>DR-418</del>	<del>Economic Development Ad Valorem Property Tax Exemption (r. 12/99 6/98)</del>	<del>12/99 12/98</del>
(b) <del>DR-418E</del>	<del>Enterprise Zone Ad Valorem Property Tax Exemption – Child Care Facility Application For Exemption Certification (n. 12/99) (n. 12/99)</del>	<del>12/99 12/99</del>
(b) renumbered (c) No change.		
(d)(e) <del>DR-420S</del>	<del>Certification of School Taxable Value (r. 6/99 4/95-)</del>	<del>12/99 12/94</del>
(14) No change.		
(15)(a) <del>DR-451</del>	<del>Notice of Application for Tax Deed Form for Return of Real Property in Attempt to Establish Adverse Possession Without Color of Title (r. 8/93)</del>	<del>9/76 12/94</del>
(b) <del>DR-452</del>		
(16) No change.		
(17)(a) <del>DR-456</del>	<del>Notice of New, Rebuilt, or Expanded Property Receipt for Funds Account of Redemption and/or Purchases County Tax Sale Certificates</del>	<del>9/84 7/91</del>
(b) <del>DR-461</del>		
(18) No change.		
(19) <u>Reserved</u> <del>DR-465</del>	<del>Pre-numbered Receipt for County-Owned Tax Sale Certificate Redeemed or Purchased</del>	<del>12/75</del>
(20) through (21)(b) No change.		
(e) <del>DR-474IR</del>	<del>199 Assessment Roll Notice of Proposed Property Taxes (special use only)</del>	<del>11/91</del>
(d) through (e) renumbered (c) through (d) No change.		
(22)(a) <del>DR-482</del>	<del>Application and Return for Agricultural or High Water Recharge Classification of Lands (r. 12/99 12/96)</del>	<del>12/99 12/96</del>

(b) DR-482HW	<u>Application and Return for High-Water Recharge Classification of Lands</u> (n. 12/99)	12/99
(c)(b) DR-48	Request for Extension of the Time for Completion of Assessment Roll(s)	8/89
(23)(a) DR-484	Budget Form for Appraisers	2/90
(b) DR-484T	<del>Instructions for Testimony- Concerning Property- Appraiser's Budget</del>	8/84
(e) DR-484TC	<del>Tax Collectors Summary of the Budget by Appropriation- Category (r. 2/97)</del>	12/97
(24) through (25)(b)	No change.	
(c) DR-487	Certification of Compliance (r. 6/99 6/96)	12/99 12/96
(26) through (28)	No change.	
(29)(a) DR-490	Notice of Disapproval of Application For Property Tax Exemption (r. 12/99 6/94)	12/99 12/94
(b) through (37)	No change.	
(38)(a) DR-501	Original Application for Ad Valorem Tax Exemption (r. 12/99 7/95)	12/99 12/95
(b) through (c)	No change.	
(d) DR-501SC	<u>Sworn Statement of Adjusted Gross Income of Household and Return</u> (n. 12/99)	12/99
(39)(a) DR-501S	Eligibility Criteria to Qualify for Property Tax Exemption (r. 12/99 12/97)	12/99 12/97
(b) through (46)(a)	No change.	
(b) DR-513	Tax Collector's Certification (r. 3/99 12/97)	12/99 12/97
(c) through (52)	No change.	
(53)(a) DR-544	<del>Sales Data Verification Sheet</del>	6/90
(b) DR-545	Income Data Verification Sheet	1/93
(54)	No change.	
(55) Reserved		
DR-565	<del>Pre-numbered Receipt for Amount Paid for Redemption of Lands Sold to Purchaser Other Than County</del>	11/83
(56) through (61)	No change.	
(62) DR-594	<u>Electronic Data Interchange TPP Return File Structure Form</u> (n. 12/99)	12/99
(63) DR-599	<u>Electronic Data Interchange Transfer Authorization and Agreement Form</u> (n. 12/99)	12/99

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.075, 196.101, 196.121, 196.193, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 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, \_\_\_\_\_.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 1999, Vol. 25 , No. 30. A rule development workshop was held on August 17, 1999. No written or oral comments were received on the proposed amendment.

## DEPARTMENT OF REVENUE

### Division of Ad Valorem Tax

RULE TITLES:	RULE NOS.:
Definition and Scope of the Rules	12D-16.010
Communication of Return Information in Electronic Format	12D-16.030
Taxpayer Information and Identity	12D-16.040
Acknowledgment to Taxpayer	12D-16.050
Uniform Format for All Counties	12D-16.060
Procedures for Transfer	12D-16.080
Due Date; General Provisions	12D-16.090
PURPOSE AND EFFECT: Proposed Rules	12D-16.010, 12D-16.030, 12D-16.040, 12D-16.050, 12D-16.060, 12D-16.080, 12D-16.090, F.A.C., are created to implement the provisions of Chapter 99-208, Laws of Florida, which require the Department of Revenue to provide, by rule, formats and instructions for filing tangible personal property tax returns through electronic data interchange (EDI) method.

SUMMARY: The proposed rules provide definitions and instructions for electronic data interchange method of filing tangible personal property tax returns.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 193.052, 213.06(1) FS.

LAW IMPLEMENTED: 193.052, 193.073 FS., Ch. 99-208, L.O.F.

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

TIME AND DATE: 10:00 a.m., November 1, 1999

PLACE: Carlton Building, Room B-12, 501 S. Calhoun St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kathy Henley, Revenue Program Administrator II, Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7952.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

#### 12D-16.010 Definition and Scope of the Rules.

These rules address the electronic data interchange (EDI) of tangible personal property return information. The scope of these rules is to provide for the format and instructions necessary for the return of information to the property appraiser by the taxpayer; to ensure that all property subject to ad valorem tax is properly listed by the taxpayer; to require a uniform format for the electronic transfer of return information used by any county which elects to accept the electronic returns; to require that the format of the electronic return replicates the Form DR-405 Tangible Personal Property Tax Return (incorporated by reference in Rule 12D-16.002, F.A.C.), as it is currently prescribed by the Department; to ensure that adequate safeguards for verification of taxpayers' identities are part of the EDI system; and to provide a standard of data transfer which ensures the confidentiality of information which is proprietary to the taxpayer. For the purposes of this rule chapter, the terms and phrases used in these rules shall have the meanings prescribed in this section, unless a different meaning is clearly indicated by the context in which the term or phrase is used.

(1) "Acknowledgment" when used in reference to EDI means the verification code or receipt number generated by the EDI system, which may include or be a trace number, which confirms the successful received communication of return information or extension request.

(2) "Call-in period" means the specified time interval in each day during which EDI return information or extension request received by the data collection center will be date stamped as being received. The call-in period must be specified by the property appraiser; if the property appraiser

does not specify otherwise on Form DR-599 Electronic Data Interchange Transfer Authorization and Agreement Form (incorporated by reference in Rule 12D-16.002, F.A.C.), the call-in period shall be a default of "24/7", meaning 24 hours each day, seven days a week, with allowance for necessary outages.

(3) "Data collection center" means any computer facility operated by the property appraiser or a third party vendor designated by the property appraiser who, under contract with the property appraiser, collects and processes electronic return information or extension requests from taxpayers.

(4) "Due date" means the latest date on which a return is required to be made by a taxpayer, including any extensions under section 193.062, F.S., unless context of rule indicates otherwise.

(5) "Electronic data interchange" or "EDI" means any transfer of taxpayer records in approved digital format, using suitable encryption technology to maintain confidentiality.

(6) "Electronic return filing" means the electronic transfer of return data or extension request generated by the taxpayer and transmitted to a data collection center.

(7) "Electronic return" or "electronic format" means a digital transfer of all information required by the Form DR-405, Tangible Personal Property Tax Return, as currently prescribed by the Department, or substitute forms of the Form DR-405 which have been approved by the Department.

(8) "Receipt number" means the verification code generated by the EDI system which acknowledges the received communication of return information or extension request.

(9) "Taxpayer security code" means a confidential authorization code, or password, assigned to each taxpayer which uniquely identifies the taxpayer and allows only the taxpayer, the taxpayer's fiduciary or authorized agent of the taxpayer to communicate return information or extension request to the data collection center. Taxpayer security codes assigned are part of the return, are confidential, and shall not be the same as the parcel or account identification number assigned by the property appraiser which are part of the public records.

(10) "Trace number" means the verification code generated by the EDI system which uniquely identifies the received communication of return information or extension request and can be used for later retrieval.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS., Ch. 99-208, L.O.F. History--New

#### 12D-16.030 Communication of Return Information in Electronic Format.

(1) Except as otherwise provided by this rule, any notice, return of information, application form, or completed application form that is required or permitted under this rule to be exchanged between a property appraiser and the taxpayer or between a property appraiser and an agent or fiduciary



designated by the taxpayer may be delivered in an electronic format if the property appraiser and taxpayer agree to the terms specified under this rule.

(2) Taxpayers who participate in an EDI program implemented by the property appraiser shall use one of the following means of communicating return information or extension requests to the property appraiser.

(a) Computer-to-computer communication of information over a direct link to a data collection center maintained by the property appraiser.

(b) Communication of information indirectly through a third party data collection center having the ability to guarantee the confidentiality of taxpayer data and subject to the same confidentiality requirements as the property appraiser.

(3) This rule is not intended to prohibit the use of any direct method of electronic transfer of information which ensures that all tangible personal property required to be identified by the taxpayer is properly listed.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS., Ch. 99-208, L.O.F. History—New

#### 12D-16.040 Taxpayer Information and Identity.

(1) The property appraiser's EDI system may be a service provider identified by the property appraiser as the appropriate data collection center must be used by taxpayers who elect to submit electronic returns.

(2) The property appraiser will make available a notice to taxpayers and an Electronic Data Interchange Transfer Authorization and Agreement Form (DR-599, an official form incorporated by reference in Rule 12D-16.002, F.A.C.) to be used to remit electronic returns. When completed and filed, this form shall constitute part of the EDI return.

(3) The taxpayer must complete and sign the Form DR-599 and it must be received by the property appraiser by the date the property appraiser specifies using such form.

(a) The information required to be provided by the taxpayer on this form includes:

1. Business name;
2. Business mailing address;
3. Taxpayer's Federal Employer Identification Number or Social Security Number, whichever is most appropriate;
4. Contact person (title and telephone number);
5. Name and signature of person authorized to sign returns;

6. Name of any agent or fiduciary who returns property information on behalf of the taxpayer and the capacity under which the agent or fiduciary is acting.

(b) The form must specify the medium of communication to be used by the EDI system; the type of communication covered and the means for protecting the security of any electronically submitted information. The form may address other matters relevant to the method of communication

between the property appraiser and the taxpayer. The form, together with EDI filings, shall constitute the return information of the taxpayer and shall be confidential.

(4) The property appraiser shall assign a confidential taxpayer security code directly to the taxpayer to be used by the taxpayer when communicating return information or extension requests to the data collection center. This number shall be provided to the taxpayer upon receipt of the Form DR-599, at the latest.

(5) Use of the EDI return method by a taxpayer will be conditioned upon the taxpayer's written agreement to provide return information to the data collection center as provided in these rules.

(6) The Form DR-599 will be in effect from year to year except as follows. The taxpayer may revoke the form where the taxpayer desires to discontinue EDI. The property appraiser may reserve the right to revoke the EDI return filing privilege of any taxpayer who: does not consistently transmit error-free information; substantially varies from the requirements and specifications of these rules; repeatedly failed to make timely return transfers; or, repeatedly fails to provide required data records with the EDI transfer. Additionally, the property appraiser shall have the right to revoke the EDI privilege for any reason he or she deems sufficient which jeopardize the integrity of the system.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS., Ch. 99-208, L.O.F. History—New

#### 12D-16.050 Acknowledgment to Taxpayer.

Methods by which the taxpayer will be provided with an acknowledgment may include, but are not limited to:

(1) Acknowledgment may be made at time EDI is received by the property appraiser, such that the property appraiser's EDI system sends an electronic confirmation number or trace number to the taxpayer after receipt of a successful transmission by the data collection center.

(2) The property appraiser may mail a paper acknowledgment to the taxpayer.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS., Ch. 99-208, L.O.F. History—New

#### 12D-16.060 Uniform Format for All Counties.

(1) The acceptable file structure of the return shall be as described in Electronic Data Interchange TPP Return File Structure Form (DR-594, an official form incorporated by reference in Rule 12D-16.002, F.A.C.), which is an electronic facsimile of Form DR-405. The property appraiser may accept data sent in another file structure approved by the department pursuant to s. 195.022, F.S., which may include a file structure specified in a format described in subsection (2) of this rule.

(2)(a) The property appraiser must accept data sent in flat file ASCII delimited format.

(b) The property appraiser may accept data sent in other formats agreed to by the property appraiser including, but not limited to, the transaction set for the return data described in the American Standards Committee x12 Group Transaction Set, Number 813, Electronic Filing of Tax Return Data, Version 4010, or later.

(3)(a) If the taxpayer has timely filed Form DR-599, the taxpayer may request an extension of the April 1 return due date by EDI. Any such request must be made by EDI to the data collection center by the date specified by the property appraiser. The request shall include the following information, in the following file structure, blanks delimited, in a format stated in subsection (2):

Data Element:	Number of Characters
TIP number,	15
Tax ID number,	15
FEI Number,	15
Name,	40
Reason for any extension beyond 30 days,	400

(b) The property appraiser shall provide confirmation on granting any extension from April 1 that exceeds 30 days.

Cross reference: Rule 12D-8.005, F.A.C.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS., Ch. 99-208, L.O.F. History--New \_\_\_\_\_.

#### 12D-16.080 Procedures for Transfer.

(1) An acknowledgment will be issued at the conclusion of the successful transfer of EDI return information or extension request for each return or extension request filed. This number provides a means of verifying receipt of the successful transmission and serves as receipt for the delivery of the return or extension request. The property appraiser shall maintain either this number or a trace number as a record of the transfer, for later retrieval.

(2) Electronic transfers which are not received by the property appraiser on or before the due date of the return will constitute late returns and the applicable late filing penalties shall apply.

(3) If a taxpayer does not receive an acknowledgment, the return information or extension request shall not be considered filed.

Cross Reference: Rule 12D-8.006, F.A.C.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS., Ch. 99-208, L.O.F. History--New \_\_\_\_\_.

#### 12D-16.090 Due Date; General Provisions.

(1) To be considered timely, taxpayers who remit return information through an EDI system must initiate the transfer so that the information is received on or before the due date of the return as specified under section 193.062, F.S. If the due date on which the taxpayer is required to complete an EDI return falls on a Saturday, Sunday, or official Federal or State holiday,

the taxpayer must complete the transfer no later than the following business day in order for the return to be considered timely filed, or alternatively file a standard paper return.

(2) The EDI method of transfer does not change any current filing requirements for tax returns. If the EDI transfer is not timely made or the tax return required is not filed by the due date, the provisions for late filing penalties under section 196.062, F.S. shall apply, except as provided in these rules.

(3) The provisions of Rule 12D-8.006, F.A.C., shall govern the compromise and settlement of any penalty assessed due to the late filing of an electronically filed return after the due date.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS., Ch. 99-208, L.O.F. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kathy Henley, Revenue Program Administrator II, Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7952

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hugh Harrell, Process Manager, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32314-7443; telephone number (850)488-3338

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT/RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: July 30, 1999, Vol. 25, No. 30. Rule development workshops were held on August 17, 1999, in Tallahassee, Florida, and on August 18, 1999, in Orlando, Florida. As a result of recommendations received, the proposed rules have been changed from the rules as published in the July 30, 1999, issue of the Florida Administrative Weekly.

#### **DEPARTMENT OF CORRECTIONS**

RULE TITLES:	RULE NOS.:
Routine Mail	33-602.401
Legal Documents and Legal Mail	33-602.402
Privileged Mail	33-602.403

PURPOSE AND EFFECT: The purpose of the proposed rules is to provide for the stamping of all outgoing inmate mail with the phrase "mailed from a state correctional institution." The effect of the proposed rules is to ensure that recipients of inmate mail are on notice that the sender is an inmate incarcerated in a state correctional facility.

SUMMARY: The proposed rule provides for the stamping of all outgoing inmate mail with the phrase "mailed from a state correctional institution."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

TIME AND DATE: 9:00 a.m., November 4, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULES IS:

33-602.401 Routine Mail.

(1) through (8) No change.

(9) The address of all incoming mail must contain the inmate's committed name, identification number and institutional address. The return address of all outgoing mail must contain only the inmate's committed name, identification number and institutional name and institutional address. No prefix other than inmate, Mr., Ms., Miss, or Mrs. nor any suffix other than Jr., Sr. or Roman numeral such as II or III may be included as part of the committed name in the return address. The institutional name in the return address must be spelled out completely with no abbreviations. All outgoing routine mail will be stamped "mailed from a state correctional institution" by mail room staff.

(10) through (12) 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 \_\_\_\_\_.

33-602.402 Legal Documents and Legal Mail.

(1) through (12) No change.

(13) The return address on all outgoing correspondence must contain the inmate's committed name, identification number, and the institutional name and address spelled out completely. No prefix other than inmate, Mr., Ms., Miss, or Mrs., or any suffix other than Jr., Sr., or Roman numerals such as II or III may be included as part of the committed name in the return address. If the inmate's committed name or identification number is missing, the letter shall be returned to the inmate for proper addressing. If the institutional name or address is incomplete, the institution is authorized to stamp all outgoing legal mail with the complete institutional name and

address and shall mail it without delay. All outgoing legal mail will be stamped "mailed from a state correctional institution" by mail room staff.

(14) through (15) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History--New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended \_\_\_\_\_.

33-602.403 Privileged Mail.

(1) through (3) No change.

(4) The return address on all outgoing correspondence must contain the inmate's committed name, identification number, and the institutional name and address spelled out completely. No prefix other than inmate, Mr., Ms., Miss, or Mrs., or any suffix other than Jr., Sr., or Roman numerals such as II or III may be included as part of the committed name in the return address. If the inmate's name or identification number is missing, the letter shall be returned to the inmate for proper addressing. If the institutional name or address is incomplete, the institution is authorized to stamp all outgoing privileged mail with the complete institutional name and address and shall mail it without delay. All outgoing privileged mail will be stamped "mailed from a state correctional institution" by mail room staff.

(5) through (6) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History--New 9-1-93, Amended 5-25-97, 2-15-98, Formerly 33-3.0052, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Czerniak

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 1999 (Note: These rules appeared as 33-3.004, 33-3.005 and 33-3.0052 in the Notice of Rule Development. They were re-numbered subsequent to publication of that Notice.)

## COMMISSION ON ETHICS

RULE TITLE:

List of Forms and Instructions

RULE NO.:

34-7.010

PURPOSE AND EFFECT: The Commission is amending seven forms to note the change in the century--19\_\_ is being amended to 20\_\_.

SUMMARY: The forms promulgated by the Commission and adopted by reference in Rule 34-7.010, specifically: CE Form 8A; CE Form 8B; CE Form 20; CE Form 20-R; CE Form 22; CE Form 9; and CE Form 30, are being amended to reflect the correct century.

**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 within 21 days of this notice.

**SPECIFIC AUTHORITY:** Art. II, Sec. 8(f),(h), Fla. Const., 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS.

**LAW IMPLEMENTED:** Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

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

**TIME AND DATE:** 9:00 a.m., November 30, 1999

**PLACE:** Cabinet Meeting Room, The Capitol, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Julia Cobb Costas, Staff Attorney

**THE FULL TEXT OF THE PROPOSED RULE IS:**

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) through (g) No change.

(h) Form 8A, Memorandum of Voting Conflict for State Officers. To be utilized by public officers serving at the State level of government for compliance with Section 112.3143, Florida Statutes. Effective 1/00 ~~4/95~~.

(i) Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. To be utilized by public officers serving at local levels of government for compliance with Section 112.3143, Florida Statutes. Effective 1/00 ~~4/98~~.

(j) Form 20, Executive Branch Lobbyist Registration. To be utilized by lobbyists for compliance with Subsection 112.3215(3), Florida Statutes. Effective 1/00 ~~4/99~~.

(k) Form 20-R, Executive Branch Lobbyist Renewal. To be utilized by lobbyists for compliance with Subsection 112.3215(3), Florida Statutes. Effective 1/00 ~~4/99~~.

(l) Form 22, Executive Branch Lobbyist's Expenditure Report. To be utilized by executive branch lobbyists for compliance with Subsection 112.3215(5), Florida Statutes. Effective 1/00 ~~4/99~~.

(m) Form 9, Quarterly Gift Disclosure. To be utilized by persons who are required to file Form 1 or Form 6 and by State procurement employees for compliance with the quarterly gift disclosure requirements of Section 112.3148(8), Florida Statutes. Effective 1/00 ~~4/98~~.

(n) No change.

(o) Form 30, Donor's Quarterly Gift Disclosure. To be utilized by political committees, committees of continuous existence, lobbyists (persons who for compensation sought to influence the governmental decisionmaking, proposal, or recommendation of an agency), and the partners, firms, principals, and employers of lobbyists for compliance with the gift disclosure requirements of Section 112.3148(5), Florida Statutes. Effective 1/00 ~~4/98~~.

(2) No change.

**PROPOSED EFFECTIVE DATE:** January 1, 2000

Specific Authority Art. II, Sec. 8(f), (h), Fla. Const., 112.3147, 112.3215(13), 112.322(7), (10), 112.324 FS. Law Implemented Art. II, Sec. 8(a), (f), (h), Fla. Const., 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS. History—New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 1-1-00.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Julia Cobb Costas, Staff Attorney

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Phil Claypool, General Counsel

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 22, 1999

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** October 1, 1999

## WATER MANAGEMENT DISTRICTS

### Southwest Florida Water Management District

**RULE CHAPTER TITLE:** RULE CHAPTER NO.:

Procedural 40D-1

**RULE TITLE:** RULE NO.:

Delegation of Authority 40D-1.002

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to eliminate an obsolete reference to the delegation of stormwater permitting authority to the District by the Florida Department of Environmental Protection. Subsequent to the delegation in 1984, Chapter 373 was amended to provide the District with independent authority for stormwater permitting, thereby negating the need for this rule.

**SUMMARY:** The proposed amendment of Rule 40D-1.002, F.A.C. will eliminate the reference in subsection (1) an obsolete reference to the delegation of stormwater permitting authority to the District by the Florida Department of Environmental Protection.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.002, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.103, 373.113, 373.118, 373.171 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.026, 373.103, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427, 403.812(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.002 Delegation of Authority.

~~(1) Regulation of Storm Water Discharge~~

~~(a) Effective March 1, 1984, the District is delegated by the Department of Environmental Protection, Chapter 62-25, Florida Administrative Code, Regulation of Stormwater Discharge, and all the Department's powers and duties pertaining to the administration of such rule.~~

~~(b) The District will administer such rule through its Executive Director who shall have the full authority to exercise all powers and duties pertaining thereto.~~

~~(c) The Executive Director will advise the Governing Board during each regular monthly meeting of proposed permitting action under Rule 62.25.040, F.A.C., and receive its concurrence, unless and until the Governing Board otherwise directs that such advice and concurrence will not be necessary.~~

~~(1)(2)~~ The Board of Trustees of the Internal Improvement Trust Fund, pursuant to Section 18-21.0051, F.A.C., has delegated to the Governing Board the authority to review and take final agency action of certain applications to use sovereign submerged lands. Section 18-21.0051, F.A.C., also provides that the Governing Board may delegate review and decision making authority to District staff. Therefore, the Governing Board further delegates this authority to the Executive Director, the Assistant Executive Director, the Deputy Executive Director for Resource Regulation, the Director of Technical Services and the Regulation Department Directors, when an application to use sovereign submerged lands involves an activity which is reviewed pursuant to the general permit procedures of Chapters 40D-40 or 40D-400, F.A.C.

~~(2)(3)~~ The Governing Board hereby incorporates by reference the following documents:

(a) "Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Manatee County" dated May 18, 1999.

(b) "Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County" dated May 27, 1999.

Specific Authority 373.044, 373.103, 373.113, 373.118, ~~373.171~~ 373.219, 373.309 FS. Law Implemented 253.002, ~~373.026~~, 373.103, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427, ~~403.812(1)~~ FS. History--New 3-1-84, Amended 3-10-96,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, Southwest Florida Water management District, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 1999

## WATER MANAGEMENT DISTRICTS

### Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
Procedural 40D-1

RULE TITLE: RULE NO.:  
Forms and Instructions 40D-1.659

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to adopt in Rule 40D-1.659, FAC certain water use forms that were previously incorporated by reference into Rule 40D-2.091, FAC. This will result in a single location in the District's rules for the incorporation of all of the District's permitting forms.

SUMMARY: The proposed amendment will incorporate by reference certain water use permitting forms in Rule 40D-1.659, FAC that are currently incorporated in Rule 40D-2.091, FAC.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-1.659, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.229 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

The following forms and instructions which have been approved by the Governing Board are incorporated by reference into this Chapter and can be obtained from the District.

**GROUND WATER**

(1) through (14) No change.

(15) AGRICULTURAL WATER USE FORM – SEASONAL REPORT FORM NO. WUP-14.1 (1/93)

(16) AGRICULTURAL WATER USE FORM – ANNUAL REPORT FORM NO. WUP-15 (1/93)

(17) AGRICULTURAL WATER ALLOTMENT FORM NO. WUP-16 (8/90)

**SURFACE WATER**

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (12) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.1.901, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, Southwest Florida Water management District, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 1999

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Consumptive Use of Water RULE CHAPTER NO.: 40D-2

RULE TITLE: Publications Incorporated by Reference RULE NO.: 40D-2.091

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to eliminate the incorporation of certain water use forms in Rule 40D-2.091, F.A.C. The forms will be incorporated in Rule 40D-1.659, F.A.C. This will result in a single location in the District's rules for the incorporation of all of the District's permitting forms.

SUMMARY: The proposed amendment will eliminate the incorporation of certain water use permitting forms in Rule 40D-2.091, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-2.091, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 120.54, 373.044, 373.103, 373.113 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, 373.219, 373.239, 373.243 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.091 Publications Incorporated by Reference.

The "Basis of Review for Water Use Permit Applications" July 22, 1999, the ~~"Agricultural Water Use Form, Form: WUP-15 (8/90)," and the Agricultural Water Allotment Form, Form WUP-11 (8/90),"~~ are hereby incorporated by reference into this Chapter and ~~is~~ are available from the District upon request.

Specific Authority 120.54, 373.044, 373.103, 373.113 FS. Law Implemented 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, 373.219, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, Southwest Florida Water management District, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 1999

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General Regulations	60A-1
RULE TITLES:	RULE NOS.:
Definitions	60A-1.001
Purchase of Commodities and Contractual Services	60A-1.002
Vendors and Contractors	60A-1.006
Standards and Specifications	60A-1.007
Term Contracts and Price Agreements	60A-1.008
Emergency Purchases of Commodities or Contractual Services	60A-1.009
Single Source Purchases of Commodities or Contractual Services	60A-1.010
Printing	60A-1.013
Insurance	60A-1.015
Contract Requirements for Contractual Services	60A-1.016

Procedures for Negotiation of Contracts for Purchase of Commodities/Contractual Services 60A-1.018

**PURPOSE, EFFECT AND SUMMARY:** The purpose of these changes is to update rules to coincide with changes made by the Legislature in Chapter 287, F.S. Changes include updating of threshold categories as well as delegating additional authority to state agencies in making purchasing decisions.

**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:** 15.18(7), 120.57(3)(d), 216.345, 287.017, 287.032, 287.042(4),(13) FS.

**LAW IMPLEMENTED:** 15.18, 20.19, 119.07(3), 120.53, 120.57(3) 216.311, 229.8331, 283.30(4), 283.31, 283.32, 283.33, 283.35, 283.56, 283.425, 287.001, 287.012(4), 287.017, 287.022, 287.042(1),(2),(4),(5),(6),(7),(8),(11),(14), 287.045(5), 287.055, 287.057(1),(3),(3)(a),(3)(c),(4), 287.058, 287.073, 287.133, 287.0595, 287.1345, 288.03, 288.121 (5), 288.701, 288.703, 288.705, 601.10, 695.25 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:** 3:00 p.m., Monday, November 1, 1999

**PLACE:** 4050 Esplanade Way, Suite 301, Tallahassee, Florida 32399-0950

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** H. P. Barker, Jr., Chief, State Purchasing, (850)488-8131

**THE FULL TEXT OF THE PROPOSED RULES IS:**

60A-1.001 Definitions.

(1) A Purchase – A purchase is defined as an acquisition by contracting in any manner, whether by rent, lease, lease/purchase or installment sales contract which may provide for the payment of interest on unpaid portions of the purchase price, or outright purchase, from a source of supply for either commodities or contractual services. All such contracts shall be in writing or through the state's Purchasing Card Program. Prior to making a purchase, purchasing offices shall review current surplus property certifications to utilize commodities listed therein to the maximum extent practicable.

(2) Invitation to Negotiate – Competitive solicitation used when an Invitation to Bid or Request for Proposal is not practicable. Agency shall document file as to conditions and circumstances resulting in this decision.

~~(3)(2)~~ Informal Bid – An informal bid is defined as either a written or oral quotation not requiring a public opening of such bid at a specific time or date. Written evidence of oral quotations shall be maintained.

~~(4)(3)~~ Agency Head – An agency head, within the meaning of Chapter 287, Part I, F.S., is defined as the person or in the case of a collegial body the executive director or chief administrative officer of the agency or other governmental unit who is statutorily responsible for final agency action, or his authorized designee. All designees authorized to sign on behalf of the agency head must have their signature on file with State Purchasing the Division of Purchasing.

~~(5)(4)~~ Contracts – Definite Quantity-Term-Contractual Service.

(a) Any contract which binds the state or its executive agencies for purchases for a period continuing beyond the fiscal year shall include the following statement: "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature". Any contract between an agency and a private contract vendor shall contain the language provided in Section 946.515(6), F.S., if at the time the contract is entered into, any product or service which is the subject of, or required to carry out, the contract has been certified by Department of Management Services commodity number pursuant to that statute, as a correctional work program item.

(b) Definite Quantity Contract – Definite quantity contract whereby the contractor(s) agrees to furnish a specific quantity of an item or items at a specified price and time to specified locations. Delivery and acceptance of the specific quantity by the agency completes such contract.

(c) Term Contract – Indefinite quantity contract whereby the contractor(s) agrees to furnish commodity(ies) or contractual service(s) during a prescribed period of time (such as 3, 6, 9, 12 months or a specific date). The specified period of time or date completes such contract. A state term contract is

defined as a term contract executed by ~~State Purchasing the Division of Purchasing~~ for use by all agencies and local governments. An agency term contract is defined as a term contract executed by an agency for use only by such agency, and not available for use by other agencies.

(d) Contractual Service Contract – A contract for a contractor's time and effort rather than the furnishing of specific commodities. Satisfactory completion of the service and/or a specified period of time or date completes such contract.

~~(6)(5)~~ Identical (Tie) Bids – Identical Bids are two or more responsive bids which are equal in price.

~~(7)(6)~~ Mutuality of Ownership – Only the low bidder of firms mutually owned may be considered in determining an award.

~~(8)(7)~~ Notice of Decision – Agency notice of its decision or intended decision for a bid solicitation, invitation to negotiate or request for proposal shall be sent to vendors and other interested persons by United States mail or by hand delivery. All notices of decision or intended decisions shall contain the protest statement, provided by Rule 28-110.005(3) F.A.C. "Failure to file a protest within the time prescribed in Section 120.57(3), F.S., shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." Notice of intended awards, including rejection of some or all bids received, shall be given as provided in Rule 60A-1.001(8)(9)(a), F.A.C. Notice of all other decisions shall be given by certified mail, or other express delivery services, except that State Purchasing's the Division of Purchasing's notice of decision or intended decision concerning a request by an agency for approval of an exceptional purchase under Chapter 287, F.S., and the State Purchasing rules of the division shall be given by posting such notice in the office of State Purchasing, the Division of Purchasing.

~~(9)(8)~~ Notice of Intended Award and Award–

(a) Notice of the intended award, including rejection of some or all of bids or proposals received, or negotiations received shall be given by posting the bid, negotiation or proposal tabulations where the bids, negotiations or proposals were opened, or by certified United States mail, return receipt requested, or other express delivery service, whichever is specified in the bid solicitation or the request for proposals. All notices of decision or intended decisions shall contain the protest statement provided by Rule 28-110.005(3), F.A.C.: "~~Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes~~"; and show the beginning and ending posting time and dates for the bid or proposal or negotiation bid/proposal posting, or if noticed by certified mail, indicate such action must be taken within 72 hours after receipt of such notice.

(b) The contract shall be awarded by purchase order or other written notice to the responsive and responsible bidder with the lowest price or to the negotiator with the best and final offer or to the proposer with the highest ranking with the lowest price for the commodities or contractual services, except that every procurement of contractual services in excess of threshold Category Two shall be evidenced by a contract written agreement conforming to the provisions of Section 287.058, F.S. If the contract is terminated during the initial contract period, the award may be made to the next responsive offeror who agrees to hold the prices, terms, and conditions submitted in response to the original solicitation.

(c) Issuance of a written notice of award or a purchase order for the purchase of commodities shall establish a contract between the agency and the supplier on the terms, conditions and prices specified in the invitation to bid/~~proposal~~ or invitation to negotiate or request for proposals and the bidder's/~~or negotiator's~~ or proposer's response.

~~(10)(9)~~ Purchasing Threshold Categories – The following threshold categories are established:

- (a) Category One: ~~\$5,500~~ \$15,000.
- (b) Category Two: ~~\$15,000~~ \$25,000.
- (c) Category Three: ~~\$23,000~~ \$50,000.
- (d) Category Four: ~~\$75,000~~ \$150,000.
- (e) Category Five: ~~\$150,000~~ \$250,000.

The dollar amount for these categories shall be adjusted by State Purchasing the Division of Purchasing after June 30 of each year, based on the April publication of the United States Department of Commerce Survey of Current Business Table 7.11B, using the price index for state and local government. The amounts for the threshold categories will be adjusted as follows:

1. The rate of adjustment applicable to the threshold amounts is the percent increase or decrease in the chain-type price index from the base year value for 1992, which is 97.9, through the year previous to the year of annual adjustment as shown in the United States Department of Commerce Survey of Current Business as referenced above.

2. This rate of adjustment is applied to the base threshold amount to calculate the threshold amount for the year of annual adjustment. The base threshold category amounts are: a) Category One: ~~\$15,000~~ \$5,000; b) Category Two: ~~\$25,000~~ \$10,000; c) Category Three: ~~\$50,000~~ \$20,000; d) Category Four: ~~\$150,000~~ \$65,000; e) Category Five: ~~\$250,000~~ \$130,000. The following formula illustrates this method:

Threshold for Year of Adjustment = Base Threshold x [Price Index in April Publication for the Year Prior to the Year of Adjustment divided by 97.9]

3. The resulting threshold amount is rounded as follows: Category One to the nearest \$500, Category Two to the nearest \$1,000, Category Three to the nearest \$1,000, Category Four to the nearest \$5,000 and Category Five to the nearest \$10,000. Notwithstanding the point in time in which payment is made



for the commodities or services, for the purpose of applying the threshold categories to a purchase, the earliest of the following dates shall govern:

- a. The date on which the invitation to bid or invitation to negotiate or request bid/request for proposals is issued.
- b. The date the purchase order is issued.
- c. The date on which the contract is entered into.

~~(11)(10)~~ Requisition – A formal ~~written~~ request to procure commodities or services on behalf of a program area. ~~Requisitions must be signed by an authorized person, and must be filed with the purchasing office.~~

~~(12)(14)~~ Purchase Order – An agency's document to formalize a purchase transaction with a vendor. The purchase orders should be numbered consecutively and contain statements regarding the quantity, description, and price of goods and services ordered; applicable terms as to payment, discount, date of performance, and transportation; and other factors or suitable references pertinent to the purchase such as bid number or contract number and should be signed by the purchaser.

~~(13)(12)~~ Blanket Purchase Order (Blanket Order) – An arrangement under which a purchaser contracts with a vendor to provide the agency's requirements for an item(s) or a group of items or a service, ordered on an as needed basis. It prescribes the contract term and the maximum amount of money, which may be spent. No purchase may be divided into two or more purchases for the purpose of evading the competitive bidding requirement, and each purchase made under a blanket purchase order must be of the kind that could be made without competitive bidding if there were no blanket purchase order.

~~(14)(13)~~ Field Purchase Order – A purchase order issued by an office or facility of an agency that is separate from the agency's purchasing office(s).

~~(15)(14)~~ Purchase Order Control and Accountability – It is the responsibility of the chief procurement officer of each agency to:

- (a) Provide for securing all unused purchase orders in a safe place and restricting access to these documents.
- (b) Provide for maintenance of a file and accounting for all consecutive purchase orders issued or voided.
- (c) Maintain a record of persons designated as authorized to issue and sign each type of purchase order.
- (d) Provide for a monitoring and review process for the use of blanket purchase orders and field purchase orders.

~~(16)(15)~~ Price Agreement – An agreement which State Purchasing ~~the Division of Purchasing~~ negotiates with a vendor to furnish items at a predetermined price. The agreement involves a minimum number of units, provides for orders to be placed directly with the vendor by the purchasing agency and runs for a limited period of time.

~~(17)(16)~~ Minor Irregularity – A variation from the invitation to bid or invitation to negotiate or request bid/invitation to negotiate/request for proposal terms and conditions which does not affect the price of the commodities or services ~~bid/proposal~~, or give the bidder or offeror an advantage or benefit not enjoyed by other bidders or offerors, and ~~or~~ does not adversely impact the interests of the agency.

~~(18)~~ State Purchasing – formerly the Division of Purchasing, now a part of the Support Program of the Department of Management Services pursuant to Section 20.22(2), F.S.

~~(19)~~ State's Purchasing Card Program – A public-private arrangement between the Department of Management Services and a bank under which designated agency employees make purchases by means of purchasing cards, similar to credit cards, without requisitions or purchase orders.

Specific Authority 287.042, 287.032 FS. Law Implemented 283.30(4), 287.012, 287.017, 287.042, 20.19, 229.8331, 287.073, 288.03, 287.057, 601.10, 15.18, 287.001, 287.055, 287.058, 287.133, ~~288.704~~, 216.345 FS. History--New 5-20-64, Revised 2-6-68, 5-20-71, Amended 5-19-72, 7-31-75, 10-1-78, Revised 11-14-79, Amended 8-6-81, 10-11-81, 4-29-82, 11-4-82, 10-13-83, 3-1-84, 11-12-84, 2-28-85, 12-17-85, Formerly 13A-1.01, Amended 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.001, Amended 8-24-93, 4-24-94, 1-9-95, 1-1-96, 9-23-96, 7-6-98,\_\_\_\_\_.

60A-1.002 Purchase of Commodities and Contractual Services.

~~(1)~~ It is recommended that agencies use the state purchasing card for all Procurements, especially for purchases \$2500 or below.

~~(2)(4)~~ Purchases with value below ~~\$2,500~~ ~~\$1,000~~ shall be carried out using good purchasing practices which may include but not be limited to quotations or written records of telephone quotations. Purchases which meet or exceed ~~\$2,500~~ ~~\$1,000~~, but less than the threshold for Category Two ~~One~~ may be made using written quotations or written records of telephone quotations or informal bids to be opened upon receipt. ~~Will be made on two or more written quotations whenever practical.~~ Should verbal quotations be received, name and address of company and amount quoted shall be a part of the written documentation. If at least two quotations are not received, a statement as to why they were not received must be shown. ~~Purchases with a dollar value of the threshold for Category One but less than the threshold for Category Two shall be carried out using written quotations or written records of telephone quotations or informal bids to be opened upon receipt.~~ If the agency determines that commodities or contractual services are available only from a single source, or that conditions warrant negotiation on the best terms and conditions, the agency may proceed with the procurement. The agency shall document the conditions and circumstances used to determine the procurement method.

~~(3)(2)~~ Competitive Sealed Bids or Negotiations or Proposals – ~~Bids/proposals~~ Required on Purchases Exceeding the Threshold Amount for Category Two –

(a) In accordance with Chapter 287, Florida Statutes, all purchases for which the total contract value is in excess of the threshold amount for Category Two for a commodity or group of commodities or contractual service shall be made by first securing formal competitive sealed bids, negotiations or proposals except as provided in Section 287.057(3), F.S. or Rules 60A-1.008, 60A-1.009, and 60A-1.010, FAC. In accordance with chapter 287, Florida Statutes, all purchases for which the total contract value is in excess of the threshold amount for Category Two for a commodity or group of commodities or contractual service shall be made by first securing formal competitive sealed bids except as provided in Section 287.057(2), F.S., Rules 60A-1.008, 60A-1.009, and 60A-1.010, F.A.C. Vendors registered with the Division of Purchasing should be given consideration when issuing bids or other solicitations. When determining the amount or amounts of purchases for the purpose of applying the threshold categories, agencies shall follow the definitions and classes and groups of commodities/contractual services established by the Division of Purchasing. Acquisitions shall be viewed and considered on an agency wide basis, except that acquisitions by agencies with decentralized purchasing functions shall be considered and reviewed on the basis of each purchasing office that maintains full time purchasing staff. An agency shall not divide its purchases or its purchasing operations to circumvent these requirements. A formal invitation to bid shall be mailed at least 10 days prior to the date set for submittal of bids, unless waived, in writing, by the Division. Determination of the threshold amount for Category Two for lease or rental is based on a twelve (12) month period of time. Extension of a contract for an additional period of time is not subject to this provision. In any procurement which exceeds the threshold amount for Category Two that is accomplished without competition, the individuals taking part in the development or selection criteria for evaluation, the evaluation process, or the award process shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected. The attestation shall be placed in the agency file.

(b) When determining the amount or amounts of purchases for the purpose of applying the threshold categories, agencies shall follow the definitions and classes and groups of commodities or contractual services established by State Purchasing. Acquisitions shall be reviewed and considered on an agency-wide basis, except that acquisitions by agencies with decentralized purchasing functions shall be considered and reviewed on the basis of each purchasing office that maintains full-time purchasing staff. A purchasing office shall not divide its purchases or its purchasing operations to circumvent these requirements. Determination of the threshold amount for Category Two for lease or rental is based on a twelve (12) month period of time. Extension of a contract for an additional period of time is not subject to this provision. In any procurement which exceeds the threshold amount for Category Two that is accomplished without competition, the individuals

taking part in the development or selection criteria for evaluation, the evaluation process, or the award process shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected. The attestation shall be placed in the agency file.

(c)(b) The following purchases are not subject to the competitive sealed bid or negotiation or proposal bid/negotiation/proposal requirements of Rule 60A-1.002(2), F.A.C. Purchases described in Section 287.057(3)(f) as well as those described below do not require approval from State Purchasing the Division of Purchasing.

1. Regulated Utilities and government franchised services.
2. Regulated Public communications, except long distance telecommunications services or facilities.

3. Artistic services, academic program reviews, lectures by individuals. Artistic services include any artistic work performed by an artist, as defined in Section 287.012(3), F.S., including cases in which the acquisition requires that the artist furnish a commodity created through the artistic work. An academic program review is a structured evaluation of the relative merits of an established university or secondary educational program or program component conducted by recognized experts in the field of study and resulting in a written report with specific recommendations. A lecture is a formal or methodical reading or presentation on any subject, but it is not intended to be used for the purpose of, or in connection with, training of personnel.

4. Auditing services, which are services provided by a licensee under Chapter 473, F.S., in which the licensee attests as an expert in accountancy to the reliability or fairness of presentation of financial information or utilizes any form of disclaimer of opinion which is intended or conventionally understood to convey an assurance of reliability as to matters not specifically disclaimed.

5. Promotional Services and Events purchased from donated funds by the Secretary of State for purposes provided in Section 15.18(7), F.S.

6. Payments for membership dues pursuant to Section 216.345, F.S.

7. Examinations approved in accordance with Section 455.217(1)(c), F.S.

8. Adoption placement services licensed by the Department of Children and Family Services ~~Health and Rehabilitative Services.~~

(d)(c) Agencies are delegated the conditional authority to purchase commodities ~~or~~ contractual services (except insurance). The conditions of this delegation are (i) that the agencies comply with the requirements of subsection 287.042(13), F.S.; (ii) that State Purchasing the Division retains the full supervisory authority provided by that subsection; and (iii) that State Purchasing the Division reserves the right to rescind the authority delegated to all agencies by amendment to this rule and reserves the right to rescind the

authority delegated to an agency for failure to comply with that subsection. If ~~State Purchasing the Division~~ proposes to rescind an agency's authority, it shall give the agency notice pursuant to Rule 60-4.013(2).

~~(e)(4)~~ Except for those contracts initially procured pursuant to Section 287.057(3)(a) or (3)(c), F.S., contracts for commodities or contractual services may be renewed for an additional term not to exceed the original contract period unless the original contract period is 24 months or less, in which case the contract may be renewed up to 2 one year periods. Renewal of the contract shall be by mutual agreement in writing and shall be subject to the same terms and conditions set forth in the initial contract. Vendors shall include the cost of any contemplated renewals in bids and proposals and responses to invitations to negotiate. ~~If the commodity or contractual service is purchased as a result of the solicitation of bids or proposals, the cost of any contemplated renewals shall be included in the invitation to bid or request for proposals.~~ Renewals shall be contingent upon satisfactory performance evaluations by the agency.

~~(4)(3)(a)~~ Legal Advertisements – All purchases of commodities or contractual services in excess of the threshold amount for Category Two shall be advertised in the Florida Administrative Weekly or the Florida Communities Network no less than ten (10) calendar days prior to the bid opening for invitations to bid or ~~(28) calendar days prior to the proposal opening for requests for proposals or invitations to negotiate.~~ ~~This is only a minimal requirement and does not limit frequency, lapse time, or number of newspapers in which the advertisement may appear.~~ If the head of an agency or his or her ~~his/her~~ designee determines that an unusual problem exists, and to delay the bidding to provide an opportunity for advertising would be detrimental to the interest of the agency, then, and in such event, the head of such agency or the his/her ~~his/her~~ designee shall document agency file post the intended decision including with particularity the conditions and circumstances requiring waiver of advertising prior to the opening of the bids or ~~proposals or responses to invitations to negotiate in accordance with the provisions of Section 120.57(3), Florida Statutes, and applicable rule.~~

(b) Advertisement in the Florida Administrative Weekly or Florida Communities Network is not required for the reissuance of an invitation to bid, invitation to negotiate or request for proposals if the agency advertised the original bid, negotiation or proposal solicitation in the Florida Administrative Weekly or Florida Communities Network and the agency mails notice of the reissuance of the bid, negotiation or proposal solicitation to all vendors that were mailed notice of the original solicitation and to all bidders or offerors that responded to the original solicitation, excluding any vendor that responded with an indication of no interest ~~in bidding or offering.~~

~~(5)(4)~~ Receipt of No Competitive Sealed Bids or Proposals or Offers to Negotiate Bids/Proposals in the First Invitation to Bid or ~~Request for Proposal or Invitation to Negotiate~~ on Commodities or ~~Contractual Services~~ – When no competitive sealed bids or ~~proposals or offers to negotiate~~ are received for the purchase of a commodity or group of commodities or ~~contractual services~~ in response to the sealed bid or ~~proposal or negotiation~~ solicitation, the agency shall review the situation in order to determine the reasons, if any, why none was ~~no competitive sealed bids/proposals were~~ received before issuing a second invitation to bid/request for proposals; provided, however, if the agency determines that commodities or ~~contractual services~~ are available only from a single source, or that conditions and circumstances warrant negotiation on the best terms and conditions ~~in accordance with 60A-1.018(1),~~ the agency's intended decision shall be posted in accordance with Section 120.57(3), Florida Statutes, and applicable rule, before the agency may proceed with procurement. The agency shall document the agency file as to the conditions and circumstances used to determine the decision to proceed without a second call for competition bids. ~~All such actions shall be reported to the division on a quarterly basis.~~

~~(6)(5)~~ Copy of Invitation To Bid, Invitation to Negotiate or Request for Proposal of Commodities or ~~Contractual Services~~ to be forwarded to the Florida Small Business Development Center Procurement System. Agencies shall comply with Section 288.705, Florida Statutes, and shall upon request, furnish to State Purchasing the Division of Purchasing a copy of any or all invitations to bid, invitations to negotiate or requests for proposals. ~~In addition a copy of all formal solicitations for contractual services and commodities shall be furnished in a timely manner by all State agencies to the Florida Small Business Development Center Procurement System.~~ The agency's providing of copies of invitations to bid, invitations to negotiate or requests for proposals to State Purchasing the Division, or anything else herein, will not relieve the agency of its responsibilities or serve as State Purchasing's the Division's approval of the invitation to bid, invitation to negotiate or request for proposals.

~~(7)(6)~~ Conditions to be Included in Formal Invitations to Bid, Invitations to Negotiate and Requests for Proposal for Commodities and Contractual Services – (a) All formal invitations to bid issued by an agency shall include the standard "State of Florida Invitation to Bid Bidder Acknowledgment" Form PUR 7028 (Rev. 6-1-98), for commodities, "State of Florida Invitation to Bid Bidder Acknowledgment Contractual Services", Form PUR 7031 (Rev. 6-1-98) for contractual services ~~available through the Division of Purchasing and~~ which is hereby incorporated by reference and shall contain a statement informing persons of the provisions of paragraph (2)(a) of Section 287.133, Florida Statutes. An invitation to bid must describe the commodities or services and require prices to be stated. If an agency contemplates a renewal of the commodities or contractual

service contract, the Invitation to Bid shall so state with sufficient information, including the contract period(s) of renewal, to enable each bidder to bid on the contract including renewal(s), and in such case the contract award shall be made based upon an evaluation of bids for the entire contract period including renewal(s). A formal invitation to bid, request for proposal or invitation to negotiate shall be mailed at least 10 days prior to the date set for submittal of responses of bids ~~unless waived in writing, by the Division~~. Contracts that limit the liability of a vendor shall be consistent with Section 672.719, F.S. The purchase order or contract shall be awarded with reasonable promptness by written notice to the responsive and responsible qualified bidder who submits the lowest responsive bid. The bid evaluation must be determined in writing to meet the requirements and criteria set forth in the Invitation to Bid.

(b) All invitations to negotiate issued by an agency shall include the standard "State of Florida Invitation to Negotiate Acknowledgment" Form PUR 7105 (Rev 6-1-98) which is hereby incorporated by reference and shall contain a statement informing persons of the provisions of paragraph (2)(a) of Section 287.133, Florida Statutes. Invitations to negotiate shall include a statement of commodities or services sought, contractual terms and conditions applicable and the date and time for submittal of response. If the agency contemplates a renewal of the commodity or contractual services contract, the invitation to negotiate shall so state and shall also provide sufficient information, including the contract period(s) of renewal, to enable each proposer's submittal to cover the entire contract period including renewal(s). To assure full understanding and responsiveness of submittal of response to invitation to negotiate, discussions may be conducted with qualified proposers. Invitation to negotiate shall be mailed at least 10 days prior to the date set for submittal of responses. Contracts that limit the liability of a vendor shall be consistent with Section 672.719, F.S.

(c)(b) All formal requests for proposal issued by an agency shall include the standard "State of Florida Request for Proposal Commodities Acknowledgment" Form PUR 7051 (Rev. 6-1-98) or "State of Florida Request for Proposal Contractual Services Acknowledgment" Form PUR 7033 (Rev. 6-1-98) available through the Division of Purchasing and which is hereby incorporated by reference and shall contain a statement informing persons of the provisions of paragraph (2)(a) of Section 287.133, Florida Statutes. Request for proposal shall include a statement of commodities or services sought, all contractual terms and conditions applicable, and the date and time for submittal of proposals. If the agency contemplates a renewal of the commodity or contractual services agreement, the request for proposal shall so state and shall also provide sufficient information, including the contract period(s) of renewal, to enable each offeror to submit an offer on the contract including renewal(s), and in such case the contract award shall be made based on an evaluation of

proposals for the entire contract period including renewal(s). To assure full understanding of and responsiveness to the solicitation requirements, discussions may be conducted with qualified offerors. Notice of Request for Proposal shall be mailed at least 10 days prior to the date set for submittal of proposals. Contracts that limit the liability of a vendor shall be consistent with Section 672.719, F.S.

(e)(d) All bid, negotiation or proposal solicitations for contracts which require payment for more than one (1) year and include unequal payment streams or unequal time payment periods shall include a condition stating that the evaluation will use present value methodology with the present value discount rate as supplied by the Department of Management Services upon request, which shall be the rates identified in the Interest Rates: Money and Capital Markets Section published in the Federal Reserve Bulletin for the last published month at the time of issuance of the invitation to bid, invitation to negotiate or request for proposals. If the bid, negotiation or proposal requires the use of present value methodology in the evaluation, the invitation to bid, invitation to negotiate or request for proposals shall state the present value discount rate which will be used in the computations and evaluation.

(8)(7) Request to Withdraw Bid or Negotiation or/Proposal for Commodities or/Contractual Services – Requests for withdrawal may be considered if received by the agency, in writing, within 72 hours after the bid or negotiation or proposal opening time and date. Requests received in accordance with this provision may be granted by the agency upon proof of the impossibility to perform based upon an obvious error on the part of the bidder or offeror.

(9)(8) Right to Reject Bids or Negotiations or/Proposals for Commodities or Contractual Services – The agency shall reserve the right to reject any or all bids or negotiations or/proposals and such reservation shall be indicated in all advertising and invitations to bid, invitations to negotiate and requests for proposal.

(10)(9) Right to Waive Minor Irregularities for Commodities or Contractual Services – The agency shall reserve the right to waive any minor irregularities in an otherwise valid bid or proposal or offer to negotiate bid/proposal. Variations which are not minor cannot be waived.

(11)(40) Bid Modification for Commodities or/Contractual Services – A bidder or offeror may not modify its bid or proposal after bid or proposal opening. Mistakes in an arithmetic extension of pricing may be corrected by the agency.

(12)(44) Bid Borrowing Commodities or/Contractual Services – The practice of Bid or proposal or negotiation submittal borrowing (the use of a bid or proposal or submittal received in response to another invitation to bid or request for proposals or invitation to negotiate) does not satisfy the requirement of Section 287.057, F.S., and is prohibited.

~~(13)(42)~~ Inspection or Examination of Sealed Bids, Responses to Invitations to Negotiate and Proposals for Commodities and Contractual Services – Sealed bids, proposals and negotiation submittals are not public records, subject to the provisions of Section 119.07(1), F.S., until such time as the agency provides notice of a decision or intended decision pursuant to Section 120.57(3)(a), F.S., or within 10 days after bid or negotiation or proposal opening, whichever is earlier. The 10-day period does not include the date of the notice or opening. When the invitation to bid, invitation to negotiate or request for proposal requires response the bid, or proposal to be placed in two separately sealed envelopes to be submitted simultaneously and not opened on the same date, the 10-day period begins the day after the opening of the second envelope. Bid or negotiation or proposal opening shall be public at the date and time and at the place specified in the solicitation. Openings and negotiations shall be conducted in a manner to comply with confidentiality and exemption requirements of Section 815.045 F.S. or other applicable statutes. Pollution response action contracts as provided in Section 287.0595, F.S., are confidential and exempt from the provisions of Section 119.07(1) until selection is made and a contract signed, or until bid negotiations or proposals are no longer under active consideration. This exemption is subject to Section 119.14, F.S. The opening shall be conducted by an employee of the agency and witnessed by at least one other employee of the agency. Bid or negotiation or proposal tabulation sheets shall be completed simultaneously with the public reading of prices whenever appropriate. Upon completion of the tabulation, a copy shall be made accessible for inspection by any interested party.

~~(14)(43)~~ No change.

~~(15)(44)~~ Installment Sale and Purchase Contracts – Installment sale and purchase contracts shall be accomplished on the State of Florida Contract for "Installment Sale and Purchase", Form PUR 7057 (Rev. 11-15-86), available through the Division of Purchasing which is hereby incorporated and published by reference and is approved for use by all State agencies. The use of such contracts by State agencies shall be subject in each instance to preaudit review and prior approval of the Comptroller of the State and shall contain the statement, "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature". Refinancing Installment Sale and Purchase contracts are permitted only to take advantage of a lower interest rate than that of the initial transaction or other instances of lower overall cost to the State. Refinancing for a longer period than the term of the original financing is prohibited. Payment schedules shall provide for either quarterly or semi-annual payment in advance to minimize amount of interest paid. Initial payment may be made on a pro rata basis to accommodate fiscal year funding. Any exception to the provisions of this section requires justification to and prior approval of State Purchasing the Division.

~~(16)(45)~~ No change.

~~(17)(46)~~ District Bidding – State Purchasing The Division has divided the State into four principal districts, as follows:

(a) Western District, consisting of counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Franklin, Gadsden, Wakulla, Leon, Jefferson, Taylor, Madison, Lafayette, Dixie.

(b) Northern District, consisting of the counties of Gilchrist, Alachua, Union, Bradford, Baker, Nassau, Duval, Clay, Putnam, St. Johns, Flagler, Volusia, Marion, Levy, Hamilton, Suwannee, Columbia.

(c) Central District, consisting of the counties of Citrus, Sumter, Lake, Hernando, Seminole, Orange, Pasco, Pinellas, Hillsborough, Polk, Osceola, Brevard, Indian River, Manatee, Hardee, Highlands, Okeechobee, St. Lucie, Sarasota, DeSoto, Charlotte, Lee.

(d) Southern District, consisting of the counties of Glades, Martin, Hendry, Palm Beach, Collier, Broward, Monroe, Dade. State Purchasing The Division may modify the composition of these districts when deemed necessary for bidding purposes.

Specific Authority 15.18(7), 287.042(4),(13), 287.017 FS. Law Implemented 216.311, 287.012, 287.042(1),(4),(14), 287.057(1),(3),(4), 287.0595, 119.07(3), 287.133, 288.121(5), 288.703, 288.705, 695.25 FS. History—New 5-20-64, Amended 4-4-67, Revised 2-6-68, Amended 2-8-69, Revised 5-20-71, Amended 7-31-75, 10-1-78, Revised 11-14-79, Amended 8-18-80, 2-81, Amended 8-6-81, 10-13-83, 3-1-84, 3-14-84, 11-12-84, 2-28-85, 12-17-85, Formerly 13A-1.02, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.002, Amended 4-24-94, 1-9-95, 1-1-96, 3-21-96, 9-23-96, 7-6-98.

60A-1.006 Vendors and Contractors.

(1) Registration of All Vendors Doing Repetitive Business with the State – All vendors doing business with the State on a repetitive basis for the sale of commodities or contractual services defined in Section 287.012, Florida Statutes, and desiring to register with State Purchasing the Division of Purchasing are required to submit to State Purchasing the Division a properly completed "Vendor Registration Application", Form PUR 7054 (Rev. 8-96) (Rev. 9-1-92), hereby incorporated by reference. When a firm is registered, a Vendor Registration Number will be issued to the applicant for retention until further notice by State Purchasing the Division. The Vendor Number shall thereafter appear on all bid or negotiation or proposal bid/proposal documents submitted to any State agency for identification purposes. The integrity, reliability and qualifications of a bidder or offeror, with regard to the capability in all respects to perform fully the contract requirements, shall be determined by the agency prior to the award of the contract.

(2) State Purchasing Division of Purchasing Authorized to Remove Vendors and Suppliers From Mailing Lists – State Purchasing The Division of Purchasing shall be authorized to remove from the mailing list any vendor or supplier for failure to respond to a procurement solicitation without giving justifiable reasons for such failure or non-conformance to

contract conditions. Any unlawful attempt to influence an award shall be a primary justification for removal from the approved vendor list.

(3) Default – Contractors who fail to perform to contract terms and conditions shall be notified, in writing, stating the nature of the failure to perform and providing time certain for correcting the failure (reasonable time should not generally be less than 10 days after receipt of such notice). The notification will also provide that, should it fail to perform within the time provided, the contractor will be found in default and removed from the agency's approved vendor list. Unless the contractor corrects its failure to perform within the time provided, or unless the agency determines on its own investigation that the contractor's failure is legally excusable, the contractor shall be found in default and issued a second notice stating the reasons the contractor is considered in default and stating that the agency will reprocure or has reprocured the commodities or services and the amount of the reprocurement if known. The defaulting contractor will not be eligible for award of a contract by the State until such time as the State is reimbursed by the defaulting contractor for all reprocurement costs. To satisfy State Purchasing the Division that further instances will not occur, the defaulting contractor shall provide a written corrective action plan addressing grounds for default. The defaulting contractor will also be advised of the right to petition for an administrative hearing on the intended decision to remove the contractor from the list pursuant to Section 120.57, F.S., and shall be given a time certain within which to submit the petition. The defaulting contractor shall reimburse the agency for all reprocurement costs and for costs of cover, that is the difference between the cost of substitute commodities or contractual services and the contract price for such commodities or contractual services. Reprocurement of substitute commodities or contractual services may be accomplished by first attempting to contract with the second lowest bidder under the Invitation to Bid or second ranked offeror under an Invitation to Negotiate or the offeror of the second best proposal under the Request for Proposal. If the agency fails to contract with the second lowest bidder/offeror of second best proposal it may attempt to contract with the next lowest bidder/offeror of the next best proposal it may attempt to contract with second lowest bidder/offeror of the next best proposal sequentially, until a bidder willing to perform at acceptable pricing under the bid or proposal conditions is found. An agency may elect to rebid or to purchase on the open market, as may be in the best interest of the State. Until such time as it reimburses the agency for all reprocurement and cover costs and State Purchasing the Division is satisfied that further instances of default will not occur, the defaulting contractor shall not be reinstated on the vendor list and not be eligible for award of a contract by the State. All correspondence to contractors respecting failure to perform shall be sent Certified U.S. Mail, Return Receipt Requested.

The foregoing provisions do not limit, waive or exclude the State's remedies against the defaulting contractor at law or in equity.

(4) A copy of all agency default actions shall be provided to State Purchasing the Division of Purchasing. Any source of supply which fails to fulfill any of its duties specified in a contract may result in State Purchasing the Division removing such contractor from the mailing list and directing all agencies to cease doing business with those firms until the contractor reimburses all reprocurement ~~and cover~~ costs and provides State Purchasing the Division with sufficient corrective action so as to satisfy State Purchasing the Division that further instances of default will not occur. The foregoing provisions do not limit, waive or exclude the State's remedies against the defaulting contractor at law or in equity.

(5) Convicted Vendor List – State Purchasing The Division of Purchasing shall maintain a convicted vendor list, consisting of the names and addresses of those who have been disqualified from the public contracting and purchasing process under Section 287.133, F.S. State Purchasing The Division shall publish an initial list on January 1, 1990, and shall publish an updated version of the list quarterly thereafter. The initial list and revised quarterly lists shall be published in the Florida Administrative Weekly or the Florida Communities Network. If good cause exists, State Purchasing the Division shall notify the person or affiliate in writing of its intent to place the name of that person or affiliate on the convicted vendor list, and of the person's or affiliate's right to a hearing, the procedure that must be followed, and the applicable time requirements. No person or affiliate may be placed on the convicted vendor list without receiving an individual notice of intent from State Purchasing the Division. Section 287.133, F.S., does not apply to any activities regulated by the Florida Public Service Commission or to the purchase of goods or services made by any public entity from the other government agencies, from the nonprofit corporation organized under Chapter 946, F.S., or from any accredited nonprofit workshop certified under Sections 413.032-413.037, F.S.

Specific Authority 287.042, 120.57(3)(d) FS. Law Implemented 287.042, 287.017, 287.133, 120.57(3) FS. History—New 5-20-64, Revised 2-6-68, 5-20-71, Amended 7-31-75, 10-1-78, 12-11-79, 2-26-80, 8-6-81, 10-11-81, 11-10-81, 2-11-82, 8-10-82, 10-13-83, 11-12-84, 12-17-85, Formerly 13A-1.06, Amended 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.006, Amended 4-24-94, 1-9-95, 7-6-98, \_\_\_\_\_.

#### 60A-1.007 Standards and Specifications.

(1) Duties – It shall be the duty of State Purchasing the Division of Purchasing to formulate, adopt, establish or and/or modify standards and specifications applying to all State purchases of commodities or contractual services, except for standards and specifications applicable to commodities purchased by agencies under authority delegated pursuant to Rule 60A-1.002(2)(e), F.A.C. State Purchasing The Division

may rescind the delegated authority at any time, including the delegation for preparation of standards and specifications for commodities.

(2) Receipt and Inspection of Goods shall be in accordance with the latest revision of the Standards Guide revised October 15, 1996, published by ~~State Purchasing the Division of Purchasing~~. That publication is incorporated into this section, by reference, as rules of the department. Copies may be obtained from the division at room 335.01, 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

(3) No change.

(4) ~~State Purchasing The Division of Purchasing~~ may assist agencies in the writing of standards and specifications for invitations to bid or requests for proposals. Agencies shall incorporate changes to the standards and specifications recommended by ~~State Purchasing the Division~~.

Specific Authority 287.042(13) FS. Law Implemented 287.001, 287.042(2),(6),(7),(8),(11), 287.045(5) FS. History—New 2-6-68, Revised 5-20-71. Amended 7-31-75, 10-1-78, 8-6-81, 10-13-83, Formerly 13A-1.07, Amended 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.007, Amended 1-1-96, 7-6-98.

#### 60A-1.008 Term Contracts and Price Agreements.

(1) Agencies to Furnish Tabulated Estimates of All Supplies, Materials, Equipment, Services Needed – All agencies shall furnish to ~~State Purchasing the Division of Purchasing~~ when requested and on forms provided by ~~State Purchasing the Division~~, tabulated estimates of all supplies, materials, equipment, and services needed and required by the agencies for such periods in advance as may be designated by ~~State Purchasing, the Division of Purchasing~~.

(2)(a) Bid Conditions, Evaluations, and Award of State Term Contracts and Price Agreements – All State term contract bid solicitations established by ~~State Purchasing the Division~~ will include the standard "State of Florida Invitation to Bid/ State Term Contract Bidder Acknowledgment", Form PUR 7027, (Rev. 6-1-98), incorporated herein by reference. All State term contract negotiations will include the standard "State of Florida Invitation to Negotiate Acknowledgement" Form PUR 7105 (effective 6-1-98), incorporated herein by reference. All agency term contract bid solicitations will include "State of Florida Invitation to Bid/ Agency Term Contract Bidder Acknowledgment Form", PUR 7050, (Rev. 6-1-98), or "State of Florida Invitation to Bid Contractual Services Bidder Acknowledgment", Form PUR 7031 (Rev. 6-1-98), ~~as indicated both available through the Division of Purchasing~~ which are hereby incorporated by reference, and shall contain a statement informing persons of the provisions of paragraph (2)(a), of Section 287.133, Florida Statutes. All State contract requests for proposals will include either the standard "State of Florida Request for Proposal Commodities Acknowledgment", Form PUR 7051 (Rev. 6-1-98), or "State of Florida Request for Proposal Contractual Services Acknowledgment", Form PUR 7033 (Rev. 6-1-98), and which are hereby incorporated by reference, and shall contain a

statement informing persons of the provisions of paragraph(2)(a), of Section 287.133, Florida Statutes. ~~State Purchasing The Division~~ will analyze the price history, market trends and available governmental guidelines to establish an acceptable pricing level. If the lowest responsive bid, negotiation or proposal exceeds the determined acceptable pricing level, then ~~State Purchasing the Division~~ shall accept or reject any and all valid bids, negotiations or proposals based on a comparison of prices with current market pricing, consequences of varying the length of the contract term, or other variables favorable to lower pricing, and the impact of not contracting until more favorable market conditions exist, thereby assuring that such decision is clearly in the best interest of the State. Awards may be made to one or more contractors on a Statewide or regional basis.

(b) State Negotiated Agreement Price Schedule (SNAPS) – ~~State Purchasing The Division~~ may establish price schedules for the purchase of commodities or services through negotiation with one or more suppliers for a term not to exceed one (1) year with option to renew for one additional year. ~~Annual~~ Total purchases from any one supplier by a purchasing office must be less than the Threshold for Category ~~Four~~ for the contract period Five. Any single SNAPS agreement procurement shall not exceed the threshold for category two. Use of SNAPS agreements price schedules is ~~are~~ not mandatory. A vendor desiring to obtain a SNAPS agreement shall submit a "State Negotiated Agreement Price Schedule" Form PUR 7061 (Rev. 4/96), incorporated herein by reference.

(3)(a) Sources of Supply to be Certified to the Agencies – After sources of supply have been established by contract or price agreement for commodities ~~or~~ contractual services, they shall be certified to the agencies which shall issue purchase orders for all supplies, contractual services, materials, and equipment required by them from the sources of supply so certified. ~~One copy of the purchase order, only when requested shall be forwarded to the Division of Purchasing.~~ It shall be unlawful to purchase any supplies, contractual services, materials or equipment on term contract from sources other than those certified on term contracts by ~~State Purchasing the Division of Purchasing~~.

(b) ~~Alternate~~ Optional Sources of Supplies and Contractual Services – Contracts established by other governmental entities which have been determined and certified by ~~State Purchasing the Division of Purchasing~~ to be cost effective may be considered for use by agencies.

(4) Exceptions

(a) ~~Authority to Purchase~~ of commodities or contractual services from other than the term contract contractor shall be documented by the agency requested by the agency from the Division of Purchasing using "Exceptional Purchase Request" Form PUR 7006 (Rev. 6-1-98), hereby incorporated by reference. The agency shall determine describe the conditions and circumstances justifying the purchase. ~~Upon receipt of~~

~~justification, the Division shall respond, in writing, and approve or disapprove the request for exception. The Division purchase is justified if the agency determines shall determine whether the agency has prescribed justification showing that the contract item cannot meet an agency need because of one of these utilizing factors: such as critical delivery schedules, the need for compatibility with existing equipment, non-availability of service, and applications of unique technical requirements, product quality, or specifications that differ from those of the contract commodities or services. Notices of exceptions for purchases which meet or exceed the threshold amount for Category Two shall be posted. For example, an existing microcomputer, not on contract, utilizing formatted floppy discs (diskettes) with a need for expansion which requires the same media and software would be sufficient justification for a contract exception. All approved exceptions for acquisitions exceeding the threshold amount for Category Two are subject to provisions of Rule 60A-1.002, F.A.C.~~

~~(b) The Division of Purchasing, within 10 working days upon receipt of an exception request shall either request additional information or approve or deny the request to acquire a commodity not on contract, stating with particularity its reasons for granting or denying the request. The Division of Purchasing shall maintain a separate record of its decisions regarding exception requests. The Division of Purchasing's decision on an exception request shall be delivered to the requesting agency and to vendors who request copies thereof.~~

~~(c) Upon written request by an agency head, the Division shall delegate authority to make purchases for less than the threshold amount for Category One for commodities or contractual services from sources other than state term contracts. Each delegation will specify the particular conditions and requirements for such purchases. If an agency does not participate in the automated State Purchasing System, it shall report to State Purchasing on a quarterly basis on form PUR 7006 (Rev. 6-1-98) its activity in this area, including notice if there were no exceptions.~~

~~(5) Agency Contracts – When there is a State Term Contract in effect an agency shall not issue invitations to bid or requests for proposals for an agency term contract for commodities, or enter into an agency term contract for commodities, without requesting and receiving the prior approval of State Purchasing the Division of Purchasing.~~

~~(a) A copy of all agency term contracts for commodities when requested shall be forwarded to State Purchasing the Division of Purchasing upon execution.~~

Specific Authority 287.042 FS. Law Implemented 287.001, 287.042, 287.057, 287.017, 287.133, 695.25, 287.1345 FS. History–New 2-6-68, Amended 2-8-69, Revised 5-20-71, Amended 7-31-75, 10-1-78, 5-17-79, 8-6-81, 10-12-81, 6-7-82, 11-4-82, 10-13-83, 11-12-84, 12-17-85, Formerly 13A-1.08, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.008, Amended 8-24-93, 4-24-94, 1-9-95, 1-1-96, 9-23-96, 7-6-98, \_\_\_\_\_.

60A-1.009 Emergency Purchases of Commodities or Contractual Services.

(1) Statement Under Oath – Section 287.057(3)(a), F.S., requires that the agency head shall file with State Purchasing the Division of Purchasing a statement under oath certifying the conditions and circumstances requiring an emergency purchase of commodities or contractual services in excess of the threshold amount for Category Two. However, such emergency purchase shall be made with such competition as is practicable under the circumstances. Statement shall be submitted, using “Exceptional Purchase Request” Form PUR 7006 (Rev. 6-1-98) hereby incorporated by reference, within thirty (30) days after date of issuance of purchase order or contract and shall include complete details surrounding the event(s) meeting the criteria as defined in Section 287.057(3)(a), F.S., which created the emergency. A copy of the purchase order or contract shall accompany the statements.

(2) Responsibilities – State Purchasing ~~The Division of Purchasing~~ will not approve any purchase under this regulation as the burden of proof rests with the certifying officer; however, all statements will be reviewed by State Purchasing the Division of Purchasing, and should there be any reasonable doubt that an emergency did exist, an opinion will be filed with the Auditor General with a copy to the agency.

Specific Authority 287.042(13) FS. Law Implemented 287.001, 287.057(3)(a) FS. History–New 2-6-68, Revised 5-20-71, Amended 7-31-75, 10-1-78, 8-6-81, 11-12-84, 12-17-85, Formerly 13A-1.09, Amended 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.009, Amended 1-9-95, 7-6-98, \_\_\_\_\_.

60A-1.010 Single Source Purchases of Commodities or Contractual Services.

(1) Authorization of Single Source Purchases – If an agency determines that a commodity or contractual service is available from a single source and total cost is in excess of the threshold for Category Two, but not in excess of the threshold for Category Four, the agency shall document the circumstances and conditions of the determination and post for 72 hours the intended agency action in accordance with the provisions of Section 120.57(3), F.S. This information shall be maintained in the agency file. Purchases in excess of the threshold for Category Four of commodities or contractual services from a single source may be excepted from bid requirements by State Purchasing the Division of Purchasing, in writing, upon the filing of a certification, using “Exceptional Purchase Request” Form PUR 7006 (Rev. 6-1-98) hereby incorporated by reference, by the agency head stating the conditions and circumstances requiring the purchase meeting the provisions as defined in Section 287.053(7)(c), F.S. and Rule 60A-1.002(4), F.A.C. This certification shall set forth the purpose and need, and why the commodity or contractual service is the only one that will produce the desired results. State Purchasing's ~~The Division's~~ intended decision shall be posted in accordance with the provisions of Section 120.57(3), Florida Statutes, within 21 days after receipt or within 14 days after receipt of additional materials, if requested. Failure of



~~State Purchasing the Division~~ to approve or disapprove the request promptly after expiration of the time periods provided for protests by the statute or within the 21 day period (as extended by the 14 day period), whichever is later, shall constitute prior approval unless a protest is filed. If a protest is filed, the running of the 21 day and 14 day periods ~~is are~~ stopped until the protest is resolved by final agency action, subject to the provisions of Section 120.57(3), F.S.

(2) Annual Certification of Purchases – State Purchasing ~~The Division~~ may, in writing, approve annual certifications for those commodities/contractual services purchased on a regular or continuing basis and which have been proven to be available from a single source.

~~(3) When an agency solicits bids for a commodity or/contractual service and receives no competitive sealed bid or/ proposal, the agency should not request authorization of a single source purchase of the commodity or/contractual service until after the lapse of time during which protests arising from the contract bidding process can be filed, or until after resolution of any protest, whichever is later. When State the Division of Purchasing authorizes a single source purchase of a commodity or/contractual service that was the subject of an invitation to bid or request for proposals, its authorization is conditional upon the agency's compliance with all purchasing laws and rules.~~

Specific Authority 287.042(13) FS. Law Implemented 287.001, 287.057(3)(c) FS. History–New 2-6-68, Revised 5-20-71, Amended 2-81, 8-6-81, 2-28-85, 12-17-85, Formerly 13A-1.10, Amended 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.010, Amended 1-9-95, 1-1-96, 9-23-96, 7-6-98,\_\_\_\_\_.

#### 60A-1.013 Printing.

Specific Authority 287.042(13) FS. Law Implemented 283.30, 283.31, 283.32, 283.33, 283.35, 283.425, 283.56, 287.057, 287.012(4), 287.017 FS., Joint Administrative Procedures Committee Objection Filed – See FAW Vol. 1, No. 16, April 25, 1975 and Vol. 1, No. 38 September 26, 1975. History–New 7-31-75, Amended 1-3-77, 10-1-78, 8-6-81, 3-14-84, 5-10-84, Formerly 13A-1.13, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.013 Amended 1-1-96, Repealed\_\_\_\_\_.

#### 60A-1.015 Insurance.

(1) Insurance shall be purchased for all agencies by State Purchasing the Division whenever any part of the premium is paid by the State with the exception of title insurance for land acquisition, the State Group Health, and Life Programs, administered by the Division of State Group Insurance ~~Department of Administration~~ and Self-Insurance Trust Fund administered by the Department of Insurance, Division of Risk Management. Agencies may make emergency purchases of insurance pursuant to Section 287.057(3)(a), F.S. All invitations to bid for the purchase of insurance coverage shall include the standard "State of Florida Invitation to Bid Insurance Coverage" Form PUR 7109 (Rev. 6-1-98), which is incorporated herein by reference. Requests for the purchase, renewal or endorsement of insurance and bonds shall be initiated in writing by authorized personnel of the requesting agency and submitted to State Purchasing ~~the Division of~~

Purchasing. No agency shall contact the agent of record representing the insurance carrier with the exception of reporting a claim.

(2) No change.

(3) Invoices will be forwarded by State Purchasing ~~the Division~~ to the Department of Insurance for the initial rate approval. The Department of Insurance will transmit the invoice and rate approval to the State agency for payment. All renewals and endorsements with the same rate as previously approved by the Department of Insurance will be transmitted to the State agency by State Purchasing ~~the Division~~. Covered agencies shall submit all premium payments directly to the agent of record representing the insurance carrier. Payments are to be made in accordance with Section 215.422, F.S.

Specific Authority 287.042 FS. Law Implemented 287.022 FS. History–New 8-6-81, Amended 11-4-82, Formerly 13A-1.15, Amended 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.015, Amended 8-24-93, 1-9-95, 7-6-98,\_\_\_\_\_.

#### 60A-1.016 Contract Requirements for Contractual Services.

Contract Terms – A written agreement in excess of the threshold amount of Category Two shall be signed by the agency head and the contractor prior to the rendering of the contractual services, except in the case of a valid emergency as certified by the agency head. If the agency chooses to procure contractual services by purchase order in lieu of a written agreement, then the purchase order shall be signed by the authorized purchasing or contracting personnel. When there is no emergency and the agency fails to have the written agreement signed as required prior to rendering of the service, the agency head, no later than 30 days after contractor begins rendering the service, shall certify the conditions and circumstances as well as action taken to prevent reoccurrence, to State Purchasing ~~the Division~~ using "Exceptional Purchase Request" Form PUR 7006 (Rev. 6-1-98).

Specific Authority 287.032, 287.042 FS. Law Implemented 287.042, 287.057, 287.058, 287.017, 287.133 FS. History–New 8-6-81, Amended 11-4-82, 2-13-83, 5-26-83, 10-13-83, 5-10-84, 11-12-84, 12-17-85, Formerly 13A-1.16, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.016, Amended 4-24-94, 1-9-95, 1-1-96, 3-24-96, 7-6-98,\_\_\_\_\_.

#### 60A-1.018 Procedures for Negotiation of Contracts for Purchase of Commodities/Contractual Services.

Specific Authority 287.042(13) FS. Law Implemented 287.042(2),(5), 287.057(4) FS. History–New 11-3-88, Amended 4-10-91, Formerly 13A-1.018, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick Sampey, Director of State Purchasing  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Rowell, Deputy Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 16, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION****Board of Cosmetology****RULE TITLE:**

Display and Possession of  
Required Documents

**RULE NO.:**

61G5-20.004

**PURPOSE AND EFFECT:** The proposed changes to the current Rule will specify those documents which are required to be kept and displayed in a cosmetology or specialty salon.

**SUMMARY:** The proposed rule will require all cosmetology and specialty salon license holders to maintain and display certain documents related to the licensure and operation of the salon; and, to ensure that the license or registration for all individuals working in the salon are displayed at the individual's work station.

**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:** 477.016, 477.025(2) FS.

**LAW IMPLEMENTED:** 477.025 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:** Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**THE FULL TEXT OF THE PROPOSED RULE IS:**

(Substantial rewording of Rule 61G5-20.004 follows. See Florida Administrative Code for present text.)

61G5-20.004 Display and Possession of Required Documents.

(1) All holders of a cosmetology or specialty salon license shall display within their salons in a conspicuous place which is clearly visible to the general public upon entering the salon the following documents:

(a) the current salon license,

(b) a legible copy of the most recent inspection sheet for the salon.

(2) All holders of a cosmetology or specialty salon license shall maintain within their salon a copy of the laws governing the practice of cosmetology as set forth in Chapter 477, Florida Statutes, and all administrative rules as adopted by the Board and set forth in Chapter 61G5, Florida Administrative Code, which shall be no more than one year old. It shall be the

personal responsibility of the holder of the cosmetology or specialty salon license to obtain a copy of the above referenced laws and rules.

(3) All holders of a cosmetology or specialty salon license shall require and ensure that all individual engaged in the practice of cosmetology, any specialty, hair braiding, hair wrapping, or body wrapping display at the individual's work station their current license or registration at all times when the individual is performing cosmetology, specialty, hair braiding, hair wrapping, or body wrapping services. A photograph of the individual whose name appears on the displayed license or registration certificate, which is approximately 2" by 2" and less than two years old, shall be permanently attached or affixed to all displayed licenses and registration certificates.

Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History--New 11-2-80, Amended 10-10-82, 6-28-84, 10-6-85, Formerly 21F-20.04, 21F-20.004, Amended \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Board of Cosmetology

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Board of Cosmetology

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 29, 1999

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** September 10, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION****Board of Cosmetology****RULE TITLE:**

Hair Braiding, Hair Wrapping, and Body  
Wrapping Fees

**RULE NO.:**

61G5-24.019

**PURPOSE AND EFFECT:** The proposed changes to the current rule will specify the fees to be paid by those individuals who are or desire to become registered as body wrappers.

**SUMMARY:** The proposed amendments to the current rule will set forth the initial registration fee, biennial renewal fee, delinquency fee, reactivation fee, and change in the status for body wrapper applicants and registrants.

**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:** 477.016, 477.026(1)(f), 455.2281, 455.271(3),(4),(7),(8) FS., Chapter 98-323, Laws of Florida.

**LAW IMPLEMENTED:** 477.026(1)(f), 455.2281, 455.271(3),(4),(7),(8) FS., Chapter 98-323, Laws of Florida.

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: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-24.019 Hair Braiding, ~~and~~ Hair Wrapping, and Body Wrapping Fees.

(1) The initial fee for registration as a hair braider, ~~or~~ hair wrapper, or body wrapper shall be twenty-five dollars (\$25.00).

(2) The fee for biennial renewal of a hair braiding, ~~or~~ hair wrapping, or body wrapping registration in an active or inactive status shall be twenty-five dollars (\$25.00).

(3) The delinquency fee to be paid by a delinquent status hair braider registrant, ~~or~~ hair wrapper registrant, or body wrapper registrant when applying for either active or inactive status shall be twenty-five dollars (\$25.00). The delinquency fee shall be paid in addition to the normal renewal fee for the status for which the registrant has applied.

(4) The fee for the reactivation of an inactive hair braider, ~~or~~ hair wrapper, or body wrapper registration to active status shall be fifty dollars (\$50.00). The reactivation fee shall be paid in addition to any difference between the normal inactive renewal fee and the active renewal fee.

(5) The fee for a change in the status of a hair braider, ~~or~~ hair wrapper, or body wrapper registration if requested at a time other than the normal renewal period shall be five dollars (\$5.00).

Specific Authority 477.016, 477.026(1)(f), 455.2281, 455.271(3),(4),(7),(8) FS, Chapter 99-251 98-323, Laws of Florida. Law Implemented 477.026(1)(f), 455.2281, 455.271(3),(4),(7),(8) FS., Chapter 99-251 98-323, Laws of Florida. History--New 2-1-95, Amended 11-9-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Cosmetology

RULE TITLE:

RULE NO.:

Hair Braiding, Hair Wrapping, and Body

Wrapping Course Requirements

61G5-31.004

PURPOSE AND EFFECT: The proposed changes to the current Rule will set forth the specific course requirements for body wrapping courses which are required for registration as a body wrapper.

SUMMARY: The proposed amendment to the current Rule will set forth the specific hours per subject and general items which are to be covered in the various subjects included in a body wrapping course.

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: 477.0132, 477.016 FS.

LAW IMPLEMENTED: 477.0132 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: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-31.004 Hair Braiding, ~~and~~ Hair Wrapping, and Body Wrapping Course Requirements.

(1) through (2) No change.

(3) All body wrapping courses taught for purposes of qualifying an individual for initial registration as a body wrapper shall be a two-day, 12-hour course; and, shall be approved by the Board prior to the course being taught for registration qualification purposes. To be considered for approval by the Board, the course shall consist of the following:

(a) Three (3) hours of instruction regarding HIV/AIDS and other communicable diseases. At the conclusion of this instruction, a student shall be able to understand:

1. the causes of HIV/AIDS, hepatitis, tuberculosis, and other communicable diseases and how these diseases are spread;

2. the dangers associated with these diseases; and,

3. how to avoid contamination from the diseases in the practice of body wrapping.

(b) Four (4) hours of instruction regarding sanitation and sterilization. At the conclusion of this instruction, a student shall be able to understand:

1. universal sanitation and sterilization precautions;

2. how to distinguish between disinfectants and antiseptics; and,

3. how to sanitize hands and disinfect tools used in the practice of body wrapping.

(c) Four (4) hour of instruction regarding disorders and diseases of the skin. At the conclusion of this instruction, a student shall be able to understand:

1. disorders and diseases of the skin and how to distinguish between them; and,

2. when skin wrapping services can be performed on a patron with disorders or diseases of the skin.

(d) One (1) hour of instruction regarding laws and rules of the Board which affecting and govern the practice of body wrapping. At the conclusion of this instruction, a student shall be able to understand:

1. the laws and rules of the Board that protect the health, safety, and welfare of the consumer;

2. the laws and rules of the Board that determine where and when an individual may legally practice body wrapping;

3. the function of the Board of Cosmetology, how its members are appointed, and their duties;

4. the laws and rules of the Board which specify prohibited conduct, and the penalties for failure to follow the laws and rules;

5. the dates, fees, and requirements for renewal of a body wrapping registration.

(4)(3) All proposed hair braiding, ~~or~~ hair wrapping, or body wrapping courses ~~course~~ must be submitted for presentation to the Board no later than 30 days prior to the next regularly scheduled meeting of the Board at which the proposed course is to be considered for approval. No hair braiding, ~~or~~ hair wrapping, or body wrapping course may be taught for credit towards the initial hair braiding, ~~or~~ hair wrapping, or body wrapping registration requirements until it has been reviewed and approved by the Board.

(5)(4) All providers of hair braiding, ~~and~~ hair wrapping, and body wrapping courses shall provide to all individuals who successfully complete the course a certificate of completion which shall indicate the title of the course completed, the provider's name, the student name, the date of the course, and the total number of hours successfully completed.

Specific Authority 477.0132, 477.016 FS., Chapter 99-251, Laws of Florida. Law Implemented 477.0132 FS., Chapter 99-251, Laws of Florida. History—New 2-1-95, Amended 4-8-96, 11-25-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Board of Cosmetology**

RULE TITLE:

Continuing Education

RULE NO.:

61G5-32.001

PURPOSE AND EFFECT: The proposed changes to the current rule will further specify the nature of the materials and information which is required to be submitted with an application for approval of a continuing education course.

SUMMARY: The proposed amendment to the current rule will specify that a narrative summary of all areas to be covered in each subject, topic and subtopic which is to be taught in a continuing education course must be submitted with an application for approval of continuing education course.

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: 455.219(3), 455.2228, 477.016, 477.019(7) FS.

LAW IMPLEMENTED: 455.219(3), 455.2228, 477.019(7) 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: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-32.001 Continuing Education.

(1) through (6) No change.

(7) COURSE APPROVAL AND REQUIREMENTS –

(a) through (b) No change.

(c) Continuing education providers seeking approval of a continuing education course shall submit a complete application for continuing education course approval to the

Department, or if the Department shall contract with a private entity to administer the continuing education program then to such private entity, no later than 60 days prior to the next scheduled Board meeting at which the course is to be considered for approval. A complete application for continuing education course approval shall consist of the following:

1. through 2. No change.
3. a course outline which includes the subjects, topics, and subtopics to be presented in the course and a narrative summary of all areas to be covered in each subject, topic and subtopic, and a list of all reference and source materials;
4. through 6. No change.
- (d) through (k) No change.
- (8) No change.

Specific Authority 455.219(3), 455.2228, 477.016, 477.019(7) FS. Law Implemented 455.219(3), 455.2228, 477.019(7) FS. History—New 3-25-99, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Cosmetology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Cosmetology  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 29, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 10, 1999

## DEPARTMENT OF HEALTH

### Board of Nursing

RULE TITLES: RULE NOS.:  
Qualifications for Examination 64B9-3.002  
Criteria for Credentialing Agencies 64B9-3.014

PURPOSE AND EFFECT: The purpose of the amendments to 64B9-3.002 and promulgation of 64B9-3.014 is to require profession evaluation of foreign nursing education to assist the Board in ensuring that license applicants meet Florida's minimum standards.

SUMMARY: The rules require profession evaluation of foreign nursing education to assist the Board in ensuring that license applicants meet Florida's minimum standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 455.564(1), 464.008, 464.018(2)(a), 112.011(1)(b) FS.

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

TIME AND DATE: 9:00 a.m., December 8, 1999

PLACE: 2637 South Atlantic Ave, Hilton Hotel, Daytona Beach, Florida 32118

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207

### THE FULL TEXT OF THE PROPOSED RULES IS:

#### 64B9-3.002 Qualifications for Examination.

(1) An applicant seeking certification to take the licensure examination shall submit, on forms provided by the Department, evidence that he or she meets the qualifications prescribed by the Nurse Practice Act, Chapter 464, F.S. Such evidence shall consist of:

(a) Certification by a physician licensed pursuant to Chapter 458 or 459, F.S., physician's assistant licensed pursuant to Chapters 458 or 459, F.S., or A.R.N.P. certified pursuant to Chapter 464, F.S., that the applicant is in good mental and physical health.

(b) No change.

(c) If graduated from an approved program in Florida, a notice of graduation or of completion of the requirements for graduation; if not, an official certified transcript from the applicant's program or equivalent documentation which specifically sets forth all courses successfully completed, the date of the applicant's graduation, and the degree, certificate or diploma awarded. If the applicant is seeking to qualify to write the examination on the basis of education received in country other than the United States, the applicant must obtain a report by a credentialing agency that meets the requirements of Rule 64B9-3.014, F.A.C. Provided, however, if an applicant seeking to qualify to write the examination on the basis of education received in a country other than the United States can demonstrate a compelling reason why an official transcript cannot be obtained, the Board may accept, in lieu of this requirement, evidence that the required course content in nursing programs in the applicant's original country of licensure was substantially equivalent to that required in Florida at the time of the applicant's original licensure and one of the following:

~~1. A license or required registration to practice nursing in a country other than the United States;~~

~~2. Other official documents or instruments from the country of origin indicating that the applicant was licensed or eligible for licensure to practice nursing in that country.~~

(d) through (f) No change.

(2) through (3) No change.

~~(4) An applicant educated in a country other than the United States who is unable to meet the requirements of 64B9-3.002(1)(c) above, may qualify to write the examination upon satisfying the provisions of either (a) or (b) below:~~

~~(a) If the applicant has presented an official document verifying licensure or eligibility for licensure in another country, but there is limited or no information on nursing education in the original country of licensure, the applicant shall:~~

~~1. present substantial detailed information on the educational program attended, the courses of study, including theory and clinical experiences, and the practice of nursing following graduation. Such information may be required in writing and/or orally through interview.~~

(4)2. An applicant whose education was not in the United States must correct any deficiencies in education determined by the Board after review of the report submitted by the credentialing agency by successfully completing appropriate courses in an approved nursing program and by providing official documentation from the program setting forth the courses successfully completed.

~~(b) If the applicant has no official document verifying licensure or eligibility for licensure in another country, and there is limited or no information on nursing education in the original country of licensure, the applicant shall:~~

~~1. Prove licensure or eligibility for licensure in the absence of original documents. Proof shall consist of at least three notarized statements from nurses with current Florida licensure who have personal knowledge of the applicant having been licensed as nurse or having graduated from a program for the preparation of professional nurses in the country of origin or in another country.~~

~~2. Present substantial detailed information on the educational program attended, the courses of study, including theory and clinical experiences, and the practice of nursing following graduation. Such information may be required in writing and/or orally through interview.~~

~~3. If the Board determines that the evidence presented reasonably verifies the applicant's status as a nurse in another country the applicant must successfully complete a program approved by the Board which includes in the curriculum at least the following requirements:~~

~~a. Theoretical instruction and clinical experience in medical, surgical, obstetric, pediatric, geriatric, and psychiatric nursing. There shall be instruction and clinical experience in both acute and long-term care situations.~~

~~b. Theoretical instruction and clinical application of nursing process, human growth and development through the life span, cultural diversity, community health, pharmacology and administration of medications, nutrition, legal aspects of practice, interpersonal relationship and leadership skills, professional role and function, health teaching and counseling skills and current issues in nursing practice.~~

~~The applicant must provide official documentation from the program setting forth the courses successfully completed and the date of completion of all program requirements.~~

~~(e) An applicant who satisfies paragraph (a) or (b) above may practice as an applicant for examination in accordance with Rule 64B9-3.003.~~

(5) through (7) No change.

Specific Authority 464.006 FS. Law Implemented 455.564(1), 464.008, 464.018(2)(a), 112.011(1)(b) FS. History—New 4-27-80, Amended 3-16-81, 8-2-81, 7-11-83, Formerly 21O-8-21, Amended 3-3-87, 12-8-87, 6-8-88, Formerly 21O-8.021, Amended 1-30-94, Formerly 61F7-3.002, Amended 9-25-96, Formerly 59S-3.002, Amended 7-27-98, \_\_\_\_\_.

#### 64B9-3.014 Criteria for Credentialing Agencies.

In order to be accepted as documentation of the required education, a report must be submitted from a credentialing agency to the Board of Nursing that meets the following criteria:

##### (1) Professional standard.

(a) The credentialing agency must be a member of a national credentialing organization that sets performance standards for the industry, and must adhere to those standards.

(b) The credentialing agency's standards must be monitored by an external committee of credentialing experts and nursing educators.

##### (2) Services.

(a) The credentialing agency must specialize in evaluation of international nursing education and licensure.

(b) The credentialing agency must demonstrate the ability to accurately analyze academic and licensure credentials in terms of U.S. comparability, with course-by-course analysis for nursing academic records.

(c) The credentialing agency must manage the translation of original documents into English.

(d) The credentialing agency will inform the Board of Nursing in the event applicant documents are found to be fraudulent.

##### (3) Organization

(a) The credentialing agency must have been in the business of evaluating nursing education for a minimum of 10 years.

(b) The credentialing agency must have nursing educators on staff.

##### (4) Credentials evaluation report.

(a) The references used in the evaluation must be cited in the credentials report.

(b) The credentials report must state the language of nursing instruction and the language of textbooks for nursing education.

(c) The credentialing agency must use only original source documentation in evaluating nursing education

(d) The report must state the comparability of the foreign education to U.S. standards.

(e) The report must detail course clock hours for theory and clinical components of nursing education

Specific Authority 464.006 FS. Law Implemented 455.564(1), 464.008 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Nursing  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 11, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 19, 1999

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

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

RULE NOS.:	RULE TITLES:
5-1.005	Aquaculture Certificate of Registration
5-1.006	Minimal Impact Aquaculture Facilities
5-1.007	Failure to Comply With the Interim Measures

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules in accordance with subparagraph 120.5493(d)1., F.S., published in Vol. 25, No. 30, July 30, 1999, of the Florida Administrative Weekly:

The changes were made in response to written comments received from The Florida Legislature Joint Administrative Procedures Committee.

One sentence in subsection 5-1.005(1) has been changed so that when adopted it will read: "... and submit an Aquaculture Rule Notification Form FDACS Form 5-1.008(1)...."

One sentence in subsection 5-1.005(3) has been changed so that when adopted it will read: "... and pays the appropriate \$50 application fee...."

One sentence in subsection 5-1.005(4)(c) has been changed so that when adopted it will read: "... submit a complete application and the \$50 fee...."

One sentence in subsection 5-1.006(2) has been changed so that when adopted it will read: "... and submit FDACS Form 5-1.008(1)...."

Section 5-1.007 has been changed so that when adopted it will read as follows:

"If any aquaculture producer fails to comply with the interim measures required for certification, the Department shall take action consistent with its authority to assure proper implementation and compliance with s. 597.0041, F.S. Specifically, producers not complying with interim measures will be subject to either suspension or revocation of their aquaculture certificate of registration. If an aquaculture

producer is found to be in non-compliance with interim measures, the Department will notify the producer in writing. Failure to respond to the issues addressed in the notification within 30 days shall result in the suspension of the producer's aquaculture certificate of registration. Failure to respond to the issues addressed in the notification within 60 days shall result in the revocation of the producer's aquaculture certificate of registration."

The title of section 5-1.008 has been changed so that when adopted it will read: "Aquaculture Rule Notification Form."

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Marketing and Development

RULE CHAPTER NO.:      RULE CHAPTER TITLE:

5H-24	Permanent Collections: Administration of Permanent Collections
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RULE NOS.:	RULE TITLES:
5H-24.005	Loan of Department or Museum – Owned Artifacts
5H-24.006	Deaccession and Disposal of Department of Museum – Owned Artifacts
5H-24.007	Use of Museum Records
5H-24.008	Forms and Instructions

#### NOTICE OF CHANGE

Notice of change is hereby given that the following substantive changes have been made to the proposed rule based upon comments received from the Joint Administrative Procedures Committee. This rule was originally published in Vol. 25, No. 28 of the July 16, 1999 issue of the Florida Administrative Weekly. The rule shall now read as follows:

5H-24.005(7) The word (may) was struck and replaced with the word (will).

(7) The museum will ~~may~~ seek to recover cost associated with loans, including cost for material, staff time, and shipping or transportation, and such cost will ~~may~~ be charged to the borrowing entity. These charges are negotiated prior to approving a loan, and moneys collected are deposited in the Museum's operating account. Any income received from the loan of Department or Museum-owned artifacts is used to acquire additional artifacts, to defray the cost associated with the loan, or to assist in the curation or maintenance of Department or Museum-owned artifacts.

5H-24.006(2)(a) The word (may) was struck and replaced with the word (will).

(2)(a) Deaccessioning and disposing of a Department or Museum-owned artifact will ~~may~~ be recommended only if:

5H-24.006(2)(b) The word (may) was struck and replaced with the word (will).

(2)(b) Examples of situations in which deaccession and disposal of a Department or Museum-owned artifact ~~will may~~ be recommended include, but are not limited to, instances in which the artifact:

5H-24-007(1)(b) Additional language added to clarify the statement.

(1)(b) Original records will not normally be made available when microfilm or other copies are available. If, in fact, the original is needed for a specific purpose, such as evidence in a court of law, the original will be made available.

5H-24.007(1)(c) The word (normally) is removed.

(1)(c) Persons seeking information that is published and readily available ~~normally~~ will be referred to the Florida State Library.

5H-24.007(3)(a) Language changed to clarify the statement.

(3)(a) Applicants shall apply in person at the Florida Agricultural Museum and shall provide ~~submit, on a form provided for the purpose,~~ information necessary such as, but not limited to: date or approximate date of document, title or probable title of document, author of document, recipient of document, subject of document, location of where document originated or was used, or any other pertinent information which may assist in determining which records or documents are available. ~~for registration and for determining which records will be made available.~~ Applicants shall furnish proper identification, and, if applying for access to large quantities of records or to records that are especially fragile or valuable, shall furnish upon request a letter of reference or introduction.

5H-24.007(4)(a) First sentence removed.

(4)(a) ~~The use of archives is subject to any restrictions specified by law.~~ Records may be temporarily withdrawn from use while in process of restoration, repair, or rearrangement.

5H-24.007(5)(d) Second sentence removed.

(5)(d) Removal or mutilation of records – Researchers shall not remove records from the research room. ~~The unlawful removal or mutilation of records is punishable by law.~~ When so requested, researchers shall check parcels and luggage before entering the research room and upon leaving, a researcher shall, if requested, present for examination any briefcase, notebook, package, envelope, book, or other article that could contain records.

5H-24.007(5)(f) The word (normally) is removed.

(5)(f) Keep Records in order – A researcher must keep unbound records in the order in which they are delivered. Records appearing to be in disorder should not be arranged by the researcher, but should be referred to the research room attendant. ~~Normally, a~~ A researcher will not be allowed remove records from more than one container at a time.

5H-24.008 Effective date and location of forms added.

5H-24.008 Forms and Instructions.

The following forms are used in the implementation of this Chapter and are herein incorporated by reference: These forms will become effective on the effective date of rule 5H-24. These forms may be obtained by contacting the Florida Department of Agriculture and Consumer Services, Mayo Building, Tallahassee, Florida 32399-0810.

5H-24.008 Law Implemented changed from 570.901 to 570.903(8)

5H-24.008 FS. Law Implemented ~~570.901~~ 570.903(8)

## DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

14-66 Relocation Assistance Regulations

RULE NO.: RULE TITLE:

14-66.007 Relocation Assistance Program

### CHANGE NOTICE

SUMMARY OF CHANGE: The following changes are being made in response to a review by the Joint Administrative Procedures Committee:

1. In 14-66.007(2)(d), change “may be” to “is” so the phrase reads: “... property that cannot be moved or the displaced person chooses not to move and ~~is may be~~ in the form of either of the following:”

2. In 14-66.007(p) and (q) are changed as follows:

(p) “Post-Move Inventory” shall mean a list of personal property actually moved to the replacement site as a part of a relocation. Such list is prepared by the displaced person or the Agency after the move is completed and its content confirmed as correct ~~is attested to~~ by the Agency’s representative and the displaced person(s).

(q) “Pre-Move Inventory” shall mean a list of items to be included in a move. Such list is prepared prior to the move and confirmed ~~attested to~~ by the displaced person(s).

3. 14-66.007(4)(d)3., is revised to read as follows:

“3. A description of how ~~the procedures which~~ the displaced person can ~~shall follow in order to~~ obtain the full amount of the payment.”

4. 14-66.007(6)(l), is revised to read:

“(l) All underground or above-ground tanks shall be emptied and removed from the site by the displaced owner/operator in accordance with Rule Chapters 62-761 ~~and 62-762~~, F.A.C.”

5. 14-66.007(6)(l)3., is revised to read:

“3. In cases where the tanks meet the definition of “out of service,” as defined in Department of Environmental Protection Rule 62-761.200, F.A.C., which definition is incorporated by this reference as is fully set out in this rule, the Department shall neither be responsible for the removal and disposal of the tank nor the removal and disposal of any contents.”



6. 14-66.007(7) and (7)(a) are revised as follows:

“(7) Replacement Housing Payments. Individuals and families displaced from a dwelling acquired for a transportation project are eligible for replacement housing payments in accordance with the payments delineated in 49 C.F.R. Part 24, Subpart E.

(a) A displaced person is eligible for the replacement housing payment for a 180-day homeowner-occupant if he or she meets the criteria of 49 C.F.R. Part 24, Subpart E.”

7. 14-66.007(7)(j) is changed to read as follows:

“(j) Displaced persons who are less than 90-day occupants are entitled to ~~may be eligible for~~ a replacement housing payment as outlined in 49 C.F.R., Part 24, Subpart E. Additionally, to be eligible for a replacement housing payment, displaced persons who are less than 90-day occupants must be provided: 1. ~~The displaced person(s) is~~ in occupancy at the time the Agency obtains title to the property. The displaced person can be allowed to relocate prior to the Agency taking title to the property if the Agency determines that continued occupancy would be a danger to the health, safety, and welfare of the displaced person or in situations where replacement housing is scarce as determined by the Agency and may not be available at the time the Agency obtains title to the property.

2. ~~The displaced person(s) cannot afford comparable housing without exceeding 30% of his or her gross monthly income.~~

3. ~~The displaced person(s) purchases and occupies a decent, safe, and sanitary replacement dwelling within one year of the time specified herein.”~~

8. 14-66.007(7)(k) is changed to correct a cross-reference as follows: “... eligible for a replacement housing payment under Section 14-66.007(7)(~~6~~)(j)...”

9. In 14-66.007(9)(i), the language relating to claim filing is deleted as follows:

“(i) In the event the Department determines that the acquisition of a portion of property will require a displacement, the Department will offer to relocate the affected person. ~~A displaced person choosing to relocate shall file all claims for reimbursement for eligible expenses within a period not to exceed 18 months from the date of receipt of the Department’s written offer of relocation benefits. This time period can be extended when the displaced person is unable to meet this time period through no fault of his or her own. The displaced person is responsible for providing written documentation for the delay and any extension shall be approved by the Department.”~~

10. 14-66.007(10) is revised as follows:

“(10) Appeal Rights. Any aggrieved person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly consider the person’s claim for assistance under this rule. Such assistance may include those provisions outlined in 49 C.F.R. Part 24, and include the person’s eligibility for, or the amount of, a payment required under moving and related expenses, or replacement

housing payments. The written appeal shall be filed no later than 60 days after the person receives written notification from the Agency of the claim determination. A person may have legal or other representation in connection with his or her appeal, but solely at his or her expense. The Agency shall consider a written appeal regardless of form. If full relief requested is not granted, a notice of denial shall be issued, providing the hearing rights in accordance with 120.569, Florida Statutes, and Rule 28-106.111, F.A.C. The aggrieved person may file a request for administrative hearing.”

Notice of Rulemaking was published in Florida Administrative Weekly, Vol. 25, No.17, dated April 30, 1999.

NOTE: The add/delete (underline/strike through) coding refers to changes from the proposed language as set out in the original notice.

## WATER MANAGEMENT DISTRICTS

### Southwest Florida Water Management District

RULE NO.:

RULE TITLE:

40D-8.0410

Tampa Bypass Flows, Minimum Flows for the Tampa Bypass Canal

#### NOTICE OF WITHDRAWAL

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. 24, No. 48, November 25, 1998, issue of Florida Administrative Weekly:

The Districts deletes the amendment proposed as 40D-8.0410.

## DEPARTMENT OF VETERANS' AFFAIRS

RULE CHAPTER NO.: RULE CHAPTER TITLE:

55-11

Veterans' Domiciliary Home of Florida

RULE NOS.:

RULE TITLES:

55-11.006

Admittance Priority and Procedures Health Records and General Register

55-11.008

Resident's Contribution to Support

55-11.011

Resident's Deposit of Personal Property

#### NOTICE OF WITHDRAWAL

Pursuant to section 120.54(3)(d)1., Florida Statutes, notice is hereby given that the above proposed rule amendments, as noticed in Vol 25, No. 4, January 29, 1999 issue of the Florida Administrative Weekly, has been withdrawn in response to comments received from the Joint Administrative Procedures Committee.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION****Board of Accountancy**

RULE NO.: 61H1-20.001  
 RULE TITLE: Licensee  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 19, May 14, 1999, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF HEALTH****Board of Acupuncture**

RULE NO.: 64B1-4.001  
 RULE TITLE: Acupuncture Program Requirements  
 NOTICE OF CORRECTION

The above-proposed rule was published in the September 3, 1999 issue of the Florida Administrative Weekly, Vol. 25, No. 35, on page 3981. The "DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW," which was originally published as July 7, 1999, instead, the date should have been July 23, 1999. The foregoing change does not affect the substance of the proposed rule. The person to be contacted regarding the above change is William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C09, Tallahassee, Florida 32399-3259

## Section IV Emergency Rules

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Florida Lottery Prize Payment Option Election  
 RULE NO.: 53ER99-48  
 SUMMARY OF THE RULE: This emergency rule sets forth the specifics of the one-time cash-out option in which eligible prizewinners may elect to cash out their remaining annual installment payments and receive a single lump-sum cash payment.

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:

53ER99-48 Florida Lottery Prize Payment Option Election.

(1) From October 1, 1999 through November 30, 1999, the Florida Lottery is providing a one-time opportunity for eligible prize winners to elect to voluntarily cash out their remaining annual installment payments and receive a single lump-sum cash payment.

(2) In order to be eligible for this opportunity, the prize winner must have won a Florida Lottery prize before October 22, 1998, which is payable over a period of at least ten years, and the prize winner must not have assigned the prize to another person or entity pursuant to §24.1153, Fla. Stat. (1999). Prize winners who have claimed their prize as a trust, partnership, estate, or Subchapter S corporation are eligible to make the cash out election, provided that the entity is comprised entirely of individuals on the cash receipts and disbursements method of accounting. Entities that elect the cash option must cash out their entire prize. Individual members of the entity will not be eligible to cash out separately.

(3) In order to elect the lump-sum cash payment, a prize winner must:

(a) Complete, check the appropriate line and sign the Prize Payment Option Election Form (Election Form). The signature on the Election Form must be notarized. Prize Payment Option Election Form DOL-438, effective 10/01/99, is incorporated herein by reference and may be obtained from The State of Florida, Department of the Lottery, Player Accounting Services, Capitol Complex, Tallahassee, Florida 32399-4010; and

(b) Return the Election Form to: State of Florida, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4010. Envelopes must be postmarked on or before November 30, 1999.

(4) An authorized representative of a trust, partnership, estate, or Subchapter S corporation may sign an Election Form.

(5) Once the Lottery has received the executed Election Form, the prize winner's election shall be irrevocable.

(6) If the form is not returned or the prize winner elects not to cash out his or her prize, annual payments will continue as scheduled.

(7) All prize winners who elect to cash out will be paid in one lump sum cash payment and the payment shall be calculated as follows:

(a) For all prizes, other than WIN FOR LIFE prizes, the lump sum payment amount will be the accreted value of the Lottery's investment (original cost plus accrued interest) as determined on a date certain (the "trade date"), unless the market value of the investment is less than the accreted value determined on the trade date. In that case, the market value of the investment will be paid.

(b) WIN FOR LIFE prize winners who elect to cash out shall receive a lump sum payment, which shall be the accreted value of the Lottery's investment (original cost plus accrued interest) as determined on a date certain (the "trade date") that would fund the remaining balance of the guaranteed \$1,040,000 prize payable over a twenty year period, unless the market value of the Lottery's investment is less than the accreted value determined on the trade date. In that case, the

market value of the investment will be paid. WIN FOR LIFE winners who elect to cash out will relinquish their option to receive annual payments for life.

(8) If a prize winner elects to cash out, the Lottery's investment will be liquidated. The Lottery anticipates that all transactions will be completed and payment made by April 30, 2000; however, this schedule is subject to change. Elections to cash out will be handled in chronological order beginning with the oldest prizes first. Pursuant to applicable Internal Revenue Code and Regulations, applicable federal income taxes will be applied and withheld from the lump sum amount at the time the payment is made.

(9) Prior to payment of the lump sum amount, the Lottery will compare the names of the prize winners to the State Owed Debt System pursuant to §24.115(4), Fla. Stat. (1997). If it is determined that a prize winner owes an outstanding debt to any state agency, or owes child support collected through a court, the debt will be collected pursuant to §24.115(4), Fla. Stat. (1997).

Specific Authority 24.105(10)(j), 24.115(1), 24.109(1) FS. Law Implemented 24.105(10), 24.115(1), 24.109(1) FS. History—New 9-28-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 28, 1999

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Southeast Pay Telephone, Inc.'s petition for exemption of Rule 25-24.515(13), Florida Administrative Code, filed June 1, 1999, in Docket No. 990717-TC, was approved by the Commission at its August 17, 1999 Agenda Conference. Order No. PSC-99-1705-FOF-TC, issued September 1, 1999 memorialized the decision. The rule requires that all pay telephone stations allow incoming calls to be received. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on June 25, 1999.

A copy of the Order can be obtained from: Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

### WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on September 20, 1999, the South Florida Water Management District (SFWMD) has received a petition for waiver from Kissimmee Valley Trail Riders, Inc., for the temporary use of land of the SFWMD known as the Rough Island Unit of the Lower Reedy Creek Management Area, Osceola County. The petition seeks relief from the Rules 40E-7.525(1) and 40E-7.526(1), Fla. Admin. Code, and the Public Use Guide to Land Management Areas of the South Florida Water Management District, incorporated by reference in Rule 40E-7.520(5), Fla. Admin. Code, which prohibits equestrian activities and the use of motorized vehicles as it is applied to the Rough Island Unit of the Lower Reedy Creek Management Area. A copy of the petition may be obtained from Juli Triol, (561)682-6268 or e-mail at jtriola@sfwmd.gov. The SFWMD will accept comments concerning the petition for 14th days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Attn.: Juli Triola, Office of Counsel.

### DEPARTMENT OF MANAGEMENT SERVICES

The Capitol Center Planning Commission hereby gives notice that it has received a petition, filed on September 23, 1999, from Greenberg Traurig, P. A., seeking a waiver or variance of Rule 60F-3.005(5)(a) and 60F-3.006(1)(d), Florida Administrative Code, with respect to the maximum building height for buildings situated in Block 28 of the Capitol Center. Comments on this petition should be filed with the Capitol Center Planning Commission, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950, within 14 days of publication of this notice.

For a copy of the petition, contact: Trent Price, Executive Director, Capitol Center Planning Commission, at the above address or telephone (850)488-2074.

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department announces receipt of a petition filed on September 8, 1999, pursuant to Section 120.542, Florida Statutes, from the New River Solid Waste Association to obtain a variance or waiver from certain Department rules regulating the petitioner's New River Regional Landfill in Union County. Specifically, the petitioner has requested a variance from Rule 62-701.300(10)(a), Florida Administrative Code, that limits the type of noncontainerized liquid waste that can be disposed of in landfills. The Petition for Variance is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Solid Waste Section, 2600 Blair

Stone Road, Tallahassee, Florida 32399-2400. Requests for copies or inspection should be made to Mary Jean Yon, Environmental Administrator at the above address.

On September 3, 1999, the Department received a petition for variance under section 120.542 of the Florida Statutes from the City of Winter Garden for their Winter Garden Wastewater Treatment Facility to obtain a variance from the specific criteria of rule 62-699.311(10) of the Florida Administrative Code. This rule addresses the requirement that the lead/chief operator for a Class A or B treatment plant be on duty for one full shift each duty day.

The petition for variance is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., EST, Monday through Friday, except legal holidays, at the Department of Environmental Protection, Domestic Wastewater Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Telephone (850)488-4524. Any interested person or agency may submit written comments on the petition within 14 days of this notice. Comments should be filed with the Department at the above address.

## DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that it received a petition, which was filed with the Agency Clerk on September 8, 1999, from Isabel Alfonso, seeking a waiver from Rules 64B19-11.007(1), 64B19-12.002 and 64B19-12.003, Florida Administrative Code. Rule 64B19-11.007(1) requires the Board to close an application file of any applicant who has not passed the examination within four (4) administrations immediately following the date on which the Board has approved the application. Rule 64B19-12.002 requires an applicant to pay an application fee of \$250.00. Rule 64B19-12.003 requires an applicant to pay a reexamination fee of \$365.00 for the first part of the examination. The Board will discuss the above at its regularly scheduled Board meeting to be held Friday, December 3, 1999, 9:00 a.m., Miami, Florida. Comments on this petition should be filed with the Board of Psychology, 2020 S. E. Capital Circle, Tallahassee, Florida 32399-3256, within 14 days for publication of this notice.

For additional information, contact: Kaye Howerton, Executive Director, Board of Psychology, at the above address or telephone (850)487-2098.

## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The **Southeast Florida Preservation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 26, 1999, 11:00 a.m.

PLACE: The Downtown Group, 304 South Dixie Highway, West Palm Beach, FL 33401

PURPOSE: General Business Meeting.

A copy of the agenda may be obtained by writing: Palm Beach County Regional Office, Florida Division of Historical Resources, P. O. Box 1221, Delray Beach, Florida 33447-1221. Should any person wish to appeal any decision made with respect to the above referenced meeting, she/he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance, (561)279-1475.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council announces public Committee meetings to which all persons are invited:

COMMITTEE: Awards Committee

DATE AND TIME: Tuesday, November 2, 1999, 9:00 a.m. – 12:00 Noon

PLACE: Times Union Center for the Performing Arts, 300 West Water Street, Jacksonville, Florida

PURPOSE: To discuss, review and make recommendations regarding nominations to the Florida Artists Hall of Fame and Florida Arts Recognition Award Programs.

COMMITTEE: Quarterly Assistance/UACAP Committee

DATE AND TIME: Tuesday, November 2, 1999, 9:00 a.m. – 12:00 Noon

PLACE: Times Union Center for the Performing Arts, 300 West Water Street, Jacksonville, Florida

PURPOSE: To discuss, review and make recommendations regarding the applications received for the Quarterly Assistance Grant and Underserved Arts Communities Assistance Programs.

COMMITTEE: Cultural Facilities Program Grant Review Panel

DATES AND TIMES: Tuesday, November 2, 1999, 1:00 p.m. – 5:00 p.m.; Wednesday, November 3, 1999, 8:30 a.m. – Conclusion

PLACE: Times Union Center for the Performing Arts, 300 West Water Street, Jacksonville, Florida

PURPOSE: To discuss, review and make recommendations regarding the applications received for the Cultural Facilities Program.

A copy of the agenda may be obtained by writing: Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250 or by calling Dianne Albarn, Administrative Assistant, (850)487-2980.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meetings, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the agency at least 48 hours before the meeting by contacting Dianne Albarn, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, November 4, 1999, 9:00 a.m. – Conclusion

PLACE: Times Union Center for the Performing Arts, 300 West Water Street, Jacksonville, Florida

PURPOSE: To discuss, review and make recommendations regarding the Division of Cultural Affairs' programs and grants, and to conduct other business as necessary.

A copy of the agenda may be obtained by writing: Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250 or by calling Dianne Albarn, Administrative Assistant, (850)487-2980.

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 in order to provide a record for judicial review. The Division of Cultural Affairs will not record this meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Dianne Albarn, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779.

#### DEPARTMENT OF BANKING AND FINANCE

The **Unclaimed Property Advisory Board** announces a public Board Meeting and all persons are invited to attend.

DATE AND TIME: October 13, 1999, 10:00 a.m. – 5:00 p.m.

PLACE: 101 E. Gaines Street, 547 Fletcher Building, Tallahassee, Florida

PURPOSE: Regular Board Business.

A copy of the agenda may be obtained by contacting: Anne Bodiford, Administrative Assistant I, Unclaimed Property Program Office, Fletcher Bldg., 101 E. Gaines St., Room 330-A, Tallahassee, FL 32399-0350, Telephone number (850)410-9923, fourteen days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Anne Bodiford, (850)410-9923, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Anne Bodiford via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Citrus Budwood Technical Advisory Committee** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, October 14, 1999, 10:00 a.m.

PLACE: Shaw Building, Training Room, 3027 Lake Alfred Road, Winter Haven, Florida

PURPOSE: Annual Review of the Citrus Budwood Protection Program.

If you need a special accommodation in order to attend this meeting because of a disability, please let us know by October 10, 1999.

A copy of the agenda may be obtained by writing: Mr. Michael Kesinger, Chief, Bureau of Citrus Budwood Registration, Division of Plant Industry, 3027 Lake Alfred Road, Winter Haven, Florida 33881, Telephone (941)294-4267.

The **Department of Agriculture and Consumer Services** announces a meeting of the Phase II Tobacco Certification Board will hold a grower and quota holder meeting:

DATE AND TIME: October 8, 1999, 10:00 a.m.

PLACE: Suwannee County Agricultural Center, Extension Office, Live Oak, FL

PURPOSE: To explain the Phase II Tobacco Indemnification Program, take questions and receive input from growers. The Board will then establish a plan for directing funds to growers and quota holders.

If special accommodations are needed to attend this meeting because of a disability, please contact: Pleas Strickland, (850)488-5831.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Aquaculture Review Council.

DATE AND TIME: October 22, 1999, 10:00 a.m.

PLACE: Division of Aquaculture, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, Florida

PURPOSE: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda can be obtained by contacting: Karen Metcalf, 2051 East Dirac Drive, Tallahassee, FL 32310, Telephone (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Karen Metcalf as soon as possible.

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Florida Agriculture Center and Horse Park Authority Executive Committee:

DATE AND TIME: November 10, 1999, 10:00 a.m.

PLACE: Florida Power Corporation, Highpoint Center, 106 East College Ave., Suite 800, Tallahassee, Florida

PURPOSE: Business Meeting.

A copy of the agenda can be obtained by contacting: Stephen Monroe, Mayo Building, Room 431, Tallahassee, Florida 32399-0800 or by calling (850)488-4132.

If special accommodations are needed to attend this meeting because of a disability, please contact Stephen Monroe.

#### DEPARTMENT OF EDUCATION

The Education Commissioner, Tom Gallagher announces the fall adoption meetings of the **State Instructional Materials Committees**. The Committees will evaluate instructional materials that were submitted for consideration by publishers in June of 1999, and will recommend titles to be placed on the state-adopted list of instructional materials for use by public schools beginning with the 2000-2001 school year. The subject areas, meeting dates and locations are as follows.

MEETING: Industrial Education

DATES AND TIME: October 19-20, 1999, 8:30 a.m.

PLACE: Safety Harbor, Florida

MEETING: Family and Consumer Sciences

DATES AND TIME: October 26, 1999, 8:30 a.m.

PLACE: Tampa, Florida

MEETING: Earth/Space Sciences

DATES AND TIME: November 2-3, 1999, 8:30 a.m.

PLACE: Tampa, Florida

MEETING: Spanish and Heritage Languages

DATES AND TIME: November 16-19, 1999, 8:30 a.m.

PLACE: Orlando, Florida

MEETING: K-5 Science

DATES AND TIME: November 30-December 1, 1999, 8:30 a.m.

PLACE: Tampa, Florida

MEETING: French, German, and Latin

DATES AND TIME: December 7-9, 1999, 8:30 a.m.

PLACE: Orlando, Florida

MEETING: Health

DATES AND TIME: January 11-12, 2000, 8:30 a.m.

PLACE: Safety Harbor, Florida

MEETING: General Sciences and Chemistry

DATES AND TIME: January 19-20, 2000, 8:30 a.m.

PLACE: Safety Harbor, Florida

The meetings are open to the public.

Further information about the meetings, as well as copies of the agenda and committee rosters may be obtained by contacting the Department of Education's Instructional Materials Office, (850)487-8791.

The State of Florida, **Education Standards Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Thursday, October 21, 1999; Friday, October 22, 1999, 8:30 a.m.

PLACE: Florida Southern College, The Hollis Room, 111 Lake Hollingsworth Drive, Lakeland, Florida, Telephone (941)680-4116

PURPOSE: Members of the Education Standards Commission will meet and discuss issues related to the Commission's charge.

To obtain a copy of the agenda, please call or write: Florida Education Standards Commission, 325 West Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399, Telephone (850)488-1523 or Suncom 278-1523.

Persons with disabilities who require assistance to participate in this meeting are requested to contact Dr. Adeniji Odutola, the above address or telephone numbers.

The State of Florida, **Education Standards Commission** announces the rescheduling of three public hearings, which were canceled because of Hurricane Floyd, to which all persons are invited.

DATE AND TIME: Wednesday, October 13, 1999, 4:00 p.m. – 6:00 p.m.

PLACE: School District of Miami-Dade County, Miami-Dade Teacher Education Center, 1080 Labaron Drive, Miami, Miami-Dade County, Ms. Rosa Harvey-Pratt, (305)887-2002

School District of Martin County, School Board Meeting Room, 500 East Ocean Boulevard, Stuart, Martin County, Superintendent's Office, (561)219-1200, Ext. 201

School District of Duval County, School Board Building, School Board Meeting Room, First Floor, 1701 Prudential Drive, Jacksonville, Duval County, Mr. Martin E. Miller, (904)390-2111

PURPOSE: The public hearings will be on how to improve the certification process for educators (the review of Section 231, Florida Statutes, and related State Board of Education Rules). A copy of the hearing materials may be obtained by contacting the Florida Education Standards Commission, Turlington Building, Room 224, 325 West Gaines Street, Tallahassee, Florida 32399, Telephone (850)488-1523 or Suncom 278-1523.

Persons with disabilities who require assistance to participate in these hearings are requested to contact Dr. Adeniji A. Odutola at the above address and telephone.

The **Department of Education** announces the following public rule development workshops to which all persons are invited:

DATE AND TIME: October 22, 1999, 9:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Education, 325 West Gaines Street, Room 1721/25, Tallahassee, Florida 32399-0400

DATE AND TIME: October 25, 1999, 3:00 p.m. – 5:00 p.m.

PLACE: Blake High School, 1701 North Boulevard, Vespa Room, Tampa, Florida 33607

DATE AND TIME: October 25, 1999, 3:00 p.m. – 5:00 p.m.

PLACE: The School Board of Broward County Board Room, 1st Floor, 600 S. E. 3rd Avenue, Fort Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: A notice of rule development was published in the September 10, 1999, Florida Administrative Weekly. Since that notice, the following rule language has been developed and is now proposed for public input. The proposed rule language is:

6A-6.05281 Educational Programs for Youth in Department of Juvenile Justice Commitment, Detention, or Prevention Programs.

(1) Student Eligibility.

(a) Students who do not attend a local public school due to their placement in a Department of Juvenile Justice (DJJ) commitment, detention, or prevention program shall be provided high quality and effective educational programs by the local school district in which the DJJ facility is located or by a Juvenile Justice provider through a contract with the local school district.

(b) Each local school district shall notify students in these DJJ facilities, who are sixteen (16) years of age or older, of the requirements of filing a formal declaration of intent to terminate school enrollment as required by Section 232.01(1)(c), Florida Statutes, and shall make available the option of enrolling in a program to attain a general education diploma (GED) prior to release from the facility.

(c) Exceptional Student Education. Any student who meets the eligibility criteria for exceptional student education shall be provided a free appropriate public education consistent with Chapter 6A-6, FAC.

(d) Limited English Proficient Students. Limited English proficient students placed in a DJJ program shall have equal access to entitled services, including assessment and appropriate instructional strategies as required by Chapter 6A-6, FAC.

(2) Student Records.

(a) Content. Each school district shall maintain educational records for students in DJJ programs as required by Section 232.23, Florida Statutes. The content of these records shall be as defined in Rules 6A-1.0955(2)-(5) and 6A-1.0014(2), FAC., and include the records required by Section 228.081(3)(c)1.-5., Florida Statutes.

(b) Transfer of Educational Records. Each school district shall transfer records of students entering or exiting DJJ programs as provided in Rules 6A-1.0955(7)(b) and 6A-1.0014(2), F.A.C. Beginning with the 2000-2001 school year, each school district shall respond to a request for these students' educational records no later than five (5) working days after the receipt of the request. Each school district shall make available a copy of the student's transcript record to designated DJJ staff at the DJJ program for inclusion in the discharge packet when the student exits the program.

(c) Protection of Privacy. The requirements of Section 228.093, Florida Statutes, and applicable rules of the State Board apply to the Department of Juvenile Justice's maintenance and transfer of these records as described in subparagraphs (a)-(b) of this rule.

(3) Student Assessment.

(a) To ensure high quality and effective programs for youth in DJJ commitment, detention, and prevention programs, the school district shall review the student's educational records and conduct assessments, consistent with the requirements of this section, in order to identify the students' functioning levels, provide appropriate educational programs, and to report the learning gains of the student from program entry to exit.

(b) All students in DJJ commitment, detention, and prevention programs, who have not graduated from school, shall be assessed within the first five (5) days of entry and upon exit from these programs, except in circumstances when the student who is in a detention center is not transferring to a commitment program. For such students, only an entry assessment is required. The assessments of DJJ students shall include but not be limited to:

1. Academic measures that provide proficiency levels in:

- a. Reading,
- b. Mathematics,
- c. Writing,
- d. Vocational interest and/or aptitude measures.

(c) Assessment measures shall be selected that are appropriate for the age, grade, and language proficiency of the students and shall be non-discriminatory with respect to culture, disability, and socioeconomic status.

(d) All students in DJJ commitment, detention, and prevention programs shall also participate in the state and district-wide assessments required by Section 229.57, 232.245, 232.246 and 232.247, Florida Statutes.

(e) The results of the academic measures, as required by subparagraph (3)(b)1., of this rule and the state and district-wide assessments, required by subparagraph (3)(e) of this rule shall be reported in the format prescribed to the Department of Education via the Automated Student Data. Beginning in the 2000-2001 school year, the Department of Education shall include the results of these assessments in applicable statewide and school reports.

(4) Individual Plans.

(a) A plan for educational progress shall be developed within fifteen (15) days of student entry to DJJ commitment, detention, or prevention programs. This plan shall be based upon the student's entry assessments, and past educational history and must address the areas of academic, literacy, and life skills. The plan shall include but not be limited to:

1. Specific and individualized long-term goals and short-term instructional and vocational/technical objectives;
2. Remedial strategies;
3. A schedule for determining progress toward meeting the goals and instructional and vocational/technical objectives.

(b) The individual plan required by subparagraph (4)(a) of this rule may incorporate the requirements of the student's academic improvement plan, as required by Section 232.245, Florida Statutes, and the requirements of the transition plan as required by subsection (5) of this rule.

(5) Transition Services.

(a) An individual transition plan based on the student's post-placement goals shall be developed cooperatively with the student, school district personnel, and DJJ program staff. The transition plan must address, at a minimum:

1. Academic re-entry goals
2. Career and employment goals
3. The recommended educational placement for the student.

(b) Key personnel that must be involved in entry transition activities for students in juvenile justice programs shall include but not be limited to: an evaluation specialist, a guidance counselor from the school district and/or program personnel who are responsible for providing guidance services under the supervision of the school district's guidance counselor, and a registrar or a designee of the school district that has access to the district's MIS system.

(c) Exit portfolios shall be created for each student prior to exit and provided to DJJ personnel for inclusion in the DJJ commitment files. The exit portfolio shall include the records required by Section 228.081(3)(c)1.-5., Florida Statutes, and include at a minimum:

1. Results of district and state-wide assessments individual education plan;
2. Academic record or transcript;
3. Work and/or project samples;
- (6) Instructional Program.

(a) School Day and Year. The instructional program shall consist of 250 days of instruction, ten of which may be used for teacher planning, distributed over 12 months as required by Section 228.041(43), Florida Statutes. Each local school board shall adopt a school calendar for these programs that is consistent, to the extent possible, with the school calendar for the other schools in the district.

(b) Requirements. The instructional program shall meet the requirements of Sections 232.245, 232.246, 232.247, 232.248, 233.061 and 230.23161, Florida Statutes, and include:

1. Curricular offerings, consistent with the Florida Course Code Directory and Instructional Personnel Assignments, that reflect the students' assessed educational needs and meet the student's needs as identified by the educational plan as required by subparagraph (4)(a) of this rule.

2. Any student enrolled in the GED Preparation Program or GED/High School Competency Test (HSCT) Exit Option shall receive vocational/technical training, workplace readiness training, or career awareness and exploration instruction while in the a juvenile justice program. GED preparation shall meet GED course requirements specified in State Board Rules and adult education course descriptions and/or the school district's approved GED/ HSCT Exit Option must meet the requirements specified by the Department of Education.

3. Tutorial activities that are based on the students' assessed academic needs. Such activities shall be designed to assist students in advancing to their age appropriate grade level or to assist students in meeting their goals for reentry into the public school system, alternative schools, adult education, vocational/technical education, employment, or post secondary education.

4. Instruction shall be individualized to address the academic and vocational/technical goals and objectives that are outlined in each student's academic improvement plan, as required by Section 232.245, Florida Statutes, or in the student's individual educational plan or plan for educational progress.

5. Instruction shall be delivered through a variety of instructional techniques to address students' academic levels and learning styles.

(7) Qualifications and Procedures for Selection of Instructional Staff.

(a) The school district shall ensure that only qualified instructional staff members, consistent with the requirements of Rules 6A-1.0503, and 6A-1.0502, FAC., are employed to provide instruction to students in DJJ programs. Any use of non-certificated instructional staff must be approved by the school board.

(b) To ensure that students receive consistent instruction from qualified instructional staff members during the school year, the school district shall ensure that at each DJJ commitment, detention, and prevention program that at least



one instructional staff member, who holds a valid Florida educator's certificate in the area in which the individual is hired to teach, in addition to the lead educator or education coordinator.

(8) Service Delivery Model.

(a) Each school district is responsible for ensuring that appropriate educational services are provided to students in the district's juvenile justice programs, regardless of the service delivery option used. School districts may provide services directly or may enter into a contract or renew an existing contract with a private provider to provide educational services to these youth. The private provider shall have, at a minimum:

1. Documented experience in providing high quality educational services or has developed a detailed plan for providing high quality educational services that meets applicable state and federal requirements.

2. Sufficient financial stability and resources to hire an adequate number of certified or qualified instructional personnel.

(b) Prior to contracting with a private provider, the school district shall:

1. Review and consider the provider's past performance history, including the results of prior Quality Assurance Reviews.

2. Review the private provider's contract, if any, with the Department of Juvenile Justice for the care and custody of the youth in the commitment, detention, or prevention program to ensure that services and resources are coordinated and not duplicative.

(9) Interventions and Sanctions.

(a) If the educational program in a DJJ commitment, detention, or prevention program has received an unsatisfactory rating on the educational component of the Quality Assurance Review, does not meet the minimum standards for a designated priority indicator of the Educational Quality Assurance Review, or has demonstrated noncompliance with state and federal requirements, the Department of Education shall initiate a series of interventions and graduated sanctions. Sanctions shall be initiated against programs that have not taken appropriate actions within six months.

(b) Interventions shall include, but not be limited to:

1. The provision of technical assistance to the program.
2. The development of a corrective action plan with verification of the implementation of the corrective actions within 90 days.

3. A follow-up review of the educational program.

(c) Sanctions shall include, but not be limited to:

1. Public release of the unsatisfactory findings, the interventions, and/or corrective actions proposed.

2. Assignment of a monitor, master, or management team to address identified deficiencies paid for by the local school board or private provider if included in the contract.

3. Reduction in payment or withholding of state and/or federal funds.

(d) If the sanctions proposed in paragraph (9)(c) of this rule are determined by the Department of Education to not be effective in correcting the deficiencies in the educational program and improving the quality of the program, the State Board of Education shall have the authority to require further actions, which shall include, but not be limited to the:

1. Revocation of the current contract with the private provider, or

2. The transfer of the educational program to another school district.

(10) Coordination and Funding.

(a) The cooperative agreement between the local school district and the Department of Juvenile Justice, required by Section 230.23161 (14), Florida Statutes, shall be submitted to the Department of Education prior to reporting these students for funding through the Florida Education Finance Program. The timelines and responsibilities, as required by Section 235.1975, Florida Statutes, for the notification by the Department of Juvenile Justice to the local school board of the siting of new facilities and the awarding of a contract for the construction or operation of such a facility shall be included in the agreement.

(b) Any contracts with private providers, as described in subsection(8) of this rule shall also be submitted to the Department of Education prior to reporting these students for funding through the FEFP. The Department shall review the contracts to ensure compliance with the provisions of applicable laws and rules including that the expenditures for the instructional costs of these programs are at least eighty (80) percent of the funds generated by the juvenile justice programs, as required by Sections 228.081(2)(g), and 237.34(3)(a), Florida Statutes, and one-hundred (100) percent of the formula-based categorical funds generated by these students is spent on these students as required by Section 228.081(2)(g), Florida Statutes. The local school district in which the DJJ facilities are located in shall be responsible for notifying the DJJ program of the appropriate entity that receives funding for Workforce Development programs. If the school district is the provider of the Workforce Development programs, the DJJ program shall be notified of the requirements for enrollment and completion of these programs.

Specific Authority 228.051(2) FS. Law Implemented 228.051, 230.23161 FS. History--New \_\_\_\_\_.

The **Graduate Medical Education Study Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 18, 1999, 1:00 p.m. – 4:30 p.m.

PLACE: Florida Hospital, Conference Room, 601 East Rollins St., Orlando, Florida

PURPOSE: To discuss status of hospital and medical school finance officers data collection activities and potential alternative sources of graduate medical education funding.

FOR AGENDA: Linda Z. Rackleff, State University System, Room 1520, Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950, telephone (850)201-7120.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity at least seven (7) days in advance, by calling (850)201-7160 (Voice), (850)201-7164 (TDD), so that their needs can be accommodated.

The public is invited to an Executive Committee telephone conference call of the Florida **Board of Regents**.

DATE AND TIME: October 22, 1999, 9:00 a.m.

PLACE: 15th Floor, Conference Room, Floor Education Center, Tallahassee, FL

PURPOSE: Consideration of: Final Order in Bid Protest, Gibbons & Company; and other matters pertaining to the State University System.

A copy of the agenda may be obtained by writing: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 325 West Gaines Street, Tallahassee, Florida 32399-1950.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

The **Building Construction Industry Advisory Committee** announces a meeting and all interested people are invited.

DATES AND TIMES: November 4, 1999, 3:00 p.m.; November 5, 1999, 8:00 a.m.

PLACE: University Centre Hotel, 1535 S. W. Archer Road, Gainesville, Florida 32608, (352)371-3333

PURPOSE: To review research and continuing education proposals from universities and community colleges with building construction programs. To review research and continuing education priorities and the operation of BCIAC and other new business that may come before the Committee.

A copy of the agenda may be obtained at the meeting or by contacting: Patty Barritt, Sr. Secretary, BCIAC, School of Building Construction, P. O. Box 115703, University of Florida, Gainesville, Florida 32611, Telephone (352)392-9045.

The Access Committee of the **Postsecondary Education Planning Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, October 22, 1999, 8:30 a.m. – 11:30 a.m.

PLACE: Hilton Garden Inn, Orlando Airport, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will address its current assignments related to the Minority Participation in Legal Education Program and the Bright Futures Scholarship.

For further information contact: Dr. Glenda A. Rabby, Educational Policy Director, Postsecondary Education Planning Commission, Tallahassee, Florida 32399-0400, (850)488-7894.

The Program/Planning Committee of the **Postsecondary Education Planning Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, October 22, 1999, 8:30 a.m. – 11:30 a.m.

PLACE: Hilton Garden Inn, Orlando Airport, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will address its current assignments related to joint-use facilities, education facility standards and academic program contracts.

For further information contact: Dr. Jon Rogers, Educational Policy Director, Postsecondary Education Planning Commission, Tallahassee, Florida 32399-0400, (850)488-7894.

The **Postsecondary Education Planning Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, October 22, 1999, 12:30 p.m. – 4:30 p.m.

PLACE: Hilton Garden Inn, Orlando Airport, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will review state funding plans for the historically black colleges and universities, and discuss issues related to the Master Plan and current study assignments.

For further information contact: Dr. William B. Proctor, Executive Director, Postsecondary Education Planning Commission, Tallahassee, Florida 32399-0400, (850)488-7894.

## DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a meeting of the Affordable Housing Study Commission to which all interested persons are invited.

DATES AND TIMES: October 19-20, 1999, 10:00 a.m. – 5:00 p.m.

PLACE: Double Tree, Guest Suites, 4500 West Cypress Street, Tampa, FL 33607

**PURPOSE:** The Commission recommends improvements to public policy to promote the production, preservation and maintenance of decent, affordable housing for all Floridians. During this meeting, the Commission will discuss the Commission's 1999 work plan.

Any person requiring special accommodation due to disability or physical impairment should contact Melissa Sims, (850)922-1609, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Ms. Sims using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda or more information on the meeting location may be obtained: Melissa Sims, The Affordable Housing Study Commission, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)922-1609.

#### DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation** announces the rescheduling of the second meeting of the Steering Committee for the 2020 Florida Transportation Plan Update to which all persons are invited. This meeting replaces the meeting originally scheduled for September 14, 1999, notice of which was published in the August 27, 1999, issue of the Florida Administrative Weekly. The previously scheduled meeting was canceled because of a hurricane.

**DATE AND TIME:** October 13, 1999, 1:00 p.m.

**PLACE:** Haydon Burns Building, Room 479, 605 Suwannee Street, Tallahassee, Florida

**PURPOSE:** To discuss changes needed in the plan which respond to new ideas and changes since the plan was adopted in 1995 and to establish a common planning horizon for transportation planning in Florida.

A copy of the agenda may be obtained by writing: Florida Department of Transportation, 605 Suwannee Street, MS 28, Tallahassee, Florida 32399-0450, Attn.: Pamela Richmond.

The Florida **Department of Transportation** announces the rescheduling of the first meeting of the Advisory Committees on Mobility, Sustainability, and Economic Development for the 2020 Florida Transportation Plan Update to which all persons are invited. This meeting replaces the meetings originally scheduled for September 14 and 15, 1999, notice of which was published in the August 27, 1999 issue of the Florida Administrative Weekly. The previously scheduled meetings were canceled because of a hurricane.

**DATES AND TIMES:** October 14, 1999, 9:00 a.m.; October 15, 1999, 8:30 a.m.

**PLACE:** The Turnbull Center for Professional Development, 555 Pensacola St., Tallahassee, FL

**PURPOSE:** To discuss changes needed in the plan which respond to new ideas and changes since the plan was adopted in 1995 and to establish a common planning horizon for transportation planning in Florida.

A copy of the agenda may be obtained by writing: Florida Department of Transportation, 605 Suwannee Street, MS 28, Tallahassee, Florida 32399-0450, Attn.: Pamela Richmond.

#### FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, October 20, 1999, 8:30 a.m.

**PLACE:** Florida Parole Commission, Park Trammell Building, 1313 N. Tampa Street, Rm. 605, Tampa, Florida 33602

**PURPOSE:** Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, Telephone (850)488-3417.

#### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a workshop in the following docket, to which all interested persons are invited.

Docket No. 981444-TP – Number Utilization Study: Investigation into Number Conservation Measures.

**DATE AND TIME:** Wednesday, October 20, 1999, 9:00 a.m. – 12:00 Noon

**PLACE:** Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

If you wish to comment but cannot attend the workshop, please file your comments with: Division of Records and Reporting, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, on or before October 20, 1999, specifically referencing Docket No. 981444-TP.

**PURPOSE:** To discuss and obtain comments on Federal Communications Commission (FCC) Order No. 99-249, released September 15, 1999, in CC Docket No. 96-98. The Order responds to the Florida Public Service Commission's April 2, 1999, Petition requesting additional authority from the FCC to implement various area code conservation measures.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD). For additional information, contact: Diana Caldwell, Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, Telephone (850)413-6175.

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990750-TP – Petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom for arbitration of certain unresolved issues in interconnection negotiations between ITC^DeltaCom and BellSouth Telecommunications, Inc.

DATES AND TIME: October 27-29, 1999, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley

Conference Center, 4075 Esplanade Way, Tallahassee, Florida

PURPOSE: To permit parties to present testimony and exhibits relative to the petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom for arbitration of certain unresolved issues in interconnection negotiations between ITC^DeltaCom and BellSouth Telecommunications, Inc., and for such other purposes as the Commission may deem appropriate. At the hearing, all parties shall be given the opportunity to present testimony and other evidence on the issues identified by the parties at the prehearing conference held on October 11, 1999. All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, 48 hours prior to the hearing. 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).

## REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a meeting of the Tourism Task Force to which all persons are invited.

DATE AND TIME: October 21, 1999, 10:00 a.m.

PLACE: A place to be determined in Suwannee County, Florida

PURPOSE: To carry out business as it pertains to promotion of the 11-county North Central Florida region.

A copy of the agenda may be obtained by calling (352)955-2200, or writing: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603.

Any person deciding to appeal any decision of the Task Force with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made. Persons with disabilities who need assistance may contact us at (352) 955-2200, at least two business days in advance to make appropriate arrangements.

The **Withlacoochee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 21, 1999, 6:30 p.m.

PLACE: Withlacoochee Regional Planning Council, Council Board Room, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 1999, 9:30 a.m.

PLACE: Port Canaveral, Port Authority, 300 George King Blvd., Cape Canaveral, Florida. Please call (407)623-1075, ext. 304, to confirm date, time and place.

PURPOSE: Meetings of Executive, Bylaws, Finance and Nominating Committees.

Business to be considered will include recommendations on an annual budget and work program, changes to operating procedures and rules, and officers for the upcoming year.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, FL 32789-1797.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 1999, 10:00 a.m.

PLACE: Port Canaveral, Port Authority, 300 George King Blvd., Cape Canaveral, Florida.

Please call (407)623-1075, Ext. 304, to confirm date, time and place

PURPOSE: Annual meeting of the East Central Florida Regional Planning Council. The agenda will include the adoption of an annual work program and budget, election of officers and consideration of changes to the Council's operating procedures contained in Chapter 29F, F.A.C.

In the event a quorum is not present, the Executive Committee will convene to discuss the business of the Council.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, FL 32789-1797.

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The **Treasure Coast Regional Planning Council** announces the following meeting:

DATE AND TIME: October 14, 1999, 12:30 p.m.

PLACE: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, FL 34996

GENERAL SUBJECT MATTER: To conduct an Orientation/Informational Workshop for Council members.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

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#### COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, October 21, 1999, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, FL

PURPOSE: Regular Commission 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. – 5:00 p.m., Monday through Friday, 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.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Commission on Ethics, (850)488-7864, at least five days prior to the

meeting. 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).

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#### DEPARTMENT OF LABOR AND EMPLOYMENT SERVICES

The Florida **Division of Blind Services** and The Rehabilitation Council for the Blind, announces the following meeting:

DATE AND TIME: October 30, 1999, 8:30 a.m. – 4:00 p.m.

PLACE: Doubletree Guest Suites, Orlando Airport, 7550 Augusta National Drive, Orlando, FL 32822, (407)240-5555

PURPOSE: Rescheduling of September's Quarterly business meeting due to Hurricane Floyd.

A copy of the agenda may be obtained by contacting: Phyllis Dill, The Division of Blind Services, 2551 Executive Center Circle, West, Suite 200, Lafayette Bldg., Koger, Tallahassee, FL 32399, (850)488-1330 or through the Florida Telephone Relay system at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

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The Florida **Department of Labor and Employment Security, Division of Workers' Compensation**, Special Disability Trust Fund Advisory Committee, announces a meeting to which the public is invited.

DATE AND TIME: Thursday, October 21, 1999, 10:30 a.m. – 12:00 Noon

PLACE: Division of Worker's Compensation, 2728 Centerview Drive, Forrest Building, Room 301-A, Tallahassee, FL

PURPOSE: The purpose of the meeting is to discuss the Special Disability Trust Fund workloads, provide an update on the Fund, provide an update on the Special Disability Trust Fund Privatization Commission and discuss the privatization issues and any other issues relevant to the Fund.

For further information regarding the meeting, please contact: Annemarie Craft, 535 John Knox Road, Tallahassee, Florida 32399-4104, (850)488-4896.

Persons with a disability or handicap requiring reasonable accommodations should contact Pat Wynn by telephone at least two business days in advance to make appropriate arrangements. If you are hearing or speech impaired, please contact Pat Wynn using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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The **Department of Labor and Employment Security, Division of Vocational Rehabilitation** and the Florida Rehabilitation Council in partnership with the Occupational Access and Opportunities Commission announce the following public forums.

DATE AND TIME: Monday, October 11, 1999, 3:45 p.m.

PLACE: Highland Public Library, 1826 Dunn Avenue, Jacksonville, FL

DATE AND TIME: Tuesday, October 12, 1999, 4:00 p.m.

PLACE: Nathan H. Wilson Art Center, Florida Community College, 11901 Beach Boulevard, Jacksonville, FL

PURPOSE: To receive comments, suggestions and recommendations concerning both the reassignment of the Division from the Department of Labor to the Occupational Access and Opportunities Commission in the Department of Education and the redesign of the system for delivering Vocational Rehabilitation services to the citizens of Florida. In addition, this information will assist in the development of the State Plan.

CONTACT: Leroy Kelly, (904)213-3040

Interpreters for the deaf will be available. Individuals requiring other accommodations or assistance should contact the individuals listed above no later than October 8, 1999.

Written comments may be sent to: Tamara Allen, Director, Division of Vocational Rehabilitation, 2002 Old St. Augustine Road, Building A, Tallahassee, Florida 32399-0696.

## WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: October 21, 1999, 11:30 a.m. (EDT)

PURPOSE: District Lands Committee meetings to discuss District issues

DATE AND TIME: October 21, 1999, 1:00 p.m. (EDT)

PURPOSE: Governing Board Meeting to consider District business.

DATE AND TIME: October 21, 1999, 1:15 p.m. (EDT)

PURPOSE: Public Hearing on Regulatory Matters to consider regulatory matters

PLACE: District Headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, FL

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999, also available through the Internet: [www.state.fl.us/nwfwmd](http://www.state.fl.us/nwfwmd).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: October 15, 1999, 10:00 a.m. – 2:00 p.m.

PLACE: District Headquarters, B-1 Building, Conference Room 3B, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Mitigation Service Area Development Committee Meeting.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces a Southern Region Recreational Advisory Council Meeting to which all persons are invited.

MEETING: Southern Region Recreation Advisory Council

DATE AND TIME: Thursday, October 21, 1999, 6:00 p.m. – 8:00 p.m.

PLACE: Brevard County Government Complex, Building C, 3rd Floor, Multi-Purpose Room, 2725 Judge Fran Jamieson Way, Viera, FL 32940, (407)633-2046

PURPOSE: To discuss recreation on District lands in the Southern Region.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

If, due to disability, you require a special accommodation to participate in this public meeting, contact Linda Lorenzen, (904)329-4262 or (904)329-4450 (TDD), at least five work days before the date of the meeting.

The **Southwest Florida Water Management District** announces the following Lower Hillsborough River Minimum Flows Independent Scientific Peer Review Panel Public Meeting to which the public is invited:

**DATES AND TIME:** Monday, October 18, 1999; Tuesday, October, 19, 1999, 9:00 a.m.

Public comment will be accepted by the panel on October 18, 1999, 9:00 a.m.

**PLACE:** Ramada Airport Inn and Conference Center, 5303 West Kennedy Blvd., Tampa, Florida 33609.

**PURPOSE:** A public meeting of the Peer Review Panel pursuant to Section 373.042(4), F.S. (1996 Supp.) at which Panel members may discuss their work with one another and provide an opportunity for public comment, at the time shown above, on the matters under review by the Panel.

An agenda for the meeting is available by contacting: Pamela A. Gifford, (352)796-7211, ext. 4156.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this activity is asked to advise the agency at least 48 hours before the activity by contacting Dianne Lee, (352)796-7211 or 1(800)423-1476, extension 4658, 1(800)231-6103 (TDD), Fax numbers (352)754-6878, Suncom 663-6878.

The **Big Cypress Basin, South Florida Water Management District** announces a public meeting to which all interested persons are invited.

**DATE AND TIME:** October 22, 1999, 9:00 a.m.

**PLACE:** Collier County Government Center, Commission Chambers, Building F, Naples, Florida

The above address shall be the designated access point for public attendance of the meeting.

**PURPOSE:** 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, (941)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, (941)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, (941)597-1505.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the District 10, Managed Care Ombudsman Committee to be held in Ft. Lauderdale, Florida, to which all persons are invited.

**DATE AND TIME:** October 13, 1999, 9:30 a.m. – 12:00 Noon

**PLACE:** The Healthcare Building, Room 195, 1400 West Commercial Blvd., Ft. Lauderdale, Florida

**PURPOSE:** Regular monthly meeting.

**NOTE:** If you need a special accommodation in order to attend this meeting because of a disability, please contact us in writing or by phone, (850)921-0625.

The **Agency for Health Care Administration** announces a meeting of the District 9, Managed Care Ombudsman Committee Meeting to be held in West Palm Beach, Florida, to which all persons are invited.

**DATE AND TIME:** October 14, 1999, 1:00 p.m. – 3:30 p.m.

**PLACE:** 1710 E. Tiffany Drive, Medicaid Conference Room, 2nd Floor, West Palm Beach, Florida

**PURPOSE:** The purpose of this meeting is routine business.

**NOTE:** If you need a special accommodation in order to attend this meeting because of a disability, please contact us in writing or by phone, (850)921-0625.

The **Agency for Health Care Administration** announces a meeting of the Advisory Group on the Submission and Payment of Health Claims' Subgroup IV to which all persons are invited.

**DATE AND TIME:** October 27, 1999, 1:00 p.m.

**PLACE:** 2727 Mahan Drive, Agency for Health Care Association, Executive Conference Room, 3rd Floor, Tallahassee, Florida

**PURPOSE:** The purpose of this meeting is to develop goals relating to fraud and abuse, violations and balance billing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Joe Berding, (305)626-5616, or Emma Hill, (850)921-0625, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Joe Berding, 3400 Lakeside Drive, Miramar, FL 33027.

The Task Force on **Home Health Services Licensure Provisions** announces the initial Task Force meeting to which all persons are invited.

DATE AND TIME: Thursday, October 28, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room A, 2728 Mahan Drive, Tallahassee, Florida

PURPOSE: To review the provisions of Part IV of Chapter 400, Florida Statutes and recommend legislative revisions to that part.

FOR AGENDA: Anne Menard, Home Care Unit, Agency for Health Care Administration, 2727 Mahan Drive, Building 1, Tallahassee, Florida 32308, Telephone (850)414-6010 or [menarda@fdhc.state.fl.us](mailto:menarda@fdhc.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise Anne Menard, (850)414-6010 or [menarda@fdhc.state.fl.us](mailto:menarda@fdhc.state.fl.us), at least 48 hours before the meeting. If you are hearing or speech impaired, contact Anne Menard via the Florida Relay Service, 1(800)955-8770 (voice) or 1(800)955-8771 (TDD), for assistance.

#### DEPARTMENT OF MANAGEMENT SERVICES

The **Executive Office of the Governor** announces a public meeting of the Florida Geographic Information Board (GIB) to which all persons are invited:

DATE AND TIME: October 15, 1999, 10:00 a.m., or as soon thereafter continuing until 3:00 p.m.

PLACE: EATZ Café, 4055 Esplanade Way, Tallahassee, FL

PURPOSE: A regularly scheduled meeting of the GIB.

A copy of the agenda may be obtained by writing: Florida Geographic Information Board, 4050 Esplanade Way, Building 4030, Suite 180, Tallahassee, Florida 32399-0950 or at the GIB's Website: <http://als.dms.state.fl.us>

The **Department of Management Services, Division of Information Technology** announces a workshop on the progress of the Joint Task Force Radio Communications System to which all persons are invited.

DATE AND TIME: October 11, 1999, 2:00 p.m.

PLACE: Davie FHP, 14190 State Road 84, Davie, FL 33325

PURPOSE: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Lee Moreno, Department of Management Services, Division of Information Technology, 4030 Esplanade Way, Suite 280M, Tallahassee, Florida 32399-0950.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure 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 some accommodation at this hearing because of a physical impairment should call the Division of Information Technology, (850)488-3866, at least five calendar days prior to the meeting. If you are hearing or speech-impaired, please contact the Division of Information Technology by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The **Department of Management Services, Division of Information Technology** announces a public meeting of the Board of Directors of the Joint Task Force on State Agency Law Enforcement Communications to which all persons are invited.

DATE AND TIME: October 11, 1999, immediately following the workshop

PLACE: Davie FHP Station, 14190 State Road 84, Davie, FL 33325

PURPOSE: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Lee Moreno, Department of Management Services, Division of Information Technology, 4030 Esplanade Way, Suite 280M, Tallahassee, Florida 32399-0950.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure 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 some accommodation at this hearing because of a physical impairment should call the Division of Information Technology, (850)488-3866, at least five calendar days prior to the meeting. If you are hearing or speech-impaired, please contact the Division of Information Technology by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The **State Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: October 18-19, 1999, 8:30 a.m.

PLACE: Cedars Executive Center, 2639 North Monroe Street, Building B, Room 221, Tallahassee, Florida

PURPOSE: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by writing: State Retirement Commission, 2424 Allen Road, Suite 230, Tallahassee, Florida 32312, or by Telephoning (850)487-2410.

If a party who decided to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence.



Persons requiring accommodation because of a physical, visual, auditory or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Wednesday, October 13, 1999, 6:00 p.m.

PLACE: The access point where a person may go for purpose of attending the meeting is the Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303. The meet-me telephone number is (850)488-5778 or Suncom 298-5778.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be discuss general and administrative issues of the Commission.

A copy of the agenda may be obtained by contacting: Ms. Sharon Moultry, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, Telephone (850)488-7082, Extension 1036.

If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodation because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Extension 1036, at least five calendar days prior to the meeting.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Wednesday, October 27, 1999, 9:00 a.m.

PLACE: The access point where a person may go for purpose of attending the meeting is the Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303. The meet-me telephone number is (850)921-2583 or Suncom 291-2583.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Sharon Moultry, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, Telephone (850)488-7082, Extension 1036.

If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodation because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Extension 1036 at least five calendar days prior to the meeting.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting will be held:

DATES AND TIME: Monday, November 8, 1999 – Wednesday, November 10, 1999, 8:30 a.m. daily

PLACE: Wyndham Biscayne Bay Hotel, 1601 Biscayne Blvd., Miami, Florida 33132

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held as the 9th Annual Civil Rights Conference. Various workshops will be held to discuss civil/human rights issues in the areas of police/community relations, education, housing, equal employment/human resources and women/minority business.

A copy of the agenda may be obtained by contacting: Ms. Sharon Moultry, Clerk of the Commission, Florida Commission on Human Relations, 325 John Knox Road, Bldg. F, Suite 240, Tallahassee, Florida 32303-4149, telephone (850)488-7082, Extension 1036.

If any person decides to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodation because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Extension 1036, at least five calendar days prior to the meeting.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes** of a workshop to be conducted to discuss issues of general interest to the Division and the timeshare industry, including promotional, offering, compliance and management issues. All persons are invited to participate.

DATE AND TIME: November 18, 1999, 1:00 p.m. – 4:00 p.m.

PLACE: The Hurston Complex, Conference Rooms A and B, First Floor, 400 West Robinson Street, Orlando, Florida 32801.

PURPOSE: The workshop will provide a forum for all comments regarding mutual areas of interest, excluding the discussion of any specific case or matter pending before the Division.

AGENCY CONTACT PERSON: John Floyd, Investigator Supervisor, or Joe McBride, Examination Supervisor, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, or Mary Denise O'Brien, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. 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 (TDD).

The **Department of Business and Professional Regulation** announces the following public meeting of the **Division of Hotels and Restaurants'**, Advisory Council Task Force which the public is invited to attend.

DATE AND TIME: Tuesday, October 26, 1999, 10:00 a.m. – 3:00 p.m.

PLACE: The Florida Hotel and Motel Association, Conference Room, 200 West College Avenue, Tallahassee, Florida 32301

PURPOSE: To review H and R licensing history, current and future budgetary needs and proposed license fee increase.

If you need additional information, please contact Ms. Delores Koonce, Administrative Assistant, Office of the Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-1011, or call 1(800)749-6368 or (850)488-1133.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Ms. Delores Koonce, 1(800)749-6368 or (850)488-1133, at least five calendar days prior to the meeting.

The Florida **Board of Funeral Directors and Embalmers** announces the following meeting to be held by telephone conference call to which all parties are invited to attend.

DATE AND TIME: October 26, 1999, 1:00 p.m.

PLACE: Access Phone Numbers (850)921-6623, Suncom 291-6623

PURPOSE: Board Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for

such purpose he/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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-8690, at least five 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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**NOTICE OF CANCELLATION** – The Florida **Board of Professional Engineers** announces the CANCELLATION of the Joint Engineer and Architect Committee meeting which all persons were invited:

DATE AND TIME: Monday, October 11, 1999, 3:30 p.m. or as soon thereafter

PLACE: Department of Business and Professional Regulations, 1940 North Monroe Street, South Conference Room, Room 526, Tallahassee, Florida 32399

PURPOSE: General Business of the Committee.

The **Board of Accountancy** announces the following public meeting of the Rules Committee to which all persons are invited:

DATE AND TIME: Tuesday, November 30, 1999, 9:00 a.m.

PLACE: The Ritz-Carlton, 4750 Amelia Island Parkway, Amelia Island, Florida

PURPOSE: To draft rules.

This is a public meeting.

A copy of the agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, 2610 N. W. 43 Street, Suite 1-A, Gainesville, Florida 32606.

NOTE: If a person decided to appeal any decision made by the Board with respect to any matter considered at this meeting, 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.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting by contacting Martha Willis, (352)955-2165. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Board of Accountancy** announces the following public meeting of the Board to which all person are invited:

DATES AND TIMES: Tuesday, November 30, 1999, 1:00 p.m. and Wednesday, December 1, 1999, 8:30 a.m.

PLACE: The Ritz-Carlton, 4750 Amelia Island Parkway, Amelia Island, Florida

PURPOSE: Strategic Planning Session.

This is a public meeting. A copy of the agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, 2610 N. W. 43 Street, Suite 1-A, Gainesville, Florida 32606.

The **Florida Real Estate Commission** (FREC) announces a meeting to which all persons are invited.

These meetings will encompass the previously scheduled administrative and legal agendas for September which were subsequently canceled due Hurricane Floyd.

DATES AND TIME: October 19-20, 1999, 8:30 a.m. each day.

PLACE: Division of Real Estate, Commission Meeting Room 301 or 508, North Tower, 400 West Robinson Street, Orlando, Florida

PURPOSE: Official business of Commission. Among topics included, but not limited to, are proposed legislation affecting Chapter 475, Rule development workshops, 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.

The Probable Cause Panel will also meet during this session at approximately 3:00 p.m. Portions of the Probable Cause are not open to the public.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, Administration Office, P. O. Box 1900, Orlando, Florida 32802-1900.

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)245-0800, at least five 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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Monday, October 18, 1999, 7:00 p.m., (EDT)

PLACE: Branford School Auditorium, Just Off State Road 247, Branford, Florida 32008

PURPOSE: To present the current management plans for Ichetucknee Springs State Park and Troy Spring to the public.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 2 Administration, 4801 Southeast 17 Street, Gainesville, Florida 32641-9299.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 19, 1999, 9:00 a.m. (EDT)

PLACE: O'Leno State Park, Recreation Hall, U.S. Highway 441 (Six miles North of High Springs), High Springs, Florida 32643

PURPOSE: To discuss the current management plans for Ichetucknee Springs State Park and Troy Spring with the DEP Advisory Group members.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance of this meeting. Any request for special accommodations can be made by writing: Department of Environmental Protection, Division of Recreation and Parks, District 2, Administration, 4801 Southeast 17 Street, Gainesville, Florida 32641-9299.

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas, Florida Keys National Marine Sanctuary Program announces a public meeting to which all persons are invited:

DATE AND TIME: Tuesday, October 19, 1999, 9:00 a.m. – 5:00 p.m.

PLACE: Marathon Garden Club, 5270 Overseas Highway, Mile Marker 50.5, Marathon, FL 33050

PURPOSE: The Florida Governor's Office, the Florida Department of Environmental Protection and the Florida Keys National Marine Sanctuary appointed nineteen people to serve as representatives on the advisory council for the Florida Keys National Marine Sanctuary. The Sanctuary Advisory Council, represents diverse business, fishing, conservation, research and other public and private interests throughout Monroe County. They serve a vital two-way communication link between the community and resource managers of the Sanctuary. The Florida Keys National Marine Sanctuary Advisory Council meets every other month, on the third Tuesday.

The agenda for this meeting of the Sanctuary Advisory Council of the Florida Keys National Marine Sanctuary will include reports from the Sanctuary Superintendent, the Department of Environmental Protection, and Advisory Council Working Groups. The meeting will also contain an opportunity for public comment.

A copy of the full agenda may be obtained by contacting: June Cradick, P. O. Box 500368, Marathon, Florida 33050 (305)743-2437.

If an accommodation is needed for an attendee with a disability to participate in this activity, please notify June Cradick, (305)743-2437, prior to the event.

The **Department of Environmental Protection** announces a meeting of the 303(d) List Methodology Technical Advisory Committee to which all interested persons are invited.

DATE AND TIME: Wednesday, October 20, 1999, 9:00 a.m.

PLACE: Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Conference Room A, Tampa, Florida 33619-8318.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss development of a methodology and rule to identify impaired waters for inclusion on the state's 303(d) list.

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: Personnel Services Specialist, Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800) 955-8771 (TDD).

A copy of the agenda for the meeting may be obtained by writing: Mr. Jan Mandrup-Poulsen, Department of Environmental Protection, 2600 Blair Stone Road, Water Quality Assessment Section, MS 3555, Tallahassee, Florida 32399-2400, (850)921-9488.

## DEPARTMENT OF HEALTH

The **Department of Health**, Office of Equal Opportunity and Minority Affairs announces a meeting of the Minority Tobacco Control Task Force.

DATE AND TIME: October 23, 1999, 9:00 a.m. – 4:00 p.m.

PLACE: Ramada Inn North, 2900 North Monroe Street, Tallahassee, Florida 32303

PURPOSE: The Minority Tobacco Control Task Force will meet to design and implement tobacco prevention and control programs that target African-Americans, Hispanics, Native Americans and Asian/ Pacific Islanders on a statewide level.

A copy of the agenda can be obtained by contacting: Elisia Norton, Department of Health, Office of Tobacco Control/HSKCAT, BIN C-23, 2020 Capital Circle, S. E., Tallahassee, Florida 32399-1743, (850)488-5576.

If special accommodations are needed to attend this meeting because of a disability, please call Elisia Norton as soon as possible.

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a Continuing Education Committee meeting conducted by way of a Telephone Conference Call. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: October 29, 1999, 9:00 a.m.

PLACE: Department of Health, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399, (850)488-5778, Suncom 278-5778

PURPOSE: Committee Meeting

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 2020 Capital Circle, S. E., 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, (850)487-1129.

The **Board of Massage Therapy** announces a meeting to which all interested persons are invited to attend.

Electrical Stimulation Committee

DATE AND TIME: Wednesday, October 27, 1999, 10:00 a.m., or soon thereafter – 2:00 p.m.

Board Meeting

DATES AND TIMES: Thursday, October 28, 1999, Friday October 29, 1999, 9:00 a.m. or soon thereafter; Saturday, October 30, 1999, 9:00 a.m., if necessary

PLACE: The Embassy Suites, 555 Westshore Blvd., Tampa, FL, (813)875-1555

PURPOSE: Discussion of electrical devices as appropriate to the practice of Massage Therapy and Regular Board Business and Disciplinary Matters.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Massage Therapy, (850)488-0595, 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 Massage Therapy, 2020 Capital Circle, S. E., Bin C09, Tallahassee, Florida 32399-3259.

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 Florida **Board of Podiatric Medicine** will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, October 27, 1999, 8:30 a.m.

PLACE: Department of Health, 1940 North Monroe Street, Tallahassee, Florida 32399 at Meet Me Number (850)488-5778.

PURPOSE: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Podiatric Medicine, (850)487-3052, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Podiatric Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If you respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Ms. Sherra W. Causey, Professional Regulation Specialist II, Florida Board of Podiatric Medicine, Department of Health, Division of Medical Quality Assurance, 2020 Capital Circle, S. E., Bin C07, Tallahassee, Florida 32399-3257.

The **Department of Health** and the **Board of Psychology** announces a conference call of the Board to which all persons are invited:

DATE AND TIME: October 21, 1999, 8:00 a.m., or soon thereafter

NUMBERS: Nonsuncom (850)488-5776, Suncom 278-5776

PLACE: For the certification of applicants and any general business as required.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 2020 Capital Circle, Southeast, Bin C05, Tallahassee, Florida 32399-3255, or by calling the board office, (850)487-2098.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services** had a meeting:

DATE AND TIME: July 28, 1999, 3:00 p.m.

PLACE: Dogwood Conference Room, G. Pierce Wood Memorial Hospital, 5847 Southeast Highway 31, Arcadia, Florida 34266-9627

PURPOSE: Governing Body Meeting.

ATTENDEES: Members: Tom Sellars, Hospital Administrator; Present: Dr. Richard Solomon, Medical Executive Director; Fran Gibbons, District Administrator; Guests: Mary Hackney, Director of Nursing; Lee Murrill, for Coral Conner, Assistant Hospital; Superintendent; George Strange, Performance Improvement; Lynda Sommers, Quality Assurance, Protocol Monitoring and Risk Management; Martin Casola, Assistant Hospital Superintendent; Phil Gorelick, Assistant Hospital Superintendent; Martin Von Holden, Social Services and Rehabilitation Director.

APPROVAL OF MINUTES: The April 28, 1999, Governing Body minutes were approved as written.

OLD BUSINESS: Salary Inequities (Lee Murrill/Follow-up 4/28/99).

Discussion/Conclusion: At the last meeting, Coral Conner presented that AFSCME had requested we do a salary study of equity. A suggestion was made that she discuss this matter with Dave Wilson, Assistant Staff Director for Human and Labor Relations. As a follow-up, Dave Wilson was contacted and reported that the AFSCME cannot require GPW to address equity. They must bring such requests to the collective bargaining table in Tallahassee. He included although it was okay to conduct the salary study and present findings to the AFSCME, it was not required. Mr. Wilson's response was presented to the AFSCME and was accepted.

Recommendation/Action: None.

Evaluation: None.

NEW BUSINESS: Administrator's Comments (Tom Sellars)

Discussion/Conclusion: Mr. Sellars announced the Osler project is almost complete and all who took part in bringing the Distinct Part up to HCFA standards has done a wonderful job in improving those services. A follow-up survey will take place prior to September 9, 1999.

One of the areas at GPW under most scrutiny are those of activities. Martin Von Holden has accepted the position of social services and rehabilitation director which was created to

more closely supervise and direct the activities of the residential areas. Mr. Von Holden distributed a memo to all staff depicting that every resident must be engaged in a number of activities which help them to recover.

**Recommendation/Action:** A corrective action plan will be submitted in draft form on August 6, 1999, Janice Graham, HCFA, who has offered to review the plan and provide her recommendations. Upon approval by HCFA, the revised process adopted in the Distinct Part will be distributed to all treatment teams.

**Evaluation:** Update October 27, 1999

**Financial Report (Phil Gorelick)**

**Discussion/Conclusion:** As chief financial officer, Phil Gorelick gave the fourth quarter fiscal year financial report.

**Recommendation/Action:** Motion was made, seconded and carried to accept the report as given.

**Evaluation:** The next report will be made at the October 27, 1999 meeting.

**Medical Staff Report: Dr. Richard Solomon**

**Discussion/Conclusion:** Dr. Richard Solomon gave the medical staff report.

**Recommendation/Action:** Motion was made, seconded, and carried to accept the report as given.

**Evaluation:** The next report will be made at the October 27, 1999 meeting.

**Nursing Report: Mary Hackney**

**Discussion/Conclusion:** The director of nursing, Mary Hackney, submitted the attached nursing service report for the fourth quarter of the fiscal year.

**Recommendation/Action:** Motion was made, seconded, and carried to accept the report as given.

**Evaluation:** The next report will be made at the October 27, 1999 meeting.

**Performance Improvement Report: George Strange**

**Discussion/Conclusion:** George Strange gave the performance improvement report for the fourth quarter of FY 1998-99.

**Recommendation/Action:** Motion was made, seconded, and carried to accept the report as given.

**Evaluation:** The next report will be made at the October 27, 1999 meeting.

**Quality Assurance/Risk Management Report: Lynda Sommers**

**Discussion/Conclusion:** Lynda Sommers presented the fourth quarter quality assurance/risk management report.

**Recommendation/Action:** Motion was made, seconded, and carried to accept the report as given.

**Evaluation:** The next report will be made at the October 27, 1999 meeting.

**Safety Report: Martin Casola**

**Discussion/Conclusion:** Martin Casola provided the attached safety report covering the fourth quarter of the fiscal year.

**Recommendation/Action:** Motion was made, seconded, and carried to accept the report as given.

**Evaluation:** The next report will be made at the October 27, 1999 meeting.

**GENERAL DISCUSSION:** Preliminary findings from the state fire marshal's inspection revealed no deficiencies found for the third year in a row.

Physician recruitment efforts are underway due to some physician shortages. GPW has formed a contract with Liberty Healthcare for locum tenums. Two are presently on board at the present time to fill in for two of our psychiatrists who are out on extended sick leave. We are actively recruiting for permanent replacements for a couple of vacancies due to retirement. It has been found that some physician recruits are somewhat hesitant to come here because of the presence of DOJ. A board certified internist will be on board August 9, 1999 for general health care services.

Mr. Sellars expressed his appreciation everyone on the CURE team. They have worked very diligently to successfully bring down the number of restraints used. He said he cannot over-emphasize the gratitude for a job well done by the entire team. The CURE team will be competing in the Sterling Showcase on August 27, 1999, Ft. Myers.

Ms. Sommers provided the following DOJ update: The DOJ Experts, as well as our experts, are expected to remain here for another six weeks. The main focus of the present visit seems to be physician services. They are also delving into records and being very careful not to make any mistakes in the discovery process. Our experts are doing the same but have the assistance of our staff. Court monitors' attitudes have changed to become much more direct and impersonal.

The next meeting of the Governing Body will be held October 27, 1999, 3:00 p.m., Dogwood Conference Room, G. Pierce Wood Memorial Hospital, 5847 Southeast Highway 31, Arcadia, Florida 34266-9627.

Recorded by: Debbie Lucas, Administrative Assistant.

The **Department of Children and Family Services**, District Nine, Health and Human Services Board announces the following public meetings to which all persons are invited:

**DATE AND TIME:** October 5, 1999, 8:00 a.m.

**PLACE:** 111 South Sapodilla Avenue, West Palm Beach, FL

**PURPOSE:** Executive committee meeting.

**DATE AND TIME:** October 19, 1999, 1:00 p.m.

**PLACE:** 111 South Sapodilla Avenue, West Palm Beach, FL

**PURPOSE:** Health care committee meeting.

**DATE AND TIME:** October 19, 1999, 2:00 p.m.

**PLACE:** 111 South Sapodilla Avenue, West Palm Beach, FL

**PURPOSE:** Health and human services board meeting.

A copy of the agenda may be obtained by writing: Department of Children and Families, 111 South Sapodilla Avenue, West Palm Beach, FL 33401.

Anyone needing interpreters or other disability related accommodations should notify; Marilyn Ramos, five working days prior to the meeting at (561)837-5590 or TDD line 1(800)453-5145.

The District 14, **Department of Children and Family Services**, Health and Human Services Board announces the following meeting to which all persons are invited.

Nominating Committee meeting

DATE AND TIME: Saturday, October 16, 1999, 9:00 a.m.

PLACE: Department of Children and Family Services, Administration Office, First Floor, Conference Room, 4720 Old Highway 37, Lakeland, FL

PURPOSE: To develop a recommended slate of Board officers. For copies of the agenda, further information, or persons needing accommodation to participate in the conference call please contact: Patty Harrison, (941)619-4100, Extension 157, 1(800)342-0825 or TDD (941)648-3337.

The **Department of Children and Family Services**, District 12, Health and Human Services Board Family Care Council announces a public meeting to which all persons are invited.

DATE AND TIME: October 18, 1999, 1:00 p.m.

PLACE: WORC, 1100 Jimmy Ann Drive, Daytona Beach, Florida

PURPOSE: Regular meeting.

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, (904)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 **Human Rights Advocacy Committee**, District 15 announces a public meeting to which all persons are invited.

DATE AND TIME: October 19, 1999, 9:30 a.m. (EDT)

PLACE: Clem C. Benton Regional Service Center, 337 North 4th Street, Room 104, Fort Pierce, Florida 34950

A copy of the agenda may be obtained by contacting: Pearl Clark, HRAC Liaison, (561)467-4176.

The **Statewide Health and Human Services Board (SHHSB)** will meet:

DATE AND TIME: Thursday, October 21, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: Santa Rosa Room, Tampa Airport Marriott, Tampa International Airport, Tampa, Florida

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Diann Lowery prior to the meeting at

the Department of Children and Family Services, 1317 Winewood Boulevard, Building 1, Room 205, Tallahassee, FL 32399-0700, Telephone (850)488-4306, Suncom 278-4306 or call via The Florida Relay Service, 1(800)955-8771 (TDD).

#### NORTHEAST FLORIDA AREA AGENCY OF AGING

The **Northeast Florida Area Agency on Aging (PSA4)** announces a Budget/Finance Committee meeting and a Board of Directors meeting to which all person are invited:

DATE AND TIMES: October 6, 1999, Budget and Finance Committee, 2:00 p.m.; Board of Directors Meeting, 2:30 p.m.

PLACE: Houston Conference Room, Flagler Hospital, St. Augustine, Florida

PURPOSE: General Board Discussion.

A copy of the agenda may be obtained by contacting: The Northeast Florida Area Agency on Aging, Inc., 590 S. Ellis Road, Jacksonville, FL 32254, (904)786-5111.

#### DEPARTMENT OF CRIMINAL JUSTICE

The **Region VII Training Council** announces a public meeting to which all interested persons are invited:

DATE AND TIME: October 7, 1999, 10:00 a.m.

PLACE: Seminole Community College, 100 Weldon Blvd., Sanford, FL 32773, (407)328-2316

PURPOSE: Quarterly Meeting.

#### FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation** announces a public meeting of the Florida Sports Foundation Regional Grant Committee to which all persons are invited.

DATE AND TIME: Monday, October 11, 1999, 10:00 a.m.

PLACE: Florida Sports Foundation, 2964 Wellington Circle, North, Tallahassee, FL 32308

#### MIAMI-DADE COMMUNITY COLLEGE

The **Region XIV Advisory Council** announces a meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, October 12, 1999, 9:30 a.m.

PLACE: Room 8205, School of Justice and Safety Administration, Miami-Dade Community College, North Campus

Contact person: Jean Doubles, Secretary of the Region, XIV Advisory Council, (305)237-1329.

#### ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: October 13, 1999, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL

PURPOSE: General Business Meeting.

### FLORIDA ALLIANCE FOR ASSISTIVE SERVICES AND TECHNOLOGY

The **Florida Alliance for Assistive Services and Technology**, Board of Directors announces a public meeting to which all persons are invited to attend:

DATES AND TIMES: Thursday, October 14, 1999, 10:00 a.m. – 5:00 p.m.; Friday, October 15, 1999, 8:30 a.m. – 3:00 p.m.

PLACE: Embassy Suites Hotel, Miami International Airport, 3974 N. W. South River Drive, Miami, Florida 33142, (305)634-5000

PURPOSE: The Board of Directors meets quarterly to conduct such business as specifically itemized on the agenda. Time will be set aside to solicit input from the public concerning assistive technology needs and services.

A copy of the quarterly meeting agenda will be posted at the FFAST, Inc. Office and may be obtained by writing: FFAST, Inc., 1020 E. Lafayette Street, Suite 110, Tallahassee, FL 32301-4546.

If you would like to present information to the Board of Directors or if you require reasonable accommodations due to a disability, please contact FFAST, Inc., in writing at the above address in advance of the meeting.

If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meetings, the person will need a record of the proceedings, and for such purpose, the person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Additionally, the Board of Directors conduct committee teleconferences, at the call of the committee Chairs, to accomplish the goals and objectives of the committees between full Board meetings. If you would like to present information to a FFAST committee, attend a committee teleconference or require reasonable telecommunication accommodations due to a disability, please contact the FFAST, Inc. office in writing at the above address.

### FLORIDA HEALTH REINSURANCE PROGRAM

The **Florida Small Employers Health Reinsurance Program** announces a meeting to which all persons are invited:

DATE AND TIME: October 15, 1999, 9:00 a.m.

PLACE: Radisson Hotel, 415 North Monroe Street, Tallahassee, Florida

General Subject Matter to be Considered: A meeting of the Florida Small Employers Health Reinsurance Program Board.

A copy of the agenda may be obtained by contacting: Minnie Green, Florida Small Employers Health Reinsurance Program, Post Office Box 14645, Tallahassee, FL 32317, (850)422-7766.

### PINELLAS WAGES COALITION

The **Pinellas WAGES Coalition** announces the following meeting of its Hardship Review Commission:

DATE AND TIME: Tuesday, October 19, 1999, 9:00 a.m. – 5:00 p.m.

PLACE: 3151 3rd Avenue, North, 300 Plaza West, 1st Floor, Conference Room, St. Petersburg, Florida

DATE AND TIME: Monday, October 18, 1999, 9:00 – 5:00 p.m.

DATE AND TIME: Wednesday, October 20, 1999, 9:00 a.m. – 5:00 p.m.

PLACE: 4140 49th Street, North, Conference Room, St. Petersburg, Florida

DATE AND TIME: Thursday, October 14, 1999, 9:00 a.m. – 5:00 p.m.

PLACE: 1100 Cleveland Street, 5th Floor, Conference Room, Clearwater, Florida

PURPOSE FOR ALL: WAGES Hardship Exemption Hearings.

Members of the public are invited to attend. Interested parties may appear and be heard at the hearings. Hearing schedules can be obtained 7 days in advance of the meeting by contacting 13770 58th Street, North, Suite 304, Clearwater, FL 33760 or by calling (727)507-6197.

Any person wishing to appeal any decision made by the Pinellas WAGES Coalition's Hardship Review Commission with respect to any matter considered at such hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. The inclusion of this statement does not create or imply a right to appeal any decision made at this hearing if the right to an appeal does not exist as a matter of law or policy.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the agency sending the notice no later than three working days prior to the proceeding at the address given on the notice, or telephone (727)507-6197.

Appeal may be made through a Fair Hearing with the Department of Children and Family Services and/or through the Coalition's policy.

The **Pinellas WAGES Coalition's Legislative Advocacy Committee** announces the following meeting on:

DATE AND TIME: Friday, October 22, 1999, 9:00 a.m.

PLACE: 13770 58th Street, North, Suite 304, Clearwater, Florida 33760



PURPOSE: Meeting of the Legislative Advocacy Committee  
ISSUES TO BE DISCUSSED: Legislative Issues for 1999-2000 Program Year. Members of the public are invited to attend and to be heard.

Agendas can be obtained 7 days in advance of the meeting at 13770 58th Street, North, Suite 304, Clearwater, FL 33760 or by calling (727)507-6197.

Any person wishing to appeal any decision made by a Pinellas WAGES Coalition's Committee with respect to any matter considered at such meeting will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. The inclusion of this statement does not create or imply a right to appeal any decision made at this meeting if the right to an appeal does not exist as a matter of law or policy.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the agency sending the notice no later than three working days prior to the proceeding at the address given on the notice, Telephone (813)507-6197.

#### HEARTLAND LIBRARY COOPERATIVE

The **Heartland Library Cooperative**, which includes DeSoto, Hardee, Highlands, and Okeechobee County libraries announces a board meeting to which the public is invited.

DATE AND TIME: Wednesday, October 20, 1999, 10:00 a.m.

PLACE: Lake Placid Library, 47 Park Dr., Lake Placid, FL

PURPOSE: Regular board meeting.

Contact person: Carolyn Hesselink, Admin. Secretary, (941)386-6719.

#### POLK COMMUNITY COLLEGE

The **Criminal Justice Training Standards and Training Commission**, Region VIII, Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: October 21, 1999, 2:00 p.m.

PLACE: Polk Community College, Board Room, Administrative Building, Winter Haven, FL

PURPOSE: Principal agenda items to be considered:

- 1) Old Business.
  - A. Contracted Courses
- 2) New Business.
  - A. Approval of 2000-2001 Budget
  - B. Region VIII Award
  - C. Capital Outlay Expenditures
- 3) Other Items from Members.

A copy of the agenda may be obtained by writing: Jeff Tebo, Chairman, Polk Co. Sheriff's Office, 455 N. Broadway Ave., Bartow, FL 33830

#### CITY OF SARASOTA

Notice is hereby given that a Public Workshop will be held for considering evidence bearing on the merits of an erosion control project known as **Lido Key Beach Erosion Control Project**. The location of the proposed erosion control project is as follows:

The proposed Erosion Control Line lies along Lido Key fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in Section 27, 34 and 35, Township 36 South, Range 17 East.

The Public Workshop will be held:

DATE AND TIME: October 21, 1999, 6:30 p.m.

PLACE: Radisson Lido Beach Resort, 700 Benjamin Franklin Drive, Sarasota, Florida 34236

Written objections to, or inquiries regarding the proposed Erosion Control Line should be submitted to: Bureau of Beaches and Coastal Systems, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 310, Tallahassee, Florida 32399-3000, prior to the date mentioned above. The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida reserves the right to deny establishment of the Erosion Control Line.

BY ORDER OF THE BOARD OF TRUSTEES OF THE  
INTERNAL IMPROVEMENT TRUST FUND OF THE  
STATE OF FLORIDA

JEB BUSH, GOVERNOR

Notice is hereby given that the Board of Trustees of the **Internal Improvement Trust Fund** of the State of Florida, or designee, is proposing the establishment of an Erosion Control Line, pursuant to Section 161.161, Florida Statutes, and will hold a Public Hearing:

DATE AND TIME: October 21, 1999, 7:00 p.m.

PLACE: Radisson Lido Beach Resort, 700 Benjamin Franklin Drive, Sarasota, FL 34236

PURPOSE: Considering evidence bearing on the necessity or propriety of an erosion control project known as Lido Key Beach Erosion Control Project and on the location of the proposed Erosion Control Line for said project, the location of which is as follows:

The proposed Erosion Control Line lies along Lido Key fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in Section 27, 34 and 35, Township 36 South, Range 17 East.

Written objections to, or inquiries regarding the proposed Erosion Control Line should be submitted to: Bureau of Beaches and Coastal Systems, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 310,

Tallahassee, Florida 32399-3000, prior to the date mentioned above. The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida reserves the right to deny establishment of the Erosion Control Line.

BY ORDER OF THE BOARD OF TRUSTEES OF THE  
INTERNAL IMPROVEMENT TRUST FUND OF THE  
STATE OF FLORIDA

JEB BUSH, GOVERNOR

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### WAGES BOARD

The State of Florida **WAGES Board** announces a Research Committee Conference meeting to which all persons are invited:

DATE AND TIME: Thursday, October 28, 1999, 10:00 a.m. – 1:00 p.m.

PLACE: Westside Conference Center, Room A, Louis de la Parte Florida Mental Health Institute, University of South Florida, 13301 Bruce B. Downs Blvd., Tampa, FL 33612, (Entrance on Fowler Avenue. Obtain parking pass \$2.00)

PURPOSE: The State of Florida WAGES Board Research Committee will receive a report on a qualitative study of the WAGES program and discuss research issues related to Welfare to Work.

A copy of the Research Committee agenda for the meeting will be available by Friday, October 22, 1999, by contacting Vee Patterson, (813)233-2258, or by writing: State WAGES Office, 102 West Whiting Street, Suite 502, Tampa, FL 33602.

Pursuant to Chapter 286.26, Florida Statutes, persons with disabilities wishing to attend this meeting should contact the State WAGES office in writing at least 48 hours prior to the meeting in order to request any special assistance.

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## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for a Declaratory Statement on September 7, 1999 from James E. Davidzik, Artist House Key West, Inc., 534 Eaton Street, Key West, Florida. This request presents the following issue: Whether the subject property is a three-story structure or a two-story structure with a mezzanine, pursuant to Section 504.2.3, Standard Building Code. The petition has been assigned the number DCA99-DEC-184.

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.

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### DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, has issued a response to a Petition to Initiate Rulemaking received from Douglas Jackson. Petitioner requested an amendment to Florida Administrative Code Chapter 33 that would require that all complaints lodged against staff by inmates be investigated by the Florida Department of Law Enforcement. The Department denied the petition, finding that it had no authority to enact a rule requiring another state agency to take action. Moreover, the Office of the Inspector General is charged statutorily with the responsibility to conduct both criminal and administrative investigations within the Department of Corrections.

A copy of the Order, Case No. DC 99-52, may be obtained by contacting: Gary L. Grant, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

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NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on September 16, 1999 from inmate Milton Garey. He seeks an amendment to Florida Administrative Code Rule 33-3.0055(10)(d)(4). Specifically, he requests that the qualification for inmate law clerks stating that they must "display good character without abusing the authority of the position, . . ." be amended to delete the phrase "authority of the position."

A copy of the petition may be obtained by contacting: Gary L. Grant, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

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NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on September 23, 1999 from inmate John Kennedy. He seeks an amendment to Florida Administrative Code Rule 33-3.0055 that would add the Florida Administrative Law Weekly to the title list for major collection law libraries.

A copy of the petition may be obtained by contacting: Gary L. Grant, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

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## Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

UNIVERSITY OF FLORIDA STATE LAND SALES  
#1 LAND SALE BID NUMBER: LS0037-H  
LOCATION OF PROPERTY: Intersection of US Highway 27  
and Interstate 4, Polk County, Florida  
SITE: +/- 136 contiguous acres with land improvements.  
MINIMUM ACCEPTABLE BID: \$4,070,000.00  
ZONING: C-3 (Regional Commercial).  
DATE AND TIME: December 7, 1999, 2:00 p.m., local time  
#2 LAND SALE BID NUMBER: LS0045-H  
LOCATION OF PROPERTY: Highway 90 East at New  
Prospect Road, east of Chipley, Florida, Washington County.  
SITE: +/- 15 acres with land improvements includes two-story  
house, shop and barn.  
MINIMUM ACCEPTABLE BID: \$150,000.00  
ZONING: Agriculture/Silviculture, allows low density  
residential.  
DATE AND TIME: December 7, 1999, 2:30 p.m., local time  
LOCATION OF BID OPENING: University of Florida,  
Central Purchasing Conference Room, Elmore Hall, Radio  
Road, Post Office Box 115250, Gainesville, Florida  
32611-5250.

Further information and legal description available upon request. Please contact: Emily Hamby, UF Purchasing Director, (352)392-1331.

**NOTICE TO PROFESSIONAL CONSULTANTS**

The University of Central Florida announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-445

Project and Location: Center for Public Safety, Forensic Science and Security, University of Central Florida, Orlando, Florida 32816-3020.

The project consists of the design and construction of a new facility that contains approximately 2,300 sq. ft. of classrooms, 4,780 sq. ft. of teaching labs, 24,965 sq. ft. of research labs, 1,200 sq. ft. study/library, 11,060 sq. ft. of office/computers, and 900 sq. ft. of support services.

The new building will provide "state of the art" technology for simulation and professional training. Also included will be forensic labs and storage of hazardous materials. In keeping with local structures, the use of tilt wall construction is preferred for speed and feasibility of construction.

This facility will be located near the current Navy Simulation facility in the Central Florida Research Park. The user groups are made up of a partnership between: The University's Center for Public Safety, National Center for Forensic Science and the U.S. Navy. The construction cost will be approximately \$7,612,260.

This facility will be in the planning phase in the year 1999.

The selected firm will provide design, construction documents, and construction administration for the referenced project.

**INSTRUCTIONS**

Firms desiring to apply for consideration must submit a letter of application.

The letter of application should have attached:

1. The most recent version of the Board of Regents "Professional Qualifications Supplement" dated 2/99, completed by the applicant. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section

287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Mr. Peter Newman, Director of Facilities Planning, University of Central Florida, Phone (407)823-2166, Fax (407)823-5141, Email: [pnewman@mail.ucf.edu](mailto:pnewman@mail.ucf.edu) Website: [www.fp.ucf.edu](http://www.fp.ucf.edu).

Submittals must be received in the Physical Plant Building, University of Central Florida, Office of Facilities Planning, 4000 Central Florida Boulevard, P. O. Box 163020, Orlando, FL 32816-3020, by 5:00 p.m. local time, on Thursday, November 19, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### NOTICE TO CONSTRUCTION MANAGERS

The University of Central Florida announces that construction management services will be required for the project listed below:

Project No.: BR-448, Project and Location: Biological Sciences Annex, University of Central Florida, Orlando, Florida

The construction of a new facility that contains approximately 30,100 sq. ft. for research labs, and 5,765 sq. ft. for offices.

The new building will provide "state of the art" research labs, and be constructed as an addition to the existing Biological Sciences Building.

The Biological Sciences Annex will be located on the University of Central Florida campus within the academic core, adjacent to the existing Biological Sciences Building. The construction cost will be approximately \$8,070,195.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, ensuring the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard State University System's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Office of Facilities Planning, University of Central Florida, phone number (407)823-2166, Fax number (407)823-5141, web page [www.fp.ucf.edu](http://www.fp.ucf.edu).

Four (4) bound copies of the required proposal data shall be submitted to: Pete Newman, Director, Office of Facilities Planning, University of Central Florida, 4000 Central Florida Blvd., Post office Box 163020, Orlando, Florida 32816-3020.

Submittals must be received by 5:00 p.m. local time, Wednesday, November 17, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### NOTICE TO PROFESSIONAL CONSULTANTS

The University of Central Florida announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-455

Project and Location: Honors College, University of Central Florida, Orlando, Florida 32816-3020

The project consists of the design and construction of a new Honors of College that contains approximately 7,078 sq. ft. of classrooms, which includes a lecture hall, 810 sq. ft. for Library/Study and 2,362 sq. ft. for Offices. One of the primary goals for this project is to develop a unique physical identity for the Honors College. The Honors College will be located on the University of Central Florida Campus within the academic core, adjacent to the Student Union. The construction cost will be approximately \$1,879,256.00. This facility will be in the planning phase in the year 1999.

The selected firm will provide design, construction documents and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$250,000, and will be provided as a part of Basic Services.

#### INSTRUCTIONS

Firms desiring to apply for consideration must submit a letter of application.

The letter of application should have attached:

The most recent version of the Board of Regents "Professional Qualification Supplement" dated 2/99, completed by the applicant. Applications on any other form will not be considered.

A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within a past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or

consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained by contacting: Mr. Peter Newman, Director of Facilities Planning, University of Central Florida, Phone (407)823-2166, Fax (407)823-5141, Email: [pnewman@mail.ucf.edu](mailto:pnewman@mail.ucf.edu) Website: [www.fp.ucf.edu](http://www.fp.ucf.edu).

Submittals must be received in the Physical Plant Building, University of Central Florida, Office of Facilities Planning, 4000 Central Florida Boulevard, Post Office Box 163020, Orlando, Florida 32816-3020, by 5:00 p.m. local time, on Monday, November 8, 1999. Facsimile (Fax) submittals are not acceptable and will not be considered.

#### REGIONAL TRANSPORTATION AUTHORITIES

##### REQUEST FOR PROPOSAL NO. 99-279 CONCESSIONS AT TRI-RAIL STATIONS

Tri-County Commuter Rail Authority (TCRA), an agency of the state of Florida, operates a seventy-one (71) mile commuter railroad with nineteen (19) stations in Miami-Dade, Broward and Palm Beach Counties.

THE PURPOSE of the Request for Proposal (RFP) is to enter into an Agreement with a qualified contractor to provide food and beverage services at three of Tri-Rail's stations: the MetroRail Transfer Station, the Ft. Lauderdale Station, and the West Palm Beach Station. The MetroRail Transfer Station currently has a stand-alone booth designed for the sale of food and beverages, self sufficient mobile units or kiosks are encouraged for the other two station locations.

A REQUEST FOR DOCUMENTS should be directed to: Robert M. Becker, TCRA, 800 N. W. 33 Street, Suite 100, Pompano Beach, Florida 33064, (954)788-7909. The cost of the solicitation document is \$25.00, non-refundable. Checks or money orders, made in favor of Tri-Rail, should be forwarded to Mr. Becker at the address above. Solicitation documents will be available on or about Tuesday, October 12, 1999.

A PRE-PROPOSAL CONFERENCE will be held in the TCRA Conference Room at the address above on October 19, 1999, 2:00 p.m. The purpose of the meeting will be for TCRA to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is recommended.

RECEIPT OF SEALED PROPOSALS: All proposals must be received in a sealed envelope no later than 5:00 p.m., Tuesday, November 9, 1999, TCRA office, Pompano Beach. All envelopes must clearly indicate PROPOSER'S NAME, RFP NUMBER & TITLE AND THE OPENING DATE.

Proposals shall be submitted with one (1) complete original document and five (5) exact copies.

TCRA reserves the right to postpone, to accept, or reject any and all proposals in whole or in part. All Proposers must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All proposals must remain in effect for one hundred eighty (180) days from the date of Proposal Opening.

**DBE PARTICIPATION:** The Disadvantaged Business Enterprise participation for this solicitation is twelve percent (12%).

## DEPARTMENT OF MANAGEMENT SERVICES

### PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT ROOFING SERVICES FOR CONTINUING AREA CONTRACTS AREA 2

The State of Florida, Department of Management Services, requests qualifications from construction management firms to provide roofing services in Area 2, counties of Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla and other counties as may be determined necessary by the owner. The Department of Management Services will enter into a contract with one construction management firm with responsibility for performance of construction contracts that will vary in size up to \$500,000, functioning as an independent contractor. 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.

Selection of finalists for interview will be made on the basis of construction manager qualifications including experience and ability, bondability, record-keeping/administrative ability, scheduling expertise, cost estimating and cost control ability, quality control capability, qualifications of involved management staff and ability to involve Minority Business Enterprises.

Applicant must be a licensed roofing contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application. The selection will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of Building Construction.

### 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 in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085.
3. Resumes of proposed staff and staff organizations.

4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.

5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.

6. References from prior clients received within the last five years.

**RESPONSE DUE DATE:** October 28, 1999, 5:00 p.m., local time.

Applications are to be sent: Mrs. Carole Nichols, Department of Management Services, Division of Building Construction, 4050 Esplanade Way, Building 4030, Suite 335Q, Tallahassee, Florida 32399-0950, Telephone (850)487-2824.

**DATE OF SHORTLIST:** November 2, 1999

**DATE OF INTERVIEWS:** November 9, 1999

Any changes to the above dates will be published on our website: <http://fcn.state.fl.us/dms/dbc/oppor1.html>

Any protest on the selection must be made within 72 hours of posting this notice. If no protest is received within 72 hours, contract award and negotiation will proceed with the selected firm. The selection results will be published in the "Florida Administrative Weekly."

### ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL AND MECHANICAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF MANAGEMENT SERVICES, DIVISION OF BUILDING CONSTRUCTION HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

**PROJECT NO:** MSFM-96034046 **SAMAS CODE:** 72-60-2-696001-72400000-00-083400-99

**PROJECT NAME AND LOCATION:** NEW CHILLERS AND MECHANICAL UPGRADES, PARK TRAMMELL BUILDING TAMPA, FL

**FOR:** STATE OF FLORIDA, DEPARTMENT OF MANAGEMENT SERVICES, FACILITIES MANAGEMENT

**PREQUALIFICATION:** Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Owner for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233, for information on prequalification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Chapter 60D-5.004.

A copy of the requirements is included in the Instruction to Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

**PUBLIC ENTITY CRIME INFORMATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

**PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND:** If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor And Material Payment Bond are not required.

Sealed bids will be received, publicly opened and read aloud on:

**DATE AND TIME:** October 28, 1999, Until 2:00 p.m., local time.

**PLACE:** 4508 Oak Fair Blvd., Suite 200, Tampa, FL 33610

**PROPOSAL:** Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

**ARCHITECT-ENGINEER:** EMTEC CORPORATION

Jon R. Peruki, P. E., 1000 N. Ashley Drive, Suite 500, Tampa, FL 33602, (813)228-8877

**CONTRACT AWARD:** The Bid Tabulation and Notice of Award Recommendation will be posted at 8:00 a.m. local time on November 4, 1999 at the location where the bids were opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

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## DEPARTMENT OF HEALTH

### INVITATION TO BID

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF HEALTH, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

**PROJECT NO.:** DOH 98467150 **SAMAS CODE:** 64-30-1-000314-64200000-00-084093-99

**PROJECT NAME AND LOCATION:** Okaloosa County Health Department-Crestview

**FOR:** State of Florida, Department of Health

**PRE-QUALIFICATION:** Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit pre-qualification data of their eligibility. Submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233, for information on pre-qualification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004. A copy of rule requirements is included in the Instruction To Bidders under Article B-2 "Bidders Qualification Requirements and Procedures".

**PUBLIC ENTITY CRIME INFORMATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

**PROJECT DESCRIPTION:** This project consists of interior construction and remodeling with supporting mechanical, electrical, and plumbing systems and the new construction of a detached storage building with related sitework at the existing clinic, located at 810 E. James Lee Blvd., in Crestview, Florida. The interior remodeling work includes the buildout of existing shelled out spaces within the existing facility for new offices, storage rooms, conference rooms and other administrative office type spaces. The work includes new partition walls, doors, casework, finishes (floor, walls, ceilings) and other minor modifications to existing construction to accommodate the new work. The work includes the modification to and/or extension of the existing electrical (lighting, power, communications/data, security, detection/alarm), HVAC, plumbing, fire protection systems. The HVAC work includes the extension of existing ductwork, new roof top package units, and other new work to support the new spaces. Alternates will include a new storage building of wood framed bearing wall with brick finish and a wood truss roof system; sidewalks, stairs and handrails, shelving units, HVAC wall unit, electrical power and lighting and related site demolition and new work. Other alternates will include a new concrete patio slab and exterior walkway cover. This alternate will include demolition, excavation, repair of demolition,

concrete footings. Interior partitions are primarily steel stud and gypsum wall board with various interior finishes. The remodeling area is approximately 6,021 gross square feet.

**PERFORMANCE BOND AND LABOR MATERIAL PAYMENT BOND:** If the construction contract award amount is more than \$100,000.00, a Performance and a Labor and Material Payment Bond SHALL be required.

Sealed bids will be received, publicly opened and read aloud on:

**DATE AND TIME:** Tuesday, November 9, 1999, 2:00 p.m., local time.

**PLACE:** Okaloosa County Health Department, Conference Room, 810 E. James Lee Blvd., Crestview, FL 32063, Telephone (850)689-7859

**PROPOSAL:** Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Addenda, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the following:

**ARCHITECT-ENGINEER:** Graves and Carlos Architects, Engineers, 121 E. Government Street, Pensacola, Florida 32501, Attention: Mike Keating Telephone (850)432-1913 Facsimile (850)432-0603

**MANDATORY PRE-BID MEETING:** Contractors are advised that the Architect will conduct a Mandatory Pre-Bid meeting October 21, 1999, 2:00 p.m., local time at the Okaloosa County Health Department, Conference Room, Crestview, Florida, during which time the contractors may request clarification of Bid Document information.

**CONTRACT AWARD:** The Bid Tabulation and Notice of Award Recommendation will be posted at 4:00 p.m., local time, on November 12, 1999, where the bids were opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

### INVITATION TO BID

Proposals are requested from qualified roofing contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

**PROJECT NUMBER:** DCF 98201040

**PROJECT:** REROOFING OF BUILDING 68, G. PIERCE WOOD MEMORIAL HOSPITAL, ARCADIA, FLORIDA

**PREQUALIFICATION:** The Owner accepts bids from those firms which are prequalified with the Department of Management Services, Division of Building Construction. After bid opening, the low bidder must qualify in accordance with Rule 60D-5.004.

A copy of the rule requirements is included in the Instructions to Bidders under Article B-2 "Bidder Qualification Requirements and Procedures."

**PERFORMANCE BOND AND LABOR AND MATERIAL BOND:** A Performance Bond and Labor and Material Payment Bond are required.

**PRE-BID MEETING:** A mandatory pre-bid meeting will be held at the site on October 7, 1999, 9:00 a.m. to review the documents with the architect. Only those prospective bidders in attendance at this meeting will be allowed to bid.

**BID DATE AND TIME:** Sealed bids will be received on October 21, 1999 until 2:00 p.m., local time, at the site at which time they will be publicly opened and read aloud.

**PROPOSAL:** Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained from the Architect/Engineer:

GORA/MCGAHEY ASSOCIATES IN ARCHITECTURE

43 BARKLEY CIRCLE, SUITE 202

FT. MYERS, FLORIDA 33907

ATTENTION: KEN BUSCHLE

TELEPHONE: (941)275-0225

**CONTRACT AWARD:** The bid tabulation and Notice of Award Recommendation will be posted, 2:00 p.m., local time, on October 22, 1999, at the site. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, Notice and Protest Procedures: the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

### INVITATION TO BID

Sealed bids are being received from qualified contractors, by the State of Florida, Department of Children and Family Services, for the following project:

**PROJECT NUMBER:** DCF-94201320

**PROJECT NAME:** Fire Sprinklers, Bldgs., 58, 62, and 68, G. Pierce Wood Memorial Hospital (Arcadia)

**BID DATE AND TIME:** November 9, 1999 until 1:00 p.m., Eastern Standard Time



**PLACE OF BID OPENING:** Maintenance Department Conference Room, Building 33, G. Pierce Wood Memorial Hospital, 5847 S. E. Highway 31, Arcadia, FL 33821-9627, Telephone (941)494-8319.

**BID REQUIREMENTS:** Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be obtained from: Colwill Griner, Inc., 1628 1st Avenue, North, St. Petersburg, FL 33713, Telephone (727)822-2335, Fax (727)821-3361.

**PREQUALIFICATIONS:** Bids which are tendered without accompanying prequalification documentation will be disqualified without further consideration. In order to be prequalified to submit a valid bid, a potential bidder must submit the following evidence of bidder eligibility with any tender of bid:

- 1) Certification of the bidder or of an individual in the employ of the bidder by the state fire marshal, in accordance with Chapter 633, Florida Statutes, as a Contractor I or Contractor II.
- 2) Certification of the proposed fire alarm installer subcontractor, in accordance with Chapter 489, Florida Statutes, as a Fire Alarm I Contractor (Type EF) or unlimited Electrical Contractor (Type EC).
- 3) (If the potential bidder is a corporation) Current corporate charter registration (domestic corporation) or authority to transact business within the State of Florida (foreign corporation).

**MANDATORY PRE-BID MEETING:** In order to qualify, each potential bidder must attend the pre-bid meeting which will be held at the jobsite on Wednesday, October 20th, 11:00 a.m. Eastern Daylight Time.

**PERFORMANCE BOND AND LABOR AND MATERIAL BOND:** On any construction contract for which the award amount is greater than \$100,000, a Performance Bond and a Labor And Material Payment Bond is required.

**CONTRACT AWARD:** The Bid Tabulation and Notice of Award Recommendation will be posted, 4:00 p.m. on November 12, 1999 at the location where the bids are opened. In the event that the Bid Tabulation and Notice of Award cannot be posted in the above manner, then all bidders will be notified by certified U.S. mail, return receipt requested. Should the award recommendation be accepted by the Department, a contract will be awarded by the DCF Office of General Services. The Department of Children and Family Services reserves the right to reject any and all bids in the best interest of the State of Florida.

**MINORITY PARTICIPATION:** In accordance with Florida Statutes, the Department of Children and Family Services is encouraged to spend 21 percent (21%) of the monies actually expended for construction contractors with certified minority business enterprises. The Department of Children and Family Services encourages minority businesses to participate in the bidding process including any bidders conferences, pre-solicitation or pre bid meetings which are scheduled. Department of Children and Family Services further encourages contractors to utilize certified minority enterprises as subcontractors or subvendors whenever possible. Certified vendors are those firms certified by the State of Florida Commission on Minority Economic and Business Development, 2012 Capital Circle, S. E., Suite 100, Hartman Building, Tallahassee, Florida 32399-2152, (850)487-4698.

## DEPARTMENT OF MILITARY AFFAIRS

### PUBLIC ANNOUNCEMENT OF A/E SELECTION RESULTS

The Department of Military Affairs announces that on the date listed below, authority was issued to negotiate and enter into a contract for professional services in accordance with the Consultants Competitive Negotiation Act. On September 9, 1999, MRI Architectural Group, Inc. was selected by the Department of Military Affairs to provide design and construction services for the Melbourne Armory Renovation and Rehabilitation, Project Number 990142.

Interested parties may contact: Major William Harding, Supervisor Civil Engineer, Department of Military Affairs, (904)823-0280.

## Section XII Miscellaneous

### DEPARTMENT OF BANKING AND FINANCE

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant

to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., October 29, 1999):

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: Florida Hospital Credit Union, 601 East Rollins Street, Orlando, Florida 32808  
Expansion Includes: Employees of a Florida Hospital sub-contractor that manages a hospital department.

Received: September 27, 1999

Correspondent and Telephone Number: Rex Alleyne, (407)897-1527

Name and Address of Applicant: PowerNet Credit Union, 5621 Harney Road, Tampa, Florida 33610

Expansion Includes: International Association of Heat and Frost Insulators and Asbestos Workers Local 67.

Received: September 27, 1999

Correspondent and Telephone Number: Tim McMurry, President and Chief Executive Officer, (813)621-6454

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**CERTIFICATE OF NEED**

**NOTICE OF WITHDRAWAL**

The Agency For Health Care Administration hereby notices withdrawal from review the following Certificate of Need applications:

County: Collier Service District: 8

CON #: 9207 Decision Date: 7/8/99 Decision: W

Facility/Project: Heritage Healthcare and Rehab. Center

Applicant: Beverly En-FL d/b/a Bev. Gulf Cst-FL

Project Description: Add 7 community nursing home beds

County: Dixie Service District: 3

CON #: 9214 Decision Date: 9/19/99 Decision: W

Facility/Project: Cross City Rehabilitation and Health Care Center

Applicant: Dixie HealthCare Investors, L.P.

Project Description: Transfer 30 beds via division of CON #8281/9213

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

AHCA Purchase Order Number PO122218909.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

On September 3, 1999, Cynthia Henderson, Secretary of the Department of Business and Professional Regulation, issued an Order of Emergency Suspension of Licensure with regard to the real estate licenses of Bobby Ray Anderson, real estate broker, license No. BK 0001509 and Professional Management Realty, Inc., real estate corporation, license no. CQ 0237011. Mr. Anderson's and Professional Management Realty, Inc.'s last known address is 5301 Memorial Hwy., Tampa, Florida 33634. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to

Sections 455.225(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### **DEPARTMENT OF PROFESSIONAL REGULATION**

##### **NOTICE OF APPLICATION PERIOD FOR PREAPPROVED ADVANCED CLEANUP PROGRAM**

The Department of Environmental Protection announces, in accordance with Section 376.30713, F.S., that it will accept preapproved advanced cleanup applications submitted between November 1, 1999, and on or before 5:00 p.m. on January 3, 2000, at the Department's Contracts Office, 3800 Commonwealth Boulevard, Room 235, MS 93, Tallahassee, Florida, 32399-3000. The Department anticipates that approximately \$7,500,000 will be available to fund preapproved advanced cleanup contracts for this application period. Public opening of timely submitted applications shall be on January 7, 2000, beginning at 9:30 a.m. at the Department of Environmental Protection, 2600 Blair Stone Road, Room 433, Tallahassee, Florida. The required application form and instructions for the Preapproved Advanced Cleanup Program may be obtained by contacting Gwenn Godfrey, Contracts Administrator, Department of

Environmental Protection, 3800 Commonwealth Boulevard, MS 93, Room 235, Tallahassee, Florida 32399-3000, Telephone (850)922-5942.

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#### **JOINT LEGISLATIVE AUDITING COMMITTEE**

##### **POSITION OF AUDITOR**

The Joint Legislative Auditing Committee of the Florida Legislature is seeking candidates for the position of Auditor General. The successful candidate will be appointed by a majority vote of the Committee and confirmed by both houses of the Legislature. The person appointed to the position must have been certified under the Public Accountancy Law in Florida for a period of at least ten years and shall have at least ten years' experience in a governmental agency or ten years' experience in the private sector or a combination of ten years' experience in government and the private sector. The person appointed will be responsible for a budget in excess of \$38,000,000 and a staff of 454 persons. Salary will be commensurate with the responsibilities. The application deadline is 3:00 p.m., October 12, 1999. Interested persons should request an application packet from: Joint Legislative Auditing Committee, Attention: Terry Shoffstall, Staff Director, Room 876, Claude Pepper Building, 111 West Madison Street, Tallahassee, Florida 32399-1400, Phone (850)487-4110, Suncom 277-4110.

The application packet is also available on the Internet in PDF format at the following websites:  
[www.leg.state.fl.us](http://www.leg.state.fl.us) and [www.state.fl.us/audgen](http://www.state.fl.us/audgen)

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### Section XIII

#### Index to Rules Filed During Preceding Week

##### RULES FILED BETWEEN September 21, 1999 and September 27, 1999

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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##### DEPARTMENT OF EDUCATION

6-1.0996	9/21/99	10/11/99	25/27	25/34
6-7.042	9/21/99	10/11/99	25/27	25/34

##### Florida A and M University

6C3-10.211	9/24/99	10/14/99	Newspaper	
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##### DEPARTMENT OF COMMUNITY AFFAIRS

##### Division of Resource Planning and Management

9J-24.004	9/24/99	10/14/99	25/32	
9J-24.005	9/24/99	10/14/99	25/32	
9J-24.006	9/24/99	10/14/99	25/32	
9J-24.008	9/24/99	10/14/99	25/32	
9J-40.001	9/24/99	10/14/99	25/32	
9J-40.002	9/24/99	10/14/99	25/32	
9J-40.003	9/24/99	10/14/99	25/32	

##### DEPARTMENT OF ELDER AFFAIRS

##### Administration of Federal Aging Programs

58A-5.0131	9/27/99	10/17/99	25/12	25/35
58A-5.014	9/27/99	10/17/99	25/12	25/35
58A-5.015	9/27/99	10/17/99	25/12	25/35
58A-5.016	9/27/99	10/17/99	25/12	25/35
58A-5.0161	9/27/99	10/17/99	25/12	
58A-5.0181	9/27/99	10/17/99	25/12	25/35
58A-5.0182	9/27/99	10/17/99	25/12	
58A-5.0184	9/27/99	10/17/99	25/12	
58A-5.0185	9/27/99	10/17/99	25/12	25/35

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
58A-5.019	9/27/99	10/17/99	25/12	25/35
58A-5.0191	9/27/99	10/17/99	25/12	25/35
58A-5.020	9/27/99	10/17/99	25/12	25/35
58A-5.021	9/27/99	10/17/99	25/12	25/35
58A-5.022	9/27/99	10/17/99	25/12	
58A-5.0221	9/27/99	10/17/99	25/12	
58A-5.0223	9/27/99	10/17/99	25/12	
58A-5.023	9/27/99	10/17/99	25/12	25/35
58A-5.024	9/27/99	10/17/99	25/12	25/35
58A-5.025	9/27/99	10/17/99	25/12	
58A-5.026	9/27/99	10/17/99	25/12	25/35
58A-5.030	9/27/99	10/17/99	25/12	25/35
58A-5.031	9/27/99	10/17/99	25/12	
58A-5.033	9/27/99	10/17/99	25/12	25/35

##### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Medicaid Program Office

59G-6.010	9/27/99	10/17/99	25/16	25/35
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##### DEPARTMENT OF HEALTH

##### Board of Massage

64B7-27.002	9/22/99	10/12/99	25/18	25/33
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##### Board of Medicine

64B8-4.011	9/22/99	10/12/99	25/30	
64B8-4.020	9/22/99	10/12/99	25/30	
64B8-4.021	9/22/99	10/12/99	25/30	

##### Board of Osteopathic Medicine

64B15-14.0015	9/22/99	10/12/99	25/32	
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##### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

##### Economic Self Sufficiency Program

65A-4.213	9/24/99	10/14/99	25/3	25/15
65A-4.216	9/21/99	10/11/99	25/6	