

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:

Sales and Use Tax on Services;

Sale for Resale	12A-1.0161
Exemption Certificates	12A-1.038
Sales for Resale	12A-1.039
Public Use Forms	12A-1.097

PURPOSE AND EFFECT: The proposed amendments to Rules 12A-1.0161, 12A-1.038, 12A-1.039 and 12A-1.097, Florida Administrative Code, implement sections 18, 19, 20, 21, 22, 23 and 24, Chapter 99-208, L.O.F., which change the way the Department of Revenue, sellers, and purchasers handle exempt sale for resale transactions.

A.) Proposed Rule 12A-1.0161, FAC., which deals with sales of taxable services, is amended. Subsection (4), which deals with the sale of services to exempt organizations, is deleted, since the provisions related to sales to exempt organizations will be adequately covered by proposed Rule 12A-1.038, FAC., as discussed below. Subsection (5), which deals with the resale of services, is amended to remove the suggested format for a resale certificate, and instead refers to Rule 12A-1.039, FAC., which will cover documenting sales for resale.

B.) Proposed Rule 12A-1.038, FAC., provides guidance regarding the use of exemption certificates for exempt transactions (other than sales for resale.) These transactions include: 1.) purchases or rentals of property or services by holders of a Consumer's Certificate of Exemption, and 2.) purchases or rentals of property or services that are specifically exempt from sales tax under a specific provision in Chapter 212, F.S. A suggested format for exemption certificates has been created in the rule.

C) Proposed Rule 12A-1.039, FAC., provides specific guidance as to exactly how the new sale for resale provisions in Chapter 99-208, L.O.F., will be implemented. Based on the law requiring the Department to issue an official "Annual Resale Certificate," there will no longer be a suggested "resale certificate" provided in the Rule. Additionally, the rule provides for three methods for a selling dealer to document an exempt sale for resale: 1.) Obtain a copy of the purchaser's Annual Resale Certificate; 2.) Obtain a transaction resale authorization number provided by the Department telephonically; or 3.) Obtain a vendor resale authorization number provided by the Department electronically. The rule also provides additional guidance regarding policies and procedures with respect to sales for resale. It is a substantial rewording of the Rule, and thus there are no strikethroughs of the current rule language.

RULE NOS.:

D) Proposed Rule 12A-1.097, FAC., incorporates the new Annual Resale Certificate (Form DR-13) into Chapter 12A-1, FAC.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to discuss the proposed changes to the Department's rules regarding claiming exemptions from sales tax.

SPECIFIC AUTHORITY: 212.07(1)(b), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 95.091(3), 120.57(1),(2), 120.60(3), 120.80(14), 212.02(14), 212.05(1)(b),(j), 212.054, 212.055, 212.0596(7), 212.06(1)(a),(2)(k), 212.07(1),(8), 212.08, 212.084, 212.085, 212.13(4),(5)(c), 212.17(6), 212.18(2),(3), 212.21(2),(3), 213.053(7)(b),(10) FS., Sections 21, 22, 23, 24, Chapter 99-208, Laws of Florida.

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

TIME AND DATE: 10:00 a.m., January 13, 2000

PLACE: Auditorium, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained by contacting the person listed below.

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 RULE DEVELOPMENT WORKSHOP IS: Ralph Pepe, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4802

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.0161 Sales and Use Tax on Services; Sale for Resale.

(1) through (3) No change.

~~(4)(a) Sales of services made directly to the United States Government, a state, any county, municipality, or political subdivision of a state, or any qualifying nonprofit religious, nonprofit charitable, nonprofit educational, nonprofit veterans', or nonprofit scientific organization or institution, are exempt from tax.~~

~~(b) Also exempt are sales made to nonprofit corporations who hold a current federal exemption under section 501(c)(3) of the Internal Revenue Code, if the corporation's primary purpose is:~~

~~1. to raise funds for military museums;~~

~~2. to operate homes for the aged pursuant to s. 196.1975(2), Florida Statutes;~~

~~3. to operate nursing homes licensed under Chapter 400, Florida Statutes;~~

~~4. to provide special educational, cultural, recreational, and social benefits to minors; or~~

~~5. to operate a facility which has been designated as a State Theater Program facility by s. 265.287, Florida Statutes.~~

~~(c) Sales made to these governmental entities, nonprofit organizations, institutions, or corporations will be considered exempt only if the governmental entity, nonprofit organization, institution, or corporation holds a consumer's certificate of exemption and presents it to the service provider at the time of sale, except that such sales made to the United State Government are exempt with or without a consumer's certificate of exemption.~~

~~(d) The following is a suggested format for an exemption certificate to be used when making sales of services to governmental units or other exempt entities.~~

~~This is to certify that the service(s) purchased on or after _____ (date) from _____ (name) pursuant to _____ (contract number or other form of agreement) is purchased by a governmental entity, nonprofit organization, institution, or corporation which holds a consumer's certificate of exemption.~~

~~Purchaser _____
Address _____
By _____
_____ (Signature)~~

~~Date _____
Consumer's Certificate of Exemption No. _____~~

~~Effective Date of Certificate _____
Expiration Date of Certificate _____~~

~~(4)(5)(a) A sale of a service is a sale for resale and is exempt from sales tax when the service is later sold under the following conditions:~~

~~(a)1. The service provides a direct and identifiable benefit to a single client or customer of the purchaser; and~~

~~(b)2. The purchaser of the service buys the service pursuant to a written contract (or other evidence sufficient for audit purposes) with the seller which specifically designates the client or customer on whose behalf the purchaser is buying the service; and~~

~~(c)3. The purchaser of the service separately states the value of the service in the charge for the service when it is subsequently sold to the purchaser's client or customer; and~~

~~4. The selling dealer obtains a resale certificate from a purchasing dealer who is primarily engaged in the business of selling taxable services. In order to purchase a service tax exempt as a sale for resale, the purchaser's sales tax number must end in digits 92 or 93.~~

~~(d)5. The selling dealer complies with the provisions of Rule 12A-1.039, F.A.C., with regard to documenting sales for resale. When a sale of a service is made to a person who claims to be entitled to purchase services for resale, the seller of the service being a duly registered dealer pursuant to Chapter 212, F.S., shall obtain from the purchaser of the service a resale certificate. The resale certificate, executed by the purchaser of the service, shall contain a statement to the effect that the service is being purchased exclusively for resale and the statement shall include the following information:~~

- ~~a. The name of the person selling the service;~~
- ~~b. The purchaser's Certificate of Registration Number;~~
- ~~c. The effective date of the purchaser's Certificate of Registration;~~
- ~~d. The purchaser's name and address;~~
- ~~e. The signature of the person executing the statement; and~~
- ~~f. The date of execution of the statement.~~

~~(b) The following is a suggested service resale certificate to be completed by the purchaser and presented to the seller on each purchase of a service for resale:~~

~~This is to certify that the service(s) purchased on _____ (date) from _____ (name) pursuant to _____ (contract number or other form of agreement) is purchased for resale.~~

~~Purchaser _____
Address _____
By _____
_____ (Signature)
Date _____
Certificate of Registration No. _____
Effective Date of Certificate _____~~

~~(c) Any dealer who makes a sale for resale of a service which is not in compliance with the provisions of this subsection shall himself be liable for and pay the tax.~~

~~(d) Any person who fraudulently issues to any dealer or agent of the State a certificate or statement in writing for the purpose of evading payment of sales tax is liable for payment of the sales tax, a mandatory penalty of 200% of the tax, and a fine and punishment as provided by law for conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.~~

~~(6) through (13) renumbered (5) through (12) No change.~~

~~Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b),(j)(k), 212.054, 212.055, 212.0596(7), 212.06(1)(a),(2)(k), 212.07(1)(b),(8)(9), 212.08(7)(v) FS. History--New 5-13-93, Amended 1-4-94, 10-17-94, 3-20-96.~~

12A-1.038 Resale and Exemption Certificates; Suggested Formats.

(1) It is the specific legislative intent that each and every sale, admission, use, storage, consumption, or rental is taxable under Chapter 212, F.S., unless such sale, admission, use, storage, consumption, or rental is specifically exempt. The

exempt nature status of the transaction must be established by the dealer at the time of the sale, admission, use, storage, consumption, or rental. Unless the dealer shall have taken from the purchaser an exemption a certificate signed by the purchaser dealer or the purchaser's dealer's authorized representative to the effect that the property or service was purchased for resale and bearing the date, the name and address of the purchaser, the effective date of the certificate and the number of the dealer's certificate of registration, or a certificate signed by an authorized representative of the organization bearing the number of the organization's consumer's exemption certificate, the effective date of the certificate, and the expiration date of the certificate, the sale shall be deemed to be a taxable sale at retail, except sales of alcoholic beverages by distributors, licensed by the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, to others who are also licensed by the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation. Subsection (3) of this rule governs sales made to exempt entities (other than governmental units) that hold a Consumer's Certificate of Exemption. Subsection (4) of this rule governs sales made to governmental units that hold a Consumer's Certificate of Exemption. Subsection (5) of this rule provides general rules regarding the use of exemption certificates by any entity or governmental unit that holds a Consumer's Certificate of Exemption. Subsection (6) of this rule governs exempt sales made to persons other than exempt entities or governmental units (exemptions on account of use).

(2) The effective date of such resale certificate shall be the postmark date of the Application for Registration, if mailed by the taxpayer, or the date the DR 1, Application for Registration, is received by the Department, if delivered by the taxpayer. Any purchases made prior to the effective date of the certificate are subject to tax.

(3)(a) ~~A resale certificate is required from every purchaser who purchases tangible personal property or service for resale, subject to the provisions of subsection (1) of this rule. Otherwise, the dealer will be required to collect and remit the tax to the Department of Revenue.~~

(b) ~~The provisions for purchasing services listed in Rule 12A 1.0161, F.A.C., for resale or by an exempt entity are stated in Rule 12A 1.0161(4) and (5), F.A.C.~~

(c) ~~Purchases for resale outside the State of Florida by unregistered, out of state dealers are governed by Rule 12A 1.064(2)(b), F.A.C. Caution: See Rule 12A 1.093, F.A.C.~~

(4) ~~A dealer shall refuse to accept a resale certificate, except as provided in Rule 12A 1.064(2)(b), F.A.C., and shall collect the tax unless the purchaser has obtained a dealer's certificate of registration from the Department of Revenue and the number of his dealer's certificate of registration is stated on the resale certificate.~~

~~(5)(a) Any resale certificate containing the statement to the effect that a purchase is for resale which contains the date, purchaser's name, address, dealer's certificate of registration number, effective date of the certificate, and the dealer's or authorized representative's signature shall be sufficient compliance with the law only to the extent provided by this rule. Such certificate shall show that the property or service was purchased for resale or for incorporation as a material part of other tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining, or for some other purpose which is exempt under the law. Resale certificates may be given only by a purchaser who has obtained a dealer's certificate of registration from the Department of Revenue.~~

~~(b) Any exemption certificate issued by an organization holding a consumer's certificate of exemption which contains the date, the exempt entity's name, address, consumer's certificate of exemption number, the effective date of the certificate, the expiration date of the certificate, a statement that the property or service is purchased for use by the organization, and signed by an authorized representative shall be sufficient compliance with the law only to the extent provided by this rule.~~

~~(6) In cases where all of the purchases made by a person from a particular dealer are for resale or are to be incorporated as a material or part of other tangible personal property to be produced for sale by manufacturing, assembling, processing or refining, the dealer is authorized to take a blanket certificate of resale from the purchaser stating that all of the purchases made by such person for a definite period will be purchased from the dealer for either of the above mentioned purposes, provided each subsequent order contains the certificate of registration number of the purchaser.~~

(2)(7) HOW TO OBTAIN A FLORIDA CONSUMER'S CERTIFICATE OF EXEMPTION.

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

3. The charitable organization receiving a temporary certificate must qualify for a permanent certificate before its temporary certificate expires. If the Department determines that the organization will not qualify as a charitable institution under the provisions of s. 212.08(7)(o)2.b., F.S., and Rule 12A-1.001(3)(g), F.A.C., for a regular certificate, the temporary certificate must be canceled and the taxes and interest on all purchases for which the temporary exemption certificate was used are due within 30 days after the cancellation. ~~Interest shall accrue on the tax due at the rate of 1 percent per month (prorated daily) of the amount due from the date of purchase until the date on which the tax is paid. The decimal equivalent of the daily interest rate (.00328767) shall be applied to any delinquent period which is less than a month.~~

4. No change.

(c) through (f) No change.

(3) SALES MADE TO EXEMPT ENTITIES OTHER THAN GOVERNMENTAL UNITS.

(a) An entity that holds a current Consumer's Certificate of Exemption (Form DR-14) issued by the Florida Department of Revenue may make purchases and rentals for use in its customary activities exempt from sales and use tax. This subsection does not apply to purchases or rentals that are for resale. If an entity that holds a Consumer's Certificate of Exemption desires to make purchases or rentals for resale, the entity must comply with the provisions of Rule 12A-1.039, F.A.C.

(b) The exempt entity must issue an exemption certificate to the selling dealer in order to make exempt purchases or rentals (other than for resale) in this State. The exemption certificate must contain the exempt entity's name, address, and Consumer's Certificate of Exemption Number, as well as the effective date and expiration date of the Consumer's Certificate of Exemption, and the signature of an authorized representative of the exempt entity. A suggested format for an exemption certificate is provided in paragraph (f) of this subsection. A dealer selling or leasing taxable property or services to an entity holding a Consumer's Certificate of Exemption must retain the properly executed exemption certificate in order to document the exempt nature of the transaction, as provided in subsection (7) of this rule .

(c) Exempt purchases made under this subsection must be made with the purchasing entity's funds and may not be made with personal funds of the purchasing entity's authorized representative. When the payment for taxable property or services is made with an authorized representative's personal funds, the purchase is subject to tax, even if the representative is subsequently reimbursed with the entity's funds.

(d) Selling dealers may contact the Department at 1-800-352-3671 to verify the purchasing entity's stated Consumer's Certificate of Exemption number. Persons with hearing or speech impairments may call the Department's TDD, at 1-800-367-8331.

(e) An exemption certificate granted by any other state, District of Columbia, or territory of the United States to the selling dealer is not sufficient to make tax exempt purchases or rentals in Florida. The fact that an entity holds a s. 501(c)(3), I.R.C., exemption from federal income tax is not sufficient to make tax exempt purchases or rentals in Florida.

(f) The following is a suggested format of an exemption certificate to be issued by an entity (other than a governmental unit) that holds a Consumer's Certificate of Exemption:

This is to certify that the real property leased, licensed, or rented, transient rental property rented, tangible personal property purchased, leased, licensed, or rented, services purchased, or admissions purchased after _____ (date) from _____ (Selling Dealer's Business Name) are being

purchased, leased, licensed, or rented for use by an exempt entity that holds a Consumer's Certificate of Exemption in the customary activities of such entity.

I understand that if I will be reimbursed by the entity I represent, I must pay tax to the selling dealer on my purchases or leases of taxable property or services.

I understand that it is a criminal offense to fraudulently issue this certificate to evade the payment of sales tax. I understand that I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

Consumer's Certificates of Exemption may be verified by calling the Department of Revenue's touch tone telephone authorization system at 1-877-357-3725. Persons with hearing-or speech-impairments may call the Department's TDD, at 1-800-367-8331.

Exempt Entity's Name _____
Name and Title of Authorized Representative _____
Exempt Entity's Address _____
Consumer's Certificate of Exemption No. _____
Effective Date of Consumer's Certificate _____

of Exemption _____
Expiration Date of Consumer's Certificate _____

of Exemption _____
By _____
(Signature of Purchaser's Authorized Representative)
Title _____
(Title of authorized representative of an exempt entity)
Date _____

(4) SALES MADE DIRECTLY TO GOVERNMENTAL UNITS.

(a) Any state, or any county, municipality, or political subdivision of a state that holds a current Consumer's Certificate of Exemption (Form DR-14) issued the by the Florida Department of Revenue may make purchases and rentals exempt from sales and use tax. The United States Government is not required to hold a Consumer's Certificate of Exemption to make purchases and rentals exempt from sales and use tax. This subsection does not apply to purchases or rentals that are for resale. If a governmental unit that holds a Consumer's Certificate of Exemption desires to make purchases or rentals for resale, the governmental unit must comply with the provisions of Rule 12A-1.039, F.A.C.

(b) All governmental units and their authorized representatives must issue proper documentation to the selling dealer in order to make exempt purchases or rentals in this State. The documentation must contain the governmental unit's name, address, and Consumer's Certificate of Exemption Number, as well as the effective date and expiration date of the Consumer's Certificate of Exemption, and the signature of an authorized representative of the governmental unit. A suggested format for the documentation is provided in Rule

12A-1.001(9)(d), F.A.C. A dealer making sales to a governmental unit or its authorized representative must retain the properly executed documentation in order to document the exempt nature of the transaction, as provided in subsection (7) of this rule. However, an employee of a state agency making a purchase with an authorized Purchasing Card ("P-Card") is not required to provide the documentation described in this paragraph to the selling dealer.

(c)1. Payment for tax exempt purchases or rentals of property or services must be made directly to the selling dealer by the governmental unit of a state, or any county, municipality, or political subdivision of a state. Payments made with an authorized P-Card are considered to be made directly by the governmental unit. When the payment for taxable property or services is made with the personal funds of an authorized representative of the governmental unit, the purchase is subject to tax, even if the representative is subsequently reimbursed with the governmental unit's funds.

2. Notwithstanding subparagraph 1., purchases made by Federal employees on behalf of their agency are exempt as long as the employee is subsequently reimbursed by the agency.

(d) Selling dealers may contact the Department at 1-800-352-3671 to verify the governmental unit's stated Consumer's Certificate of Exemption number. Persons with hearing-or speech-impairments may call the Department's TDD, at 1-800-367-8331.

(5) USE OF EXEMPTION CERTIFICATES BY ENTITIES THAT HOLD A CONSUMER'S CERTIFICATE OF EXEMPTION (EXEMPT ENTITIES OR GOVERNMENTAL UNITS).

(a) The effective date of an exemption certificate issued by any entity holding a current Consumer's Certificate of Exemption (Form DR-14) shall be the effective date of the Consumer's Certificate of Exemption. This date is found in the block labeled "Issue Date" on Form DR-14. Taxable property or services purchased by an exempt entity prior to the effective date of the entity's Consumer's Certificate of Exemption are subject to tax.

(b) The expiration date of an exemption certificate issued by any entity holding a current Consumer's Certificate of Exemption (Form DR-14) shall be the expiration date of the Consumer's Certificate of Exemption. This date is found in the block labeled "Expiration Date" on Form DR-14. Sales of taxable property or services made on or after the expiration date of a Consumer's Certificate of Exemption (Form DR-14) to the entity are subject to tax. A selling dealer must obtain a new exemption certificate when an exempt entity or governmental unit's Consumer's Certificate of Exemption expires.

(c) An entity whose Consumer's Certificate of Exemption (Form DR-14) has been revoked by the Department is prohibited from purchasing taxable property or services exempt from tax.

(6) SALES MADE TO PERSONS OTHER THAN EXEMPT ENTITIES OR GOVERNMENTAL UNITS; EXEMPTIONS ON ACCOUNT OF USE.

(a) The provisions of this subsection apply only to persons (other than the United States Government) who do not hold a Consumer's Certificate of Exemption.

(b) A person who qualifies for a specific exemption from sales and use tax under Chapter 212, F.S., on tangible personal property or services that are purchased or rented for a particular exempt purpose must issue an exemption certificate to the selling dealer in order for the sale to be exempt from tax. The dealer selling or renting property or services exempt from sales and use tax under a specific exemption provided in Chapter 212, F.S., must retain the properly executed exemption certificate in order to document the exempt nature of the transaction, as provided in subsection (7) of this rule. This subsection does not apply to purchases or rentals that are for resale. A person who desires to make purchases or rentals for resale must comply with the provisions of Rule 12A-1.039, F.A.C.

(c) The exemption certificate must contain the purchaser's name, address, and the signature of an authorized representative of the purchaser. A suggested format for an exemption certificate is provided in paragraph (f) of this subsection. Specific exemptions that do not apply to a particular purchaser should be eliminated from the suggested format of the exemption certificate. Suggested formats for exemption certificates are also found elsewhere in Rule Chapter 12A-1, F.A.C., as well as in Department-issued Taxpayer Information Publications.

(d) Selling dealers are required to obtain only one exemption certificate issued under this subsection to exempt sales of taxable property or services to purchasers other than exempt entities or governmental units. A dealer is not required to obtain an exemption certificate from purchasers for each and every subsequent exempt transaction that is covered by the initial exemption certificate.

(e) Selling dealers may contact the Department at 1-800-352-3671 to verify the specific exemption specified by the purchaser. Persons with hearing or speech impairments may call the Department's TDD, at 1-800-367-8331.

(f) The following is a suggested format of an exemption certificate to be issued by a purchaser who does not hold a Consumer's Certificate of Exemption, but who claims that the purchase or rental of the property or services is for an exempt purpose:

This is to certify that the real property leased, licensed, or rented, transient rental property rented, tangible personal property purchased, leased, licensed, or rented, services

purchased, or admissions purchased after (date) from (Selling Dealer's Business Name) are purchased, leased, licensed, or rented for the following purpose as checked in the space provided:

() Materials, containers, labels, sacks, or bags intended to be used one time only for packaging tangible personal property for sale at other than retail by persons not required to be registered under s. 212.18(3), F.S.

() Motor vehicles and parts thereof used by common carriers to transport persons or property in interstate or foreign commerce, as provided in s. 212.08(9)(b), F.S.

() Vessels and parts thereof used to transport persons or property in interstate or foreign commerce, as provided in s. 212.08(8), F.S.

() Incorporation into items of tangible personal property manufactured, produced, compounded, processed, or fabricated for one's own use as provided in Rule 12A-1.043, F.A.C.

() Printing of a "shopper" or "community newspaper" as defined in s. 212.08(7)(w), F.S.

() Items, such as paper and ink, purchased for the sole and exclusive purpose of incorporation into and becoming a part of a free "shopper" or "community newspaper" as defined in s. 212.08(7)(w), F.S., and for which no part of the purchased items will be diverted to any other use.

() Nets purchased by commercial fisheries, as provided in s. 212.08(5)(a), F.S.

() Self-propelled, power-drawn, or power-driven equipment, when purchased, rented, or leased for exclusive use on a farm or in a forest in plowing, planting, cultivating, or harvesting crops or products as produced by those agricultural industries included in Section 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products, taxable at the rate of 3 percent under the provisions of Section 212.08(3), F.S.

() Generators purchased, rented, or leased for exclusive use on a poultry farm, as provided in s. 212.08(5)(a), F.S.

() Fertilizers (including peat, topsoil, and manure, but not fill dirt), insecticides, fungicides, pesticides, and weed killers used for application on or in the cultivation of crops, groves, home vegetable gardens, and commercial nurseries, as provided in s. 212.08(5)(a), F.S.

() Insecticides and fungicides, including disinfectants, used in dairy barns or on poultry farms for the purpose of protecting cows or poultry or used directly on animals, as provided in s. 212.08(5)(a), F.S.

() Field and garden seeds, nursery stock, seedlings, cuttings, or other propagative material for growing on or growing stock, as provided in s. 212.08(5)(a), F.S.

() Portable containers used for harvesting or processing farm products, such as boxes, cartons, crates, picking bags, field boxes, glass jars, or cans, as provided in s. 212.08(5)(a), F.S.

() Agricultural supplies used for packaging tangible personal property for sale, including items such as baling wire and twine used for baling hay; burlap, cans, nails, and other materials used in packaging plants for sale; shipping cases, window cartons, cellophane wrappers, and other packaging materials for one time use in the sale of farm products; honey containers, labels, and mailing cases; glue for tin and glass for use by apiarists; and wax moth control with paradichlorobenzene for use in preparing and packaging farm products, as provided in s. 212.08(5)(a), F.S.

() Cloth, plastic, or similar material used for shade, mulch, or protection from frost or insects on a farm, as provided in s. 212.08(5)(a), F.S.

() Liquefied petroleum gas or other fuel used to heat a structure in which started pullets or broilers are raised, as provided in s. 212.08(5)(a), F.S.

() Motor vehicle rented or leased by a dealer that will be provided at no charge by such dealer to a person whose motor vehicle is being repaired, adjusted, or serviced by such dealer, as provided in s. 212.0601(4), F.S.

() Other (include description and statutory citation):
I understand that if I use the property or service for any purpose other than the one I stated, I must pay tax on the purchase or lease price of the taxable property or service directly to the Department of Revenue.

I understand that it is a criminal offense to fraudulently issue this certificate to evade the payment of sales tax. I understand that I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

The exemption specified by the purchaser may be verified by calling 1-800-352-3671.

Purchaser's Name _____
Purchaser's Address _____
Name and Title of Authorized Representative _____
Sales and Use Tax Certificate of _____
Registration No. (if applicable) _____
By _____
(Signature of Purchaser or Authorized Representative) _____
Title _____
(Title – only if purchased by an authorized representative of a business entity) _____
Date _____

(7) Selling dealers must maintain blanket resale and exemption certificates based on the Department's suggested format formerly provided in Rule 12A-1.039, F.A.C., as well as exemption certificates or other documentation issued under the provisions of this rule, until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

~~(8) Purchases by the United States government are exempt whether or not a Consumer's Certificate of Exemption (Form DR-14) is presented to the dealer. See Rule 12A-1.0161(4), F.A.C.~~

~~(8)(9) An exemption A consumer's certificate of exemption may be used on the purchase of tangible personal property, and may not be provided applied to a contractor to be applied to contracts for the construction or improvement of real property.~~

~~(10) Civic, commercial, cooperative, fraternal and social organizations do not qualify for exemption.~~

~~(11) A suggested format for a purchaser's resale and exemption certificate is found in Rule 12A-1.039, F.A.C.~~

~~(9)(12) Any person who knowingly fraudulently issues an exemption to any vendor or agent of the State a certificate or statement in writing for the purpose of evading payment of sales tax will prior to January 1, 1993, in addition to being liable for payment of the sales tax, plus a mandatory penalty of 400% of the tax, shall also be liable for civil penalties provided in s. 212.085, F.S. fine and punishment as provided by law for conviction of a felony of the third degree, as provided in Section 775.082, Section 775.083, or Section 775.084, F.S. Effective January 1, 1993, the mandatory penalty is 200% of the tax.~~

Specific Authority ~~212.07(1)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 120.57(1),(2), 120.60(3), 120.80(14), 212.02(14), 212.05(1)(b),(j)(k), 212.07(1), 212.08, 212.084, 212.085, 212.13(5)(c), 212.18(2), 212.21(2), 213.053(7)(b) FS. History- Revised 10-7-68, 6-16-72, Amended 9-28-78, 7-20-82, 4-29-85, Formerly 12A-1.38, Amended 8-10-92, 3-17-93, 9-14-93, 12-13-94.~~

(Substantial rewording of Rule 12A-1.039 follows. See Florida Administrative Code for present text.)

12A-1.039 Sales for Resale Suggested Forms.

(1)(a) It is the specific legislative intent that each and every sale, use, storage, consumption, or rental is taxable, unless such sale, use, storage, consumption, or rental is specifically exempt. The exempt nature of the transaction must be established by the dealer at the time of the sale, use, storage, consumption, or rental.

(b) A sale for resale is exempt from the tax imposed by Chapter 212, F.S., only when the sale for resale is in strict compliance with the provisions of this rule. For purposes of this rule, a "sale for resale" includes the following sales, leases, or rentals, when made to a person who is an active registered dealer.

1. The sale of tangible personal property to a dealer when such property will be resold to the dealer's customers.

2. The sale, lease, or rental of tangible personal property to a dealer when such property will be held exclusively for leasing or rental purposes, pursuant to Rule 12A-1.071(2)(a), F.A.C.

3. The sale of taxable services to a dealer when such services are being resold to the dealer's customers, provided that the sale complies with the conditions stated in Rule 12A-1.0161(4), F.A.C.

4. The lease or rental of real property to a dealer when such property will be leased, rented, or licensed to the dealer's tenants.

5. The lease or rental of real property to a dealer when such property will be rented as transient accommodations to the dealer's guests or tenants.

6. The sale of tangible personal property to a dealer when such property will be incorporated as a material, ingredient, or component part of tangible personal property that is being produced for sale by manufacturing, processing, or compounding.

7. The sale of tangible personal property to a repair dealer, when such property will be incorporated into and sold as part of a repair of tangible personal property by such dealer.

8. The alteration, remodeling, maintenance, adjustment, or repair of tangible personal property (when labor and materials are provided) that is held in inventory for resale or exclusively for leasing purposes by a dealer.

(c) For purposes of this rule, "active registered dealer" means a person who is registered with the Department as a dealer for sales tax purposes and who is required to file a sales and use tax return during each applicable reporting period, as provided in s. 212.11(1), F.S.

(2) ANNUAL RESALE CERTIFICATE.

(a) For each calendar year, the Department of Revenue will issue to each active registered dealer an Annual Resale Certificate (Form DR-13, incorporated by reference in Rule 12A-1.097, F.A.C.). A newly registered dealer will receive the Annual Resale Certificate along with his or her Certificate of Registration. The expiration date of the Annual Resale Certificate will be printed on the face of the certificate.

(b) Dealers who lose their Annual Resale Certificate may request a replacement by contacting the Department at 1-800-352-3671. Persons with hearing or speech impairments may call the Department's TDD, at 1-800-367-8331. Written requests should be addressed to Application Acceptance, Florida Department of Revenue, 5050 West Tennessee Street, Building F-4, Tallahassee, Florida 32399-0100.

(3) Effective February 1, 2000, except as provided in paragraph (4)(b) of this rule, a dealer making a sale for resale must document the exempt nature of the transaction by using one of the following three methods:

(a) ANNUAL RESALE CERTIFICATE. Prior to making a sale for resale, the selling dealer must obtain from the purchaser a copy of the purchaser's current Annual Resale Certificate (Form DR-13, incorporated by reference in Rule 12A-1.097, F.A.C.).

1. The copy of the Annual Resale Certificate must be signed by the purchaser or the purchaser's authorized representative.

2. A selling dealer may make sales for resale to a purchaser whose current Annual Resale Certificate is on file without seeking a new Annual Resale Certificate for each subsequent transaction during that calendar year. A selling dealer may only make exempt sales for resale to purchasers during the calendar year for which the purchaser's Annual Resale Certificate is valid. A new Annual Resale Certificate must be obtained each calendar year. However, there is an exception to this requirement for sales to purchasers who purchase on account from a dealer on a continual basis.

3. For sales to purchasers who purchase on account from a dealer on a continual basis, the selling dealer may rely upon a Department-issued Annual Resale Certificate beyond the expiration date of the certificate, and shall not be required to obtain a new Annual Resale Certificate each calendar year. For purposes of this subparagraph, the phrase "purchase on account from a dealer on a continual basis" means that the selling dealer has a continuing business relationship with a purchaser, and makes recurring sales on account to that purchaser in the normal course of business. For purposes of this subparagraph, a sale "on account" refers to a sale where the dealer extends credit to the purchaser and records the debt as an account receivable.

(b) TRANSACTION RESALE AUTHORIZATION NUMBER ISSUED AT POINT-OF-SALE – VALID FOR SINGLE TRANSACTION ONLY. Prior to making a sale for resale, the selling dealer must obtain from the Department a transaction resale authorization number.

1. A "transaction resale authorization number" must be obtained by the selling dealer at the point-of-sale through use of an automated toll-free telephone verification system. The toll-free number to access the system is 1-877-357-3725.

2. The selling dealer must key in the purchaser's sales tax certificate of registration number through use of a touch-tone phone. The system will either issue a 13 digit transaction resale authorization number or alert the selling dealer that the purchaser is not an active dealer. Callers who do not have a touch-tone phone will be connected to a live operator. Persons with hearing or speech impairments may call the Department's TDD, at 1-800-367-8331.

3. A transaction resale authorization number is not valid to exempt subsequent resale purchases or rentals made by the same purchaser. A selling dealer must obtain a new transaction resale authorization number for each and every resale transaction.

4. The selling dealer must document the transaction resale authorization number on the sales invoice, purchase order, or a separate form that is prepared by either the purchaser or the selling dealer. The sales invoice, purchase order, or separate form must contain the following statement: "The purchaser

hereby certifies that the property or services being purchased or rented are for resale." This statement must be followed by the signature of the purchaser. The signature may be obtained by the selling dealer through use of an electronic signature pad or other electronic method.

5. Alternatively, in lieu of meeting the requirements of subparagraph 4., the transaction resale authorization number may be documented on a properly completed Uniform Sales and Use Tax Certificate-Multijurisdiction, as provided in subsection (9) of this rule.

(c) VENDOR RESALE AUTHORIZATION NUMBER FOR REGULAR CUSTOMERS – VALID FOR CALENDAR YEAR ISSUED. Prior to making a sale for resale, the selling dealer must obtain from the Department a vendor resale authorization number.

1. The "vendor resale authorization number" is a customer-specific authorization number that will be valid for all sales made to a particular customer during the calendar year.

2. To obtain vendor resale authorization numbers, the selling dealer must send a list of his or her regular customers to the Department, through use of a floppy disk or other electronic medium. In response to this request, the Department will issue to the selling dealer, through use of the same electronic medium as the request, a list containing a unique vendor resale authorization number for each customer who is an active registered dealer. The electronic format for sending the customer data may be obtained from the Department's web site at <http://sun6.dms.state.fl.us/dor/> or at 850-488-3516.

3. The selling dealer may make exempt sales for resale to a customer during the period in which the vendor authorization number for that customer is valid. Vendor resale authorization numbers are valid for the remainder of the calendar year during which they are issued. However, vendor resale authorization numbers issued by the Department in November or December shall be valid for the remainder of the current calendar year, as well as for the next calendar year beginning January 1.

(4) RESPONSIBILITIES OF A DEALER MAKING A SALE FOR RESALE.

(a) In order to make an exempt sale for resale, the selling dealer must prepare a receipt or invoice that contains the name and address of the purchaser. The selling dealer must retain, as part of his or her books and records, a copy of that receipt or invoice, as well as the Annual Resale Certificate described in paragraph (3)(a), or a resale authorization number described in paragraph (3)(b) or (c), until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S. Electronic storage by the selling dealer of the copy of the Annual Resale Certificate or other required documentation through use of imaging, microfiche, or other electronic storage media shall be considered sufficient compliance with this paragraph.

(b) The sale of alcoholic beverages by distributors licensed by the Division of Alcoholic Beverage and Tobacco, Department of Business and Professional Regulation, to others who are also licensed by the Division of Alcoholic Beverage and Tobacco, Department of Business and Professional Regulation, are deemed to be sales for resale, and such sales need not be in compliance with the documentation requirements provided in subsection (3).

(c) The selling dealer should make a reasonable attempt to ensure that a purchaser is authorized to make exempt purchases for resale on behalf of the active registered dealer. Evidence that the purchaser is purchasing on behalf of the active registered dealer would include presentation by the purchaser of a company check, an employee badge, an employee identification card, or a letter issued by the active registered dealer on company letterhead that authorizes the purchase.

(5) BURDEN OF ESTABLISHING EXEMPT NATURE OF SALES FOR RESALE.

(a) A selling dealer who makes a sale for resale in good faith, and who complies with the requirements of subsections (3) and (4) of this rule, has met his or her burden of proof of establishing the exempt nature of the sale, and is relieved from any liability for sales tax on that sale. The submission of Annual Resale Certificates to the Department that are obtained after the sale from purchasers who were active registered dealers at the time of the sale will be considered sufficient compliance with subsection (3) when submitted during audit or protest, but will not be acceptable in any proceeding under chapter 120, F.S. or in any circuit court action under chapter 72, F.S.

(b)1. A sale that is not in compliance with the requirements of subsections (3) and (4) of this rule is presumed to be a retail sale, and the selling dealer will be liable for any applicable sales tax not collected and remitted on that sale.

2. For a sale that is not in compliance with the requirements of subsections (3) and (4), but that is made to a person who was an active registered dealer at the time of the sale, the presumption that the sale is a retail sale can be overcome during an audit or protest if:

a. the selling dealer makes a reasonable attempt to obtain a signed Annual Resale Certificate from the purchaser, but is unable to do so; and

b. it would be reasonable to assume, based on the nature of the purchaser's business, that the sale was for resale.

3. A sale made to a person who was not an active registered dealer at the time of the transaction is a retail sale, and can never be considered a sale for resale.

(6) A sale to an unregistered nonresident dealer for resale outside this state is governed by Rule 12A-1.064(2)(b), F.A.C.

(7) Resale certificates created and issued by purchasers that were based on the Department's suggested format formerly provided in Rule 12A-1.039, F.A.C., are valid only for the purpose of documenting sales for resale made prior to

February 1, 2000. Selling dealers must retain such certificates until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S.

(8) PROVISIONS APPLICABLE TO PERSONS CLAIMING THE RESALE EXEMPTION.

(a) Annual Resale Certificates may only be used by purchasers who hold a valid Sales and Use Tax Certificate of Registration (Form DR-11, incorporated by reference in Rule 12A-1.097, F.A.C.) issued by the Department, and whose registration status is currently active. For dealers who have been in business for less than the full calendar year, the effective date of the Annual Resale Certificate (Form DR-13) will be the effective date of the Sales and Use Tax Certificate of Registration. The effective date is found in the block labeled "Registration Date" on Form DR-11.

(b) A dealer whose Sales and Use Tax Certificate of Registration has been revoked or whose registration status has been inactivated by the Department is prohibited from purchasing, leasing, or renting taxable property or services exempt from tax under this rule.

(c) For dealers who report sales tax using a county-control number, the Annual Resale Certificate will only be issued to the active reporting number(s) within each county. Dealers who report using a county-control number must use the Annual Resale Certificate issued to the active reporting number(s) to make purchases for resale. Sales tax numbers issued to the individual locations within a county are inactive, and will not be issued an Annual Resale Certificate.

(d) Wholesalers and certain other sales tax dealers who are currently on an inactive reporting status will need to contact the Department at 800-352-3671 (Florida only) or 850-488-6800 (outside of Florida) to have their sales tax registration number activated in order to obtain the Annual Resale Certificate and make exempt purchases for resale. By activating the sales tax registration number, the dealer will then be required to file a sales tax return during each applicable reporting period, as provided in s. 212.11(1), F.S.

(e) A person who has made a valid purchase or rental of tangible personal property that is intended for resale by complying with the provisions of this rule, but who later uses the tangible personal property in a manner inconsistent with the purposes described in paragraph (1)(b) of this rule, owes use tax as provided in s. 212.05(1)(b), F.S., on such property that is no longer held for resale, but that is used, consumed, distributed, or stored for use or consumption in this state.

(f) Notwithstanding paragraph (e), the resale exemption may only be claimed for purchases or rentals that are intended for resale, and it may not be used by a dealer to make all of his or her purchases exempt from tax. Although the selling dealer may rely upon an Annual Resale Certificate as a blanket certificate for an entire calendar year, a purchaser may choose to limit the scope of a copy of an Annual Resale Certificate

submitted to a particular selling dealer by including language on the copy of the certificate that limits the applicability of the certificate to only certain dates or types of purchases.

(g) Any person who, for the purpose of evading tax, uses an Annual Resale Certificate or signs any statement in writing in which he or she claims the resale exemption from sales tax when he or she knows, at the time of purchase or rental, that the property or services being purchased or rented are for a purpose other than for resale is subject to the civil and criminal penalties provided in s. 212.085, F.S.

(h) The resale exemption shall also apply to the importation of tangible personal property into this state for resale by an active registered dealer. A dealer who imports tangible personal property into this state for resale must be an active registered dealer at the time the property is imported into this state in order for the resale exemption to be applicable. The determination whether a particular item of tangible personal property imported into this state is for resale is based on the same criteria described in paragraph (1)(b) of this rule.

(i) An active registered dealer who purchases tangible personal property without claiming the resale exemption (and pays sales tax upon acquisition), but who subsequently sells such tangible personal property without ever having used the property, is entitled to take a credit for the amount of tax paid upon acquisition, as long as the dealer collects the applicable sales tax on the sale of such property.

(9) USE OF MULTISTATE UNIFORM RESELLER CERTIFICATE. The Department will allow purchasers to use the Multistate Tax Commission's Uniform Sales and Use Tax Certificate – Multijurisdiction. However, the use of this uniform certificate must be in conjunction with the telephonic or electronic authorization number method described in paragraph (3)(b) or (c) of this rule.

Specific Authority 212.07(1)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.02(14), 212.05(1)(b)(j), 212.06(1)(b), 212.07(1)(b), 212.08(3)(a)-(6),(7)(a)-(9), 212.085, 212.13(4)(5)(c), 212.17(1)(b)(6), 212.18(2)(3), 212.21(2), 213.053(10) FS., Sections 21, 22, 23, 24, Chapter 99-208, Laws of Florida. History—Revised 10-7-68, 1-7-70, 6-16-72, 9-26-77, Amended 7-20-82, 4-12-84, Formerly 12A-1.39, Amended 1-2-89, 9-14-93, 12-13-94.

12A-1.097 Public Use Forms.

(1) No change.

Form Number	Title	Effective Date
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(2) through (7) No change.

<u>(8) DR-13</u>	<u>Sales and Use Tax Annual Resale Certificate (r. 02/00)</u>	_____
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(8) through (31) renumbered (9) through (32) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.17(6), 212.18(2)(3) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Personnel
RULE CHAPTER NO.: 14-17

RULE TITLE: Ethical Conduct
RULE NO.: 14-17.011

PURPOSE AND EFFECT: This amendment adds a statement in Rule 14-17.011(9)(b), which exempts approved employment in certain post-secondary educational institutions from the provisions of this section.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment to Rule 14-17.011(9)(b) will provide a special exclusion relating to employment restrictions.

SPECIFIC AUTHORITY: 20.23(3)(a), 110.233(6), 110.403(5), 110.605(5), 120.53(1), 334.044(2) FS.

LAW IMPLEMENTED: 20.23(1)(b)1., 110.233(6), 110.403(5), 110.605(5), 334.193, 334.195 FS.

IF REQUESTED IN WRITING, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-17.011 Ethical Conduct.

(1) through (8) No change.

(9) Conflicting Employment, Contractual Relationship, or Post Employment Prohibited.

(a) Employees of the Department are free to accept, have, or hold any employment or contractual relationship with any individual, partnership, corporation (profit or non-profit), utility or other organization, whether public or private, if the employment or contractual relationship does not constitute a conflict of interest; violate any applicable statutes; or violate the provisions of this rule.

(b) Employees of the Department shall not accept, have or hold any employment or contractual relationship with any individual, partnership, corporation (profit or non-profit), utility or other organization, whether public or private, doing business with or regulated by the Department. As a general rule such employment or contractual relationship shall be presumed to:

1. Cause or appear to cause the employees to be influenced in the conduct of their official duties;

2. Create or appear to create a continuing or frequently recurring conflict between their private interests and performing their duties;

- 3. Hinder or appear to hinder the full and faithful conduct of their duties; or
- 4. Interfere or appear to interfere with the normal conduct of their jobs; or
- 5. Be based or appear to be based upon any understanding that their official action or judgment will be influenced by the relationship.

This prohibition shall not apply to an employee who, with the approval of a District Director, District Secretary, or appropriate SMS supervisor in Central Office, seeks to teach at an institution in the state system of public education as that term is defined in Section 228.041, Florida Statutes, or at a private, accredited, post-secondary educational institution, so long as the employee's teaching at such institution is not in connection with any contract for contractual services in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation on behalf of the Department while an employee.

(c) through (16) No change.

Specific Authority 20.23(3)(a), 110.233(6), 110.403(5), 110.605(5), 120.53(1), 334.044(2) FS. Law Implemented 20.23(1)(b)1., 110.233(6), 110.403(5), 110.605(5), 334.193, 334.195 FS. History—New 7-9-89, Amended 1-22-92, 5-10-94, 4-21-98, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Responsibility Program

RULE TITLES:	RULE NOS.:
Definitions	59H-1.00352
County Financial Responsibility	59H-1.0045
Hospital Participation	59H-1.0055
Covered Services	59H-1.0065
Individual Eligibility Requirements	59H-1.007
Determination of a Qualified Indigent Patient	59H-1.008
Certification of County of Residence	59H-1.009
Reimbursement Procedures	59H-1.010
Coordination of Third Party Payments	59H-1.011
State Comptroller Responsibilities	59H-1.012
Procedures for Handling Disputes	59H-1.013

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the existing rules in order to bring the rule chapter into compliance with Chapter 154, Florida Statutes. The effect will be to incorporate by reference the current Health Care Responsibility Act (HCRA) Handbook, Monthly Caseload and Appeals Report Form and the Quarterly Financial Report Form.

SUBJECT AREA TO BE ADDRESSED: The Health Care Responsibility Act (HCRA).

SPECIFIC AUTHORITY: 154.308 FS.

LAW IMPLEMENTED: 154.308 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Hazel Greenberg, CPM, Bureau of Managed Care, Data Analysis Unit, 2727 Mahan Drive, Building 1, Room 337, Tallahassee, Florida 32308, (850)414-8983

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Responsibility Program

RULE TITLES:	RULE NOS.:
Definitions	59H-2.003
County Financial Participation and Lead Agency Responsibilities	59H-2.004
Hospital Participation	59H-2.005
Covered Services	59H-2.006
Determination of Eligibility	59H-2.007
Reimbursement Procedures	59H-2.009
Administrative Hearing; Applicants Rights and Responsibilities	59H-2.010

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the existing rules. The effect will be to update the terminology and sites associated with the administrative rule chapter number changes. At present, this program is not funded and therefore is not active.

SUBJECT AREA TO BE ADDRESSED: The Shared County and State Health Care Program (SCS).

SPECIFIC AUTHORITY: 409.2673 FS.

LAW IMPLEMENTED: 409.2673 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Hazel Greenberg, CPM, Bureau of Managed Care, Data Analysis Unit, 2727 Mahan Drive, Building 1, Room 337, Tallahassee, Florida 32308, (850)414-8983

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

DEPARTMENT OF MANGEMENT SERVICES

Florida Commission on Human Relations

RULE TITLE: Definitions
RULE NO.: 60Y-3.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to update the meaning of various terms that appear throughout Chapter 60Y, Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: Definitions of various terms that appear throughout Chapter 60Y, Florida Administrative Code.

SPECIFIC AUTHORITY: 760.06(12) FS.

LAW IMPLEMENTED: 92.525, 760.02, 760.03, 760.04, 760.05, 760.06, 760.10, 760.11 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., January 11, 2000

PLACE: Florida Commission on Human Relations, 325 John Knox Road, Suite 240, Building F, Tallahassee, Florida 32303-4149

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Stanley G. Gorsica, Assistant General Counsel, Florida Commission on Human Relations, 325 John Knox Road, Suite 240, Building F, Tallahassee, Florida 32303-4149, whose telephone number is (850)668-7283

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60Y-3.001 Definitions.

As used in the rules of the Commission:

(1) through (6) No change.

(7) "Commissioner" or "member" means a member of the Commission;

(8) No change.

(9) "Document" includes, but is not limited to, writings, e-mail, drawings, charts, photographs, phono-records and other date compilations from which information can be obtained, translated, if necessary, through detection devices;

(10) through (14) No change.

(15) "Hearing Officer" or "Administrative Law Judge" means the person assigned to conduct a hearing upon a petition filed with the Commission;

(16) through (26) No change.

(27) "Verified" means under oath or affirmation or by the signing of the written declaration prescribed by section 92.525(2), Florida Statutes sworn to by the affiant and notarized.

Specific Authority 760.06(12), 420.53, 760.06(13) FS. Law Implemented 92.525, 760.02, 760.03, 760.04, 760.05, 420.53, 760.06, 760.10, 760.11 FS. History--New 11-2-78, Amended 8-12-85, Formerly 22T-7.01, 22T-7.001, Amended 9-1-93,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums, and Mobile Homes.

RULE TITLE: Enforcement of Minor Violations
RULE NO.: 61B-35.003

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to clarify the procedure that will be followed after a Warning Letter is issued. The effect of the amendment is to insure that chapter 120, Florida Statutes; due process rights are afforded to all parties in an administrative action.

SUBJECT AREA TO BE ADDRESSED: The rule clarifies the procedure to be followed if the recipient of a Warning Letter does not take corrective action or disputes the violation in the Warning Letter.

SPECIFIC AUTHORITY: 723.006(9) FS.

LAW IMPLEMENTED: 723.006 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., January 6, 2000

PLACE: Fuller Warren Building, Conference Room, #B03, 202 Blount Street, Tallahassee, Florida

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO: Mary Denise O'Brien, Department of Business and Professional Regulation, 1940 North Monroe Street, Clemons Building, 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Norred, Chief, Bureau of 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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-49R

RULE CHAPTER TITLE: Generic Permits
RULE CHAPTER NO.: 62-621

PURPOSE AND EFFECT: The Department of Environmental Protection (Department) intends to reissue the Generic Permit for Discharges From Petroleum Contaminated Sites and the Generic Permit for Discharge of Produced Ground Water From Any Non-Contaminated Site Activity which are incorporated by reference in this Rule Chapter. The Department's generic permit program is one element of the federally delegated National Pollutant Discharge Elimination System (NPDES) program. The aforementioned generic permits are scheduled to expire on August 22, 2000. The Department intends to reissue and revise the generic permits to provide for a coverage period of up to five years for each covered activity, consistent with NPDES program requirements and the Department's implementation of the generic permit program. The proposed rule change will allow the Department to continue to address discharges from petroleum cleanup sites and discharges of produced ground water from uncontaminated site activities through the generic permit program.

SUBJECT AREA TO BE ADDRESSED: To reissue and revise the Generic Permit for Discharges From Petroleum Contaminated Sites and the Generic Permit for Discharge of Produced Ground Water From Any Non-Contaminated Site Activity to provide for a coverage period of up to five years for each covered activity.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.088, 403.0885 FS.

LAW IMPLEMENTED: 403.087, 403.088, 403.0885 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: Fred Noble, Division of Water Resource Management, Bureau of Water Facilities Regulation, Mail Station 3545, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)488-4522

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Equipment and Devices; Protocols
RULE NO.: 64B8-56.002

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to implement the provisions of Section 478.42(5), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Equipment and devices with regard to Section 478.42(5), Florida Statutes.

SPECIFIC AUTHORITY: 478.42(5), 478.43 FS.

LAW IMPLEMENTED: 478.42(5) FS.

IF REQUESTED IN WRITING WITHIN FOURTEEN (14) DAYS OF THE DATE OF THIS NOTICE, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLE: Disciplinary Guidelines
RULE NO.: 64B20-7.001

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary to update the rule text for disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1295 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. or shortly thereafter, January 20, 2000

PLACE: The Jacksonville Hilton, 1201 Riverplace Boulevard, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 2020 Capital Circle, S. E., Bin # C08, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: Emergency Medical Services
RULE CHAPTER NO.: 64E-2

PURPOSE AND EFFECT: To establish rules for staffing of ALS nontransport vehicles and to provide for reclassifying of such vehicles under certain conditions.

SUBJECT AREAS TO BE ADDRESSED: Advanced life support staffing of nontransport vehicles.

SPECIFIC AUTHORITY: 401.35 FS.

LAW IMPLEMENTED: 401.25, 401.27 FS.

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

TIME AND DATE: 10:00 a.m., January 5, 2000

PLACE: Florida College of Emergency Physicians, 3717 S. Conway Road, Orlando, Florida 32812

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, Department of Health, 2020 Capital Circle, S. W., Bin C18, Tallahassee, Florida 32399-1728, (850)245-4440, Extension 2733

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE ONE WEEK PRIOR TO THE WORKSHOP.

P.O. X00699

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Possession of Wildlife or Freshwater Fish or the Carcasses Thereof
RULE NO.: 68A-4.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish general prohibitions related to freshwater fish or carcasses thereof.

SUBJECT AREA TO BE ADDRESSED: Subject area covered in the proposed rule includes possession of freshwater fish or carcasses thereof.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME, DATE AND PLACE: To be announced at a later date

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish And Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Specific Fish Management Area Regulations
RULE NO.: 68A-20.005

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to establish regulations on specific fish management areas for taking and possessing freshwater fish or other activities such as swimming, use of firearms, or use of boats or other vehicles, that will ensure conservation of freshwater fish populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Requirements for taking and possessing freshwater fish.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A WORKSHOP ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME, DATE AND PLACE: To be announced at a later date

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AND AT NO CHARGE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish And Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLES: General Methods of Taking Freshwater Fish
Bag Limits, Length Limits, Open Season:
Freshwater Fish
Use of Fish for Bait
RULE NOS.: 68A-23.002
68A-23.005
68A-23.007

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to liberalize methods for taking certain nongame freshwater fish, change regulations for taking and possession of certain sizes of freshwater game fish in specific lakes and prohibit use of certain game fish as bait to ensure conservation of freshwater fish populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Requirements for taking and possessing freshwater fish or their use as bait.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A WORKSHOP ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME, DATE AND PLACE: To be announced at a later date

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish And Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

Section II
Proposed Rules

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

Table listing rule chapters and titles: 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; District Investigations and Probable Cause Determination 40A-1.510; 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 amendments is to incorporate interagency agreements into rule and to address comments raised by the Legislature's Joint Administrative Procedure Committee. The effect of the proposed changes will be to limit agency discretion in permit processing procedures.

SUMMARY: Ch. 40A-1.004, Agreements: This rule incorporates various interagency agreements that the District has entered into.

40A-1.2025, Fees: This rule clarifies that failure to submit the appropriate processing fee with a permit application shall result in the denial of the application.

40A-1.203(2)(b), Permit Application Procedure: This rule reiterates that a fee is required and that failure to submit the appropriate fee will result in the application being denied.

40A-1.208(2), Administrative Enforcement Action: This rule changes a 21-day point of entry for requesting an Administrative Hearing to 14 days after receiving an Order and Notice of Violation, pursuant to s. 373.119, F.S.

40A-1.510(1), District Investigations and Probable Cause Determination: This rule is being deleted because its provisions create ambiguity.

40A-1.511, Point of Entry into Proceedings: This rule is to be repealed because its provisions are contained in Rule 40A-1.1010, Point of Entry into Proceedings.

40A-1.1003, Variance and Emergency Variance Procedures: The rule is being amended to eliminate the potential for unbridled discretion in the District's issuance of variances or emergency waivers that require immediate action.

40A-1.1010, Point of Entry into Proceedings: This rule is amended to clarify that the District may use different methods for providing notice and either of which may be used to establish the date that the petitioner received notice. Section (2) is corrected to be gender neutral, and Section (5) is edited to delete a reference to a repealed section of the rule.

40A-1.1020, General Procedures for Permit Applications: This rule is amended to make more concrete ambiguous references to when comments may be considered, when staff reports will be prepared and when substantially affected persons may request an Administrative Hearing.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lance Laird, P.E., Northwest Florida Water Management District (850)539-5999, (850)539-4380 (fax).

THE FULL TEXT OF THE PROPOSED RULES IS:

40A-1.004 Agreements.

The following agreements have been entered into by the District and are hereby incorporated by reference.

(1) With the Department concerning Mitigation Banking in the Northwest District, dated 1994;

(2) With the Department concerning permitting of potable wells in areas of contaminated ground water in Jackson County, dated 1990;

(3) With the Department and the Department of Health and Rehabilitative Services concerning permitting new potable wells in areas of contaminated groundwater, dated 1992;

(4) With the Office of Trade, Tourism and Economic Development, dated 1997;

(5) With the Department of Environmental Protection concerning procedures for handling permit applications, dated 1981.

Specific Authority 373.044 FS. Law Implemented 373.046, 373.083 FS. History--New _____.

PART II – PERMITTING

40A-1.205 Fees.

(1) A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules. This fee is for the purpose of helping defray the costs of evaluation, processing, noticing, advertising, and mailing required in connection with consideration of such applications, as well as costs of monitoring and inspecting for compliance with the permit. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be an incorrect amount. The appropriate fees are established in each separate rule. Failure of any person to pay the fees established in the appropriate rule shall result in is grounds for the denial of an application.

(2) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 218.075, 373.109 FS. History--New 5-7-95, Amended _____.

40A-1.203 Permit Application Procedure.

(1) No change.

(2) A permit application shall be:

(a) filed with the District on the appropriate form provided by the Board; and

(b) accompanied by the appropriate fee in accordance with the schedule of fees established by the Board. The failure of any person to pay the required fee shall result in the be grounds ~~for~~ denial or revocation of the permit.

(3) through (13) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.60 FS. History--New 10-1-84, Amended 1-5-86, 7-1-98, _____.

40A-1.208 Administrative Enforcement Action.

(1) No change.

(2) The respondent may request an administrative hearing under Section 120.569, Florida Statutes, by filing a petition for administrative hearing with the District within 14 24 days of receipt of the Order and Notice of Violation. If no petition is timely filed, the Order shall become final. Petitions are deemed filed with the District on the date of receipt by the Agency Clerk. The petition must be in substantial compliance with the provisions of the Uniform Rules of Procedure.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.423 FS. History--New 10-1-84, Amended 7-1-98, _____.

PART V – DECISIONS DETERMINING SUBSTANTIAL INTERESTS

40A-1.510 District Investigations and Probable Cause Determination.

~~(1) This Part V does not apply to District investigations or to determinations of probable cause preliminary to District action.~~

(2) through (3) renumbered (1) through (2) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.62, 373.219(2), 373.319, 373.423 FS. History--New 10-1-84, Amended _____.

40A-1.511 Point of Entry into Proceedings.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.53(1), 120.57 FS. History--New 10-1-84, Amended 7-1-98, Repealed _____.

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

40A-1.1003 Variance and Emergency Variance or Authorization Procedures.

(1) Petitions for variances from District rules, including but not limited to Rules 40A-3.451, 40A-6.451, 40A-21.275, and 40A-44.451, F.A.C., that require immediate action and which comply with the variance petition application requirements of Ch. 28-104, F.A.C. shall may be temporarily

~~acted upon granted~~ by the Executive Director or his designee. ~~Orders temporarily granting a P~~petitions acted upon by the Executive Director or his designee shall be presented to the Governing Board for concurrence, rejection or modification.

~~(2) In the case of an extreme hardship, or a serious set of unforeseen circumstances, including with respect to variance from water shortage plans, a threat to the livelihood of a water user, an emergency variance or authorization may be applied for. Mere carelessness, lack of planning on the part of the applicant or an agent for the applicant, or a desire to expedite the required work shall not be sufficient grounds to warrant the granting of an emergency variance or authorization. Upon receipt of a complete application for an emergency variance or authorization, the Executive Director or his designee may immediately authorize an emergency variance. The emergency variance, if authorized by the Executive Director or his designee, will remain in effect until such time as the petition is fully evaluated and acted upon by the Governing Board. District fully evaluates and acts upon the request. The District shall take action on an application for an emergency variance within 30 days of its receipt by the District or at its next regularly scheduled meeting for which notice may properly be given.~~

(3) The District shall take action on an application for an emergency variance or authorization within 30 days of its receipt by the District or at its next regularly scheduled meeting for which notice may properly be given.

Specific Authority 120.54(5), 373.044, 373.085(1), 373.246, 373.308, 373.309, 373.113, 373.171 FS. Law Implemented, 120.54(5), 373.175, 373.246, 373.308, 373.309, 373.313, 373.316, 373.326, 373.342, 373.413, 373.416, 373.426, 373.439, 373.084, 373.085 FS. History--New 7-1-98, Amended _____.

40A-1.1010 Point of Entry Into Proceedings.

(1) The District's publication of ~~may publish~~ notice of its decisions or of its intent to render a decision in the Florida Administrative Weekly, or in newspapers of general circulation in the area affected by such decisions, ~~whichever is later, and may also, or~~ where appropriate, mailing copies of its notice to applicants, competitors, and interested groups shall. ~~Such action by the District may~~ be used in establishing the date petitioner received notice. "Receipt" of mailed notice shall be deemed to be the third day after the date on which the notice is deposited in the United States Mail.

(2) Any person who fails to request a hearing within the applicable time period after ~~receipt publication or mailing~~ of notice, as defined by sections (1) of District decisions or notice of intent to render a decision, whichever is later, shall have waived the ~~his~~ right subsequently to request a hearing on such matters.

(3) through (4) No change.

(5) ~~"Receipt" is as defined in 40A-1.511 except as modified by this rule.~~

Specific Authority 120.54(5), 373.044, 373.113, 373.171 FS. Law Implemented 120.54(5), 120.569, 373.084, 373.085, 373.216, 373.308, 373.309, 373.116, 373.119, 373.219, 373.323, 373.406(6), 373.413, 373.416, 373.418, 373.426, 373.427 FS. History--New 7-1-98, Amended _____.

40A-1.1020 General Procedures for Permit Applications.

(1) A permit application where required by District rule shall be:

(a) filed with the District on the appropriate form provided by the Board; and

(b) accompanied by the appropriate fee in accordance with the schedule of fees established by the Board. The failure of any person to pay the required fee shall ~~result in the~~ be grounds for denial or revocation of the permit.

(2) No later than 30 days after receipt of an application for a surface water management permit pursuant to Rule 40A-4.041(2), an agricultural or forestry surface water management permit pursuant to Rule 40A-44.041(2)(b) or (c), or an individual water use permit pursuant to Rule 40A-2.031, the District shall publish a notice thereof in a newspaper having general circulation as defined in Chapter 50, Florida Statutes. In addition, the District shall provide a copy of the notice to any person who has filed a written request for notification of any pending applications affecting the particular designated area. Interested persons may object to or comment upon the proposed permit in writing by the date specified in the notice. The District may request persons submitting objections or comments to furnish additional information. ~~The District may consider objections or comments received after the designated time period if proposed agency action has not been taken on the application.~~ The District will provide the applicant with a copy of all objections and comments received.

(3) through (5) No change.

(6) The District shall notify the applicant of the date on which the application is declared complete. ~~Within a reasonable time thereafter,~~ The District shall prepare a staff report, which shall contain its recommendations regarding the subject application. A Notice of Proposed Agency Action and the staff report shall be furnished to the applicant and to those persons who have filed written requests pursuant to subsection (3). The Notice shall state the District's intention to recommend that the Board approve, approve with conditions, or deny the permit application and shall specify a date for filing a petition for administrative hearing which shall be not less than 21 days after the date of mailing of the Notice of Proposed Agency Action. Substantially affected persons shall have the right to request an administrative hearing under Section 120.569, Florida Statutes, and Part V of these rules by filing a petition for administrative hearing with the Agency Clerk by the date specified in the Notice of Proposed Agency Action.

(7) No change.

(8) The Board shall consider the permit application on the date indicated in the Notice of Proposed Agency Action. The permit applicant and other interested parties may appear before the Board to present informal argument in favor of or against

the proposed agency action. Applicants and other interested parties not objecting to the Notice of Proposed Agency Action should nevertheless be prepared to defend their positions regarding the permit application when it is considered by the Board for final agency action. Appearance before the Board pursuant to this subsection shall not provide a basis for appealing the decision of the Board pursuant to Chapter 120, Florida Statutes.

(9) No change.

~~(10) Applicants and other interested parties not objecting to the Notice of Proposed Agency Action should nevertheless be prepared to defend their positions regarding the permit application when it is considered by the Board for final agency action.~~ In the event no petition for an administrative hearing was timely filed and the Board takes final agency action which differs materially from the proposed agency action, the District shall mail a Notice of Final Agency Action to all persons who received a Notice of Proposed Agency Action. ~~Substantially affected persons who did not request an administrative hearing based upon the Notice of Proposed Agency Action shall have the right to request such a hearing within the time provided after receipt or publication of the Notice of Final Agency Action.~~

(11) through (12) No change.

Specific Authority 120.54(5), 373.044, 373.113, 373.118, 373.4136 FS. Law Implemented 120.54(5), 120.60, 373.084, 373.085, 373.171, 373.216, 373.219, 373.229, 373.308, 373.309, 373.118, 373.2295, 373.323, 373.413, 373.416, 373.418, 373.426 FS. History—New 7-1-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Lance Laird, P. E.,

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Fern Recio

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 1999

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE TITLE: Inspections
RULE NO.: 40A-3.461

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.

SUMMARY: The rule states that the District will issue a written notice when a violation of the rule has been discovered as a result of an inspection under Chapter 40A-3, FAC., and may order the necessary corrective action to address the violation. The proposed change is to state that the District shall order the necessary corrective actions.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.119, 373.308, 373.309, 373.316, 373.319, 373.333 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lance Laird, P.E., Northwest Florida Water Management District (850)539-5999, (850)539-4380 (fax).

THE FULL TEXT OF THE PROPOSED RULE:

40A-3.461 Inspections.

(1) No change.

(2) If, upon the basis of such inspections, the District finds the standards of this rule chapter have not been met, the District shall give the owner and contractor written notice stating which rules have been violated and shall may order that necessary corrective action be taken within a reasonable time to be prescribed in such order. Failure to act in accordance with the order of the District after receipt of written notice shall be grounds for disapproval of the well.

(3) through (4) No change.

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. History—New 4-14-80, Amended 2-1-82, 1-9-86, 7-1-98, Formerly 16G-3.22, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Lance Laird, P.E.,

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Fern Recio

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 1999

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE TITLE: Content of Application
RULE NO.: 40A-4.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to remove the word “may” and replace it with the word “shall” to clarify that the District will request additional information when unusual topographic or

geologic conditions make it necessary. 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.

SUMMARY OF PROPOSED RULE: The proposed amendment requires the District to request additional information when necessary to properly evaluate applications filed under Chapter 40A-4, FAC.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lance Laird, P.E., Northwest Florida Water Management District, (850)539-5999, (850)539-4380 (Fax)

THE FULL TEXT OF THE PROPOSED RULE IS:

40A-4.101 Content of Application.

(1) through (2) No change.

(3) In situations where unusual topographic or geologic conditions or safety hazards exist, the District shall may require the applicant, under subsections (1) and (2) above, to submit other pertinent information deemed necessary for evaluating the application.

Specific Authority 373.044, 373.113, 373.131, 373.406, 373.418 FS. Law Implemented 373.406, 373.413, 373.416, 373.426, 373.427 FS. History–New 4-14-80, Amended 2-1-82, 7-1-98, Previously 16G-4.10, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Lance Laird, P.E.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Fern Recio

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 1999

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE TITLES: RULE NOS.:

Policy and Purpose 40A-6.011

Re-applying for Permits 40A-6.371

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to remove unnecessary language. This reduction is in compliance with s. 120.74, F.S.

SUMMARY: The proposed amendment will remove language about Ch. 120, F.S., hearings and the procedures used when an application has been re-submitted. This language has been deemed unnecessary and is being deleted.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lance Laird, P.E., Northwest Florida Water Management District, (850)539-5999, (850)539-4380 (Fax).

THE FULL TEXT OF THE PROPOSED RULES IS:

40A-6.011 Policy and Purpose.

(1) through (3) No change.

~~(4) Hearings required under this Chapter shall be conducted as provided in Chapter 120, Florida Statutes.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 373.087, 373.103, 373.139 FS. History–New 4-14-80; Amended 10-29-80, Formerly 16G-6.01, Amended _____.

40A-6.371 Reapplying for Permits.

Specific Authority 373.044 FS. Law Implemented 373.085 FS. History–New 4-14-80, Formerly 16G-6.37, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Lance Laird, P.E.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Fern Recio

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 1999

LAND AND WATER ADJUDICATORY COMMISSION

Dunes Community Development District

RULE CHAPTER TITLE: The Dunes Community Development District
RULE CHAPTER NO.: 42E-1

RULE TITLE: Boundary
RULE NO.: 42E-1.002

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule amendment is to amend the boundaries of the Dunes Community Development District (“District”), a community development district (CDD) pursuant to Chapter 190, F.S. The District currently consists of approximately 2114.54 acres located entirely within Flagler County. It is generally located between the Intracoastal Waterway and the Atlantic Ocean, just south of Malacompra Road. The District’s petition to amend the boundaries of the District requests that the Florida Land and Water Adjudicatory Commission amend Rule 42E-1 by adding approximately 31 (expansion parcel) acres to the boundaries of the District. (The petition contemplated the addition of 33 acres, however, certain lands intended to be conveyed to Flagler County for public road right-of-way purposes were excluded from the proposed amendment thereby reducing the amendatory acreage to approximately 31 acres.) After expansion, the District will encompass a total of approximately 2145 acres of land. The lands sought to be added to the District are included within the Hammock Dunes Development of Regional Impact, as amended. The proposed development within the expansion parcel contemplates possible hotel and residential uses. The District has written consent to amend the District from the owners of 100% of the real property to be added to the District. The petition evidences the District’s intention to provide utility facilities to the land to be added to the boundaries of the District. The District has no present plans to issue general obligation debt or to impose ad valorem taxes.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COSTS: The District has prepared a Statement of Estimated Regulatory Costs (SERC). The complete text of the SERC is contained as Exhibit 7 to the petition to amend the boundaries of the District. The amendment of the District’s boundaries would result in no costs to the State or its citizens other than administrative costs associated with rule adoption and will benefit the State and its citizens through improved planning and growth management for the new areas to be served. Costs of rule adoption to Flagler County and its citizens are minimal. Costs incurred by Flagler County in the performance of a review of the District’s boundary amendment application are offset by the \$1,500 filing fee paid to the County by the District. Those individuals or businesses who may ultimately reside or be located on the lands to be included within the expansion of the District will be required to pay District assessments and fees over and above their local taxes. However, these assessments and fees are

imposed to provide to those lands a higher level of services than would otherwise be available, and location or residence within the District is voluntary. Expansion of the District will have only incidental or a positive impact on small businesses and will not have any impact on small counties and cities. Flagler County is not a small county as defined. The Secretary of the Florida Land and Water Adjudicatory Commission (the “Commission”) has summarized the estimate of agency costs for amendment of the District. Administrative costs would be incurred by the Commission, the District, the Department of -Community Affairs, and the Bureau of Local Government Finance of the Department of Banking and Finance. Other than administrative costs, no costs would be incurred by the State of Florida or the general citizenry.

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. Information should be filed with: Teresa Tinker, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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: 10:00 a.m. – 12:00 Noon, Tuesday, January 11, 2000

PLACE: Room 2106, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)488-7793, at least 3 business days in advance to make appropriate arrangements.

COPIES OF THE PROPOSED RULE AMENDMENT AND ESTIMATED REGULATORY COSTS STATEMENT MAY BE OBTAINED BY CONTACTING: Jonathan Johnson, Hopping Greens Sams & Smith, P.A., 123 South Calhoun Street, P. O. Box 6526, Tallahassee, Florida 32314, telephone (850)222-7500, or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE FULL TEXT OF THE PROPOSED RULE IS:

42E-1.002 Boundary.

The boundaries of the district are as follows:

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTION 20, 21, 28, 29, 33, AND 40, TOWNSHIP 10 SOUTH, RANGE 31 EAST AND GOVERNMENT SECTIONS 3, 4, 9, 10, 15, 22, 23, 37, 38, 44 AND 46, TOWNSHIP 11 SOUTH, RANGE 31 EAST, LYING EAST

AND WEST OF THE INTRACOASTAL WATERWAY (500' R/W), FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

From a POINT OF BEGINNING being the intersection of the Westerly boundary line of Government Section 10, Township 11, South, Range 31, East, with the Northerly right-of-way of A-1-A (100' R/W); Thence South 89°35'06" West 354.27 feet along said right-of-way to a POINT OF CURVATURE; Thence Northwesterly 2266.81 feet along a curve to the right having a radius of 1860.08 feet and a central angle of 69°49'27" to a POINT OF TANGENCY; Thence North 20°35'27" West 3319.79 feet; Thence departing said right-of-way South 69°24'33" West 100.00 feet to a POINT on the Westerly right-of-way of A-1-A; Thence departing said Westerly right-of-way South 59°09'36" West 945.19 feet to a POINT on the Easterly right-of-way of the Intracoastal Waterway (500' R/W); Thence departing said Easterly right-of-way of the Intracoastal Waterway South 59°09'36" West 490.08 feet to a POINT OF CURVATURE; Thence Southwesterly 1158.94 feet along a curve to the left having a radius of 1045.92 feet, a central angle of 63°29'15", a chord of 1100.56 feet and a chord bearing South 27°24'59" West to a POINT OF TANGENCY; Thence departing said curve on a radial line South 85°40'21" West 25.00 feet; Thence South 04°19'39" East 550.00 feet; Thence South 85°40'21" West 150.00 feet; Thence North 07°04'46" West 490.75 feet to a POINT OF CURVATURE; Thence Northeasterly 1440.40 feet along a concentric curve to the right having a radius of 1245.92 feet, a central angle of 66°14'22", a chord of 1361.51 feet and a chord bearing North 26°02'25" East to a POINT OF TANGENCY; Thence North 59°09'36" East 525.35 feet to a POINT on said Easterly right-of-way of the Intracoastal Waterway; Thence North 20°50'24" West 2276.77 feet along said Easterly right-of-way; Thence North 20°35'42" West 1641.38 feet to a POINT on the Southerly boundary line of Township 10 South; Thence North 26°09'18" West 288.04 feet; Thence departing said right-of-way of the Intracoastal Waterway North 85°47'21" East 1202.32 feet to a POINT on the Westerly right-of-way of A-1-A; Thence South 16°45'12" East 638.65 feet; Thence departing said Westerly right-of-way North 73°14'48" East 100.00 feet to a POINT on the Easterly right-of-way of A-1-A; Thence departing said Easterly right-of-way North 89°19'02" East 148.56 feet; Thence North 16°34'25" West 210.00 feet to a POINT on the Southerly right-of-way of Jungle Hut Road (50' R/W); Thence North 89°19'02" East along said right-of-way 855.66 feet; Thence departing said Southerly right-of-way North 19°50'00" West along the Westerly boundary line of Section 40, Township 10 South, Range 31, East 3356.28 feet; Thence South 71°11'00" West 1290.19 feet to a POINT on the Easterly right-of-way of said A-1-A, being a POINT ON A CURVE; Thence Northwesterly along said right-of-way 244.67 feet along a curve to the right having a radius of 1860.08 feet, a central angle of 07°32'11", a chord of 244.49 feet and a chord bearing North 22°35'06" West to a

POINT OF TANGENCY; Thence North 18°49'00" West 1645.60 feet; Thence departing said right-of-way of A-1-A North 71°11'00" East 180.00 feet; Thence North 18°49'00" West 25.00 feet; Thence North 71°11'00" East 25.00 feet; Thence North 18°49'00" West 200.00 feet; Thence South 71°11'00" West 205.00 feet to a POINT on said Easterly right-of-way of A-1-A; Thence North 18°49'00" West along said right-of-way 350.65 feet; Thence departing said right-of-way North 71°11'00" East 1262.52 feet to a POINT on the Easterly boundary line of said Section 40; Thence North 19°50'00" West along said Easterly boundary line 200.03 feet; Thence departing said Easterly boundary line South 71°11'00" West 1258.97 feet to a POINT on said Easterly right-of-way of A-1-A; Thence North 18°49'00" West along said right-of-way 200.00 feet; Thence departing said right-of-way North 71°11'00" East 1255.42 feet to a POINT on the said Easterly boundary line of Section 40; Thence North 19°50'00" West along said Easterly boundary line 900.14 feet to a POINT on the Northerly right-of-way of 16th Road; Thence departing said boundary line of Section 40, South 71°10'52" West along said Northerly right-of-way 1239.45 feet to a POINT on the Easterly right-of-way of said A-1-A; Thence departing said right-of-way of 16th Road North 18°49'00" West along said right-of-way of A-1-A, 1832.56 feet; Thence departing said Easterly right-of-way of A-1-A North 71°11'00" East 808.33 feet; Thence North 18°49'00" West 808.33 feet; Thence South 71°11'00" West 808.33 feet to a POINT on said Easterly right-of-way of A-1-A; Thence North 18°49'00" West 2537.61 feet to a POINT on the Southerly right-of-way of Malacompra Road; Thence North 71°10'09" East along said Southerly right-of-way 1138.42 feet; Thence North 88°23'31" East 9.62 feet to a POINT on the said Easterly boundary line of Section 40; Thence departing said Easterly boundary line of Section 40, along the Southerly right-of-way of Malacompra Road North 88°23'31" East 2073.88 feet; Thence South 00°36'49" East 24.00 feet; Thence North 88°23'31" East 161.76 feet; Thence departing said Southerly right-of-way of Malacompra Road South 59°50'14" East 903.24 feet; Thence North 70°16'28" East 149.70 feet to a POINT on the Mean High Water Line of the Atlantic Ocean; Thence along the said Mean High Water Line South 19°43'32" East 488.98 feet; Thence South 19°28'39" East 506.20 feet; Thence South 19°58'00" East 510.90 feet; Thence South 19°51'56" East 498.83 feet; Thence South 19°59'52" East 505.34 feet; Thence South 18°07'53" East 498.03 feet; Thence South 18°03'02" East 191.19 feet; Thence departing said Mean High Water Line of the Atlantic Ocean South 71°10'52" West 710.00 feet; Thence South 47°55'12" West 591.12 feet; Thence South 18°49'08" East 730.00 feet; Thence South 76°24'51" East 430.15 feet; Thence North 81°10'52" East 400.00 feet; Thence North 71°10'52" East 500.00 feet to a POINT on the said Mean High Water Line of the Atlantic Ocean; Thence along said Mean High Water Line South 19°29'22" East 64.84 feet; Thence South 20°54'05" East 497.62 feet; Thence South 19°45'00"

East 507.57 feet; Thence South 20°49'52" East 497.95 feet; Thence South 20°18'41" East 507.65 feet; Thence South 19°30'43" East 510.25 feet; Thence South 18°30'55" East 494.37 feet; Thence South 19°52'39" East 502.28 feet; Thence South 22°20'56" East 497.23 feet; Thence South 20°41'30" East 508.67 feet; Thence South 20°26'31" East 500.09 feet; Thence South 19°53'06" East 499.88 feet; Thence South 21°45'36" East 503.26 feet; Thence South 24°02'33" East 516.08 feet; Thence South 18°20'30" East 356.06 feet; Departing said Mean High Water Line of the Atlantic Ocean South 71°39' 30" West 250.00 feet; Thence South 61°47'41" West 218.61 feet; Thence South 07°25'03" East 50.00 feet; Thence South 76°10'20" East 270.32 feet; Thence North 69°00'33" East 250.00 feet to a POINT on said Mean High Water Line of the Atlantic Ocean; Thence along said Mean High Water Line of the Atlantic Ocean South 20°59'25" East 194.96 feet to a POINT on the Northerly right-of-way of Jungle Hut Road; Thence departing said Northerly right-of-way South 20°59'25" East 53.31 feet to a POINT on the Southerly right-of-way of Jungle Hut road; Thence departing said Southerly right-of-way along said Mean High Water Line, South 20°59'25" East 181.06 feet; Thence South 20°20'30" East 505.02 feet; Thence South 20°08'17" East 500.64 feet; Thence South 19°52'12" East 501.56 feet; Thence South 19°13'54" East 497.29 feet; Thence South 21°19'23" East 502.64 feet; Thence South 19°57'05" East 507.06 feet; Thence South 17°56'45" East 507.34 feet; Thence South 18°49'25" East 504.65 feet; Thence South 21°02'20" East 497.73 feet; Thence South 21°04'43" East 482.98 feet; Thence South 21°04'34" East 11.02 feet; Thence South 19°11'42" East 496.68 feet; Thence South 22°23'45" East 506.75 feet; Thence South 20°55'06" East 500.63 feet; Thence South 20°42'16" East 499.00 feet; Thence South 22°07'09" East 499.32 feet; Thence South 21°45'31" East 500.88 feet; Thence South 21°59'38" East 227.33 feet; Thence South 21°59'39" East 264.23 feet; Thence South 22°30'14" East 498.51 feet; Thence South 22°43'23" East 499.93 feet; Thence South 21°20'52" East 499.51 feet; Thence South 22°12'03" East 499.95 feet; Thence South 21°18'01" East 498.09 feet; Thence South 23°31'50" East 493.34 feet; Thence South 23°12'12" East 498.28 feet; Thence South 22°31'35" East 377.81 feet; Thence departing said Mean High Water Line of the Atlantic Ocean South 63°01'05" West 666.44 feet to a POINT on the Westerly right-of-way of the Old Florida East Coast Canal (200' R/W); Thence South 26°58'55" East 805.88 feet along said Westerly right-of-way of the Old Florida East Coast Canal; Thence South 19°11'11" East along said Westerly right-of-way 2844.27 feet; Thence South 17°01'23" East 3542.51 feet to a POINT of intersection with the Easterly right-of-way of the Intracoastal Waterway (500' R/W); Thence departing said Westerly right-of-way of the Old Florida East Coast Canal North 46°36'23" West along said Easterly right-of-way of the Intracoastal Waterway 1326.21 feet; Thence North 22°42'28" West 8360.55 feet; Thence North 22°41'50" West 563.33 feet;

Thence North 44°45'20" West 1003.14 feet; Thence North 66°49'09" West 1914.50 feet to a POINT of intersection with the Southerly right-of-way of said Old Florida East Coast Canal; Thence departing said Easterly right-of-way of the Intracoastal Waterway South 89°41'27" East along said Southerly right-of-way of the Old Florida East Coast Canal 1203.59 feet; Thence departing said Southerly right-of-way North 00°18'33" West 200.00 feet to a POINT on the Northerly right-of-way of the Old Florida East Coast Canal; Thence departing said Northerly right-of-way North 00°37'47" West 247.39 feet to a POINT of the Southerly right-of-way of said A-1-A; Thence departing said Southerly right-of-way North 00°24'54" West 100.00 feet to a POINT on the Northerly right-of-way of A-1-A; Thence South 89°35'06" West along said Northerly right-of-way 309.45 feet to the POINT OF BEGINNING of this description.

Less and except the right-of-way of A-1-A,

All platted streets lying within the Johnson Beach Subdivision, Lots 1-9, 15-22, Block 1; 1-3, 18 & 19, Block 2; Lot 19, Block 3; Lots 1-4, 18-22, Block 4; Lots 1-11, 18-29, Block 5; Lots 13 & 14, 16-24, Block 7; Lots 2 & 5-11, Block 8 of said Johnson Beach Subdivision. Old Florida East Coast Canal, the Intracoastal Waterway and Jungle Hut Road.

**AND INCLUDING THE FOLLOWING PARCEL:
DESCRIPTION:**

A Parcel of land lying within Government Section 28, Township 10 South, Range 31 East, Flagler County, Florida, being more particularly described as follows:

A POINT OF REFERENCE being the Southeast Corner of Government Section 40, Township 10, South, Range 31, East, thence North 19°50'00" West along the East Line of Section 40 a distance of 7019.14 feet to a point on the southerly right-of-way of 16th Street, thence departing the East Line of Section 40 North 71°10'52" East a distance of 1559.67 feet to the POINT OF BEGINNING of this description, thence North 18°49'08" West a distance of 430.00 feet, thence North 47°55'12" East a distance of 591.12 feet, thence North 71°10'52" East a distance of 710.00 feet more or less to a point on the Mean High Water Line (MHWL) of the Atlantic Ocean, thence South 18°03'02" East a distance of 313.20 feet to a point on the MHWL, thence South 19°09'34" East a distance of 503.68 feet to a point on the MHWL, thence South 19°29'22" East a distance of 446.61 feet to a point on the MHWL of the Atlantic Ocean, thence departing said Atlantic Ocean South 71°10'52" West a distance of 500.00 feet, thence South 81°10'52" West a distance of 400.00 feet, thence North 76°24'51" West a distance of 430.15 feet, thence North 18°49'08" West a distance of 300.00 feet to the POINT OF BEGINNING.

Less and except 16th Road (80'R/W) and its extension easterly to the Atlantic Ocean according to the Subdivision Plat North Raffles Surf Club Section-85, recorded in Map Book 23, Pages 41 through 57, of the Public Records of Flagler County, Florida.

Parcel (less 16th Road) containing 30.7061 acres more or less. Bearings refer to the Mercator Grid System of the East zone of Florida and locally referenced to the East Line of Government Section 40, Township 10 South, Range 31 East, being North 19°50'00" West.

Net Acres containing ~~2114.54~~ 2145.2461 acres, more or less.

Specific Authority Sections 120.53(1), 190.005 FS. Law Implemented Sections 190.004, 190.005 FS. History--New 10-22-85, Formerly 42E-1.02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

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

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE: Drug-Free Workplace Standards

RULE CHAPTER NO.: 59A-24

RULE TITLES: Collection Site and Specimen

RULE NOS.: 59A-24.005

Collection Procedures

59A-24.006

Drug Testing Laboratories

59A-24.006

PURPOSE AND EFFECT: Chapter 59A-24, Florida Administrative Code, is being amended to make the rule consistent with legislative changes made to section 112.0455, F.S. The initial screening and confirmation cut-off levels for opiates and alcohol are being changed to be consistent with the cut-off levels adopted by the Health and Human Services Guidelines for federal workplace drug testing programs and the U.S. Department of Transportation.

SUMMARY: This rule is being changed to make Chapter 59A-24, FAC., consistent with legislative changes made to section 112.0455, F.S., during the 1998 legislative session. The initial screening cut-off levels for opiates and alcohol have also been changed to be consistent with the cut-off levels that have been adopted by the federal Health and Human Services Guidelines and the Department of Transportation for federal workplace drug testing programs.

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

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

SPECIFIC AUTHORITY: 112.0455(13) FS.

LAW IMPLEMENTED: 112.0455 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: 10:00 a.m., January 5, 2000

PLACE: 2727 Mahan Drive, Fort Knox Building 3, Room C, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Patricia L. James, Health Services and Facilities Consultant Supervisor, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)487-3109

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-24.005 Collection Site and Specimen Collection Procedures.

(1) through (3)(c)8.b. No change.

c. ~~A~~ The appropriate quantity of hair shall be collected as described in section 112.0455(13)(b)3.f.(IV), F.S. ~~Scalp hair shall be the only acceptable specimen allowed for hair testing.~~

(c)9. through 22. No change.

Specific Authority 112.0455(13)(a) FS. Law Implemented 112.0455 FS. History--New 3-15-90, Amended 6-28-91, Formerly 10E-18.005, Amended 5-1-96, 3-11-98, _____.

59A-24.006 Drug Testing Laboratories.

Laboratories shall be licensed by the agency in accordance with this rule chapter in order to collect or analyze specimens for an employer's drug testing program and shall also comply with the provisions of Chapter 483, Part I, F.S.

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

(e) Initial test. The initial screen for all drugs shall be an immunoassay except the initial test for alcohol shall be an enzyme oxidation methodology.

1. Levels on initially screened urine specimens which are equal to or exceed the following shall be considered to be presumptively positive and submitted for confirmation testing:

Amphetamines	1,000 ng/mL
Cannabinoids (11-nor-Delta-9-tetrahydrocannabinol-9-carboxylic acid)	50 ng/mL
Cocaine (benzoylecgonine)	300 ng/mL
Phencyclidine	25 ng/mL
Methaqualone	300 ng/mL
Opiates [†]	2,000 <u>300</u> ng/mL
Barbiturates	300 ng/mL
Benzodiazepines	300 ng/mL

Methadone 300 ng/mL
 Propoxyphene 300 ng/mL

~~125 ng/mL if immunoassay is specific for free morphine.~~

The only specimen for alcohol testing shall be blood and the initially screened specimen shall be considered presumptively positive and submitted for confirmation testing if the level is equal to or exceeds ~~0.02~~ 0.04g/dL.

(e)2. through (e)3. No change.

(f) Confirmation Test. All specimens identified as presumptively positive on the initial test shall be confirmed using mass spectrometry/mass spectrometry (MS/MS) or gas chromatography/mass spectrometry (GC/MS), except that alcohol will be confirmed using gas chromatography. All confirmations shall be done by quantitative analysis.

1. Levels on confirmation testing for urine specimens which are equal to or exceed the following shall be reported as positive:

Amphetamines (amphetamine, methamphetamine) ¹²	500 ng/mL
Cannabinoids (11-nor-Delta-tetrahydrocannabinol-9-carboxylic acid)	15 ng/mL
Cocaine (benzoylecgonine)	150 ng/mL
Phencyclidine	25 ng/mL
Methaqualone	150 ng/mL
Opiates (codeine, morphine)	300 ng/mL
Codeine	<u>2000 ng/mL</u>
Morphine	<u>2000 ng/mL</u>
6-Acetylmorphine ²	<u>10 ng/mL</u>
Barbiturates	150 ng/mL
Benzodiazepines	150 ng/mL
Methadone	150 ng/mL
Propoxyphene	150 ng/mL

¹²A laboratory shall not report a specimen positive for methamphetamine only. The specimen must contain amphetamine at a concentration equal to or greater than 200 ng/mL, by the confirmation test. If this criterion is not met, the specimen shall be reported as negative for methamphetamine.

²Tests for 6-Acetylmorphine when the morphine concentration exceeds 2000 ng/mL.

The alcohol level on confirmation testing for blood which is equal to or exceeds ~~0.02~~ 0.04g/dL shall be reported as positive.

- 2. No change.
- (g) through (i) No change.
- (5) through (15) No change.

Specific Authority 112.0455(12)(c),(13)(a) FS. Law Implemented 112.0455 FS. History--New 3-15-90, Amended 6-28-91, Formerly 10E-18.006, Amended 5-1-96, 12-5-96, 3-11-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Patricia L. James, Agency for Health Care Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Director, Agency for Health Care Administration
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 1999

**DEPARTMENT OF HEALTH
 Board of Podiatric Medicine**

RULE TITLE: Initial Licensure for Certified Podiatric X-Ray Assistants

RULE NO.: 64B18-24.001

PURPOSE AND EFFECT: The Board proposes to create a new chapter with a new rule which will address the initial licensure for Certified Podiatric X-Ray Assistants.

SUMMARY: A new rule chapter, entitled 64B18-24, is being promulgated and a new rule, entitled 64B18-24.001 is being promulgated to address the initial licensure for Certified Podiatric X-Ray Assistants.

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: 461.005, 461.0135 FS.
 LAW IMPLEMENTED: 120.52(9), 455.564(2), 455.587(1), 461.003(2), 461.0135 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 2020 Capital Circle, S. E., Bin # 07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-24.001 Initial Licensure for Podiatric X-Ray Assistants.

Each applicant for initial licensure as a certified podiatric x-ray assistant shall submit a certification application, on form DH-MQA/ , entitled, "Application For Certified Podiatric X-Ray Assistants," which is hereby incorporated by reference and will be effective _____, copies of which may be obtained from the Board office, and applicants shall pay a licensure certification fee of \$75. The Board shall verify successful passage of the course and examination required by section 461.0135, F.S., prior to issuance of the certified podiatric x-ray assistant certification.

Specific Authority 461.005, 461.0135 FS. Law Implemented 120.52(9), 455.564(2), 455.587(1), 461.003(2), 461.0135 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 1999

(i) The use of sovereign submerged lands for the anchoring or mooring of vessels used primarily for the purposes of gambling shall be prohibited when such vessels are engaged in "cruises to nowhere," where the vessels leave and return to the State of Florida without an intervening stop within another state or foreign country, or waters within the jurisdiction of another state or foreign country. This prohibition also applies to any vessel used to carry passengers to, or from, "cruises to nowhere."

(i) through (j) Renumbered as (j) through (k) No change.
(2) through (5) No change.

Specific Authority 253.03, 253.73 FS. Law Implemented Art. X, s.11, Fla. Const., 253.001, 253.03, 253.034, 253.04, 253.041, 253.141, 253.51, 253.61, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History--New 3-27-82, Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 7-21-92, 10-15-98.

The time for requesting a hearing on the proposed rule is extended to 21 days from the date of this notice.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phil Coram, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)488-0130

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER NO.: 5C-4
RULE CHAPTER TITLE: Admission of Animals for Exhibition

RULE NOS.: 5C-4.001, 5C-4.002, 5C-4.003, 5C-4.005
RULE TITLES: General Requirements and Limitations, Cattle, Swine, Goats and Sheep

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 33, Aug 20, 1999, Florida Administrative Weekly has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: 99-46R

RULE NO.: 18-21.004
RULE TITLE: Management, Policies, Standards, and Criteria

NOTICE OF CORRECTION

Notice is hereby given that text was inadvertently omitted when the Notice of Proposed Rulemaking was published in the December 3, 1999 issue of the Florida Administrative Weekly (Vol. 25, No. 48). The proposed rule text should read as follows:

18-21.004 Management Policies, Standards, and Criteria. The following management policies, standards, and criteria shall be used in determining whether to approve, approve with conditions or modifications, or deny all requests for activities on sovereign submerged lands.

- (1) General Proprietary
(a) through (h) No change.

DEPARTMENT OF CORRECTIONS

RULE NOS.: 33-601.801, 33-601.803, 33-601.805, 33-601.806, 33-601.809, 33-601.810, 33-601.811, 33-601.812
RULE TITLES: Close Management - General Privileges in Close Management, Assignment to Close Management, Review of Assignment to Close Management, Close Management - Case Management Responsibilities, Close Management Facilities, Close Management - Other Conditions and Privileges, Close Management Records and Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 25, No. 35, September 3, 1999, Florida Administrative Weekly have been withdrawn. Note: These rules were published in the notice of proposed rulemaking as 33-38.001, 33-38.003, 33-38.005, 33-38.006, 33-38.009, 33-38.010, 33-38.011 and 33-38.012, respectively, but have since been renumbered as indicated above.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.2045
RULE TITLE: Inmate Substance Abuse Testing

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 43, October 29, 1999, issue of the Florida Administrative Weekly:

33-602.2045 Inmate Substance Abuse Testing.

Paragraph (2)(a)1. Should be changed as follows:

1. Inmates suspected of involvement with drugs or alcohol shall be subject to for-cause testing upon order of the warden, duty warden, or the major of the community facility, ~~or their designees~~. An inmate can be tested for a minimum of three drugs on a for-cause basis.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-602.205 Inmate Telephone Use
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 45, November 12, 1999, issue of the Florida Administrative Weekly:

Paragraph (2)(k) of proposed rule 33-602.205 should read as follows:

(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 tapes and records shall be limited to the following persons:

1. Secretary or Deputy Secretary;
2. Assistant Secretary for the Office of Security and Institutional Operations or his designee;
3. Regional Directors;
4. Inspector General or designee;
5. The warden of each institution or his or her designee;
6. Correctional officer inspectors;

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-602.210 Use of Force
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 44, November 5, 1999, issue of the Florida Administrative Weekly:

The second sentence of (10) of proposed rule 33-602.210 should read as follows:

The physician ~~or his designee~~ shall prepare a report documenting the reasons that force or restraint was authorized.

DEPARTMENT OF CORRECTIONS

RULE NOS.: RULE TITLES:
33-602.220 Administrative Confinement
33-602.221 Protective Management
33-602.222 Disciplinary Confinement
33-602.223 Special Management Meal

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 25, No. 35, September 3, 1999, Florida Administrative Weekly have been withdrawn. Note: These rules were published in the notice of proposed rulemaking as 33-3.0081, 33-3.0082, 33-3.0084 and 33-3.0085, respectively, but have since been renumbered as indicated above.

DEPARTMENT OF HEALTH

Board of Medicine
RULE NO.: RULE TITLE:
64B8-5.001 Examinations
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 33, of the August 20, 1999, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on December 4, 1999, in Tampa, Florida, voted to change subsection (5) of the rule. When changed, subsection (5) shall read: "Pursuant to Subsection 458.311(1)(h) and 458.313(2), F.S., any applicant who is currently licensed in at least one other jurisdiction of the United States or Canada, the Board approves and designates the use of the Special Purpose Examination of the Federation of State Medical Boards of the United States (SPEX). An applicant must achieve a score of no less than 75 on the SPEX to be eligible for licensure in Florida. If such score is obtained outside of Florida the applicant will not be required to re-take the SPEX or pay the fee required for purchase of the SPEX. However, if the applicant is submitting a score on the SPEX for the purpose of complying with the clinical competency examination requirement of section 458.313(1)(c), F.S., the score of 75 or more must be achieved within the year preceding the application for licensure."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Medicine
RULE NO.: RULE TITLE:
64B8-11.0015 Renewal of Approval for
 Recognizing Agencies
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 37, of the Florida Administrative Weekly on September 17, 1999, has been withdrawn. The person to be contacted regarding the rule is: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.900
RULE TITLE: Overpayment and Benefit Recovery
CONTINUATION OF PROPOSED RULEMAKING

The Department of Children and Family Services announces a public hearing to which all persons are invited.

TIME AND DATE: 10:00 a.m., January 5, 2000

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

PURPOSE: The department will discuss further amendment of administrative rule 65A-1.900, FAC., as to policy/forms requirements in regard to demand letters; the initial discussion being whether or not these letters must be in rule. This hearing will address requirements for notification of overpaid households regarding the department's discretionary authority to set repayment options for food stamp overpayment claims. Additionally, the incorporation by reference of Forms CF-ES 3042, Food Stamp Notice of Overissuance, and CF-ES 3057, Information Concerning Administrative Disqualification Hearings, will be discussed.

Any person desiring special accommodations under the Americans with Disabilities Act or desiring a copy of the agenda for this hearing should contact: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Program, Building 3, Room 412D, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700 or telephone (850)488-3090. If special accommodations are required, please make the contact at least 24 hours prior to the hearing.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-48.002
RULE TITLE: Definitions
NOTICE OF CHANGE

Notice is hereby given that in response to recommendations made by the Joint Administrative Procedures Committee the following changes, in addition to non-published technical corrections/clarifications, have been made to Rule 67-48, Florida Administrative Code, as published in Vol. 25, No. 35, of the Florida Administrative Weekly on September 3, 1999. These changes are in addition to those listed in Notice of Change published in Vol. 25, No. 45, of the Florida Administrative Weekly on November 12, 1999.

67-48.002 Definitions.

(10) The following has been added to the "Verification of Environmental Safety" form, Form 7, page 17 of 21:

If a Phase II Assessment was required by the Phase I, I certify that the Phase II Assessment was performed and a report dated _____ was prepared. A true and correct copy of the Executive Summary of the Phase II Assessment accompanies this form at Form 7, Exhibit _____.

If a Phase II Assessment was recommended and not performed, attach an explanation which includes recommended mitigation. Such explanation is included at Form 7, Exhibit _____.

The "NOTE" at the bottom of the "Verification of Availability of Infrastructure" forms, Form 7, pages 18 through 21 of 21, has been revised to read as follows:

NOTE: DO NOT 'SCAN', 'IMAGE', RETYPE OR OTHERWISE ALTER THIS FORM. IT MAY BE PHOTOCOPIED. SIGNATURES FROM LOCAL ELECTED OFFICIALS ARE NOT ACCEPTABLE. IF THIS VERIFICATION FORM IS APPLICABLE TO THIS DEVELOPMENT AND IT IS ~~INAPPROPRIATELY SIGNED BY A LOCAL ELECTED OFFICIAL, THIS THE APPLICATION WILL RECEIVE ZERO POINTS FOR THIS ITEM NOT MEET THRESHOLD AND WILL BE REJECTED.~~

Form 10, Leveraging, Section I. B., page 2 of 5, has been changed as follows:

Each Application will be evaluated based on the percentage requested of the "Threshold" total Development cost as calculated below. This calculation is in accordance with the threshold requirement that precludes the Corporation from providing assistance for any costs in excess of \$65,000.00 per set-aside unit. In no event shall the total cost per set aside unit exceed \$84,500.00. Refer to the Threshold Pages for additional information.

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that BellSouth Public Communications, Inc.'s petition for waiver exemption of Rule 25-24.515(13), Florida Administrative Code, filed August 25, 1999, in Docket No. 991212-TC, was approved by the Commission at its October 19, 1999, Agenda Conference. Order No. PSC-99-2188-PAA-TC, issued November 8, 1999, memorialized the decision. The rule addresses incoming calls at pay telephone stations. 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 September 17, 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 or the Commission's Homepage <http://www.floridapsc.com>.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on November 12, 1999, the South Florida Water Management District (SFWMD) has received a petition for waiver from the Florida Department of Transportation, District 4, for utilization of works or land of the SFWMD known as the C-8 Canal, Miami-Dade County. The petition seeks relief from the Rule 40E-6.301(1), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which requires a twenty five foot center span for bridges within the District's rights of way.

A copy of the petition may be obtained from: Juli Triola, (561)682-6268 or e-mail: jtriola@sfwmd.gov.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department announces receipt of a petition filed on December 1, 1999, pursuant to Section 120.542, Florida Statutes, from The David J. Joseph Company to obtain a variance or waiver from certain Department rules regulating the petitioner's Kingsway Road Landfill in Hillsborough County. Specifically, the petitioner has requested a variance from Rule 62-701.300(2)(c), Florida Administrative Code (FAC.), that prohibits the storage or disposal of solid waste within 500 feet of a potable water well, and from Rule 62-701.340(4)(c), FAC., that requires a 100-foot separation between waste deposits and the landfill property boundary. 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.

Pursuant to Section 120.542(8), F.S., the Department of Environmental Protection announces that Polk County has withdrawn its Petition for Variance or Waiver.

NAME OF THE PETITIONER: Polk County, Florida.

DATE THE PETITION WAS FILED: August 30, 1999

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rules 62-701.600(5)(f)2 and 62-701.600(7)(a)2, Florida Administrative Code, that require closure and long-term care for active Class I landfills.

REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Florida Administrative Weekly, September 24, 1999, Vol. 25, No. 38.

THE DATE THE PETITION FOR VARIANCE OR WAIVER WAS WITHDRAWN: November 29, 1999.

EXPLANATION OF HOW A COPY OF THE WITHDRAWAL CAN BE OBTAINED: A copy of the letter withdrawing the Petition for Variance or Waiver 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 inspections should be made to Mary Jean Yon, Section Administrator at the above address, telephone (850)488-0300.

Pursuant to Section 120.542(8), F.S., the Department of Environmental Protection announces that the New River Solid Waste Association has withdrawn its Petition for Variance or Waiver.

NAME OF THE PETITIONER: New River Solid Waste Association.

DATE THE PETITION WAS FILED: September 8, 1999.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 62-701.300(10)(a), Florida Administrative Code, which limits the type of noncontainerized liquid waste that can be disposed of in landfills.

REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Florida Administrative Weekly, October 8, 1999, Vol. 25, No. 40.

THE DATE THE PETITION FOR VARIANCE OR WAIVER WAS WITHDRAWN: December 1, 1999.

EXPLANATION OF HOW A COPY OF THE WITHDRAWAL CAN BE OBTAINED: A copy of the letter withdrawing the Petition for Variance or Waiver 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 inspections should be made to Mary Jean Yon, Section Administrator at the above address, telephone (850)488-0300.

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, January 11, 2000, 11:00 a.m.

PLACE: The Lyric Theatre, 59 Southwest Flagler Avenue, Stuart, FL

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, s/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 at (561)279-1475.

DEPARTMENT OF EDUCATION

The **Department of Education**, Blue Ribbon Committee on Education Governance announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, January 18, 2000; Wednesday, January 19, 2000, 10:00 a.m.

PLACE: Department of Education, Turlington Building, 325 West Gaines Street, Tallahassee, Florida

PURPOSE: To continue discussion of the education governance affected by the passage of Constitutional Amendment 8 during the 1998 elections. The Committee will consider public testimony in preparation for recommendations to the Florida Legislature. Public testimony will be held from 10:00 a.m. – 11:30 a.m., January 19, 2000. Speakers will be limited to 5 minutes each.

A copy of the agenda may be obtained by writing: Kathy Mizereck, Director, Legislative Affairs, Department of Education, LL-24, The Capitol, Tallahassee, Florida 32399-0400.

Any 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 proceedings at the address given on the notice, Telephone (850)488-9513.

The State of Florida, **Education Standards Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Thursday, January 20, 2000; Friday, January 21, 2000, 8:30 a.m.

PLACE: School District of Duval County, School Board Building, Conference Room 613, 1701 Prudential Drive, Jacksonville, Florida

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.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact Dr. Adeniji Odutola at the above address or telephone numbers.

DEPARTMENT OF LAW ENFORCEMENT

The **Division of Criminal Justice Standards and Training** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

DATE AND TIME: Thursday, January 6, 2000, 1:00 p.m. – Open

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

PURPOSE: To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case agenda can be obtained by calling: Brenda S. Miller, (850)410-8648, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Post Office Box 1489, Tallahassee, Florida 32302-1489.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

REGIONAL PLANNING COUNCILS

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 3, 2000, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

PURPOSE: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Local Government Comprehensive Plan Amendment for Coral Springs and Miami-Dade County; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government

Comprehensive Plan Amendment for North Lauderdale; Miami-Dade County; and Plantation; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting, 10:00 a.m., at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will 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.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

REGIONAL TRANSPORTATION AUTHORITIES

The **Hillsborough Area Regional Transit Authority (HART)** announces the following public meetings of the Governing Board of the Authority to which all persons are invited.

Public Hearing

DATE AND TIME: January 10, 2000, 8:30 a.m.

PLACE: County Center, 601 E. Kennedy Boulevard, 18th Floor, Planning Commission Board Room, Tampa, FL

PURPOSE: Public Hearing

Regular Board Meeting

DATE AND TIME: January 10, 2000, immediately following Public Hearing

PLACE: County Center, 601 E. Kennedy Boulevard, 18th Floor, Planning Commission Board Room, Tampa, FL

PURPOSE: Regularly Scheduled Board Meeting

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to order
2. Approval of Minutes
3. Introductions, Recognition and Awards
4. Consumer Advisory Committee Report
5. Public Comment on Action Items
6. Consent Action Items
7. Other Action Items

8. Chairman's Report
9. Reports from HART Representatives
10. HART Committee Reports
11. Other Board Member's Report
12. General Counsel's Report
13. Executive Director's Report
14. Employee Comment
15. General Public Comment
16. Discussion and Presentations
17. Monthly Information Reports
18. Other Information Items
19. Other Business

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 1600, Tampa, Florida 33602, (813)223-6831.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Joe DeHoyos, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TDD).

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

The Florida **Department of Labor and Employment Security, Division of Workers' Compensation**, Special Disability Trust Fund Privatization Commission announces a meeting to which the public is invited.

DATE AND TIME: Friday, January 21, 2000, 9:00 a.m. – 12:00 Noon

PLACE: Room 214, The Capitol, Tallahassee, Florida

PURPOSE: The purpose of the meeting is to complete the business of the Special Disability Trust Fund Privatization Commission.

For further information regarding the meeting, please contact: Anne Mackenzie, (850)488-4896.

Persons with a disability or handicap requiring reasonable accommodations should contact Anne Mackenzie by telephone at least two business days in advance to make appropriate arrangements. If you are hearing or speech impaired, please

contact Anne Mackenzie using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

DATES AND TIMES: January 25, 2000, 9:00 a.m., continuing January 26, 2000, 9:00 a.m., if necessary

PLACE: Governing Board Room, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899

PURPOSE: The acquisition of certain lands eligible to be considered for funding from the Water Management Lands Trust Fund (Save Our Rivers)/Florida Preservation 2000 Trust Fund which lands are further described as follows:

Part of the Green Swamp project comprised of one parcel referred to as SWF Parcel No. 10-200-1224C, consisting of approximately 80± acres to be acquired by conservation easement, lying in Section 30, Township 25, South, Range 24, East in Polk County, Florida.

Any person deciding to appeal any decision made by the District Governing Board concerning the above-referenced 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, which record includes the testimony and evidence upon which the appeal may be based.

A copy of the agenda or a more specific legal description of the lands proposed for acquisition may be obtained by contacting Fritz H. Musselmann, Land Resources Director, Southwest Florida Water Management District, at the above address.

The District does not discriminate based on disability status. Anyone requiring reasonable accommodations under the ADA should call 1(800)423-1476 (Florida only), Extension 4452, Fax (352)754-6877, TTD only 1(800)231-6103.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The **Florida Commission for the Transportation Disadvantaged** announces a WAGES Subcommittee meeting of the Finance, Auditing, and Program Performance (FAPP) Committee to which all persons are invited.

DATE AND TIME: Thursday, December 23, 1999, 10:00 a.m. – completion

PLACE: Suite 1-A, Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida, (850)488-6036

PURPOSE: To review and develop a proposed procedure for the distribution of newly allocated funds to the Transportation Disadvantaged Trust Fund for the provision of transportation services to WAGES recipients. Recommendations will be forwarded to the full FAPP Committee.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)488-6036 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson’s request.

The **Florida Commission for the Transportation Disadvantaged**, the American’s with Disabilities Act Working Group and the Division of Blind Services announces a Transportation Services Forum to which all persons are invited.

DATE AND TIME: Saturday January 8, 2000, 10:00 a.m. – 2:00 p.m.

PLACE: Jacksonville Regional Library, 9000 Regency Square Boulevard, Jacksonville, Florida 32225. The Library’s Phone Number is (904)726-5142

PURPOSE: To provide and exchange information regarding the transportation disadvantaged program and the transportation service delivery in the area.

In accordance with the Americans with Disabilities Act, persons in need of accommodations to participate in the meeting or an agenda should contact: John Dehmer, American’s with Disabilities Working Group, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32399-0696, (850)487-3423. Those individuals who need transportation to this meeting should contact their local Community Transportation Coordinator, whereupon services will be arranged for you. If you have difficulties with transportation arrangements, contact Mr. Dehmer at the number listed above.

For further information regarding this event, contact: Mr. Robert A. Jones, (904)721-2389. The meeting is subject to change upon chairperson’s request.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Funeral Directors and Embalmers** announces a Telephone Conference Call meeting to review applications to which all persons are invited.

DATE AND TIME: January 5, 2000, 3:30 p.m., Eastern Standard Time

ACCESS PHONE: (850) 921-5320, Suncom 291-5320.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399-0773

PURPOSE: Application Review

A copy of the agenda may be obtained by writing: Board of Funeral Directors and Embalmers, 1940 North Monroe Street, Suite 60, Tallahassee, FL 32399-0754.

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 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.

Persons requiring special accommodations due to disability or physical impairment should contact: Juanita Chastain, Board of Funeral Directors and Embalmers, (850)388-0698, at least five working 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).

The **Pilotage Rate Review Board** announces the following public hearing pursuant to Rule 61E13-2.007(5) to which all persons are invited.

DATE AND TIME: January 20, 2000, 1:00 p.m.

PLACE: Pilot Station, Biscayne Bay Pilots' Association, 2911 Port Boulevard, Miami, Florida

PURPOSE: Site visit to the Port of Miami (No Board business will be transacted.)

DATE AND TIME: January 21, 2000, 9:00 a.m.

PLACE: DoubleTree Grand Hotel, 1717 North Bayshore Drive, Miami, Florida, (305)523-3321

PURPOSE: Rate Hearing for the Port of Miami.

A copy of the application and the report of investigation thereon may be obtained by writing: Pilotage Rate Review Board, 1940 North Monroe Street, Tallahassee, FL 32399-0773, and paying the appropriate costs.

All interested parties may file an answer, an additional or alternative application, or any other applicable pleading or response, including all documentation in support thereof within 30 days of this publication.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the board office, (850)488-0698, 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).

The **Department of Business and Professional Regulation, Board of Professional Geologists** announces a General Business Meeting conducted by media technology, specifically 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: December 27, 1999, 9:00 a.m.

PLACE: Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399; Meet-me telephone number (850)921-6433

PURPOSE: Board Business.

A copy of the agenda may be obtained by writing: D. A. O'Connor, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399.

If a 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 D. A. O'Connor by Thursday, December 23, 1999.

The **Florida Building Code Administrators and Inspectors Board** announces an Official Board Meeting via telephone conference call to which all interested persons are invited.

DATE AND TIME: January 7, 2000, 10:00 a.m.

PLACE: Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board Office, 1940 North Monroe Street, Tallahassee, FL 32399-2211, ACCESS NUMBER (850)921-6433 or Suncom 291-6433

PURPOSE: Official Board Meeting.

If any person decides to appeal any decision made by the Building Code Administrators and Inspectors Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information, contact the Florida Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2211.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Amy Bennett, Building Code Administrators and Inspectors Board at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Amy Bennett 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 **Department of Environmental Protection** announces three public capacity development meetings to which all persons are invited. The three meetings will be held in three areas of the state to allow greater participation.

Tallahassee:

DATE AND TIME: January 4, 2000, 9:00 a.m.

PLACE: Room 609, Twin Towers Office Building, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

West Palm Beach:

DATE AND TIME: January 6, 2000, 9:00 a.m.

PLACE: Southeast District Office, Florida Department of Environmental Protection, 400 N. Congress Avenue, West Palm Beach, Florida

Tampa:

DATE AND TIME: January 7, 2000, 9:00 a.m.

PLACE: Conference Room A, Southwest District Office, Florida Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, Florida

PURPOSE: Public meetings to gather comments for the development of the capacity development strategy for existing public drinking water systems.

Further information may be obtained by writing: Virginia Harmon, Drinking Water Section, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, or by calling Virginia Harmon, (850)921-6844.

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 workshop by contacting the Personnel Service Specialist in the Bureau of Personnel at (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Department of Environmental Protection** announces the public hearing described below:

DATE AND TIME: January 12, 2000, 10:30 a.m.

PLACE: City Commission Chambers, Third Floor, City Hall, 228 South Massachusetts Avenue, Lakeland, Florida

PURPOSE: A public hearing will be held to determine whether or not the City of Lakeland's C.D. McIntosh Unit No. 5 is in conformance with local land use plans and zoning ordinances. Following the land use portion of the hearing, Administrative Law Judge J. Lawrence Johnston will take testimony and evidence concerning environmental effects and any other appropriate matters regarding the proposed C.D. McIntosh Unit No. 5 electrical power generating unit, pursuant to the Florida Electrical Power Plant Siting Act, ss. 403.501-518, Florida Statutes. Judge Johnston will prepare a Recommended Order for submission to and final action by the Governor and Cabinet acting as the Siting Board, based on the hearing. Under §403.508(4), F.S., any person wishing to become a party should file a Motion to Intervene with Daniel Johnston, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, at least nine (9) days prior to the hearing. Failure to act within the time frame constitutes a waiver of the right to become a party. The Department's application number for this project is PA74-06SR2. The Division of Administrative Hearing's case number is 99-2739EPP.

For additional information concerning the hearings, please contact Buck Oven, (850)487-0472, or at the Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Wednesday, January 12, 2000, 7:00 p.m. (EST)

PLACE: De Leon Springs State Recreation Area, Old Spanish Sugar Mill Restaurant, 601 Poncho De Leon Boulevard, De Leon Springs, Florida 32130

PURPOSE: To present the current management plan for De Leon Springs State Recreation Area 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 3, Administration, 1800 Wekiwa Circle, Wekiwa Springs, Florida 32712.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group meeting to which all persons are invited.

DATE AND TIME: Thursday, January 13, 2000, 9:00 a.m., (EST)

PLACE: De Leon Springs State Recreation Area, 601 Ponce De Leon Boulevard, De Leon Springs, Florida 32130

PURPOSE: To discuss the current management plan for De Leon Springs State Recreation Area with the DEP Advisory Group.

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 3, Administration, 1800 Wekiwa Circle, Wekiwa Springs, Florida 32712.

DEPARTMENT OF HEALTH

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces official Board and Committee meetings. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATES AND TIMES: January 20, 2000, Committee Meetings – 9:00 a.m.; General Business Meeting – conclusion of Committee Meetings, January 21, 2000, 9:00 a.m.; January 22, 2000, General Business Meeting – 9:00 a.m.

PLACE: The Jacksonville Hilton and Towers, 1201 Riverplace Blvd., Jacksonville, FL 32207, (904)398-8800

PURPOSE: Board Business.

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 by Thursday, January 13, 2000.

The Florida **Board of Dentistry** will hold the following meetings to which all persons are invited:

DATE AND TIME: Friday, January 7, 2000, Committees begin immediately following Rules Workshop with General Business Meeting following and reconvening on Saturday, January 8, 2000, 8:00 a.m.

PLACE: Tampa Airport Hilton, 2225 Lois Avenue, Tampa, FL 33607, (813)877-6688

PURPOSE: To conduct Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: William H. Buckhalt, Executive Director, Board of Dentistry, 2020 Capital Circle, S. E., BIN #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-6016. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)488-6016, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Dentistry** will hold a Rules Workshop to which all persons are invited:

DATE AND TIME: Friday, January 7, 2000, 9:00 a.m.

PLACE: Tampa Airport Hilton, 2225 Lois Avenue, Tampa, FL 33607, (813)877-6688

PURPOSE: To discuss non-profit permit issues and issuance of teaching permits to foreign trained dentists.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: William H. Buckhalt, Executive Director, Board of Dentistry, 2020 Capital Circle, S. E., BIN #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-6016. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Barber, (850)488-6016, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Barber using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine** announces a Telephone Conference Call to which all persons are invited.

DATE AND TIME: Wednesday, January 5, 2000, 12:00 p.m., or soon thereafter, Via meet me number

PLACE: (850)488-5776 or SC 278-5776

PURPOSE: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)488-3622 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Department of Health, Board of Speech-Language Pathology and Audiology** announces a General Business meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: January 20, 2000, 9:00 a.m.

PLACE: The Hilton Jacksonville and Towers, 1201 Riverplace Blvd., Jacksonville, FL 32207, (904)398-8800

PURPOSE: General Business meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Speech-Language Pathology and Audiology, 2020 Capital Circle, S. E., BIN #C08, Tallahassee, FL 32399-3258.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster by Thursday, January 13, 2000.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District Ten, Health and Human Services Board will conduct the following Sub-committee meetings during the month of December:

The Child Care Sub-Committee announces a public meeting to which you are invited to attend:

DATE AND TIME: December 20, 1999, 9:00 a.m.
PLACE: Family Central, 840 S. W. 81 Street, North Lauderdale, Florida 33068

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review issues relating to Child Care.

A copy of the agenda may be obtained by writing: Scott Silverman, Management Review Specialist, Regional Office, 201 W. Broward Blvd., Suite 406, Ft. Lauderdale, FL 33301.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration, Scott Silverman, at least 5 working days before the meeting, (954)467-4298 or (954)467-4509 (TDD).

The District 14, **Children and Family Services**, Health and Human Services Board announces the following meeting to which all persons are invited.

Executive Committee meeting
DATE AND TIME: Monday, January 3, 2000, 11:30 a.m.
PLACE: Children and Family Services, Administration Office, Conference Room B, 4720 Old Highway 37, Lakeland, FL
PURPOSE: To develop the board meeting agenda and conduct general business.

Alcohol, Drug Abuse and Mental Health Council Meeting
DATE AND TIME: Monday, January 10, 2000, 2:00 p.m.
PLACE: Children and Family Services, Center Office, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: To discuss mental health and substance abuse issues.

Management and Accountability Council Meeting
DATE AND TIME: Wednesday, January 12, 2000, 3:30 p.m.

PLACE: Children and Family Services, Center Office, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: To discuss and review budgetary issues.
Annual Board Legislative Breakfast

DATE AND TIME: Thursday, January 13, 2000, 8:30 a.m.
PLACE: Children and Family Services, Administration Office, First Floor, Conference Room, 4720 Old Highway 37, Lakeland, FL

PURPOSE: To discuss legislative priorities for the 2000 Legislative Session.

Child Protection Council Meeting
DATE AND TIME: Thursday, January 13, 2000, 3:00 p.m.

PLACE: Children and Family Services, Service Center Office, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: To discuss foster care, adoptions, family preservation and other children and families issues.

Family Care Council Meeting
DATE AND TIME: Monday, January 17, 2000, 6:30 p.m.

PLACE: Children and Family Services, Center Office, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: To discuss issues relating to services for the developmentally disabled.

Health and Human Services Board Business Meeting
DATE AND TIME: Tuesday, January 18, 2000, 4:30 p.m.

PLACE: Children and Family Services, Center Office, Conference Room 101, 270 Bartow Municipal Airport, Bartow, FL

PURPOSE: To conduct general business.

Advisory Community-Based Care Council Meeting
DATE AND TIME: Thursday, January 20, 2000, 3:00 p.m.
PLACE: Fort Meade Community Center, 10 S. W. Third Street, Fort Meade, FL

PURPOSE: To plan for community-based care in District 14.

For copies of the agenda, further information, or persons needing accommodation to participate in these conference calls please contact, Patty Harrison, (941)619-4100, Extension 157, 1(800)342-0825 or TDD (941)648-3337.

The **Department of Children and Family Services**, District 5, Health and Human Services Board announces the following six months public meeting schedule to which all persons are invited:

Health and Human Services Board
DATES AND TIMES: January 5, 2000, March 1, 2000, May 3, 2000, 9:30 a.m.

PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Road, Largo, FL

PURPOSE: Regular meeting for general business.

DATE AND TIME: February 2, 2000, 9:30 a.m.
 PLACE: East Pasco Service Center, 36739 S.R. 52, Dade City, FL
 PURPOSE: Regular meeting for general business.

DATE AND TIME: April 5, 2000, 9:30 a.m.
 PLACE: St. Petersburg Service Center, 3151 3rd Avenue, North, St. Petersburg, FL
 PURPOSE: Regular meeting for general business.

DATE AND TIME: June 7, 2000, 9:30 a.m.
 PLACE: 49th Street Service Center, 4140 49th Street, North, St. Petersburg, FL
 PURPOSE: Regular meeting for general business.

The Health and Human Services Board standing committees will meet as follows:

Planning, Budget and Evaluation Committee
 DATES AND TIMES: January 5, 2000, March 1, 2000, May 3, 2000, immediately following board meeting
 PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Road, Largo, FL
 PURPOSE: Regular meeting for general business.

DATE AND TIME: February 2, 2000, immediately following board meeting
 PLACE: East Pasco Service Center, 36739 S.R. 52, Dade City, FL
 PURPOSE: Regular meeting for general business.

DATE AND TIME: April 5, 2000, immediately following board meeting
 PLACE: St. Petersburg Service Center, 3151 3rd Avenue, North, St. Petersburg, FL
 PURPOSE: Regular meeting for general business.

DATE AND TIME: June 7, 2000, immediately following board meeting
 PLACE: 49th Street Service Center, 4140 49th Street, North, St. Petersburg, FL
 PURPOSE: Regular meeting for general business.

Organization Committee
 DATE AND TIME: January 5, 2000, 8:45 a.m., as needed
 PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Road, Largo, FL
 PURPOSE: Regular meeting to discuss general business.

DATE AND TIME: April 5, 2000, 8:45 a.m., as needed
 PLACE: St. Petersburg Service Center, 3151 3rd Avenue, North, St. Petersburg, FL
 PURPOSE: Regular meeting to discuss general business.

Legislative Committee
 DATES AND TIMES: January 21, 2000, February 18, 2000, March 17, 2000, April 21, 2000, May 19, 2000, June 16, 2000, 10:00 a.m.
 PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Road, Largo, FL
 PURPOSE: Regular meeting to discuss general business.

Comprehensive Services for Adults and Children Committee
 DATES AND TIME: January 10, 2000; February 14, 2000; March 13, 2000; April 10, 2000; May 8, 2000; June 12, 2000, 3:00 p.m.
 PLACE: Emmanuel Community Baptist Church, 1150 County Road 1, Palm Harbor, FL
 PURPOSE: Regular meeting to discuss general business.

Family Support Committee
 DATES AND TIMES: January 19, 2000, February 16, 2000, March 15, 2000, April 19, 2000, May 17, 2000, June 21, 2000, 9:00 a.m.
 PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Road, Largo, FL
 PURPOSE: Regular meeting to discuss general business

Family Care Council
 DATES AND TIMES: January 26, 2000, February 23, 2000, March 22, 2000, April 26, 2000, May 24, 2000, June 28, 2000, 7:00 p.m.
 PLACE: Countryside Library, 2741 Route 580, Clearwater, FL
 PURPOSE: Regular meeting to discuss general business.

Community-Based Care Pasco Task Force
 DATES AND TIMES: January 12, 2000, February 9, 2000, March 8, 2000, April 12, 2000, May 10, 2000, June 14, 2000, 2:30 p.m.
 PLACE: Counsel Square II, Conference Room 150, 7601 Little Road, New Port Richey, FL
 PURPOSE: To discuss implementation of community-based care in District 5.

Community-Based Care Pinellas Task Force
 DATES AND TIMES: January 26, 2000, February 23, 2000, March 22, 2000, April 26, 2000, May 24, 2000, June 28, 2000, 9:00 a.m.
 PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Road, Largo, FL
 PURPOSE: To discuss implementation of community-based care in District 5.

Agendas can be obtained seven days in advance of each meeting at: Mary Grizzle State Office Building, Suite 414, 11351 Ulmerton Road, Largo, FL.

Persons needing accommodation to participate in these meetings should call at least 3 days in advance of the meeting, (727)588-7071 or TDD (727)588-6662, to arrange accommodations.

The **Department of Children and Family Services**, District 5, Nominee Qualifications Review Committee announces the following meeting:
 DATE AND TIME: Friday, January 7, 2000, 1:00 p.m.
 PLACE: Counsel Square II, Conference Room 250I, 7601 Little Road, New Port Richey, FL
 PURPOSE: Conduct interviews and establish nominee pool for Health and Human Services Board vacancy in Pasco County.

Members of the public are invited to attend. Agendas can be obtained seven days in advance of the meeting: Suite 414, Mary Grizzle State Office Building, 11351 Ulmerton Road, Largo, FL.

Persons needing accommodation to participate in this meeting should call at least 3 days in advance of the meeting, (813)588-7059 or TDD (813)588-6662 to arrange accommodations.

LEON COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The Board of Governors of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited:

DATES AND TIMES: Every third Tuesday of each month through June 2000, 8:30 a.m.

PLACE: Innovation Park Administrative Centre, 1673 West Paul Direc Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The development and operation of Innovation Park and related matters.

Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact: Ms. Hoko Glenn, (850)575-0031.

The Development Review Committee of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited:

DATES AND TIMES: Every second Tuesday of each month through June 2000, 8:30 a.m.

PLACE: Innovation Park Administration Centre, 1673 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The development and operation of Innovation Park and related matters.

Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact: Ms. Hoko Glenn, (850)575-0031.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council**, Inc. announces the following meetings:

MEETING: Program Steering Committee Meeting

DATE AND TIME: Friday, December 10, 1999, 10:00 a.m. EDT

PLACE: FILC Headquarters, 1018 Thomasville Road, Ste. 100-A, Tallahassee, Florida 32303-6271

MEETING: Steering Committee Meeting

DATE AND TIME: December 13, 1999, 9:00 a.m. EDT

PLACE: FILC Headquarters, 1018 Thomasville Road, Ste. 100-A, Tallahassee, FL 32303-6271

MEETING: Executive Committee Meeting

DATE AND TIME: Wednesday, December 15, 1999, 9:00 a.m. EDT

PLACE: FILC Headquarters, 1018 Thomasville Road, Ste. 100-A, Tallahassee, FL 32303-6271

PURPOSE: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, Telephone (850)488-5624.

Any person who needs an accommodation to participate in this meeting because of a disability should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Konni Wells at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105).

INDIAN RIVER COMMUNITY COLLEGE

The **Indian River Community College, Criminal Justice Training Institute** announces a public meeting, to which the public is invited.

DATE AND TIME: January 19, 2000, 10:00 a.m.

PLACE: Indian River Community College, Indian River Academy Site, 5900 Tedder Road, Fort Pierce, Florida

PURPOSE: Update Council members on Criminal Justice Standards and Training Commission information and advanced training programs available through Indian River Community College.

A copy of the agenda may be obtained by contacting: Lawrence Lawson, (561)462-4742

A copy of the Orders, Case Numbers DC 99-60, 99-65, may be obtained by contacting: Gary L. Grant, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, received a Petition to Initiate Rulemaking on November 29, 1999, from inmate Douglas Jackson. Petitioner seeks to amend Florida Administrative Code, Chapter 33, by adding a provision that would allow inmates access to computers.

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.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition for a Declaratory Statement from Destin Water Users, Inc. The petition seeks the agency's opinion whether, as a non-profit water and wastewater utility that the Commission has determined to be exempt from regulation pursuant to Section 367.022(7), Florida Statutes, Destin water users remains subject to the Commission's jurisdiction and not subject to the jurisdiction of any municipal or other regulatory authority.

DOCKET NO. 991746-WU.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement in In Re: Petition for Declaratory Statement, Hollybrook Golf and Tennis Club Condominium, Inc., Petitioner. The Petitioner requests an interpretation as to whether the condominium documents mandate that the association maintain hazard insurance coverage extending to the wall coverings, floor coverings or ceiling coverings within individual units or as to electrical fixtures, appliances, air conditioning and heating equipment, water heaters or built-in cabinets with individual units, notwithstanding the provisions of section 718.111(11)(b), Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number CD1999223, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Kathryn E. Price, Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Clemons Building, Tallahassee, Florida 32399-2202.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections, has issued a response to two Petitions to Initiate Rulemaking received from inmate Douglas Jackson.

First, Petitioner sought an amendment to Florida Administrative Code Chapter 33-601.800 that would prohibit the Department from utilizing a violation of inmate disciplinary rules as a basis for placement in close management. The Department denied the petition, finding that Petitioner's analysis of double jeopardy jurisprudence was incorrect.

Next, Petitioner sought an amendment to Florida Administrative Code Rule 33-602.201, Appendix One, that would allow inmates to possess typewriters. The Department denied the petition, finding that it was well-settled that the State is not required to provide access to typewriters and/or typing services to an inmate in order to ensure access to courts.

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:

J. A. C. vs. Florida Atlantic University; Rule No.: 6C5-4.002, 6C5-4.005, 6C5-4.008 and 6C5-7.007; Case No.: 994709RU

Coastal Steel Construction, Inc. vs. Department of Revenue; Rule No.: 12A-1.051(11)(g); Case No.: 99-4866RP

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Florida Power & Light Company vs. Public Service Commission; Rule No.: 25-22.036(3); Case No.: 99-4264RX; Dismissed

Naples Community Hospital, Inc. vs. Agency for Health Care Administration; Rule No.: 59A-3.081; Case No.: 99-2668RP; Voluntarily Dismissed

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

Florida A & M University, on behalf of the State of Florida, Board of Regents, announces that Professional Services in the discipline of Architecture will be required for the project listed below:

Project No. BR-352

Project and Location: Five Year Update of the Comprehensive Master Plan, Florida A & M University, Tallahassee, FL 32307

This project consists of a five year update of the Comprehensive Campus Master Plan on a Continuing Services Contract basis, for studies through the next five years, up to the time of the next five year update. Work will consist of updating the various elements in the current Master Plan, including

Land Use, Academic Facilities, Support Facilities, Housing, Recreation and Open Space, General Infrastructure, Utilities, Intergovernmental Coordination, Transportation, Capital Improvements, Architectural Design Guidelines, Landscape Design Guidelines and Facilities Maintenance.

Consultants should demonstrate the ability to assess the impacts of five years of University facilities development on public facilities and services (i.e. Stormwater Management, Electrical, Potable Water, Sanitary Sewer, Solid Waste, Roads and Parks and Recreation Facilities); update existing Master Plan map conditions to reflect the five year assessment.

INSTRUCTIONS:

Firms desiring to apply for consideration shall 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," (PQS) form SUSPQS: 09/99, completed by the applicant. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit six (6) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Tom Deckert, Assistant Director or Teresa Williams, Secretary, Office of Facilities Planning and Construction, Florida A & M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307, Telephone (850)599-3197, Fax (850)561-2289.

Submittals must be received in the Office of Facilities Planning and Construction, by 3:00 p.m., local time, January 14, 2000. Facsimile (FAX) submittals are not acceptable and will not be considered.

DEPARTMENT OF TRANSPORTATION

The Department of Transportation, District 7 announces sealed bids will be received in the Conference Room (B-1) of the District Seven, Florida Department of Transportation Headquarters Building, 11201 North McKinley Drive, Tampa, Florida 33612, until 2:30 p.m. (Local Time) on Wednesday, the 12th day of January, 2000, for the work described below:

Bids will be publicly opened and read aloud on:

DATE AND TIME: January 12, 2000, 2:30 p.m. (Local Time)

PLACE: Conference Room (B-1), Florida Department of Transportation, Headquarters Building, 11201 North McKinley Drive, Tampa, Florida 33612

Request for Plans, Specifications and/or Bid Documents should be directed: John D. Ellis, District Contracts Administrator, 11201 North McKinley Drive, Tampa, Florida 33612; Telephone (813)975-6036. Proposal documents will not be issued after 2:30 p.m. (Local Time) on December 28, 1999. Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions, and Contractual Conditions, which may be obtained from the District Seven Contracts Office.

FINANCIAL PROJECT NUMBER: 406592 1 52 01 DCN: E-7872

The Project consists of existing roof preparation and the installation of a Synthetic Roof Waterproofing System to seams, fasteners, and fastener replacement, as specified, downspout additions, gutter adjustment, valley gutter membrane replacement and details.

PREQUALIFICATION: Each bidder shall submit a current Roofing Contractor License issued by the State of Florida and if a Florida Corporation, a copy of the Corporate Charter as Prequalification of their eligibility to submit bids prior to the Department releasing the Bid Proposal package. After the bid opening, the lowest responsible bidder must qualify in accordance with Rule 60D-5.004. A copy of the rule requirements is included in the Bid Proposal package.

MANDATORY PRE-BID MEETING: A Mandatory Pre-bid Meeting has been scheduled at 10:00 a.m., December 28, 1999 at the District Seven Department of Transportation Headquarters, 11201 N. McKinley, Tampa, FL 33612.

BID BOND: If a bid on a project exceeds \$100,000, the bidder must provide with the bid a good faith deposit in the amount of 5% of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as a surety, a certified check made payable to Florida Department of Transportation, a cashier's check, treasurer's check or bank draft of any national or state bank. A bid bond, check or draft

in an amount less than five percent (5%) of the actual bid will invalidate the bid. Bid bonds shall conform to DOT Form 375-020-09 furnished with the proposal forms. For bids over \$100,000, a letter of intent to provide a Performance Bond in an amount equal to 100% of the Bid Amount will be required at the time of Bid.

PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND: If the contract award amount exceeds \$100,000, a Performance Bond and a Labor and Material Payment Bond for the full award amount will be required.

BID POSTING: Unless otherwise notified in writing, the Summaries of Bids and Notices of Intent To Award will be posted in the main lobby of the District Seven Headquarters Building, Florida Department of Transportation, 11201 North McKinley Drive, Tampa, Florida 33612, 2:30 p.m., February 2, 2000. In the event that the Summary of Bids and Notice of Intent To Award cannot be posted on this date, then all bidders will be notified by certified mail or express delivery, return receipt requested. Information concerning the posted projects can be obtained by calling the District Contracts Office, (813)975-6036, during the posting period.

BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS: Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by Certified Mail or Express Delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within ten (10) days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Section 120.53(5) and 120.57 Florida Statutes. For an action protesting a bid solicitation for which bidders are not required to be prequalified by the Department to be eligible to bid, the bond should be \$2,500. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32339-0458. 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. 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.

The department reserves the right to reject any or all bids.

WATER MANAGEMENT DISTRICTS

**INVITATION TO BID
FOR PURCHASE OF A FARM TYPE TRACTOR
WITH FRONT LOADER
(BID NUMBER 00B-005)**

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, will receive sealed bids up to 2:00 p.m. EST opening time on January 13, 2000, for the purchase of a farm tractor equipped with a front loader for use in land management activities.

All bids must conform to the instructions in the Invitation to Bid. Interested prospective bidders may obtain a copy of the complete Invitation to Bid package at the above address or by calling (850)539-5999.

The bid opening is open to the public. Provisions will be made to accommodate the handicapped (if requested) provided the District is given at least 72 hours advance notice.

All bids must comply with applicable Florida Statutes.

**REQUEST FOR BID (RFB) #99/00-011RM
LANDSCAPING FOR THE PARKING
FOR THE TRAIL HEAD
BRANFORD, FLORIDA**

The Suwannee River Water Management District is requesting bids for landscaping and irrigation of the parking lot for the trail head in Branford, Florida.

Following mailing of the plans and specifications, all RFB responses must be mailed or delivered to the District prior to 4:00 p.m., January 14, 2000. Any individual or firm desiring to obtain a copy of this Request for Bid may do so by contacting: Sandra Keiser, Administrative Assistant, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (904)362-1001 or 1(800)226-1066, Florida only. Technical questions should be directed to David Still, P. E., at the same address and phone number listed above.

Anyone requiring reasonable accommodation as provided for in the Americans With Disabilities Act should contact: Sandra Keiser, Administrative Assistant, (904)362-1001 or 1(800)226-1066 (Florida only).

SPACEPORT FLORIDA AUTHORITY

**REQUEST FOR ANTICIPATED SERVICES
SUPPORT OF LAUNCH PROGRAMS**

The Spaceport Florida Authority is seeking expressions of interest and statement of qualification by aerospace contractors in participating with the Authority in expanding the Authority's capabilities to support launch requirements of commercial, educational and Department of Defense programs.

Phase One: Interested contractors are required to provide capabilities in the following areas: automated launch operations and range control. Specific expertise is also required in the following areas: use of commercial off-the-shelf automated command and control systems in sounding rocket processing and operations, rail launcher control and monitoring, countdown sequencing, GSE control and monitoring, and automated mission planning and range safety decision support. Experience with commercial spaceport operations, Spaceport Florida Authority facilities and infrastructure, plus familiarity with Cape Canaveral Air Station and the Eastern Range is required. Phase one, described in this paragraph, has a not to exceed price of \$70,000.00.

Selection of participating contractors will be based on a ranking of their technical expertise, overall engineering support capabilities, recent experience in similar projects and proposed methods of achieving cost effectiveness. Applications should be limited to a maximum of eight (8) pages.

Interested contractors should submit three (3) copies of their expression of interest in a sealed envelope entitled "Application To Participate In Spaceport Florida Authority Launch Support Programs" to: Director-Launch Services, Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, FL 32920-4003. Applications must be received not later than 3:00 p.m., January 4, 2000.

Questions should be addressed to: Jackie Martin, (407)730-5301, Extension 1130.

Spaceport Florida Authority is not obligated to issue any contracts as a result of this solicitation. However, the Spaceport Florida Authority will evaluate responses to this solicitation and qualify contractors who may received future task order contracts in the area of their qualification.

The SPACEPORT FLORIDA AUTHORITY reserves the right to accept or reject any and all responses in the best interest of the State.

AGENCY FOR HEALTH CARE ADMINISTRATION

INVITATION TO NEGOTIATE

The Agency for Health Care Administration, Medicaid Program Development is requesting responses from Federally Designated Utilization and Quality Control Peer Review Organizations under contract with Health Care Finance Administration (HCFA) and PRO-like Entities certified by HCFA to operate a utilization review program for Medicaid in the state of Florida. The potential contractor will be responsible for review of the following services: inpatient and outpatient hospital; HMO; MediPass (Primary Care Case Management); Provider Service Networks; county health departments, federally qualified health centers, and rural health clinics; and home health pre-certification. This contract will be for up to 27 months, commencing on April 3, 2000 and terminating June 30, 2002. The contract may be renewed for

two additional years. The Invitation to Negotiate, ITN-AHCA 0002, Medicaid Utilization Review Program, will be issued on December 17, 1999. Copies may be obtained by writing the contract manager: Robert E. Maryanski, Program Administrator, Agency for Health Care Administration, Office of Medicaid Program Development, 2728 Mahan Drive, Building 3, Tallahassee, Florida 32308-5403, (850)487-2617; Fax (850)414-1721. Responses must be received by and will be opened on January 27, 2000. The agency reserves the right to reject any or all bids.

DEPARTMENT OF MANAGEMENT SERVICES

CONVICTED VENDOR LIST

Section 287.133(3)(d), Florida Statutes, provides that the Department of Management Services shall maintain a list of the names and addresses of those who have been disqualified from participating in the public contracting process under this section.

The list includes:

NAME	PLACED ON LIST
1) Bus Industries of America, Inc. FEI Number 16-1173779	December 23, 1996
2) Carl Burgess 830 Polk Street Bartow, Florida 33830	October 1, 1997

For additional information, call: H. P. Barker, Jr., Chief, Bureau of Procurement, (850)488-8131 or Suncom 278-8131.

*Bus Industries of American, Inc. will be removed from the Convicted Vender List December 23, 1999.

PUBLIC ANNOUNCEMENT OF CONSTRUCTION MANAGEMENT SELECTION RESULTS

The Department of Management Services, Building Construction, announces that on the date listed below, authority was issued to negotiate and enter into a contract for Construction Management Services in accordance with Rule 60D-5 for the following:

DATE: December 1, 1999

PROJECT NAME: Construction Management Services for Continuing Area Contracts Area 8

1. Walbridge Aligner, Fort Lauderdale
2. Dooley & Mack constructors, Inc., Coral Springs
3. Biltmore Construction Co., Inc., Bellair

PUBLIC ANNOUNCEMENT OF A/E SELECTION RESULTS

The Department of Management Services, Building Construction 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 for the following:

DATE: December 1, 1999

PROJECT NAME: Civil, Water & Sewer Services, Continuing Area Contracts Area 3

1. Blum, Schumacher & Associates, Inc., Gainesville
2. Waitz Moye, Inc., Jacksonville
3. Robert Bates & Associates, Inc., Jacksonville

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INVITATION TO BID

BID NO. BDRS 35-99/00

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Park development

SCOPE OF WORK: Installation of a stabilized road and parking area. Construction of a restroom weather shelter, dune cross over, access walkways, boat dock, landscaping, fencing, gates, signs and related site improvements.

PARK LOCATION: Stump Pass State Park, Gulf Boulevard, Englewood, Florida 34224

PROJECT MANAGER: Kindness Helms, Bureau of Design and Recreation Services, Telephone Number (850)488-6433

MINORITY BUSINESS REQUIREMENT: This project is reserved for competitive sealed bidding only among qualified bidders who agree to use Department of Labor certified minority business enterprises (MBE) as subcontractors or subvendors. A minimum of twenty one (21) percent of the total bid must be expended with certified minority business enterprise subcontractors and subvendors. Verification of the certified minority business enterprise utilization shall be determined by the agency before such bid awards may be made. In order to bid on a project so reserved, the qualified bidder shall identify those certified minority business enterprises which will be used as subcontractors or subvendors by sworn statement. At the time of performance of project completion, the contractor shall report by sworn statement the payment and completion of work for all certified minority business enterprises used in the contract.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000, each bidder whose field is governed by Chapter 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number listed below:

Plans and specifications will be available on Friday, December 17, 1999 at: Barrier Islands GEOPark, 880 Belcher Road, Boca Grande (Lee Co), Florida 33821, Attention: Reggie Norman, Park Manager, Telephone Number (941)964-2965.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Recreation Services at (850)488-3539 at least five (5) workdays prior to opening.

BID SUBMITTAL DUE DATE: No later than 3:30 p.m., Tuesday, January 18, 2000, to the below address: Florida Department of Environmental Protection, Bureau of Design and Recreation Services, 3540 Thomasville Road, Tallahassee, Florida 32308.

The Department reserves the right to reject any or all bids. Michael Renard, Contracts Manager, Bureau of Design and Recreation Services

DEPARTMENT OF HEALTH

IMPORTANT NOTICE OF CHANGES TO THE INVITATION TO NEGOTIATE (ITN) FOR ABSTINENCE ONLY EDUCATION TEEN PREGNANCY PREVENTION SERVICES, ITN NUMBER 99024

The Florida Department of Health, Division of Family and Community Health, has released Addendum 1, to the Invitation to Negotiate for Abstinence Only Education Teen Pregnancy Prevention Services, ITN Number 99024. Addendum 1 to the ITN reflects IMPORTANT DATE CHANGES. Specifically, the "Proposal Due Date" has been extended to January 10, 2000 and the "Due Date to Submit a Letter of Intent to Submit a Proposal" has been extended to December 21, 1999. Other date changes have been extended to correspond to the above dates. In addition to these and other changes, a Follow-up Proposers' Conference will be conducted by Conference Call on December 27, 1999, 1:30 p.m. - 3:30 p.m. The Conference number is 1(800)289-0730 and the pass code is 850396. To receive a copy of the Addendum or if you have any questions, please contact: Annette Phelps, Jim Poindexter, or Elaine Cauthen, (850)245-4466.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

CHILDREN'S CONTRACTED SERVICES REQUEST FOR PROPOSAL

The Florida Department of Children and Family Services is seeking proposals from respondents to assist the department in providing a system of care for the delivery of Long Term Residential Group Care for dependent children who will have demonstrated an inability to handle the emotional demands of a family setting, Transitional Residential Group Care for children who are awaiting placement into an identified residential treatment facility, and Emergency Shelter Care for dependent children subject to pending court action on a petition of dependency.

Applicants may propose to bid on any one or all of the three programs incorporated into this Request For Proposal.

All proposals must be received by the department no later than 12:00 Noon, EST, January 20, 2000, to provide Residential Care Services to dependent children.

RFP - 98 - 000003

Notice of intent to Submit a Proposal to be received by the department no later than December 23, 1999, 5:00 p.m., EST.

Copies of the Request For Proposal may be obtained by contacting: Peter Escayg, District Eight, Children's Contracted Services, Florida Department of Children and Family Services, 2295 Victoria Avenue, 2nd Floor, Suite 234A, P. O. Box 60085, Fort Myers, Florida 33906, Fax (941)338-1409 or Telephone (941)338-1674. Please reference the RFP number when ordering.

It is the Provider's responsibility to assure that their application is delivered on or before the date and time and at the place applications are due as stated above. Applications which for any reason are not so delivered will not be considered. The Department reserves the right to reject any or all applications.

The Department of Children and Family Services, Developmental Services Program Office, is requesting proposals to design a delivery system for persons with developmental disabilities that is consumer directed and choice based. This request for proposal seeks a program that focuses on the development and implementation of 2 educational/counseling strategies that will provide unbiased, comprehensive information for consumers, their guardians and their families by establishing networks which can be self perpetuating.

Copies of the RFP will be available by writing to and proposals should be received by: Melinda Coulter, Developmental Services Program Office, 1317 Winewood Boulevard, Building 3, Room 333, Tallahassee, FL 32399-0700.

A notice of Intent to Submit A Proposal should be received by 5:00 p.m. (EDT), December 27, 1999. One original and six copies of the proposal must be received by Melinda Coulter at the above address by 1:30 p.m. (EDT) on February 7, 2000. The Department reserves the right to reject any and all proposals. Certified Minority Business Enterprises are encouraged to Participate.

Section XII
Miscellaneous

DEPARTMENT OF STATE

GUIDELINES AND APPLICATIONS AVAILABLE FOR FLORIDA LIBRARY LITERACY, LIBRARY SERVICES AND TECHNOLOGY ACT, PUBLIC LIBRARY CONSTRUCTION AND LIBRARY COOPERATIVE GRANTS

Grant applications and guidelines are available for the following programs administered by the Florida Department of State, Division of Library and Information Services:

Florida Library Literacy Grants – Applications due January 28, 2000. New state-funded community-based grants to support family literacy and learning programs statewide through public libraries.

Library Services and Technology Act (LSTA) Grants – Applications due March 15, 2000. Federal grants for all types of libraries that emphasize youth, literacy, older adults, and information access through technology.

Public Library Construction Grants – Applications due April 1, 2000. State grants to eligible governments for remodeling, expansion or new construction of public library buildings.

Library Cooperative Grants – Applications due April 15, 2000. State grants for the six multitype library cooperatives to encourage cooperation among libraries of all types for the development of library service to Floridians.

Grant guidelines and application packets for Florida Library Literacy, LSTA and Public Library Construction grants must be requested. This may be done by mail from the State and Federal Grants Office, State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, by Telephone (850)487-2651 or Suncom 277-2651, or by Telefacsimile, (850)488-2746. Guidelines and forms are also available on the Division’s web page at <http://www.dos.state.fl.us/dlis/bld/grants/index.htm/>.

Library Cooperative Grant guidelines and applications will be mailed to the six eligible entities. Completed application must be mailed to the address indicated above and be on file with the Division, or postmarked on or before the application due date.

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., January 7, 2000):

APPLICATION FOR A NEW FINANCIAL INSTITUTION
Applicant and Proposed Location: Sunshine State Bank, 4777 Clyde Morris Boulevard, Port Orange, Florida 32119
Correspondent: Dennis E. Brinn, 3 Tomoka View Drive, Ormond Beach, Florida 32174
Received: December 2, 1999

EXPANDED FIELD OF MEMBERSHIP
Name and Address of Applicant: FRSA Credit Union, P. O. Box 5799, Winter Park, Florida 32793
Expansion Includes: Membership in this credit union is limited to those FRSA Association Company members in good standing; the owners, officers, partners and employees of those member firms; employees of FRSA and its related entities and authorized representatives; spouses of deceased members and members of the aforementioned families. Employees whose sponsoring company ceases to be a member in good standing with the FRSA Association, retain their membership eligibility.
Received: December 3, 1999

Correspondent and Telephone Number: Pat Basara, (407)657-7212
Name and Address of Applicant: Florida Commerce Credit Union, P. O. Box 6416, Tallahassee, Florida 32314
Expansion Includes: The Cannery
Received: December 7, 1999
Correspondent and Telephone Number: Ronald W. Fye, President, (850)488-0035

DEPARTMENT OF INSURANCE

The Treasurer and Insurance Commissioner on November 16, 1999, ordered the immediate suspension on an emergency basis of the insurance licenses of DEAN ALLEN SHECHTMAN. An Administrative Complaint was filed against DEAN ALLEN SHECHTMAN on November 30, 1999.

A copy of the Emergency Order of Suspension may be obtained by contacting: Carl B. Morstadt, III, Esquire, Department of Insurance, Division of Legal Services, 612 Larson Building, Tallahassee, Florida 32399-0333, (850)922-3110, Extension 4168.

DEPARTMENT OF EDUCATION

The Occupational Access and Opportunity Commission (OAOC)

The OAOC, a newly formed state commission, housed in the Department of Education is charged with planning and implementing changes in the state vocational rehabilitation program.

The OAOC is advertising for the position of OAOC Transition Manager.

This is high level management position of a temporary nature. It is anticipated that the individual selected will be employed with the compensation to be negotiated in the salary range of a Division Director (pay grade 540).

This position is responsible for managing the organizational transition from the current Division of Vocational Rehabilitation (DVR) structure to the organizational parameters defined by the OAOC.

The Transition Manager reports to the Chair of the OAOC and is supervised by the Executive Committee of the OAOC.

Duties of the position include:

Coordinating with the Department of Labor and Employment Security to develop and implement a plan to provide job-hanging assistance to employees of DVR who may be adversely affected by the implementation of a redesigned VR system.

Assisting in the development of strategies for the movement or current VR develop and implement a plan to provide job-hanging assistance to employees of DVR who may be adversely affected by the implementation of a redesigned VR system.

Assisting in the development of strategies for the movement of current VR direct customer service resources to the state organization and private section organizations responsible for service delivery in the redesigned VR delivery system.

Providing continuing information to the staff of the Division regarding the transition process including the development of mechanisms to disseminate information.

Ensuring that the delivery of VR Services continue to be provided to people with disabilities as seamlessly as is possible during the transition process.

Identifying the administrative functions performed by Vocational Rehabilitation headquarters staff and coordination with the OAOC & OAO Corporation in the transition of these functions to the OAO Corporation and the OAO Commission.

Applicants must fax their resume to the OAOC at (850)921-2959. Applicants should be available to interview in Tallahassee on December 29, 1999. Contact person: Ken Baer, (850)487-3431, Ext. 122.

The OAOC is an equal opportunity employer.

DEPARTMENT OF COMMUNITY AFFAIRS

The Florida Communities Trust (Trust) has conceptually approved for funding applications submitted under the Florida Communities Trust Preservation 2000 Program, Series P9A funding cycle. On September 23-24, 1999 applications were scored, ranked and selected for funding according to the criteria and procedures set forth in Rule Chapter 9K-4, FAC. At its meeting on November 30, 1999 the governing body of the Trust approved the grant contracts that impose all conditions on the project awards. In accordance with Rule 9K-4.010, FAC., the projects are considered to have received conceptual approval for funding. The funds awarded derive from the sale of Preservation 2000 bonds. Certain applications were selected for funding contingent upon funds becoming available either through other projects terminating, projects closing under budget or interest accruals.

Those applications conceptually approved for funding and the amount of funding conceptually approved are listed below. The conceptual approval is subject to appeal and may change following the appeals process. For this reason, final conceptual approval of awards cannot be made until any appeals have been resolved.

The following projects were approved for funding with funds currently available:

Selected/Funded

Project No.	Project Name	Applicant	Amount
99-001-P9A	Pepper Park Addition	St. Lucie County	\$ 550,000.00
99-002-P9A	St. Johns River Park	St. Johns County	\$2,195,000.00
99-005-P9A	ECON/Hatcher Property Acquisitions	Palm Beach County	\$ 252,000.00
99-007-P9A	Sunset Vista Trailhead	City of Treasure Island	\$1,200,000.00
99-008-P9A	Booker Creek Acquisition	Pinellas County	\$ 626,000.00
99-010-P9A	Cypress Creek Preserve – Phase II (Resubmittal)	Hillsborough County	\$2,200,000.00
99-013-P9A	Englewood Beach	Charlotte County	\$ 528,400.00
99-015-P9A	High Ridge Scrub Addition	Palm Beach County	\$ 285,600.00
99-017-P9A	Clapboard Creek Park and Preserve	City of Jacksonville	\$ 793,620.00
99-018-P9A	Dutton Island Intracoastal Waterway Park Expansion	City of Jacksonville/ City of Atlantic Beach	\$1,392,025.00
99-020-P9A	Paleo Hammock	St. Lucie County	\$ 208,550.00
99-022-P9A	Poppleton Creek Watershed Prsrvtm & Restoration Project	City of Stuart	\$ 797,200.00
99-024-P9A	Maderia Beach Causeway Shoreline Restoration Park	City of Maderia Beach	\$2,109,500.00
99-025-P9A	North Fork of the St. Lucie River – FCT Addition	St. Lucie County	\$ 320,000.00
99-026-P9A	Ribbon of Green	City of Tampa	\$2,098,500.00
99-028-P9A	Bee Line Corridor Natural Area – Phase II	Palm Beach County	\$1,662,400.00
99-029-P9A	East Riverside Neighborhood Park	City of Ft. Myers	\$ 508,406.00
99-030-P9A	Northwest Marion County Greenway	Marion County	\$1,030,800.00
99-035-P9A	Centennial Park Riverwalk Expansion	City of Ft. Myers	\$ 496,900.00
99-036-P9A	Academic & Outdoor Recreation Village	City of Pembroke Pines	\$1,895,675.00
99-037-P9A	Chlumsky Property	City of Naples	\$ 266,800.00
99-039-P9A	Depot Junction	Alachua County/City of Gainesville	\$ 600,240.00
99-044-P9A	Oceanfront Preservation	City of Satellite Beach/Brevard County	\$3,545,900.00
99-046-P9A	Cherie Down North Park	City of Cape Canaveral	\$ 482,000.00
99-049-P9A	Lakeland Highlands Scrub	Polk County	\$1,786,285.00
99-054-P9A	Devil’s Hammock Phase II	Levy County	\$2,200,000.00
99-055-P9A	Oslo Riverfront South	Indian River County	\$ 872,500.00
99-056-P9A	North Sebastian Conservation Area Addition	Indian River County	\$ 43,675.00
99-057-P9A	Lansing Property	Seminole County	\$1,113,750.00
99-058-P9A	North Fork on the New River Greenways Project – Phase I	City of Fort Lauderdale	\$ 150,000.00
99-062-P9A	Mala Compra Greenway – Addition to Bings Landing Park	Flagler County	\$ 860,926.00
99-064-P9A	San Casa	Charlotte County	\$1,504,400.00
99-066-P9A	Paradise Park	City of Lake Mary	\$ 865,500.00
99-073-P9A	Carpenter’s San Pine Preserve	City of Oakland Park	\$ 150,000.00
99-076-P9A	Lemon Bay Preserve	Sarasota County	\$ 840,673.60
99-077-P9A	North River Road Preserve	Sarasota County	\$1,359,326.40
99-078-P9A	Wilton Manors Pineland Park	City of Wilton Manors/Broward County	\$ 464,000.00
99-080-P9A	Madison County Blue Springs	Madison County	\$2,200,000.00
99-083-P9A	Timberlane Ravine	City of Tallahassee	\$ 364,240.00
99-087-P9A	Rock Landing Park Acquisition Project	Wakulla County	\$ 332,000.00
99-088-P9A	Hopkins Creek Preserve	City of Neptune Beach	\$1,320,200.00

The following projects were approved for funding contingent upon funds becoming available:

Contingent Funded

Project No.	Project Name	Applicant	Amount
99-016-P9A	Rose Creek Sink	Columbia County	\$ 472,268.00
99-041-P9A	Rock Creek – School Board Site	City of Cooper City	\$1,056,375.00
99-067-P9A	Soldier Creek Recreation Area	City of Lake Mary	\$ 412,500.00
99-070-P9A	Jackson Branch Lakes	Escambia County	\$ 458,750.00
99-074-P9A	Wabasso Scrub Addition	Indian River County/City of Sebastian	\$ 34,000.00

The following projects were not selected for funding:

Not Selected

Project No.	Project Name	Applicant	Amount
99-003-P9A	Millennium Park	City of Live Oak	\$ 110,500.00
99-006-P9A	Balm Scrub	Hillsborough County	\$1,624,600.00
99-009-P9A	Basin B Environmental Restoration Project	Village of Wellington	\$2,200,000.00
99-011-P9A	Mexico Beach Wildlife Park	City of Mexico Beach	\$ 91,417.50
99-012-P9A	Russell Harber Landing Expansion	City of Milton	\$ 519,800.00
99-014-P9A	Redington Shores Long Pier Rec. & Environ. Ed. Project	Town of Redington Shores	\$1,612,000.00
99-019-P9A	Cape Coral Major Park Expansion	City of Cape Coral	\$2,058,375.00
99-021-P9A	Quail Run Park	Town of Sewall's Point	\$ 59,500.00
99-023-P9A	Heritage Place Neighborhood Park	Town of Sewall's Point	\$ 75,000.00
99-027-P9A	Rio Vista Neighborhood Park	Town of Sewall's Point	\$ 70,600.00
99-031-P9A	Harbor View Park	Town of Jupiter	\$ 208,000.00
99-032-P9A	Sylvan Acres Acquisition	City of Pinellas Park	\$ 420,000.00
99-033-P9A	Ancient Oaks	St. Lucie County	\$ 426,500.00
99-034-P9A	Homewood Natural Preserve Area	Town of Sewall's Point	\$ 148,500.00
99-038-P9A	City Center Park	City of Clearwater	\$ 857,302.00
99-040-P9A	Sugarfoot Sink	City of Gainesville	\$1,650,000.00
99-042-P9A	Charles Strickland Preservation	City of Chiefland	\$ 134,037.50
99-043-P9A	Acquisition of Mirabella Property	City of Miami Beach	\$2,200,000.00
99-045-P9A	Devlin Park	City of Cape Canaveral	\$1,718,000.00
99-047-P9A	Ocean Walk Park	City of Flagler Beach	\$ 605,500.00
99-050-P9A	Melrose Heritage Park	Putman County	\$ 302,470.00
99-051-P9A	Stump Hole Park	Gulf County	\$ 131,180.00
99-059-P9A	Pine Hill Sink Park and Preserve	Alachua County	\$2,200,000.00
99-060-P9A	Grove Street Park Property	City of Maitland	\$1,276,930.00
99-061-P9A	James E. Grey Preserve Expansion	City of New Port Richey	\$ 125,000.00
99-063-P9A	Sebastian's Riverview Park Expansion	City of Sebastian/Indian River County	\$ 511,650.00
99-065-P9A	Cocoa Conservation and Recreation Area	City of Cocoa	\$ 980,000.00
99-068-P9A	Water Front at Mary Esther	City of Mary Esther	\$ 624,500.00
99-069-P9A	Oak Tree Park – Phase II	City of Mary Esther	\$1,834,416.00
99-071-P9A	Barfield Bay Neighborhood Passive Park	City of Marco Island	\$ 224,430.00
99-072-P9A	Sweetwater Canoe Trail Access Parks	City of Sweetwater	\$ 470,000.00
99-079-P9A	Choctawhatchee Bayside Park	Walton County	\$2,200,000.00
99-082-P9A	Cooksey's Camp Grounds	City of St. Augustine Beach	\$2,200,000.00
99-084-P9A	Marsh Landing	Leon County	\$1,628,000.00
99-086-P9A	City of Palmetto Environmental Parks	City of Palmetto	\$ 73,152.50

The following projects were withdrawn:

Withdrawn

Project No.	Project Name	Applicant	Amount
99-004-P9A	Carrigan Property	Orange County	\$1,030,148.00
99-048-P9A	Lake Hancock/Peace River Headwaters	Polk County	\$2,000,000.00
99-052-P9A	Beecher Point Property	Putman County	\$ 612,275.00
99-053-P9A	Anna Maria Preserve	City of Anna Maria	\$1,829,500.00
99-075-P9A	Eastern Lake Wetlands Preserve	Walton County	\$ 141,275.00
99-081-P9A	Egans Creek Greenway Phase III	City of Fernandina Beach	\$1,019,500.00
99-085-P9A	Lafayette Heritage Trail, Phase II (Alford Arm)	Leon County/City of Tallahassee	\$3,665,250.00
99-089-P9A	Eagles Landing	Town of Callahan	\$ 415,500.00
99-090-P9A	Cedar Grove Baldwin Street Conservation Park	City of Cedar Grove	\$1,134,100.00
99-091-P9A	Little River Preserve	City of Miami	\$ 150,000.00
99-092-P9A	Indian RiverSide Park Addition – Mathews Parcel	Martin County	\$ 474,286.86

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 9K-1.008, FAC. A petition is filed when it is received by the Trust Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Yamaha Motor Corporation, USA, intends to allow the establishment of Palm Yamaha, as a dealership for the sale

of Yamaha motorcycles, ATV's and Riva scooters, 1810 South Tamiami Trail, Punta Gorda (Charlotte County), Florida 33950, on or after January 3, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Palm Yamaha are: dealer operator: Robert B. Helphenstine, 24358 Kingsway Circle, Lake Suzy, Florida 34266, principal investor(s): Robert B. Helphenstine, 24358 Kingsway Circle, Lake Suzy, Florida 34266, Joseph Lombardo, 6400 Riverside Drive, Punta Gorda, Florida 33982, Bruce Laishley, 627 Brindise Court, Punta Gorda, Florida 33982, Rick L. Treworgy, 27495 Cleveland Avenue, Punta Gorda, Florida 33950.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Russell D. Jura, Senior Vice President and General Counsel, Yamaha Motor Corporation, USA, 6555 Katella Avenue, Cypress, California 90630-5101.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

On December 1, 1999, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Alvin A. Hardman, M.D., license number ME 0012073. 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(8), 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.

On December 3, 1999, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Modesto V. Ordoqui, M.D., license number ME 0043469. 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(8), 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.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for nursing facilities participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for nursing facilities, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its long-term care reimbursement plan to incorporate changes to the reimbursement methodology as required by proviso language following specific appropriation 252 of the 1999-2000 General Appropriations Act, Chapter 99-226, Laws of Florida, which provides \$9,051,822 to increase the patient care caps effective January 1, 2000.

FINAL RATES: The final rates effective January 1, 2000, for nursing facilities participating in the Florida Medicaid Program will be rates resulting from the current methodology used to calculate rates that will include the addition of the \$9,051,822 increase to the patient care caps.

METHODOLOGIES: The methodology underlying the establishment of the final rates for nursing facilities is based on the methodology currently being used for calculating rates, except that it will include an additional \$9,051,822 to increase the patient care caps effective January 1, 2000. The Agency will adjust upward the inflation multiplier in calculating facility specific patient care reimbursement rates and patient care class ceilings to a level that results in an additional \$9,051,822 of reimbursement in the patient care component for the January 1, 2000 rate semester.

The adjustment in the inflation multiplier shall not result in a patient care per diem rate that exceeds the patient care per diem cost adjusted for inflation or be less than a patient care per diem cost calculated using an inflation multiplier of 1.4.

The adjustment in the inflation multiplier used in calculating the patient care class ceilings shall not result in a patient care class ceiling that exceeds the cost based class ceiling or be less than a class ceiling calculated using an inflation multiplier of 1.4.

JUSTIFICATION: The justification for the final rates is based on the legislative direction provided in the proviso language following Specific Appropriation 252 of the 1999-2000 General Appropriations Act, Chapter 99-226, Laws of Florida. This language directs the Agency to incorporate changes to the reimbursement methodology to increase the patient care caps and expend the \$9,051,822 appropriation. The Agency will begin paying the additional reimbursement appropriation effective January 1, 2000, to comply with the legislative direction.

Copies of the reimbursement plan that incorporate the above change may be obtained by contacting: Carol Shotwell, Agency for Health Care Administration, Medicaid Program Analysis, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

FLORIDA HOUSING CORPORATION

**ELDERLY HOUSING COMMUNITY
LOAN (EHCL) PROGRAM
CYCLE XII (1999-2000)**

NOTICE OF FUNDING AVAILABILITY (NOFA)

The Florida Housing Finance Corporation (Florida Housing) announces a funding cycle for the Elderly Housing Community Loan (EHCL) Program pursuant to s. 420.5087(3)(c)2., Florida Statutes and Chapter 67-32, Florida Administrative Code. The State Apartment Incentive Loan (SAIL) Program will reserve 17% of program funds for use by sponsors who provide at least 80% of the development's units as a set-aside for very low-income Elderly persons or households: 40% to be occupied by residents (age 62) as defined in Chapter 67-48.002(33), FAC. AND 40% to be occupied by residents that qualify as Elderly pursuant to the Federal Fair Housing Act requirements. This is subject to reduction to 90% of the 17% with the balance of 10% of funds being made available to applicants within the EHCL Program. The maximum anticipated amount for the EHCL Program is \$688,500. Funding within the EHCL Program is available for life-safety, building preservation, health, sanitation or security-related repairs or improvements made to Elderly housing facilities which are financed by a mortgage loan made or insured by the U. S. Department of Housing and Urban Development under s. 202, s. 202 with a s. 8 subsidy, s. 21(d)(3) or (4), or s. 236 of the National Housing act, as amended; or any program funded by the United States Department of Agriculture – Rural Development (previously known as Farmers Home Administration) and subject to the income limitations as established by the U.S. Department of Agriculture. Funding available for this cycle is established within the Elderly set-aside category under the SAIL Program.

The application cycle begins on January 4, 2000, and will close at 5:00 p.m., Tallahassee time, on Thursday, April 6, 2000, "Received" means delivery by hand, U.S. Postal Service or other courier service, to the offices of Florida Housing. An

original and two copies of the application must be submitted by the due date. All applications must be in accordance with the provisions of s. 420.5087(3)(c)2., Florida Statutes and Rule 67-32, Florida Administrative Code. Copies of the applicable rules and the application may be obtained from the Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Attention: Lady James.

For more information, call: Larry White, SAIL Program Administrator, (850)488-4197. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System which can be reached a 1(800)955-8770 and 1(800)955-8771 (TDD).

NOTICE OF FUNDS AVAILABILITY

FLORIDA HOME OWNERSHIP ASSISTANCE PROGRAM
 Pursuant to Section 420.5088, Florida Statutes, and Rule Chapter 67-29, Florida Administrative Code, the Florida Housing Finance Corporation (the "Corporation") announces its intention to provide up to \$4,000,000 for qualified mortgage loans for down payment assistance and/or permanent loans under the Florida Home Ownership Assistance Program. The loans will be made in conjunction with the Corporation's Single Family Mortgage Revenue Bond Program. Access to these funds will be made available through qualified lending institutions selected to participate in the Single Family Bond Program through an application process. Loan funds are expected to be available to provide second mortgage financing for owner-occupied residences in any county of the State of Florida subject to the participation of lending institutions in the counties they elect to serve.

Any home mortgage lending institution that is a qualified FHA, VA, GNMA, FannieMae, FHLMC or USDA Rural Development (RD) originator and servicer or seller and servicer as required by the program documents and approved as a participant for the Single Family Mortgage Revenue Bond Program is interested in receiving an Invitation to Participate in this issue should contact the Corporation by telephone, (850)488-4197. Any questions or comments regarding the availability of Florida Home Ownership Assistance Program funds should be directed to: Keith Bowers, Program Administrator, (850)488-4197.

**HOUSING CREDIT PROGRAM
 NOTICE OF CREDIT AVAILABILITY (NOCA)
 2000 CYCLE**

The Florida Housing Finance Corporation announces an Application Cycle for the Housing Credit Program. The total 2000 allocation is estimated to be approximately \$18,600,000.00. The amount of housing credit allocation authority available for the 2000 cycle will vary based upon the 2000 per capita, the amount of unused credits from prior years, the amount of 2000 binding commitments, and the amount

allocated from the national pool. The amount of the 2000 binding commitments is estimated to be 2.95 million; however, this dollar amount is subject to change. The Board of Directors determined not to set-aside any of the 2000 housing credit allocation for Demonstration Developments or for those Developments receiving a State Housing Tax Credit allocation. The Application Cycle will begin on Tuesday, January 4, 2000, and end at 5:00 p.m., Eastern Standard Time, Wednesday, March 8, 2000.

All Applications must be completed and submitted pursuant to Rule Chapter 67-48, Florida Administrative Code. An original and three copies of the Application must be received by the closing deadline indicated above. "Received" means delivery by hand, U.S. Postal Service, or other courier service, and date/time stamped in the office of Florida Housing no later than 5:00 p.m., Eastern Standard Time. The 2000 Application Package may be obtained by contacting Linda Clark, (850)488-4197, or by writing: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Attn.: 2000 HC/HOME/SAIL Application Request.

**HOME INVESTMENT PARTNERSHIPS
 PROGRAM HOME LOANS**

NOTICE OF FUNDING AVAILABILITY

Pursuant to Federal Regulations 24 CFR Part 92 and Rule Chapter 67-47, Florida Administrative Code, the Florida Housing Finance Corporation (the "Corporation") will make available HOME Loans to low-income persons to assist in purchasing affordable housing by reducing the amount of down payment and closing costs by offering zero percent interest, non-amortizing, deferred second mortgage loans. In accordance with Rule Chapter 67-47, up to \$6,000,000 of State of Florida HOME allocation, may be made available in the form of second mortgage loans. HOME Loan funds may be used with the Florida Housing Finance Corporation's Single Family Mortgage Revenue Bond (SFMRB) Program.

HOME Loans will be made available through participating lending institutions eligible to originate first mortgages under the Florida Housing Finance Corporation's SFMRB Program. Participating lending institutions will make HOME Loan funds available on a first-come, first-served basis to eligible, low-income, first-time home buyers qualifying for a first mortgage under the Corporation's SF MRB Program. Applications for such loans may be obtained from the participating lending institutions.

HOME Loans must comply with Rule Chapter 67-47, FAC, and Federal Regulations 24 CFR Part 92. A list of participating lending institutions is anticipated to be available by March 10, 2000. For more information, a list of participating lending institutions, or a copy of the administrative rules governing the Program, contact: Keith Bowers, HOME Program

Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 or Telephone (850)488-4197.

NOTICE OF PROPOSED ISSUANCE
SINGLE FAMILY HOME OWNER
MORTGAGE REVENUE BONDS

Pursuant to Rule Chapter 67-25.005, Florida Administrative Code, notice is hereby given that the Florida Housing Finance Corporation (the "Corporation") intends to issue bonds in the amount up to \$110,000,000 to provide funding for qualified mortgage loans for owner-occupied residences within the State of Florida. Proceeds of the bonds are expected to be available to eligible home buyers in any county of the State of Florida subject to the participation of lending institutions and the counties they elect to serve.

Any home mortgage lending institution that is a qualified FHA, VA, GNMA, FannieMae, FHLMC or USDA Rural Development (RD) originator and servicer or seller and servicer as required by the program documents and approved as a participant for the Single Family Mortgage Revenue Bond Program interested in receiving an Invitation to Participate in this issue should notify the Corporation by telephone, (850)488-4197, by facsimile, (850)414-5479, or in writing: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Any questions or comments regarding the proposed issuance of bonds should be directed to: Keith Bowers, Program Administrator, (850)488-4197.

HOME INVESTMENT PARTNERSHIPS
PROGRAM (HOME)
NOTICE OF FUNDING AVAILABILITY (NOFA)
2000 HOME RENTAL CYCLE

The Florida Housing Finance Corporation (the "Corporation") announces an Application cycle for the HOME Rental Program's allocation of 1999 HOME federal funds from the U.S. Department of Housing and Urban Development (HUD). The Application cycle will begin on Tuesday, January 4, 2000, and end at 5:00 p.m., Tallahassee time, Wednesday, March 8, 2000.

Of the \$20,046,100 made available by HUD for home ownership and rental development activities, plus any program income generated from returned principal and interest earnings to be made available, it is anticipated that up to \$9,207,450 will be available to eligible rental developments that meet threshold. Of the \$9,207,450, it is anticipated that up to \$1,381,117 or the HOME Rental Program's portion of 15% of the total HUD HOME allocation of \$20,046,100, shall be awarded to eligible rental developments owned, developed or sponsored by Community Housing Development Organizations (CHDO's). If the Corporation does not receive an adequate number of eligible rental development

Applications (including CHDO's), then any remaining funds may be reallocated for the HOME home ownership cycle. The Board of Directors has determined that there will be no HOME funding set aside for Demonstration Developments or in connection with the State Housing Tax Credit Program for the 2000 Combined Rental Cycle.

All Applications will be ranked and funded based on competitive scores pursuant to Rule Chapter 67-48, Florida Administrative Code (FAC.). An original and three copies of the Application must be submitted by the closing deadline as indicated above. In accordance with 67-48.007(3), FAC., the Application must include a non-refundable Application Fee of \$100.00 unless the Applicant or Applicant's General Partner qualifies as a Non-Profit entity pursuant to HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Internal Revenue Code and is organized under Chapter 617, Florida Statutes, if a Florida, Corporation or organized under similar state law if organized in a jurisdiction other than Florida, in which case the non-refundable Application Fee shall be \$50.00. The SAIL/HOME/HC Application Package may be obtained by submitting a written request accompanied with a \$60 Application Package Fee to Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, ATTN.: Linda Clark – Application Request. All Applications must be submitted to the above address in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, FAC., the SAIL/HOME/HC Application Package, and Federal Regulations 24 CFR Part 92.

STATE APARTMENT INCENTIVE
LOAN (SAIL) PROGRAM
CYCLE XII (1999-2000) &
SPECIAL GEOGRAPHIC DISTRIBUTION
NOTICE OF FUNDING AVAILABILITY (NOFA)

The Florida Housing Finance Corporation (Florida Housing) announces dates for the State Apartment Incentive Loan (SAIL) Program, application Cycle XII, pursuant to Section 420.5087, Florida Statutes and Chapter 67-48, Florida Administrative Code. The application cycle will begin Tuesday, January 4, 2000, and will close at 5:00 p.m., Tallahassee time, on Thursday, March 8, 2000.

Geographic Distribution Requirements:
In accordance with Section 420.5087(1), Florida Statutes, program funds shall be distributed over successive 3-year periods in a manner that meets the need and demand for very low-income housing throughout the state. The need and demand must be determined by using the most recent statewide low-income rental housing market studies available at the beginning of each 3-year period. The percentages over the 3-year period are as follows: 66.1% for Large County; 23.9% for Medium County; and 10.0% for Small County designation developments. Demographic Distribution Requirements:

In accordance with Section 420.5087(3), Florida Statutes, for the six-month period beginning with the publication of this NOFA, program funds shall also be reserved by designated tenant group category at the percentages determined by using the most recent statewide low-income rental housing market studies available.

Program funds shall be distributed during this NOFA period at the following percentages per tenant group: 10% for Commercial Fishing Worker/Farmworker; 17% for Elderly [Note: (1) at least 80% of all units must be occupied by Elderly: 40% to be occupied by residents (age 62) as defined in Chapter 67-48.002(33), FAC. AND 40% to be occupied by residents that qualify as elderly pursuant to the Federal Fair Housing Act requirements; (2) This amount is subject to reduction to 90% of the 17% set-aside amount, with the balance of funds being made available to applicants for the Elderly Housing Community Loan Program]; and 73% for Family. The reservation of funds to any demographic category may not be less than 10% of the funds available at that time. A minimum of 20% of units in the development must be held for very low-income persons or households pursuant to the tenant category under which the application is made.

Geographic Distribution Requirements Take Precedence:

At the end of the 3-year period, Florida Housing will attempt to fund a combination of developments that meet both the geographic and demographic distribution requirements; however, to the extent that this is not possible, geographic distribution requirements will be given priority over demographic distribution requirements.

Anticipated Funding Amounts:

Florida Housing currently anticipates the allocation of approximately \$40,500,00 for Cycle XII (associated with funds collected in fiscal year 1999-2000) from funding sources as follows:

\$30,085,000	maximum	=DOC Stamp
\$10,415,000	maximum	=SAIL Trust Fund

The Board of Directors has determined that there will be no SAIL funding set aside for Demonstration Developments or in connection with the State Housing Tax Credit Program for the 2000 Combined Rental Cycle.

Geographic Distribution will be set based upon a Maximum Funding Level of \$40,500,000 for Cycle XII. This amount is subject to change and is dependent upon documentary stamp

tax collections and/or projections, receipts within the SAIL Trust Fund, and excess funds related to activity of other programs (anticipated 3-year funding of \$99,257,634).

COUNTY	DESIGNATION	MINIMUM FUNDING	MAXIMUM FUNDING
Large	\$19,651,336	\$40,500,000	
Medium	\$0	\$10,922,900	
Small	\$0	\$9,925,764	

Special Geographic Distribution:

SAIL Cycle VIII (associated with funds collected in fiscal year 1995-96) was the first cycle within the previous 3-year period; Cycle IX (associated with funds collected in fiscal year 1996-97) was the second cycle of the previous 3-year period; and Cycles X-A and X-B (associated with funds collected in fiscal year 1997-98) were the two third-year cycles of the previous 3-year period. Over the previous 3-year cycle there have been an insufficiency of applications eligible for funding to meet the statutory distribution requirements in small counties. Funds in an amount up to \$643,208 may be reserved from SAIL Cycle X-B to be included as a special funding amount to be made available to applicants successful in small counties within SAIL Cycle XII (associated with funds collected in fiscal year 1999-2000).

Should these funds be made available, successful applicants in small counties will be awarded funding from these reserved funds first.

APPLICATION SUBMISSION:

An original and three copies of each application must be submitted by the due date. An application package may be obtained by submitting a check for \$60.00. In order to receive the application package and a copy of Chapter 67-48, FAC., send a written request and payment to: Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Attention: Linda Clark. All applications must be submitted to the above address and in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, FAC., and the SAIL/HOME/HC Application Package. Late applications will be rejected. For more information, call SAIL Program staff, (850)488-4197.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN November 30, 1999
and December 6, 1999**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CORRECTIONS

33-602.401	11/30/99	12/20/99	25/40	
33-602.402	11/30/99	12/20/99	25/40	
33-602.403	11/30/99	12/20/99	25/40	

AGENCY FOR HEALTH CARE ADMINISTRATION

59-1.045	12/3/99	12/23/99	25/38	
59-1.047	12/3/99	12/23/99	25/38	

Office of Licensure and Certification

59A-3.081	11/30/99	12/20/99	25/21	25/39
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Cosmetology

61G5-24.019	11/30/99	12/20/99	25/40	
61G5-31.004	11/30/99	12/20/99	25/40	

Board of Professional Engineers

61G15-18.011	12/2/99	12/22/99	25/37	25/44
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DEPARTMENT OF HEALTH

Board of Acupuncture

64B1-2.017	12/3/99	12/23/99	25/39	
64B1-5.003	12/3/99	12/23/99	25/39	
64B1-6.100	12/3/99	12/23/99	25/39	

Board of Clinical Laboratory Personnel

64B3-8.003	12/1/99	12/21/99	25/36	
64B3-8.004	12/1/99	12/21/99	25/36	
64B3-8.005	12/1/99	12/21/99	25/36	

Board of Dentistry

64B5-17.006	12/1/99	12/21/99	25/36	
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Board of Medicine

64B8-9.013	12/1/99	12/21/99	25/34	25/44
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Board of Occupational Therapy

64B11-5.0065	12/1/99	12/21/99	25/25	25/43
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FLORIDA HOUSING FINANCE CORPORATION

67-37.002	12/6/99	12/26/99	25/37	25/45
67-37.003	12/6/99	12/26/99	25/37	
67-37.004	12/6/99	12/26/99	25/37	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
67-37.005	12/6/99	12/26/99	25/37	
67-37.006	12/6/99	12/26/99	25/37	
67-37.007	12/6/99	12/26/99	25/37	25/45
67-37.008	12/6/99	12/26/99	25/37	
67-37.009	12/6/99	12/26/99	25/37	
67-37.010	12/6/99	12/26/99	25/37	
67-37.011	12/6/99	12/26/99	25/37	
67-37.013	12/6/99	12/26/99	25/37	
67-37.014	12/6/99	12/26/99	25/37	
67-37.015	12/6/99	12/26/99	25/37	25/45
67-37.016	12/6/99	12/26/99	25/37	25/45
67-37.017	12/6/99	12/26/99	25/37	
67-37.018	12/6/99	12/26/99	25/37	
67-45.001	12/6/99	12/26/99	25/38	25/45
67-45.002	12/6/99	12/26/99	25/38	25/45
67-45.003	12/6/99	12/26/99	25/38	25/45
67-45.004	12/6/99	12/26/99	25/38	
67-45.006	12/6/99	12/26/99	25/38	25/45
67-46.001	12/6/99	12/26/99	25/38	25/45
67-46.002	12/6/99	12/26/99	25/38	25/45
67-46.003	12/6/99	12/26/99	25/38	25/45
67-46.006	12/6/99	12/26/99	25/38	
67-47.010	12/6/99	12/26/99	25/30	25/45
67-47.020	12/6/99	12/26/99	25/30	25/45
67-47.035	12/6/99	12/26/99	25/30	
67-47.040	12/6/99	12/26/99	25/30	
67-47.050	12/6/99	12/26/99	25/30	
67-47.060	12/6/99	12/26/99	25/30	25/45
67-47.070	12/6/99	12/26/99	25/30	
67-47.080	12/6/99	12/26/99	25/30	
67-47.090	12/6/99	12/26/99	25/30	
67-47.100	12/6/99	12/26/99	25/30	
67-47.110	12/6/99	12/26/99	25/30	25/45
67-47.120	12/6/99	12/26/99	25/30	
67-47.130	12/6/99	12/26/99	25/30	
67-47.140	12/6/99	12/26/99	25/30	
67-47.150	12/6/99	12/26/99	25/30	
67-47.160	12/6/99	12/26/99	25/30	

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Fresh Water Fish and Wildlife

68A-14.001	11/30/99	12/20/99	25/35	25/44
68A-15.065	11/30/99	12/20/99	25/35	25/43